

1. Since the conclusion of the last Hearing on Thursday 14 February 2013, I have given some initial consideration to the examination documents and to the discussions at the Hearings. As promised, I now set out my preliminary conclusions on my examination of the Hastings Planning Strategy. This follows your letter to me of 19 December 2012 in which you formerly request that, under the Planning and Compulsory Purchase Act 2004 (as amended) Section 20 (7c), I recommend Main Modifications in the event that I consider that these are necessary to make it sound.
2. You indicate 3 Main Modifications in your Schedule dated 28 January 2013. I consider that the proposed additional text relating to the need for on-going co-operation between the Council and, for example, Rother District Council and East Sussex County Council should be included in the Planning Strategy. This would accord with the Duty to Co-operate and, in particular, the requirement of the National Planning Policy Framework (the Framework) that co-operation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.
3. This ongoing co-operation will be especially important in considering, for example, the housing and employment implications of the Bexhill-Hastings Link Road, and for that reason I consider that the additional text at 4.2 should conclude with *explored further on in this chapter, and the implications for them of the completion of the Bexhill-Hastings Relief Road*. You will recall my request that I be kept up to date on the proposed funding of this road which, the evidence indicates, could unlock land for 1,200-2,000 dwellings.
4. I agree with you that your proposed amendment to Policy E4 Tourism and Visitors is of sufficient importance for it to be treated as a Main Modification. The same applies to the proposed change to the Key Diagram whereby the Renewable Energy Opportunity Area should be in a location within the Borough boundary.
5. As part of Matter 1, the model policy on sustainable development was discussed. It seems to me at present that it would summarise the sustainability credentials of the Planning Strategy. I note the views of Rother District Council, with which your Council has co-operated, that there is value in incorporating it in a suitable form in order to be explicit about the presumption in favour of sustainable development. I remain of the view that a suitable version of it should be included in the Planning Strategy as a Main Modification.

6. As the Framework intends, the Planning Strategy should be effective in that it should be deliverable during its plan period. My understanding is that you agree in principle with a Main Modification setting out the Council's intentions concerning continual monitoring and the mechanism whereby that would be undertaken. This approach would assist in keeping it on target and setting out the way in which any significant departures from its policies and proposals would be brought to the Cabinet's attention and measures introduced to rectify any shortcomings. These measures would have to be effective and practicable, given such constraints as staff resources of both your Council and its partners and the logistics of setting up frequent meetings. I look forward to receiving your further views on this matter.
7. At its paragraph 4.24 Table 1, the Planning Strategy sets out the sources of new homes likely to come forward by 2028. I consider that the necessary amendments required to it would constitute a Main Modification. I am particularly concerned about the *255 long term empty homes brought back into residential use* during the plan period. In my view, they are not new homes which would supplement the existing housing stock, but a better use of part of that stock. Despite, therefore, the Council's praiseworthy achievements in this regard, these dwellings should not count towards the source of supply.
8. On the basis of past performance, your Council confidently expects throughout the plan period an annual average of about 40 dwellings coming forward on windfall sites, each one yielding up to 5 dwellings. This expectation is not convincingly challenged, the evidence for it is compelling and I consider that these sites will continue to provide a reliable source of supply. Maybe a cautious allowance of, say, 30-35 dwellings a year throughout the plan period should be made. This would ensure an element of flexibility.
9. You suggest that windfalls could be regarded as a contingency, and you also say that no allowance has been made for windfall sites yielding 6 or more dwellings. It is reasonable to suppose that some such larger sites will come forward during the plan period and they could provide some further flexibility of supply. They are, however, probably less predictable and they are rightly not included in Table 1 as a source of supply. I invite you to reconsider Table 1 in the light of these comments and Table 3.12.1 included in your response on Matter 3 with a view to proposing a Main Modification. I would add that the unlocking of any suitable land following the construction of the Bexhill-Hastings Link Road might provide further flexibility/contingency during the plan period, should its funding be confirmed. At this stage, however, it remains better not to include this possibility in Table 1.

10. My inspections around the Borough convince me of the importance of its trees and woodlands. These should, in principle, be protected for their own sake and for the contribution which they make to the often sylvan character of Hastings and St Leonards. Of especial importance are the Ancient Woodlands, especially when their extent is taken into account as indicated in the Revision of the Ancient Woodland Inventory (HBC/PS/21). Policy EN3 seeks to protect *woodland, particularly ancient woodland and veteran trees*, but such is the value and importance of this asset that it should be afforded its own policy, as Natural England suggests. Policy NC10 in the adopted Local Plan would appear to be suitable as a Main Modification.
11. Similar considerations apply to the 4 Local Nature Reserves. As the adopted Local Plan states, they are important in that they protect wildlife habitats and the natural heritage and have a broader community role. They are mentioned in Policy EN3, but in view of their value and extent, I consider that they also qualify for a policy in their own right. Policy NC3 in the adopted Local Plan should be incorporated in the Planning Strategy as a Main Modification.
12. As you know, the Secretary of State has made a Written Ministerial Statement announcing the Government's decision to revoke the Regional Strategy for the South East of England (the South East Plan), and an Order is expected to be laid before Parliament shortly after the recess. To assist in the early adoption of the Planning Strategy, arrangements should be made as soon as possible to enable all those who wish to comment on this impending revocation to do so, in so far as any such representations relate to the Planning Strategy. It would seem sensible to coincide this consultation with that to be undertaken on the proposed Main Modifications, with a 6 week period applying to both, in the spirit of Regulations 19 & 35. Whether any further representations could be dealt with in written form only, or would justify a further Hearing, remains to be seen.
13. As you rightly say in your letter to me of 29 November 2012, your starting point in the preparation of the Planning Strategy has been that *we must be in general conformity with the South East Plan*. Now, however, its imminent revocation has implications for the Duty to Co-operate, making it even more important for Local Planning Authorities and others to work together. I therefore have to return to the reference at paragraph 4.11 in the Planning Strategy to *some 7,840 new homes by 2028 or 461 per year*. I have to examine the Planning Strategy taking into account paragraph 159 of the Framework. From what I have heard and read to date, it is clear that you are not able to meet all of the Borough's demographic needs within

its area. In these circumstances, to meet the “positively prepared” requirement of the Framework, you need to explore whether, through the Duty to Co-operate, Rother District Council can assist by accommodating part or all of your unmet needs. As I understand it, you have not formally explored this option. If that is the case, please would you do so now, as to be found sound you have to have met all the requirements of the Duty to Co-operate. I appreciate that this is likely to result in further delay, but I am afraid that this is a consequence of the imminent revocation of the South East Plan.

14. As I say, these are my preliminary conclusions. I have set them out as soon as I can to assist you. If you think I can be of any further help at this early stage of my consideration of all the evidence, please let me know via the Programme Officer.

Yours sincerely

Richard E Hollox

Inspector

19 February 2013

Mr Tim Cookson
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Hastings Borough Council