

Planning for the Future White Paper

Questions/Submitted Answers

1. What three words do you associate most with the planning system in England?

Other.

This question appears to be aimed at the wider population rather than Local Authorities and is not applicable for us. Please do provide three words if you would like to answer this question differently than suggested.

- 2(a). Do you get involved with planning decisions in your local area?
[Yes / No]

Other.

This question appears to be aimed at the wider population rather than Local Authorities and is not applicable for us.

- 2(b). If no, why not?

Other.

This question appears to be aimed at the wider population rather than Local Authorities and is not applicable for us.

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

[Social media / Online news / Newspaper / By post / Other – please specify]

Suggested response:

Other.

This question appears to be aimed at the wider population rather than Local Authorities however it is considered that post as an option would have an associated cost to the Council and it is suggested social media, online news, newspapers and site notices are effective ways to help people find out about plans and planning decisions.

4. What are your top three priorities for planning in your local area?

[Building homes for young people / building homes for the homeless /
Protection of green spaces / The environment, biodiversity and action on

climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

Please indicate which of the above you would like to choose.

Suggestion response:

The environment, biodiversity and action on climate change
Increasing the affordability of housing
Supporting the local economy

5. Do you agree that Local Plans should be simplified in line with our proposals?

Suggested response:

No.

The concept of a zonal planning system as proposed would introduce a series of checklist application types, that would not require a value judgement but rather be a tick box exercise. Without seeing precisely what these would be at a national level, noting that the Government have not yet produced the national design guides they refer to, it impossible to comment on whether such a proposal is acceptable or not. The paper does suggest Local Authorities can produce their own design codes however there will be little or no money to resource the drafting and adoption of local codes. A further implication is taking away the ability of the Local Council to control and influence development and thereby taking away the right of local people to do the same.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

Suggested response:

No.

The purpose of providing a range of policies is to provide clarity and certainty to the developer and ensure consistency in the decision-making process. To reduce policies would be likely to mean decisions are more open to challenge where national and local guidance is not clear in relation to a specific matter.

- 7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

[Yes / No / Not sure. Please provide supporting statement.]

Suggested response:

No.

Less emphasis on how an LPA has reached their decisions on their plan or how they compared options looks as though it is reducing some of the lengthy evidential and process stages. However, for HBC, the outcome of the SA process, demonstrating as it did the limits to growth and residential growth in particular, with regard to the current adopted plan, proved to be a key part of the evidence base, which the Inspector very clearly acknowledge in his report.

- 7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

Suggested response

This is a critical area. In the absence of sub-regional planning and no duty to cooperate, it is difficult to understand how a Local Plan inspector will judge strategic issues at borough and district level. Understanding the Government's proposed devolution paper would help make more sense of this aspect of this White Paper, and that paper has been further delayed.

- 8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

[Yes / No / Not sure. Please provide supporting statement.]

Suggested response:

No.

The paper is silent on precisely what constraints will be factored in and whether there are any absolute constraints. Great care will be needed in setting targets in tightly bound urban areas such as Hastings. An increased reliance on densification through renewal and intensification, is, for example, difficult to robustly predict in part owing to local land values. And the need for regeneration and economic diversification could mean that employment generating uses are squeezed out as a result on meeting top-down housing requirements.

- 8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

[Yes / No / Not sure. Please provide supporting statement.]

Suggested response:

No.

The extent of an existing urban area would be a starting point, but affordability is not just about house prices its about the relation between house prices and

earnings. We need to understand what weight will be attributed to affordability in relation to other constraints to growth.

9(a). Do you agree that there should be automatic permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

Suggested response:

No.

It is not clear whether these automatic permissions will require Prior Approval or simply be a tick box exercise requiring only a yes or no answer. If the first, then we would need to see what criteria an application would be assessed against to be able to comment on whether this was acceptable. It is noted however that as a Prior Approval requires a value judgement, to use this would render the proposed reform pointless in this respect, given that there would be little change to the existing process. If the latter, a tick box exercise, without seeing precisely what the national design codes would be, noting that the Government have not yet produced the national design guides they refer to, it is impossible to comment on whether such a proposal is acceptable or not. The paper does suggest Local Authorities can produce their own design codes however there will be little or no money to resource the drafting and adoption of local codes. A further implication is taking away the ability of the Local Council to control and influence development and thereby taking away the right of local people to do the same.

The proposals for reform in England will not lead to a system fit for the future. Instead, these reforms could:

- increase nature's decline;
- fail to integrate nature into people's lives; and
- undermine the democratic process for local decision-making.

Planning is devolved, but any system should be about creating and enhancing areas places where we can all lead happier and healthier lives, and enjoy and benefit from the environment around us. But there's not even a suggestion in the White Paper of including nature or accessible green spaces into the new Growth or Renewal areas! And there would be no change for wildlife in the Protected area, leaving things as they are - an approach which we know is already failing wildlife, and us.

Lastly, but perhaps most importantly for residents, the reforms are aiming to make it easier for people to get involved in planning, so we can be part of shaping the places where we live and work. Yet there will be little regard to balancing the needs and interests of residents, or opportunity for local opinion in the future without changes to the current proposals.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

Suggested response:

Unsure

It is agreed that there should be protected areas however, it is not clear whether these automatic permissions will require Prior Approval or simply be a tick box exercise requiring only a yes or no answer. If the first, then we would need to see what criteria an application would be assessed against to be able to comment on whether this was acceptable. It is noted however that as a Prior Approval requires a value judgement, to use this would render the proposed reform pointless in this respect, given that there would be little change to the existing process. If the latter, a tick box exercise, without seeing precisely what the national design codes would be, noting that the Government have not yet produced the national design guides they refer to, it impossible to comment on whether such a proposal is acceptable or not. The paper does suggest Local Authorities can produce their own design codes however there will be little or no money to resource the drafting and adoption of local codes. A further implication is taking away the ability of the Local Council to control and influence development and thereby taking away the right of local people to do the same.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

[Yes / No / Not sure. Please provide supporting statement.]

Suggested response:

Not relevant to Hastings Borough Council.

10. Do you agree with our proposals to make decision-making faster and more certain?

Suggested response:

No. There is insufficient detail to be able to clarify whether the proposed reform would make the decision process faster. The loss of policies within the local plan would reduce certainty. The use of PIP for both major and non-major developments will not really achieve certainty because everyone will know the PIP is so limited in what it can consider that the only meaningful consent will be if, and when, a technical consent is granted. Therefore, if anything the proposed reform in this respect would slow the system down. To have both outline and PIPs would be confusing as to which application type to choose. An Outline consent as existing would achieve far more certainty for the developer.

11. Do you agree with our proposals for digitised, web-based Local Plans?

[Yes / No / Not sure. Please provide supporting statement.]

Suggested response:

Potentially yes.

If this makes plans easier to understand and helps promote engagement and interaction with the plan making process. But we need to ensure that those who are less technologically able are not excluded from the process. We are already being challenged on this front at the moment as result of the global pandemic. Technology isn't a sure fired fix to ensuring that the plan making process remains democratic.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

[Yes / No / Not sure. Please provide supporting statement.]

Suggested response:

No.

Given the chronic under staffing which already exists in Planning policy teams nationally, and new skills set and expertise the new system will require, this timescale seems highly unrealistic. The principal of speeding up the timescale for adopting a local plan is however welcomed if supported by sufficient resources.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

[Yes / No / Not sure. Please provide supporting statement.]

Suggested response:

No.

This process is exclusive and costly and not suited to this borough given that we are relatively small and therefore have less distinct neighbourhoods. We do however welcome community engagement in the plan making process. More thought needs to be given to enable poorer communities to engage.

- 13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Suggested response:

This is probably best answered by those already undertaking neighbourhood plans or contemplating developing a neighbourhood plan

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

Suggested response:

Yes, the White Paper suggests this is due to low market absorption rates. The Government should think about how they can incentivise the developer to build rather than land bank. None of the suggested reforms in the White Paper address this at all.

Zero cost compulsive purchase powers for councils may assist, whereby associated Council costs are deducted from compensation that the land owner will get as a result of his/her land being CPO'd.

15. What do you think about the design of new development that has happened recently in your area?

[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]

This question appears to be aimed at the wider population rather than Local Authorities however I would suggest:

Beautiful and/or well-designed

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?
[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Suggested response:

All of the above.

17. Do you agree with our proposals for improving the production and use of design guides and codes?

No.

It is not clear whether these automatic permissions will require Prior Approval or simply be a tick box exercise requiring only a yes or no answer. If the first, then we would need to see what criteria an application would be assessed against to be able to comment on whether this was acceptable. It is noted however that as a Prior Approval requires a value judgement, to use this would render the proposed reform pointless in this respect, given that there would be little change to the existing process. If the latter, a tick box exercise, without seeing precisely what the national design codes would be, noting that the Government have not yet produced the national design guides they refer to, it is impossible to comment on whether such a proposal is acceptable or not. The paper does suggest Local Authorities can produce their own design codes however there will be little or no money to resource the drafting and adoption of local codes. Many local authorities, including Hastings, have areas which although not 'protected' comprise such an attractive uniqueness that the use of design codes could undermine this. A further implication is taking away the ability of the Local Council to control and influence development and thereby taking away the right of local people to do the same. Ultimately the proposed changes seem to add more red tape rather than remove it.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

Yes, but the reality is you need to provide additional funding to achieve this.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

Yes.

It is noted that the content of the National Design Guide is weak, it's a very long document, unnecessarily long, but only includes general concepts rather than clear direction. Therefore, to assume you can fast-track for beauty seems to be an empty concept. It is not clear whether these automatic permissions will require Prior Approval or simply be a tick box exercise requiring only a yes or no answer. If the first, then we would need to see what criteria an application would be assessed against to be able to comment on whether this was acceptable. It is noted however that as a Prior Approval requires a value judgement, to use this would render the proposed reform pointless in this respect, given that there would be little change to the existing process. If the latter, a tick box exercise, without seeing precisely what the national design codes would be, noting that the Government have not yet produced the national design guides they refer to, it is impossible to comment on whether such a proposal is acceptable or not. The paper does suggest Local Authorities can produce their own design codes however there will be little or no money to

resource the drafting and adoption of local codes. A further implication is taking away the ability of the Local Council to control and influence development and thereby taking away the right of local people to do the same.

20. Do you agree with our proposals for implementing a fast-track for beauty?

No.

It is noted that the content of the National Design Guide is weak, it's a very long document, unnecessarily long, but only includes general concepts rather than clear direction. Therefore, to assume you can fast-track for beauty seems to be an empty concept. It is not clear whether these automatic permissions will require Prior Approval or simply be a tick box exercise requiring only a yes or no answer. If the first, then we would need to see what criteria an application would be assessed against to be able to comment on whether this was acceptable. It is noted however that as a Prior Approval requires a value judgement, to use this would render the proposed reform pointless in this respect, given that there would be little change to the existing process. If the latter, a tick box exercise, without seeing precisely what the national design codes would be, noting that the Government have not yet produced the national design guides they refer to, it impossible to comment on whether such a proposal is acceptable or not. The paper does suggest Local Authorities can produce their own design codes however there will be little or no money to resource the drafting and adoption of local codes. A further implication is taking away the ability of the Local Council to control and influence development and thereby taking away the right of local people to do the same.

There is no definition of 'beauty' or ugly which impacts the ability to answer this question. Furthermore, the concept of what is beautiful or ugly is different depends on an individual's preferences.

21. When new development happens in your area, what is your priority for what comes with it?

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

Suggested response:

Other

There should not be a choice here, all of the above is a priority.

- 22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

No.

No. the Government keeps introducing one change after another, at cost to Local Authorities who must implement such changes. The new CIL suggests that a levy could not be sought where there was insufficient uplift. In such case, boroughs that have predominantly low land values could achieve little or no money through CIL however those areas would need such money.

- 22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

[Nationally at a single rate / Nationally at an area-specific rate / Locally]

Locally

Since affordable housing is to be included in the Levy proposals a single national or area specific rate could be unworkable in lower value area where a minimum threshold below which the levy is not changed is in force. In order to safe-guard the delivery of affordable housing via the planning system in lower value areas, the ability to negotiate delivery should not be removed from the planning system.

**please note the submission does not give a 'none of the above' option, nor does it give a text box to explain our point. Therefore the 'locally' option has been selected and the above text included at Q22a.*

- 22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

Not Sure.

No objection to the principal, however this area is really unclear in the proposals for lower value areas such as Hastings. The Council has continued to monitor the potential to introduce the current CIL system but the impact this would have on the ability to deliver affordable housing local continues to show that that it would be untenable. It is not clear why the White Paper has concluded that there will sufficient money in the pot for affordable housing. For Hastings, including affordable housing in the Infrastructure Levy pot and repealing the ability to use s106 for planning obligations is likely to have a very negative impact on the delivery of affordable housing through the planning system.

- 22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

[Yes / No / Not sure. Please provide supporting statement.]

Suggested response:

Yes.

Provided interest rates incurred on the borrowing could be taken out of the CIL payments from the developer.

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Suggested response:

Yes

- 24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

Suggested response:

Yes

- 24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

[Yes / No / Not sure. Please provide supporting statement.]

Suggested response:

No.

This area is really unclear in the proposals for lower value areas such as Hastings. The Council has continued to monitor the potential to introduce the current CIL system but the impact this would have on the ability to deliver affordable housing local continues to show that that it would be untenable. It is not clear why the White Paper has concluded that there will sufficient money in the pot for affordable housing. For Hastings, including affordable housing in the Infrastructure Levy pot and repealing the ability to use s106 for planning obligations is likely to have a very negative impact on the delivery of affordable housing through the planning system.

- 24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

[Yes / No / Not sure. Please provide supporting statement.]

Suggested response:

No.

This area is really unclear in the proposals for lower value areas such as Hastings. The Council has continued to monitor the potential to introduce the current CIL system but the impact this would have on the ability to deliver affordable housing local continues to show that that it would be untenable. It is not clear why the White Paper has concluded that there will sufficient money in the pot for affordable housing. For Hastings, including affordable housing in the Infrastructure Levy pot and repealing the ability to use s106 for planning obligations is likely to have a very negative impact on the delivery of affordable housing through the planning system.

- 24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

[Yes / No / Not sure. Please provide supporting statement.]

Suggested response:

No.

This area is really unclear in the proposals for lower value areas such as Hastings. The Council has continued to monitor the potential to introduce the current CIL system but the impact this would have on the ability to deliver affordable housing local continues to show that that it would be untenable. It is not clear why the White Paper has concluded that there will sufficient money in the pot for affordable housing. For Hastings, including affordable housing in the Infrastructure Levy pot and repealing the ability to use s106 for planning obligations is likely to have a very negative impact on the delivery of affordable housing through the planning system.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Suggested response:

Yes

- 25(a). If yes, should an affordable housing 'ring-fence' be developed?

Yes

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Yes. People within protected groups are going to suffer more from a shortage of social housing and these groups will suffer disproportionately.

Changes to the Current Planning System Consultation Paper

Questions/Submitted Answers

27. **Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?**

Response:

No.

Hastings Borough Council is currently developing a new Local Plan and is intending to publish a Regulation 18 draft Plan this autumn. Given the very high levels of affordable housing need locally and the high costs of housing families in temporary accommodation, Hastings Council is very focused on maximising house growth. Indeed in response to recent poor housing delivery (84% below delivery requirements for the latest Housing Delivery Test) The Council is already working hard to deliver new homes in advance of the new plan being in place. However, what is evident from the background work being undertaken to support the new local plan, as a highly urban area with a tightly drawn boundary, the ability for Hastings to grow and expand is highly constrained. Land values are such that development viability is challenging, and whilst all options are being explored with a special focus on densification and building higher, the Regulation 18 plan when published will contain an “at least” housing target substantially below the LHN required under the current methodology. And this housing target will not change as a result of the proposed modifications to the Standard Method.

28. **Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.**

Response:

No.

Hastings Borough Council is currently developing a new Local Plan and is intending to publish a Regulation 18 draft Plan this autumn. Given the very high levels of affordable housing need locally and the high costs of housing families in temporary accommodation, Hastings Council is very focused on maximising house growth. Indeed in response to recent poor housing delivery (84% below delivery requirements for the latest Housing Delivery Test) The Council is already working hard to deliver new homes in advance of the new plan being in place. However, what is evident from the background work being undertaken to support the new local plan, as a highly urban area with a tightly drawn boundary, the ability for Hastings to grow and expand is highly

constrained. Land values are such that development viability is challenging, and whilst all options are being explored with a special focus on densification and building higher, the Regulation 18 plan when published will contain an “at least” housing target substantially below the LHN required under the current methodology. And this housing target will not change as a result of the proposed modifications to the Standard Method.

29. **Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method’s baseline is appropriate? If not, please explain why.**

Response:

No.

Hastings Borough Council is currently developing a new Local Plan and is intending to publish a Regulation 18 draft Plan this autumn. Given the very high levels of affordable housing need locally and the high costs of housing families in temporary accommodation, Hastings Council is very focused on maximising house growth. Indeed in response to recent poor housing delivery (84% below delivery requirements for the latest Housing Delivery Test) The Council is already working hard to deliver new homes in advance of the new plan being in place. However, what is evident from the background work being undertaken to support the new local plan, as a highly urban area with a tightly drawn boundary, the ability for Hastings to grow and expand is highly constrained. Land values are such that development viability is challenging, and whilst all options are being explored with a special focus on densification and building higher, the Regulation 18 plan when published will contain an “at least” housing target substantially below the LHN required under the current methodology. And this housing target will not change as a result of the proposed modifications to the Standard Method.

30. **Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.**

Response:

No.

Hastings Borough Council is currently developing a new Local Plan and is intending to publish a Regulation 18 draft Plan this autumn. Given the very high levels of affordable housing need locally and the high costs of housing families in temporary accommodation, Hastings Council is very focused on maximising house growth. Indeed in response to recent poor housing delivery (84% below delivery requirements for the latest Housing Delivery Test) The Council is already working hard to deliver new homes in advance of the new plan being in place. However, what is evident from the background work being

undertaken to support the new local plan, as a highly urban area with a tightly drawn boundary, the ability for Hastings to grow and expand is highly constrained. Land values are such that development viability is challenging, and whilst all options are being explored with a special focus on densification and building higher, the Regulation 18 plan when published will contain an “at least” housing target substantially below the LHN required under the current methodology. And this housing target will not change as a result of the proposed modifications to the Standard Method.

31. **Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.**

Response

No.

Hastings Borough Council is currently developing a new Local Plan and is intending to publish a Regulation 18 draft Plan this autumn. Given the very high levels of affordable housing need locally and the high costs of housing families in temporary accommodation, Hastings Council is very focused on maximising house growth. Indeed in response to recent poor housing delivery (84% below delivery requirements for the latest Housing Delivery Test) The Council is already working hard to deliver new homes in advance of the new plan being in place. However, what is evident from the background work being undertaken to support the new local plan, as a highly urban area with a tightly drawn boundary, the ability for Hastings to grow and expand is highly constrained. Land values are such that development viability is challenging, and whilst all options are being explored with a special focus on densification and building higher, the Regulation 18 plan when published will contain an “at least” housing target substantially below the LHN required under the current methodology. And this housing target will not change as a result of the proposed modifications to the Standard Method.

32. **Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:**

Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

Response:

Agree.

33. **Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?**

If not, please explain why. Are there particular circumstances which need to be catered for?

34. Lichfields have examined the numbers for individual LAs and for Hastings and Rother they estimate the numbers change from 451dpa under the current method to 453 and 736 to 1,173 respectively. Whilst these indicative numbers do need to be verified the following should be borne in mind. The White Paper proposes to replace the Standard Method for Local Housing Need with a nationally-set method for setting local housing requirements, taking into account constraints and other factors. So, whilst the current proposal is of relevance whilst we are developing our new local plan – and in five year land supply matters whilst we work up the new plan, the revised method may ultimately have a short shelf-life.

Response:

Agree

35. Hastings Borough Council is currently developing a new Local Plan and is intending to publish a Regulation 18 draft Plan this autumn. Given the very high levels of affordable housing need locally and the high costs of housing families in temporary accommodation, Hastings Council is very focused on maximising house growth. Indeed in response to recent poor housing delivery (84% below delivery requirements for the latest Housing Delivery Test) The Council is already working hard to deliver new homes in advance of the new plan being in place. However, what is evident from the background work being undertaken to support the new local plan, as a highly urban area with a tightly drawn boundary, the ability for Hastings to grow and expand is highly constrained. Land values are such that development viability is challenging, and whilst all options are being explored with a special focus on densification and building higher, the Regulation 18 plan when published will contain an “at least” housing target substantially below LHN required under the current methodology. And this housing target will not change as a result of the proposed modifications to the Standards Method.
36. Consequently, our response to Questions 1-7 is as above.

Delivering First Homes

37. During the spring the Government launched a consultation on ‘First Homes’, a form of discounted market housing. They are now proposing to take forward both of the options put forward:
- 1.a new planning requirement in law or policy for the delivery of First Homes (it is policy only for now); and
 - 2.changing the current national entry-level exception site policy to a First Homes exception policy.
38. The premise of First Homes is to diminish opposition to new housing developments, on the basis that local people will know that they might be able

to afford to live in the development where perhaps historically they would not. First Homes are to be aimed primarily at first time buyers who are young and local (including local key workers living elsewhere). Where the development is comprised solely of housing aimed at a particular sector there may still be a requirement for First Homes.

39. The Government appears to be highly committed to this policy and it could be introduced very quickly, but the timings are not clear: the Government has also announced that a 1,500 unit pilot of First Homes will be included in its affordable homes programme. We will need to consider transitional arrangements for planning applications pending.
40. We will need to consider how we are going to administer the many and significant new responsibilities linked to the product. Including if we accept payments in lieu of First Homes.
41. The policy will require at least a quarter of all affordable housing units secured through developer contributions to be First Homes. The Government intends that First Homes will be prioritised over any other affordable home-ownership products referred to in any tenure mix set out in development plans. The Equality Impacts section of the first consultation acknowledges that delivery of First Homes via s106 agreements could impact the numbers of homes delivered for other affordable housing tenures.
42. The discount off a new home will be a minimum 30% off market value, set by an independent valuer. We will have the discretion to apply higher discounts. A cap of a 40% or 50% discount is proposed where need is evidenced via the local plan. The level of discount will not lead to a variation in the percentage of First Homes to be provided – e.g. a 50% First Homes discount would not mean 15% of the affordable homes could be First Homes, instead of 25%. The full discount would be retained in perpetuity by placing restrictive covenants on the homes. However, if the owner defaulted on their mortgage the lender would receive the home without the covenant and the discount would be lost. To avoid the purchase of “exceptionally expensive” property being subsidised, a £250,000 cap on the market value of a property that could benefit from the First Home discount will be put in place. There will be an income cap on eligibility, as with purchase price caps.
43. The Government now acknowledges that there will be costs associated with administering the scheme and will produce standardised covenants and s106 clauses and provide new burdens funding, if required. It is considering whether LPAs can charge developers and purchasers fees that reflect administration costs.

Questions

44. **Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through**

developer contributions? Please provide reasons and / or evidence for your views (if possible):

i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.

ii) Negotiation between a local authority and developer.

iii) Other (please specify)

Response:

Other.

We support Option (i) on the basis that we are reviewing our Local Plan to ensure that it specifies the affordable tenure mix so that we can maximise our potential for securing much needed rented affordable housing in line with viability considerations. If Option (ii) was implemented it would make negotiations with developers more protracted and could impact our ability to deliver much needed rented affordable housing.

45. With regards to current exemptions from delivery of affordable home ownership products:

Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to apply to this First Homes requirement?

Response:

Agree

1. Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.

Response:

No

2. Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.

Response:

No

Local plans and transitional arrangements

3. Q12: Do you agree with the proposed approach to transitional arrangements set out above?

Response:

Yes

4. **Q13: Do you agree with the proposed approach to different levels of discount?**

Response:

Yes

5. **Exception sites**

6. **Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?**

Response:

No.

If the inclusion of First Homes is subject to viability how can you ensure only a "small" proportion is included.

7. **Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?**

Response:

No

8. **Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?**

Response:

Yes

9. **Affordable Housing Threshold**

The threshold at which developers are required to provide affordable housing is proposed to be temporarily lifted (period of 18 months) to a higher threshold of 40 to 50 units. The current threshold is 10 residential units. The government anticipate that a 7 to 20% reduction in the provision of affordable housing through S106 agreements but consider this will make sites more viable for SME developers. The time period of 18 months will allow for economic recovery and it is suggested this will be lifted as the economy recovers from the impact of Covid-19.

10. **Questions**

11. **Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?**

Response:

No.

Applications for major development in Hastings Borough Council are typically below 40 to 50 units, with only 0% above the suggested threshold between 01.04.2018 to 17.8.2020. The percentage of major applications at Hastings Borough Council received between 01.04.2018 to 17.8.2020 for housing development of between 10 and 40 units is 100%. Therefore, to raise the threshold in the manner proposed would significantly impact on the ability of the Local Authority to provide affordable housing. The Council has limited resources and would not be able to provide affordable housing through other means. The impact on the economy of Covid-19 may last for years and the suggested 18 months may be extended. If the government do not allow affordable housing through new developments, how do they expect to provide sufficient accommodation that is accessible to all?

57. **Q18: What is the appropriate level of small sites threshold?**

i) Up to 40 homes

ii) Up to 50 homes

iii) Other (please specify)

Response:

Other.

It is considered the threshold should not change. If the Government were to apply a lower threshold to areas that include areas of deprivation and significant housing need and raise the threshold elsewhere, this will have the effect of pushing prospective developers to other boroughs where land values are higher. Applications for major development in Hastings Borough Council are typically below 40 to 50 units, with only 0% above the suggested threshold between 01.04.2018 to 17.8.2020. The percentage of major applications at Hastings Borough Council received between 01.04.2018 to 17.8.2020 for housing development of between 10 and 40 units is 100%. Therefore, to raise the threshold in the manner proposed would significantly impact on the ability of the Local Authority to provide affordable housing. The Council has limited resources and would not be able to provide affordable housing through other means. The impact on the economy of Covid-19 may last for years and the suggested 18 months may be extended. If the government do not allow affordable housing through new developments, how do they expect to provide sufficient accommodation that is accessible to all?

58. **Q19: Do you agree with the proposed approach to the site size threshold?**

Response:

No.

It is considered the threshold should not change. If the Government were to apply a lower threshold to areas that include areas of deprivation and

significant housing need and raise the threshold elsewhere, this will have the effect of pushing prospective developers to other boroughs where land values are higher. Applications for major development in Hastings Borough Council are typically below 40 to 50 units, with only 0% above the suggested threshold between 01.04.2018 to 17.8.2020. The percentage of major applications at Hastings Borough Council received between 01.04.2018 to 17.8.2020 for housing development of between 10 and 40 units is 100%. Therefore, to raise the threshold in the manner proposed would significantly impact on the ability of the Local Authority to provide affordable housing. The Council has limited resources and would not be able to provide affordable housing through other means. The impact on the economy of Covid-19 may last for years and the suggested 18 months may be extended. If the government do not allow affordable housing through new developments, how do they expect to provide sufficient accommodation that is accessible to all?

59. **Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?**

Response:

No.

It is considered the threshold should not change. If the Government were to apply a lower threshold to areas that include areas of deprivation and significant housing need and raise the threshold elsewhere, this will have the effect of pushing prospective developers to other boroughs where land values are higher. Applications for major development in Hastings Borough Council are typically below 40 to 50 units, with only 0% above the suggested threshold between 01.04.2018 to 17.8.2020. The percentage of major applications at Hastings Borough Council received between 01.04.2018 to 17.8.2020 for housing development of between 10 and 40 units is 100%. Therefore, to raise the threshold in the manner proposed would significantly impact on the ability of the Local Authority to provide affordable housing. The Council has limited resources and would not be able to provide affordable housing through other means. The impact on the economy of Covid-19 may last for years and the suggested 18 months may be extended. If the government do not allow affordable housing through new developments, how do they expect to provide sufficient accommodation that is accessible to all?

60. **Q21: Do you agree with the proposed approach to minimising threshold effects?**

Response:

No.

The government suggest that 'To minimise the impact of this potential threshold effect, we propose to set out in planning guidance how local planning authorities can secure contributions for affordable housing where it is apparent that a larger site is being brought forward.' This is too vague a comment to be able to provide a meaningful response.

61. **Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?**

Response:

No.

Land values in rural areas should be higher and therefore a lower threshold should not act as a deterrent to development

62. **Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?**

Response:

Yes.

The government can provide grants to authorities to support Council own development companies.

63. **Extension of the Permission in Principle consent regime**

64. The proposed changes also are seeking to extend applications for Permission in Principle to major applications, but not including EIA development (sites of more than 150 dwellings or more than 5ha). Permission in Principle is a new application type introduced for non- major developments in 2018. To note, since 2018 Hastings have received no applications for Permission in Principle through the development management process. Permission in Principle is designed to separate decision making on 'in principle' issues addressing land use, location, and scale of development from matters of technical detail, such as the design of buildings, tenure mix, transport and environmental matters. The aim is to give up-front certainty that the fundamental principles of development are acceptable before developers need to work up detailed plans and commission technical studies. It also ensures that the principle of development only needs to be established once.

65. The Permission in Principle consent route has two stages:

- the first stage ("Permission in Principle") establishes whether a site is suitable in-principle for development. This grant of Permission in Principle is for five years and no planning conditions can be attached to it. It differs from Outline Planning Applications in that it requires far less information in order to gain an approval.
- the second ('technical details consent') stage is when the detailed development proposals are assessed, and conditions can be attached

66. A grant of Permission in Principle plus a grant of technical details consent together equates to full planning permission.

67. Permission in Principle application would only provide:

- a description of the proposed development,
- the proposed minimum and maximum number of dwellings,
- the amount of any non-residential development,
- the size of the site in hectares, and
- a brief description of any supporting information that is accompanying the application
- A location map.

68. The local planning authority may not require the submission of any other information, including that specified on its local list.
69. The government envisage that a change of this kind will particularly benefit small and medium-sized developers (SME) who tend to focus on building smaller major developments.
70. The government also seek views on whether the publicity for such applications should follow existing publicity requirements for PIPs, such as site notice and application viewable on their website or whether this should be extended to publicity required for a normal application which may include press notices.
71. The government are also suggesting lowering the fee for PIPs for major applications, which are estimated would be around £4,000, based on the current charging system. The revised fee could be based on the size of the site. It is suggested that as the technical detail is not considered at this stage and the assessment is only an in principal one, that this lower fee can be justified.
72. Finally, the government ask how their guidance to local authorities could be improved in making decisions about Pips.
73. **Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?**

Response:

No.

74. **Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.**

Response:

There are no large commercial sites that a limit might apply to.

75. **Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly**

remain unchanged? If you disagree, what changes would you suggest and why?

Response:

No.

The introduction of Permission in Principle (PIP) for non-major development has seen a limited amount of uptake with no applications of this type in Hastings Borough Council. Whilst the government suggest that they are attempting to create a more streamlined system, what actually would happen is, yet another procedural layer added. If the government are committed to this approach, then Outline and Reserved Matters applications should be removed. Otherwise there will be more confusion over proper consent routes. However, it is questioned whether this new application type will have much of an impact. The PIP will effectively be meaningless because of the limited information required and therefore the goal of 'confidence' and 'certainty' for developers will not be achieved. The technical consent will become the new 'full application' albeit with potentially far less time allotted for their determination than a current application. Unless realistic timescales are allocated for determination of technical consents most of these application types will not be determined in target time periods.

Therefore, it is considered that information submitted with a PIP should be extended however if you do this then the application type will just be an Outline application by another name and therefore the whole exercise becomes rather pointless.

76. **Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.**

Response:

No.

We do not agree PIP should be extended to major applications, if they are then additional information and height limitations would be helpful however, as your consultation paper suggests, this would undermine the purpose of a PIP and make a consent route similar to an Outline application.

77. **Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:**

- i) required to publish a notice in a local newspaper?**
- ii) subject to a general requirement to publicise the application or**
- iii) both?**
- iv) disagree**

If you disagree, please state your reasons.

Response:

Agree.

Publicity should include a notice in the local newspaper for major applications so that their ability to comment is not affected.

78. **Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?**

Response:

No.

If the information submitted for a PIP is minimal then the suggested fee structure may be acceptable. However, it is noted that if the government wish Development Management to be self-funding, planning application fees ought to reflect time spent and the level of expertise required to assess such applications. The current fee system does not do this.

79. **Q30: What level of flat fee do you consider appropriate, and why?**

Response:

If the information submitted for a PIP is minimal then the suggested fee structure may be acceptable. However, it is noted that if the government wish Development Management to be self-funding, planning application fees ought to reflect time spent and the level of expertise required to assess such applications. The current fee system does not do this.

80. **Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.**

Response:

Yes

81. **Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.**

Response:

The National Planning Practice Guidance includes the following paragraph on 'How can local planning authorities grant permission in principle?

Local planning authorities can grant permission in principle to a site upon [receipt of a valid application](#) or by entering a site in Part 2 of its brownfield land register which will trigger a grant of permission in principle for that land providing the statutory requirements set out in [Town and Country Planning \(Permission in Principle\) Order 2017](#) (as amended) and the [Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#) are met.

Paragraph: 002 Reference ID: 58-002-20180615'

The advice is so limited that it makes decisions of local authorities vulnerable to Judicial Review. Full and clear advice must be provided before any such changes are made.

82. **Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?**

Response:

The introduction of Permission in Principle (PIP) for non-major development has seen a limited amount of uptake with no applications of this type in Hastings Borough Council. Whilst the government suggest that they are attempting to create a more streamlined system, what actually would happen is, yet another procedural layer added. If the government are committed to this approach, then Outline and Reserved Matters applications should be removed. Otherwise there will be more confusion over proper consent routes. However, it is questioned whether this new application type will have much of an impact. The PIP will effectively be meaningless because of the limited information required and therefore the goal of 'confidence' and 'certainty' for developers will not be achieved. The technical consent will become the new 'full application' albeit with potentially far less time allotted for their determination than a current application. Unless realistic timescales are allocated for determination of technical consents most of these application types will not be determined in target time periods.

Therefore, it is considered that information submitted with a PIP should be extended however if you do this then the application type will just be an Outline application by another name and therefore the whole exercise becomes rather pointless.

83. **Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.**

Response:

The introduction of Permission in Principle (PIP) for non-major development has seen a limited amount of uptake with no applications of this type in Hastings Borough Council. Whilst the government suggest that they are attempting to create a more streamlined system, what actually would happen is, yet another procedural layer added. If the government are committed to this approach, then Outline and Reserved Matters applications should be removed. Otherwise there will be more confusion over proper consent routes. However, it is questioned whether this new application type will have much of an impact. The PIP will effectively be meaningless because of the limited information required and therefore the goal of 'confidence' and 'certainty' for developers will not be achieved. The technical consent will become the new 'full application' albeit with potentially far less time allotted for their determination than a current application. Unless realistic timescales are allocated for determination of

technical consents most of these application types will not be determined in target time periods.

Therefore, it is considered that information submitted with a PIP should be extended however if you do this then the application type will just be an Outline application by another name and therefore the whole exercise becomes rather pointless.

84. Public sector Equality Duty

The Equality Act 2010 requires public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. It relates specifically to groups with protected characteristics including age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy, and maternity.

85. Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?

If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?

Response:

This consultation paper would restrict the ability of Local Authorities to care for those more disadvantaged within their borough