



The Planning Inspectorate

Report to Hastings Borough Council

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**an Inspector appointed by the Secretary of State for Communities and
Local Government**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE HASTINGS PLANNING STRATEGY

LOCAL PLAN

Document submitted for examination on 31 October 2012

**Examination hearings held during 6 days between 5 and 14 February and
on 10 September 2013**

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Abbreviations Used in this Report

AONB	Area of Outstanding Natural Beauty
CIL	Community Infrastructure Levy
DCLG	Department of Communities and Local Government
DMP	Development Management Plan
EA	Environment Agency
ESLR	Employment Strategy and Land Review
Framework	National Planning Policy Framework
HMO	House in Multiple Occupation
IDP	Infrastructure Delivery Plan
IDS	Infrastructure Delivery Schedule
Framework	National Planning Policy Framework
LDS	Local Development Scheme
LNR	Local Nature Reserve
MM	Main Modification
ONS	Office for National Statistics
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEEDA	South East England Development Agency
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNCI	Site of Nature Conservation Interest
SSSI	Site of Special Scientific Interest
SUDS	Sustainable Drainage System

Non-Technical Summary

This Report concludes that the Hastings Planning Strategy provides an appropriate basis for the planning of the Borough during the next 15 years provided that a number of modifications are made to it. The Council has specifically requested that I recommend any Main Modifications necessary to enable it to adopt the Plan. All these Main Modifications to address this were proposed by the Council, although many at my instigation. I recommend their inclusion after full consideration of the representations from other parties on these issues. I have also taken account of representations made on the 2011-based interim household projections published by DCLG and those made on the www.howmanyhomes.org website which uses 2008 trend based demographic projections produced by DCLG and ONS.

These recommended Main Modifications can be summarised as follows:

MM1 the importance of the duty of the Council continually to co-operate with such relevant bodies as Rother District and East Sussex County Councils, especially with regard to housing and employment development and the implications for them of the completion of the Bexhill-Hastings Link Road;

MM2 the presumption in favour of sustainable development;

MM3 the deletion of reference to the bringing back into use of empty homes as a contribution to the overall housing target during the plan period;

MM4 the contribution of windfall sites to the supply of housing land throughout the plan period at an estimated annual rate of 35 dwellings;

MM5 the re-assessment and updating of Table 1 setting out the sources of new homes likely to come forward by 2028, indicating a total of 3,647 instead of 3,407 dwellings;

MM6 the Council's intention to work with Rother District Council to deliver renewable energy in the Borough, considering and identifying sites in the urban fringe areas;

MM7 similar to MM6, giving clarity to the consideration of wind energy at the edges of the Borough, taking account of the objectives of the Combe Valley Countryside Park;

MM8 giving greater protection to Ancient Woodland by way of a specific policy;

MM9 giving greater protection to LNRs by way of a specific policy;

MM10 draws attention to the distinction between serviced visitor accommodation along the Seafront (including Warrior Square), the Old Town and the Town Centre and areas outside these areas where changes of use from visitor accommodation will normally be resisted;

MM11 the removal on the Key Diagram of a Renewable Energy Opportunity Area from Rother District into the Borough;

MM12 provides for the setting up of a working group in the Council to monitor the progress of the Local Plan, its delivery of proposals and its effectiveness.

Introduction

1. This Report contains my assessment of the Hastings Planning Strategy Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the Framework) (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (31 October 2012) which is the same as the document published for consultation in May, June, July and August 2012. As explained at the Hearings on several occasions, the Planning Strategy can be regarded as the broad context for the preparation of a Site Allocations and Development Management Plan. This Plan is expected to allocate particular sites for particular types of development as well as more detailed policies for the determination of planning applications.
3. My Report deals with the Main Modifications (MM) that are needed to make the Plan sound and legally compliant. In accordance with Section 20(7C) of the 2004 Act the Council requested in its letter to me of 19 December 2012 that I make any modifications needed to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. These Main Modifications are set out in the Hastings Local Plan – The Hastings Planning Strategy – Proposed Main Modifications 20 May 1 July 2013 which accompanies this Report.
4. The Main Modifications that go to soundness have been subject to public consultation and a Sustainability Appraisal (SA) dated May 2013. I have

taken the consultation responses into account in writing this Report. At the same time, the Council consulted on the revocation of the Regional Strategy (the South East Plan) and more recent demographic projections. I have had regard to the representations received in so far as they relate to the Hastings Planning Strategy.

5. The Council intends to make a number of other, Additional Modifications which, in essence, would provide updating, clarification and minor amendments. They would usefully assist the full understanding of the Planning Strategy and its objectives. For the most part they arise from discussions at the Hearings and negotiations between the Council and participants. I do not, however, refer to them in my Report because they do not go to the soundness of the Plan and thus do not make an unsound plan sound.

Assessment of the Duty to Co-operate

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed on it by Section 33A of the 2004 Act in relation to the Plan's preparation. To assist me in that task, I held an exploratory meeting with the Council and other participants in the Examination on 13 December 2012.
7. No person or body, including Rother District Council and East Sussex County Council, objected at that time on the grounds that the Borough Council had failed in its duty to co-operate. One representation, made on the basis that the Council had not co-operated with Rother District Council, was later withdrawn. All 3 Councils emphasise the good, close, constructive working arrangements at both officer and member level on such matters as planning, housing, transport and the provision of infrastructure. Indeed, at one time the Borough and District Councils considered the preparation of a Joint Planning Strategy for their areas along the lines of Central Lancashire, but preparatory work had reached different stages at that time and such an approach was deemed to be impracticable.
8. As part of the representations on the MMs, however, it is alleged that the Borough and Rother District Councils have not abided by the duty to co-operate in that there has been inadequate assessment of the sustainability credentials of land at Breadsell Lane. The evidence, however, is against this assertion. Both Councils have rigorously assessed all the evidence provided concerning proposed development in this location, including documents submitted to the Examination. Crucially, neither Council precludes at present the possibility of a scheme of suitable scale, design and composition taking place at some time in the future.
9. There is other good evidence of effective and continuing partnership with the production of such documents as the Strategic Flood Risk Assessment (April 2008), the Hastings and Rother Employment Strategy and Land Reviews (May 2008 and August 2011), the Assessment of Housing Need in the Hastings and Rother Housing Market Area (May 2012) and ongoing work on transport capacity and modelling. It is significant that Rother

- District Council supports the crucial policies and proposals of the Planning Strategy and these are the outcome of effective co-operation. Co-operation takes place in other matters, including the Community Infrastructure Levy, and **MM1** commits the Council to continue to co-operate as appropriate. This MM is necessary to ensure soundness.
10. The Planning Strategy was prepared in the context of the South East Plan. In general conformity with its housing requirements for the Borough of 210 dwellings each year, the Council proposed an annual provision of 200 dwellings. This also reflects physical, environmental and administrative constraints to development. The South East Plan has been revoked and the National Planning Policy Framework (the Framework) requires local planning authorities to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. They should plan for a mix of housing based on a number of considerations, including current and future demographic trends.
 11. The housing need implied from trend-based household projections is for 7,840 dwellings during 2011-2028 as set out in the Planning Strategy paragraph 4.11. Later (2010 based) household projections and the County Council's estimates for dwelling requirements that relate to them suggest a trend based dwelling requirement of 7,493 dwellings during the plan period, an annual average of 441 and more than twice the amount proposed in the Planning Strategy. Following the requirements of the Framework, particularly its paragraph 178, and in line with the good working arrangements between the 2 Councils, the Borough Council in its letter of 7 March 2013 formally requested Rother District Council to consider the extent to which it might assist in meeting the Borough's housing requirement of 7,493 dwellings. In this way, the Council explored the implications of this trend-based projection to its logical conclusion and the possibility of meeting the Borough's full, objectively assessed housing needs.
 12. The Chief Executive of Rother District Council replied to the Borough Council's request in his letter of 9 April 2013. He refers to a similar request from the Inspector examining the District Council's Local Plan Core Strategy in which she refers to a figure of 9,979 dwellings as the trend-based projection for Rother District during the plan period which is more than twice that contained for it in the South East Plan. This is described as a dramatic change in approach to housing requirements. The letter states that the stark proposition is that Rother increases its housing provision from the South East Plan's figure of some 4,800 dwellings 2011-2028 to some 13,765 dwellings, this being the sum of the 9,979 dwellings above plus the balance of 3,786 dwellings that cannot be met in Hastings (this being between your own proposals as presented at the last Hearing session and the trend based projection).
 13. The District Council's Sustainability Appraisal (SA) tested, but rejected, the option of a 25% increase in the South East Plan's proposed housing level. It is also concerned about the potential loss of character of the District and the extent of the AONB and other constraints. Significantly, the District

Council says that it seems that it will be looking to neighbouring authorities to help to meet its housing needs. I am not aware of all the planning circumstances in Rother District, but the crucial point here is that I am satisfied that the Borough Council has done everything asked of it to explore the possibility of meeting its needs beyond its boundary. The level of housing growth set out in Planning Strategy should be supported as explained later in this Report. It would be unreasonable to fail the plan and deem it unsound on matters outside its control and upon which it has vigorously sought to resolve.

14. The Duty to Co-operate is not just about process. It is equally important that the co-operation produces effective policies on cross-boundary strategic issues. Co-operation has been vital in the preparation of the Planning Strategy, and particularly in the agreed amount of proposed residential and employment development and the level and programming of the infrastructure upon which it relies. Co-operation with Natural England and Rother District and East Sussex County Councils has influenced the Council's resistance to development at Breadsell Lane, and there is no doubt that the continuation of this positive approach will apply to the proposed Bexhill-Hastings Link Road and its implications for the scale and type of development on the land to which it will provide access.
15. The Council's Supplementary Information on the Duty to Co-operate, produced at my request, is a thorough account of the meetings which it has held with a comprehensive range of parties during the preparation of the Planning Strategy. There are minutes of the great majority of these meetings and a convincing account of their outcomes, particularly the way in which the plan has been influenced by the parties and the meetings with them. It also explains inputs into the Infrastructure Delivery Plan (IDP).
16. In conclusion, I am satisfied that the Council has fully complied with the statutory Duty to Co-operate with all relevant bodies and that the outcome of that co-operation is clear to see in the Planning Strategy. To that extent, it has been positively prepared. I conclude that, up to the time when the Planning Strategy was submitted to the Secretary of State, and bearing in mind the status of the South East Plan at the time as part of the development plan, the Council had abided by the duty to co-operate and has continued to do so.

Assessment of Soundness

Preamble

17. The South East Plan was revoked on 25 March 2013, 5 months after the submission of the Planning Strategy. The Framework, which sets out the Government's planning policies for England and how they are expected to be applied, was published in March 2012. It states that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development. This is the golden thread running through both plan-making and decision-making, and it is rightly

acknowledged in **MM2**. This MM is essential to ensure the soundness of the plan.

Main Issues

18. Taking account of all the representations, written evidence and the discussions that took place at the Examination hearings, I have identified 7 main issues upon which the soundness of the Planning Strategy depends.

Issue 1 – Whether the Planning Strategy is aspirational but realistic, its proposals for growth being sustainable, deliverable, clear, justified, effective and consistent with all relevant national policy.

Challenges, achievements and character

19. The Planning Strategy convincingly sets out the challenges facing the Borough, including its relatively poor communications, a vulnerable and low wage mainly service sector economy, high unemployment and significant levels of deprivation. Its emphasis is on regeneration, essentially stimulating and diversifying the local economy by bringing back into more effective use all well-located land within the main built-up area, encouraging training and education to ensure a better skilled workforce, providing more modern office space in the town centre and improving the older employment areas to make them more attractive for inward investment.
20. It refers to the considerable achievements secured during the previous 10 years or so. These include 18,000 sq m of high quality business space at Lacuna Place, 7,000 sq m of higher/further education space, a modern industrial park (Enviro21) and the creation of enough capacity for 1,700 new jobs in the Priory Quarter, much of which has been taken up by SAGA. Further revitalisation of the Borough should result from the promotion of a variety in type and size of new homes as, for example, has already taken place on the former Buchanan Hospital site. Much will depend upon more general economic circumstances, but the record of recent years, particularly the transformation of the Station Plaza and its immediate environs, demonstrates confidence in the continuing transformation of the Borough, to the benefit of its residents.
21. There is proper emphasis on the special character of the Borough and the need to protect and enhance it. It derives from such assets as the seaside location, wooded valleys, varied wildlife, attractive Victorian housing, such joys as Alexandra Park and Burtons' St Leonards and the surrounding attractive countryside. The challenge is to conserve the best while providing for good quality development to stimulate the economy, opportunities for the local workforce and to support a strong, vibrant and healthy community.
22. The Vision Statement is somewhat lyrical, but the aspirational overall vision for the Borough, at its paragraph 2.50, draws on the unique and attractive character of the Borough, its outstanding natural environment and stimulating seaside location. As explored further in this Report, the

Planning Strategy envisages a realistic and achievable future for both Hastings and St Leonards.

23. This vision is set out in more detail in the 7 Strategic Objectives. Given the length of the plan period and an upturn in economic conditions, these, too, are realistic. They reflect the 3 dimensions of sustainable development; economic, social and environmental roles. As I seek to show in this Report, the Planning Strategy achieves a convincing balance between these roles, in accordance with Government policy set out in the Framework.

Brief overview of development proposals and deliverability

24. Proposals for housing, economic and retail development are modest, reflecting the already generally well built-up nature of the Borough and the physical and environmental considerations, sometimes described as constraints but better regarded as assets and contributors to a unique heritage. The emphasis in new housing is to promote it within the built-up area, seeking to redevelop previously-developed (brownfield) land and to continue to bring back empty homes into better use. This strategy should ensure that all or most homes will be conveniently sited near services, including shops, bus stops and train stations. It is a vital aspect of sustainability. It reduces the need to rely on private transport, should ensure the protection of the character of the Borough and should be enthusiastically supported.
25. The Planning Strategy proposes more office floorspace at Priory Quarter in Hastings town centre and more and improved employment space generally in and at existing employment areas, including Churchfields, Castleham and Ponswood. Live/work units will be encouraged within residential areas. This approach makes sense in that it should rely on existing infrastructure and avoid a greater dispersal of employment land which might erode attractive countryside and longer journeys to work. Additional retail development is expected to take place in Hastings town centre at some time in the future, although at present no suitable site(s) is/are identified. This approach should promote the vitality and viability of the town centre, another important aspect of sustainability.
26. Deliverability will much depend upon the willingness of developers to invest in the Borough and upon the timing and provision of infrastructure by relevant parties. There is every reason to believe in the deliverability of the Planning Strategy. This flows from such matters as the modest level of development proposed, consistent with the size of the Borough and its environmental heritage and the confidence instilled by the significant amount of regeneration achieved so far. Also important is the Council's commitment to the monitoring of its plan and the taking of remedial measures if need be to implement its policies and proposals.

Clarity

27. The Planning Strategy contains no more than 130 pages. It is clearly written and its policies and proposals are well explained. It is refreshingly

free of jargon and includes a useful glossary of technical terms. Although there were never many people at the Hearings, they should have assisted the Council's worthy aim of effective public consultation. Many of the points made by participants are well founded, are based upon a clear understanding of its contents and have been taken into account in both the Main and the Additional Modifications. It clearly shows the Council's land use and planning strategy for the Borough in the context of a stimulating vision.

Reasonable alternative strategies and their appraisal

28. The SA explains that the Council considered reasonable alternatives as part of its preparation of the Planning Strategy, focussing on housing growth and its distribution, employment growth, retail provision and sustainable design and renewable energy. For housing, it consulted on 3 alternative approaches; high, low and medium growth, respectively 461, 146 and 201 dwellings completed annually. The high growth reflected the trend-based population projection, the Council accepting that it could be argued as necessary to meet the needs of the local communities. It was expected that low growth would result in less pressure on the environment, especially the Borough's distinctive character. Medium growth was seen as broadly in line with the South East Plan, the Council considering that there was still a significant body of evidence underpinning its required level of housing.
29. The Council opted for medium growth. Bearing in mind that the urban area extends generally up to or close to the administrative boundary with Rother District, there can be no doubt that high growth would have resulted in unduly high densities and/or the development of greenfield land in environmentally sensitive and/or unsustainable locations. There would have been a very substantial risk that the distinctive character of the Borough, one of its chief assets, would be destroyed or at least substantially eroded. It is not clear how the likely significant increase in traffic would be adequately accommodated on local roads. Many roads accommodate a good deal of traffic, often at, or close to, their physical and environmental capacity. There is simply not enough suitable land in the Borough, consistent with the environmental role of sustainable development, to meet trend-based population projections, let alone any unmet needs of another local authority. Low growth would fall too far short of the trend-based population projection with serious implications for the need to stimulate the local economy.
30. The disadvantages of the high and low growth alternatives serve to highlight the advantages of the medium growth option. It should promote sorely needed further regeneration and, given necessary measures of mitigation, protect the Borough's many varied and much valued environmental assets. As examined at Issue 3, this option has a reasonable prospect of being achieved. Alongside the identification of a suitable level of housing growth, 4 options were examined for the distribution of housing land. These comprised development wholly within the built-up area (Option 1), within the urban area with a limited number of small greenfield sites (Option 2), Option 1 plus an urban extension of

about 1,000 new homes at Breadsell (Option 3) and development within the built-up area plus greenfield sites in the periphery and at Breadsell (Option 4).

31. Option 1 had the greatest potential for locating new homes close to services, comparable with the low growth option. Option 2 allowed the identification of enough land to accord with the housing requirement of the draft South East Plan without relying on windfalls. Option 3 provided for a higher level of growth and the flexibility to accord with any higher amount should the finalised South East Plan adopt it. It was also thought at the time that it could allow for a single stand-alone sustainable development with a variety of uses and access to public transport. Option 4 provided the greatest flexibility to meet the requirement of the South East Plan and secure the maximum amount of development.
32. Each Option was well appraised. In essence, this not surprisingly showed that the greater the amount of development, the greater the likely effect on the environment. In particular, it concluded that development at Breadsell could result in a negative impact on most environmental objectives, although that impact could be mitigated through master-planning and design. It could also provide higher levels of sustainable design and construction, accessibility and sustainable transport initiatives. The Council chose Option 1, primarily for reasons comparable with those of the medium level of growth. This option should, however, be tempered by the acceptance that bringing empty homes back into use does not increase housing stock and with the greater acknowledgement of the role of windfalls.
33. In determining the appropriate level of new employment, the Council has had due regard to the continuing need for regeneration. The evidence base which justifies the employment policies and proposals is thorough and convincing. The retention and expansion of employment sites and the improvement of existing premises is a sound approach. The evidence points to a need for a substantial new area for comparison goods floorspace and, as part of early consultation on the Development Management Plan, options proposed were an unidentified single, large town centre site or a combination of smaller sites. Various sites have been considered, but the Council is not yet in a position to identify one or more at present. The matter should be urgently looked at again during the preparation of the Development Management Plan. There is every reason to believe that the Council will do so, and the lack of site(s) at present should not thwart the progress of the Planning Strategy to adoption.
34. Policies in the Planning Strategy for transport complement the chosen options for the level and distribution of growth. In so far as they promote walking and public transport, they accord with the objectives in the County Council's adopted (May 2011) Local Transport Plan 2011-2026, particularly the tackling of climate change and the improvement of health, accessibility and social inclusion. The consideration of alternatives informed policies for sustainable design and renewable energy. The Council decided that the best way of meeting Government targets would be to focus on energy efficiency before relying on renewable energy installations. This is the

logic behind the sequence of Policies SC3-SC6 which respectively deals with the promotion of sustainable and green design, working towards zero carbon development, district heating networks and combined heat and power systems and renewable energy developments.

Conclusion

35. Various matters outlined above are considered in more detail later in this Report. At this stage, however, and subject to recommendations concerning Main Modifications, it can be concluded that the plan adopts the most appropriate strategy when considered against the reasonable alternatives, based upon proportionate evidence. It is therefore justified. Subject to wider economic circumstances, its policies and proposals should be deliverable during the next 15 or so years, based upon effective and continuing joint working on cross-boundary strategic priorities, particularly housing. It is therefore effective. In its promotion of sustainable development, it accords with national policy, particularly the principles set out in the Framework. In these respects and, again, subject to recommendations, it has been positively prepared. It is sound.

Issue 2 – Whether the Planning Strategy provides satisfactorily for the delivery of development, particularly its required infrastructure for public transport and other services, and convincingly demonstrates adequate monitoring of its provision and measures designed to rectify any shortcomings.

Preparation of the Infrastructure Delivery Plan

36. The Planning Strategy is accompanied by a comprehensive IDP which consists of a Written Statement and a Schedule. It deals with the full range of physical, social and environmental infrastructure. It identifies the main infrastructure required to deliver the strategy, its timing (within 5, 5-10 and 10+ years), the lead body responsible for its provision, its cost where known, its source of funding, its importance to the strategy (critical, important and desirable) and the risk to delivery (high, medium and low). The Schedule adopts a format agreed and used by all the East Sussex authorities. By bringing this information together, it usefully helps to co-ordinate public and private investment in infrastructure and gives greater confidence in the credibility of the Planning Strategy and the deliverability of its policies and proposals throughout the plan period. The Council has consulted widely in the preparation of the IDP and IDS, both of which should be regarded as the culmination of a joint exercise.

Bexhill-Hastings Link Road

37. A good example of consultation and co-operation is the Bexhill-Hastings Link Road. Following a public inquiry and bids for funding, the Department of Transport confirmed in its letter of 3 April 2013 to East Sussex County Council that Ministers had agreed to grant the scheme full approval and that work on it could start. The Department, it says, will provide a maximum capped funding contribution of £56,850,000 towards the estimated total scheme cost of £91,868,000, and requires the County

Council to keep it informed on progress on such matters as public transport and environmental and biodiversity measures. The County Council's contribution towards the rest of the funding is identified in its Corporate Capital Programme. It is expected that the Link Road will unlock land sufficient eventually to provide for 1,200-2,000 new homes and business park space of 50,000 sq m to serve both the Borough and Rother District. This impetus should much assist the regeneration of the Borough.

Utilities, water and sewerage

38. The evidence demonstrates that, as a result of co-operation with the relevant providers, there will be sufficient capacity of such services as for gas, water and electricity to support the proposed amount, type and distribution of development in the Borough. In particular, Southern Water Services has undertaken an assessment of all the sites in the Council's SHLAA and raises no objection in principle. For the great majority of sites, there is sufficient capacity in the existing system to supply water and connections could be made without any perceived major off-site investment or strategic capacity implications. Most sites do not, however, have sewerage capacity available, but this should not be an insurmountable problem. It is reasonable to suppose that suitable planning conditions for new development and conversions as appropriate could be attached to permissions, and/or Section 106 agreements sought to ensure the necessary infrastructure. The Community Infrastructure Levy (CIL) may also play a useful role.
39. Southern Water Services requests that Policies EN4 and EN5 be amended to take account of the Framework paragraph 152 which includes a reference to measures to mitigate any impact upon environmental dimensions. It suggests that, to ensure the soundness of the plan, to each of these Policies should be added *Development will be permitted where the need for, or the benefit of, the development outweighs any loss*. There is no need to do so. Planning legislation allows for material considerations to outweigh the provisions of the development plan.

Flooding

40. It is clear from exchanges at the Hearings that the Council is well aware of the risk of flooding in the Borough. The Planning Strategy has therefore been prepared in consultation with the Environment Agency (EA). Its Policy SC7: Flood Risk ensures that a sequential approach will be taken with regard to flood risk, steering development away from areas of greatest risk. At the time of the Hearings, a sequential test of site allocations was being prepared to support the Development Management Plan, and the Council's overall approach to this important issue is in line with national policy set out in the Framework and its Technical Guidance.

Monitoring and implementation

41. The Planning Strategy includes a chapter on Monitoring and Implementation. It is as convincing as it can be in the way it sets out

Strategic Objectives, the policies which seek to achieve them, identified targets, indicators against which to assess the progress towards each target and such sources of information as the Council's Annual Report and the Office for National Statistics (ONS) to measure that progress. Of vital importance will be the means to ensure that the delivery of housing is effective, and especially the continuing identification of a 5-year supply of housing land plus a buffer of 20%, in line with the policies of the Framework. Any remedial action will include the Council's working with landowners, public bodies and developers to bring sites forward, the promotion of the Borough and particular sites with investors, investigating reasons for any delays to development with resort to compulsory acquisition if need be and the use of Council owned land to stimulate development.

42. There is no doubt that these measures could assist delivery, but the Council should demonstrate a greater commitment to ensuring that the policies and proposals of the Planning Strategy are implemented in a timely fashion. Rightly or wrongly, there is a perception that the Council does not do as much as it should in ensuring that some developments are carried out as they should be. As it has agreed to do so, the Council should therefore set up a working group to monitor the progress of the Planning Strategy through the plan period. This should ensure the effective delivery of its policies and proposals and the provision of the infrastructure upon which they rely. It should also keep a close watch on the deliverability of housing land, as defined in the Framework, to ensure a continuous 5 year supply throughout the plan period. This is the subject of **MM3** and it should provide confidence in the Council's undoubted commitment to timely delivery. This MM is necessary for the purpose of soundness. It should be made clear, however, in paragraph 4.22 of the Proposed Submission Version of the Planning Strategy that, as agreed at the final hearing, the target is equivalent to *at least* 200 net new homes per annum.
43. There is little point in examining each and every entry in the IDP. Suffice it to say that the approach is as definite as it can be at a time of economic uncertainty and for a period of a decade and a half. Rightly, it is not included as part of the Planning Strategy. That ensures that, as a "living document", it can be more readily updated as circumstances change. As the Council says, the preparation of a plan should not be seen as a once and for all activity. It is essential that it be constantly monitored to ensure that its policies are being implemented and its proposals carried out at the intended time and that the means of remedial action and/or for more radical review are in place, maybe in line with changes in national planning policies and Government funding.

Track record

44. The Council's track record in promoting and securing major improvements in the Borough has been impressive. The new Station Plaza with its refurbished rail station, Sussex Coast College Hastings and the new NHS primary care centre, together with the University Centre (University of Brighton) in Havelock Road, the recently opened Jerwood Gallery, the

securing of funds for the repair of Hastings Pier and successful endeavours to secure funding for the Bexhil-Hastings Link Road all instil confidence in the future. There has been a dramatic transformation in much of the Borough since my examination of the Hastings Local Plan about 10 years ago.

Other matters

45. The Council is not, of course, the statutory provider of all the services and facilities required by the community. The County Council, for example, is the Education, Highways, Libraries and Waste Planning & Waste Disposal Authority. The Highways Agency is responsible for trunk roads, such as the A21 which links the Borough with the M25 while Network Rail and the train operating companies are responsible for schemes and services. There is a limit, therefore, on the infrastructure which the Council can reasonably be expected to provide. The IDP demonstrates, however, how the Council has lobbied and sought to strengthen its working relationships with the various providers, and will continue to do so, to improve services.

Conclusion

46. As a result of the Council's co-operation with the various providers, its pragmatic approach and track record, the IDP convincingly demonstrates that there is a reasonable prospect of the timely delivery of the planned infrastructure upon which the objectively assessed development proposals of the Planning Strategy depend. In that respect, the Planning Strategy has been positively prepared and is sound.

Issue 3 – Whether the Planning Strategy is effective in meeting local housing needs, including the provision of an appropriate mix of housing of suitable type and quality and at suitable densities

Projections of housing need

47. The Council assessed the need for housing in 4 ways, and they result in a wide range of estimates. The local need for housing reflects the requirement in the Framework to identify the scale of housing that the local population is likely to need, taking account of demographic change, but it excludes any need that might arise from net immigration. East Sussex County Council produces population, household, dwellings and workforce projections based upon population forecast data prepared by the ONS. Its modelling is based upon the latest ONS mid-year estimates and trends for fertility, mortality and migration. This method suggests an increase in the number of dwellings from 43,091 in 2011 to 45,962 in 2028. This increase of 2,871 equates to an annual provision of 169 dwellings.
48. The 2010 based household projections suggest an additional 6,938 households during the plan period, an average annual increase of 408. This method takes migration into account. The County Council's estimate for dwelling requirements relating to them result in a trend-based projection of some 7,840 additional dwellings during the plan period, but

- this has been revised downwards to 7,493, an average annual requirement of 441. This is more than twice the number which the South East Plan required. The third estimate is based upon past rates of housing completions. During 1991-2011 the annual average rate of completions has been 223 dwellings. This implies a need for 3,791 additional dwellings during the plan period. This method implies sufficient provision, which is open to question. It may also indicate insufficient land attractive to developers.
49. The fourth method seeks to assess housing need which is required to support economic growth, a key element in the Council's regeneration agenda. Housing is seen as a driver for economic growth and a means of accommodating an expanded workforce. Various estimates have been made of the future workforce in Hastings and Rother and, owing to the inevitable uncertainty pertaining to wider economic conditions, it is not surprising that they show wide variation. Estimates based upon work for SEEDA in 2007 suggest an additional 7,900 jobs during the plan period.
 50. More recent work for the County Council suggests an additional 4,944 jobs. Bearing in mind, however, the Council's objectives of full employment by getting more local people into the workforce, there being 3,450 and 1,520 JSA claimants in Hastings and Rother respectively, and the need to reduce the level of net out-commuting, these estimates do not translate into an additional housing need. But necessary skills, opportunities and an inevitable amount of unemployment are important considerations, and so this method is based upon an obvious simplification. Little reliance should be placed upon this approach.
 51. These projections suggest a need for housing during the plan period ranging from nil (trend-based labour demand) to 7,493 (trend-based household projection). There is a danger that this implied provision of an annual average of 441 dwellings, especially if all were to be in the Borough, would run well ahead of job growth and increase net out-commuting. Nevertheless, it is the Government's policy to boost significantly the supply of housing, ensure that a local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area and plan for a mix of housing need based upon current and future demographic trends. Hence the Council sought to accommodate this scale of housing growth, within and without the Borough.
 52. Since the publication of the Planning Strategy, DCLG has issued 2011-based interim household projections for up to 2021. These suggest an annual need for 289 households in the Borough during that period. The Council also had regard to the www.howmanyhomes.org website which uses 2008 trend based demographic projections produced by ONS and DCLG. This method implies an annual need in the Borough for 363 households. This later work suggests that considerably fewer dwellings are required to meet the Borough's housing needs than originally estimated in the Planning Strategy paragraph 4.11 (7,840 at 461 per annum).

53. At my request and that of the Inspector examining the Rother District Core Strategy, the Borough and District Councils have undertaken yet more work on demographic projections. This is outlined in the Hastings and Rother SHMA Update – Housing Needs Assessment June 2013. The 2011 trend-based projection 2011-2028 (base-line projection) shows an annual estimate of 404 (net) dwellings, and this unconstrained requirement is generally accepted by the Council and other parties. The contention lies in the degree to which it should be met.

Constraints to development

54. The Proposals Map of the adopted (2004) Hastings Local Plan clearly shows the administrative, physical and environmental constraints to development. They are especially relevant when compared to the substantial need for housing. Generally towards the north, the mainly built-up area is close to the administrative boundary with Rother District. To the south, the English Channel is an environmental attraction but offers little prospect of providing deliverable sites for development. Elsewhere, environmental constraints include the High Weald AONB which includes the Hastings Country Park and the Hastings Cliffs SAC, the Marline Valley Woods SSSI, the Combe Valley Countryside Park, SNCIs and Ancient and Preserved Woodland.
55. Other open land, although without notation, is for the most part exceedingly pleasant in character and appearance, complementing the specially designated areas and providing an integral part of an attractive rural setting for a Borough where often high densities predominate. More generally within the main built up area these environmental assets include 2 Historic Parks and Gardens (Alexandra and St Leonard's Parks), LNR, Wildlife Corridors, Playing Fields, Allotments and Nature Conservation Areas.
56. These constraints are valuable assets which give the Borough its unique charm, character and appeal. In general, they should be protected. This implies significant limitations on the capacity of the Borough to accommodate growth. From the evidence, including very extensive site inspections and the densities already achieved, it is clear that the scale of housing growth envisaged in the Planning Strategy, at least 3,400 dwellings during the plan period or about 200 annually, is about right. This is, however, increased a little as a result of discussions at the Hearings which have culminated in **MM4 & MM5**. The modified Table 1 estimates a housing supply of 3,647 dwellings, about 214 dwellings annually. This is about as much as the Borough can reasonably take in present circumstances and taking account of the 3 dimensions to sustainable development.
57. Of this total, the deficit of 91 dwellings relating to the under-supply during 2006-2011 is no more than about 2.6% and should be absorbed within the overall provision. It cannot be guaranteed that all the sites identified in the SHLAA, or those eventually allocated in the Development Management Plan, will be developed as expected or within the plan period. In view of the environmental constraints and the need to protect character and

heritage, however, that does not justify the provision of yet more land to accommodate a discount of 5% or 10% to compensate for any non-implementation.

The 5 year and further supply of housing land

58. During the previous 5 years there has been an average annual completion rate of 192 dwellings compared with the South East Plan requirement of 210. During the 5 years before then, there was an annual average completion rate of 270 dwellings compared with the 300 dwellings required by the East Sussex County Council Structure Plan. Although the annual deficit has not be great, it has nevertheless been persistent and the Council has therefore rightly included a buffer of 20%, moved forward from later in the plan period, in accordance with national policy in the Framework. The proposed annual requirement takes this additional requirement into account, subject to the constraints identified.
59. The Annual Monitoring Report 2011/2012 paragraph 5.19 states that there are sufficient sites to deliver 1,235 dwellings during 2013/14 to 2017/18. In the terms of the Framework, they are available, suitable and achievable and at an average annual completion rate of about 200 dwellings they equate to a 6.2 year supply. Or, taking account of the 20% buffer, there is a supply of deliverable sites for just over 5 years. The requirement for, and supply of, future developable sites is set out in the Annual Monitoring Report Appendix 2 which in turn is based on the SHLAA and further work undertaken for the emerging Development Management Plan document. It provides an update of sites which are likely to come forward and contribute to housing requirements during years 6-10 and 11-17 of the plan period. Although there is some criticism that the SHLAA is not in sufficient detail, its conclusions and the reasoning for them are convincing. In any event, the Council's effective monitoring of housing land supply should provide the mechanism for ensuring that there will be a continuous 5 year supply throughout the plan period.

Previously-developed (brownfield) land and windfalls

60. The Council proposes to promote the re-cycling of previously-developed land first, although it accepts that a mix of this land and greenfield land may be needed to meet the 5 year supply. This approach accords with Government policy in the Framework by encouraging the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value. It also complements the aim of regeneration and should ensure that homes are reasonably conveniently located close to shops and other services including public transport.
61. Since 2004/05, gross housing completions on previously-developed land have varied annually from 125 to 274 with percentages of gross completions varying from 67% to 100% with an average of 77%. There is no evidence to suggest that this performance will significantly reduce in the foreseeable future and it should continue to make a useful contribution towards the Borough's housing needs, both during and beyond the plan period. The evidence gained from site inspections around the Borough,

noting such opportunities as vacant buildings and other under-used land, support that conclusion.

62. The modified Table 1 in the Planning Strategy following **MM5** includes a small site (< 6 units) windfall allowance of 420 dwellings as a source of supply during 2016/17 to 2027/28. On the basis of past performance, however, the Council originally expected an annual average of about 40 dwellings coming forward on windfall sites during 2023/24 to 2027/28 with each site yielding up to 5 dwellings. This expectation was not convincingly challenged, the evidence shows that windfalls continue to come forward and there is no reason to doubt that they will continue to provide a reliable source of supply. It would accord with policy in the Framework which allows local planning authorities to make an allowance for them in the 5-year supply which should be identified and updated throughout the plan period.
63. Windfalls are, by their very nature, difficult to predict. 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. It is reasonable to suppose that some larger windfall sites will come forward during the plan period and they could provide some further flexibility of supply. They are, however, usually even less predictable and they are rightly not included in the modified Table 1. They may increase the supply of land during the plan period and/or compensate for any non-implementation.
64. As a result of **MMs 3, 4 & 5**, Table 1 is modified as follows:

Sources of new homes likely to come forward by 2028	Net number of units
Units completed 2011/12 - 2012/13	343
Commitments – sites under construction, with planning permission or resolution to grant planning permission	1,209
Small site (5 or less net dwellings) commitments 2013/14 – 2015/16	157
Existing Local Plan allocations (excluding those without an extant permission)	747
Other potentially developable sites - no planning status (informed by the SHLAA and the merging Development Management Plan document)	771
Small site (less than 6 dwellings) windfall allowance 2016/17 – 2027/28 (12 years x 35dwellings)	420
TOTAL	3,647

Empty homes

65. The Council expects that 255 empty homes will be brought back into residential use during the plan period. An average of 15 dwellings annually would be a remarkable achievement but many more have been brought back into use during certain years since 2000. Some dwellings have been empty for years rather than months. Although the Council's Empty Homes Strategy should provide decent homes, accords with paragraph 51 of the Framework and should be warmly applauded, it does not result in an increase in the Borough's housing stock. They should not, therefore, count as a source of housing supply. Rightly, they do not feature in the modified Table 1.

Density, mix and quality

66. Policy H1 seeks to ensure the best use of land by securing densities of at least 40 dwellings per hectare in sustainable locations close to a good range of services, including public transport, and of at least 30 dwellings per hectare elsewhere. It explains, however, that different densities may be justified in particular circumstances. This is a suitable approach in such a document as a Planning Strategy. No doubt eventual densities on the sites concerned will be established following the preparation of the Development Management Plan, negotiations between the Council and prospective developers and site characteristics.
67. Policy H2 seeks to secure a balanced mix of good quality housing both within each site and across the whole Borough. The larger the site, the greater the opportunity will be for variety. Prospective developers will be required to show how their proposals accord with this Policy, and success can be monitored in the usual way. There is no reason to doubt that the Council will rely on this Policy and material considerations to meet the needs of existing and future residents across all types of tenure in order to foster mixed, balanced and sustainable communities. There are adequate national and local policies to prevent inappropriate development on garden land which, in principle, is a valuable natural resource.
68. The Council suitably acknowledges the contribution which new housing, and in particular larger homes, can make in assisting regeneration. It can help to attract skilled workers to the Borough by providing a choice of homes attractive to economically active households. Where it takes place on previously-developed land, it complements policies for the protection of the Borough's environmental assets.

The housing trajectory 2011-2028

69. This shows past and projected annual dwelling completions against a housing requirement of at least 3,400 dwellings. It shows, on an annual basis, the number of additional dwellings needed in any year to meet the housing requirement remaining during the plan period. The data which underpins it is based upon the SHLAA and reflects latest information gathered from developers and land owners concerning building rates and

plans for the disposal of land. It will be updated annually and will provide a useful basis for ensuring a continuous 5-year supply of deliverable housing land throughout the plan period for both market and affordable housing and for the contingency arrangements to which **MM12** refers. It accords with the Framework in this respect and is an aspect of the soundness of the Planning Strategy. For clarification, the trajectory shown in Appendix 2 of the Proposed Submission Version of the Planning Strategy should be amended as an additional modification to bring it in line with Table 1.

Land at Breadsell Lane

70. The Core Strategy Preferred Approaches (2008) identified land in this locality as part of a major greenfield site that was then described as having the prospect of providing up to 1,000 new dwellings (800 in the Borough and 200 in Rother District) during the plan period. As preparation of the Planning Strategy progressed, however, Natural England objected to the development of the land owing to its potential impact on the nearby Marline Valley Woods SSSI and especially the effect upon the bryophytes associated with the Marline Stream. It no longer features in the Planning Strategy as a site or location for development. As part of the Examination, however, it is maintained on behalf of the landowner that 600 dwellings could be satisfactorily accommodated, of which 450 or so would be in the Borough and 150 or so in Rother District.
71. Development generally as proposed and of the order of dwelling numbers envisaged would have some definite advantages. It would make a useful contribution towards meeting the full, objectively assessed housing needs in both the Borough and the housing market area. It would take the annual average in the Borough to about 240 dwellings, a modest but useful addition. A scheme generally of the size proposed at various stages during the preparation of the Planning Strategy and since its submission would provide a good number of urgently needed affordable homes and a mix of dwelling size and type consistent with the Council's policies of attracting skilled people into the local workforce. The land is not the subject of any special designation, not being for example within the AONB, although it is close to both the AONB and the Marline Valley Woods SSSI. As the Masterplan shows, the scheme would be close to the existing mainly built-up area. These are good points in favour of its potential for housing at some stage in the plan period.
72. The landowner maintains that the objection from Natural England is not justified by the evidence. Rather than convincingly demonstrating serious harm that cannot be mitigated, Natural England is charged with making a holding objection that seeks additional monitoring to be undertaken before its objection is withdrawn. Nor, it is alleged, has a balancing exercise been undertaken to compare the benefits of development to an unknown risk to the bryophytes. Instead, the landowner has commissioned a number of technical studies to show that development could take place without any adverse effect upon the SSSI. These include a comprehensive Surface Water Strategy completed by Monson Engineering (17 February 2012) which sets out measures which could be put in place to ensure that

- groundwater levels and surface water could be properly managed. They include infiltration techniques for all impermeable areas such as roads, parking areas and roofs, and surface attenuation ponds with a controlled outlet to the watercourse in the SSSI. The ponds could be used as a means of feeding water into the watercourses during low flow periods.
73. Other improvements include the drilling of a borehole which would be used to supply water to the watercourses during low flow periods when otherwise the stream would be dry or at very low levels, particularly at the top end of the stream. Its siting and abstraction rate would be agreed with the EA and Natural England. The Surface Water Strategy does *not underestimate the potential difficulties and risks associated with a development at this location*, and whilst the Report prepared by Rigare Limited for the Council *primarily highlights the negative aspects of the development, it does state that it should be possible to maintain SSSI bryophyte interest alongside development off Breadsell Lane provided the quantity and quality of existing surface water and groundwater discharges from the site are maintained and any increase in recreational pressure on the SSSI is managed properly*. The methods proposed may be sufficient to ensure that the site replicates the green field situation and increase the amount of rainfall that infiltrates into the ground and the augmentation feed may maintain minimum flows and ensure that the habitat is safeguarded for the bryophytes, but more certainty is required.
74. It is a matter of considerable weight that Natural England maintains its objection to the proposed development. It states that SUDS has the potential to protect the SSSI from pollution but advises that *the surface water strategy has failed to understand the complex hydrology of the site. This failure has resulted in the proposed system failing to protect and mirror the natural environment.....Before it would be possible for Natural England to remove the objection to the development at least 3 years of monitoring will be required in order to develop a detailed hydrological understanding.....Due to the very close proximity of the proposed development to the SSSI, as well as existing pollution from the eastern development it is vital that the site hydrology is both understood and not significantly changed by the development. We believe this can only be done based upon further monitoring work*. The Report by Rigare Limited also recommends that *at least 3 years monitoring will be required in order to develop a sufficiently refined understanding to enable detailed design of the hydrological aspects of a development*.
75. Natural England is the Government's advisor on the natural environment, providing practical advice, grounded in science, on how best to safeguard the country's natural wealth for the benefit of everyone. Substantial weight should therefore be attached to its advice. Bearing in mind the importance which the Framework attaches to a SSSI, the risk of significant damage being caused to the SSSI prior to a satisfactory outcome of the monitoring and consequent agreement on any necessary measures of mitigation is too great to accept. In view of the terms of Natural England's continued objection to residential development in this part of the Borough as set out in its letter of 10 April 2012, the complex hydrology of the site and the scale of development envisaged, any indication that this land had

- a realistic prospect of its being suitable for development at some time during the plan period cannot be justified. Of particular note is its view that *it is not possible to state with any level of certainty the full extent and impact of the hydrological changes which will result from the water management strategy without having a better understanding of the current hydrological regime*. And there are other matters which lead to the same conclusion that the land should not be identified for development.
76. The land does not bear any special designation, but its topography with its ridges and valleys, its field boundaries, trees and other vegetation give it considerable scenic attraction. It is a prominent site in the wider surroundings. Pylons and the occasional view of nearby housing at Wychmour do not materially detract from that overall impression. Rother District Council points out that Policy DS6 in its adopted (2006) Local Plan seeks to protect "strategic countryside gaps" including the gap between Battle and Hastings/St Leonards. This policy is carried forward in Policy HF1 of the District Council's Proposed Submission Core Strategy. Irrespective of any policy protection, the locality which includes this prominent site, with its trees, hedgerows, woodland and topography of steep slopes and open spaces is a valuable part of the lovely, rural and sylvan setting of the Borough's mainly built-up areas.
77. The Masterplans indicate vehicular access from the A2100 Battle Road. This would be across land in Rother District which, as I understand it at the time of writing, the District Council is not putting forward for residential development at present in its Core Strategy. There is a gap in the dwellings along Harbour Way which could give some form of access to the Breadsell Lane land from the existing residential neighbourhood to the east, but it is far from certain that existing roads with their limited widths, their horizontal and vertical alignment and number of junctions have the physical or environmental capacity to take the amount of development envisaged. Without a suitable means of vehicle access, it is difficult to see how the land could be developed in a satisfactory manner. At present, the area being put forward for development in the Borough would appear to be landlocked.
78. According to the latest bus timetable (February 2013) there is an hourly or so service in each direction between Hastings/St Leonards and Battle/Robertsbridge during much of the day (Monday to Saturday) with a more restricted service on Sundays and Bank Holidays. Such frequency is unlikely to promote a significant increase in its use as a result of the development. There is no rail station within convenient walking distance. The unchallenged evidence of Rother District Council is that the nearest school, Little Ridge School, is 1.7 miles (2.7 km) away, Hollington Primary School is a little further at 1.8 miles (2.9 km), Battle and Langdon Primary School is 4 miles (6.4 km) away. The nearest shop is a relatively small store at the top of Harrow Lane, about 1.2 miles (1.9 km) away.
79. From the proposed entrance to the land at Battle Road, it takes about 20 minutes at a good walking pace to reach Hastings Retail Park and about 23 minutes to reach the Sainsbury's superstore, both on Sedlescombe Road North. This journey includes crossing the busy road at Fletcher Avenue,

negotiating the junction with Queensway and crossing the entrance to the industrial estate which accommodates Ridge West Garage. These distances and disincentives to the limited number, range and distribution of closest facilities do not promote sustainable means of transport like walking and cycling.

80. Irrespective of Natural England's concerns, this land is not in a sustainable location. Development here would inevitably result in a greater reliance on private transport, especially the car. More pressure would be brought on the A2100, an already busy road especially at peak times. Sustainability comprises 3 dimensions. In this case, its environmental role outweighs the economic role of, for example, ensuring a sufficient supply of land for various purposes and the social role of, for example, providing housing for various needs. The land should not be identified for development, even as a contingency. The sustainability credentials of the Planning Strategy are better served with its omission.

Conclusion

81. Current and future demographic and market trends should be the basis for estimating the number and mix of new dwellings required in the Borough during the plan period. These represent the full, objectively assessed needs for market and affordable housing in this part of the housing market area. In view, however, of the importance of the environmental assets which give the Borough its unique character and which should be protected, the Planning Strategy provides for as much housing as is consistent with the policies set out in the Framework, and in the right places. In this respect, it is sound.

Issue 4 – Whether the Planning Strategy is effective in meeting special housing needs, including affordable homes and accommodation for the elderly, for gypsies and travellers, for students and multiple occupation

Affordable Housing

82. The 2005 Housing Needs Survey identified an annual shortage of 596 affordable homes in the Borough, but the Council's Housing Register suggests that the need has increased during the last 5 years. This increase may be partly explained by the introduction in 2007/08 of Choice Based Lettings (Homemove) which has made the process of registering for social housing more accessible and transparent, and since November 2010 householders can be included on the Register by on-line application. Some applicants who are already in affordable housing seek a transfer to alternative affordable accommodation. In December 2012 there were 1,973 households on the Register. These are both high figures, and the conclusion must be that there is an urgent need for affordable homes in the Borough equating to a good deal more than the annual total provision of 200 dwellings.
83. Policy H3 seeks the provision of affordable housing on both previously-developed land and on greenfield sites. For each type, site size or net number of dwellings provides the basis for a financial contribution in the

- case of sites with 1-4 dwellings or a percentage requirement for affordable homes. This general approach should ensure that, on the basis of negotiations with the private sector and registered providers and subject to such matters as other obligations and viability, the maximum number of affordable homes should be secured.
84. The Policy takes account of the findings of the Housing Sites Viability and the Impact of Affordable Housing Study (HBC/PS/27) and its Appendices (HBC/PS/28). The Study is based upon the not unusual approach of carrying out a number of developer-type appraisals, using well-established residual land valuation techniques to estimate the sum of money which would be left available for the purchase of the land once all the development costs, including developer's profit, have been met. The provision of affordable housing in a housing proposal is essentially viewed as a scheme cost which is passed on to the landowner by way of reduced land value. An affordable housing policy should therefore include such criteria and requirements that secure reasonable affordable housing provision consistent with the financial viability of the scheme.
85. The Study acknowledges the uncertainties resulting from changes in house prices, local variations, the likely increase in building costs in meeting more stringent Code for Sustainable Homes or other similar standards and doubts about the economy. The availability or otherwise of grant aid and any increase in affordable housing rents are additional factors. It advises that smaller sites are not necessarily any more or less viable than larger ones, in that residual values usually result from site specifics rather than size. It recommends that maximum requirements of 25% and 40% of the total number of dwellings on a site should be affordable on previously-developed land and greenfield sites respectively, with lower provision if justified in particular circumstances. The Study is thorough, convincing and provides a firm basis for the Policy, but viability and deliverability are likely to be crucial considerations in every scheme, and the percentage requirements should be the starting point for negotiations between the parties. This approach accords with the Framework, particularly its paragraphs 173 and 174.
86. The Council's track record gives confidence in the future. During the 6 years 2006/07 to 2011/12, the annual net total number of dwellings completed varied from 96 to 283. The gross number of affordable dwellings completed varied from 32 to 72 with percentages varying from 16 to 35. Of the 1,187 total completions, 332 were affordable, 28% overall. This is a good record, and there is no reason to doubt that it will continue. Although it is unlikely to meet the urgent need for this type of accommodation in its entirety, there is a reasonable prospect that the current need will be significantly reduced during the plan period.
87. Besides formulating the policy, the Council has embarked upon various initiatives to deliver affordable housing. These include the acquisition and refurbishment of sub-standard private housing, especially in the centre of St Leonards, with a 2 year target for 2013/14 and 2014/15 of 51 affordable homes. Other schemes include the purchase of land by the Council's partner RPs to deliver 100% affordable housing schemes and the

promotion of HomeBuy, the Government's funded initiative of affordable home ownership schemes. The Council's regeneration agenda, coupled with its promotion of education, training and employment opportunities is a longer term strategy which should boost incomes and reduce the urgency of the need for affordable housing.

88. The Council's Housing Strategy covers the period 2009/10 to 2013/14 and includes a target to deliver an annual average of 70 affordable dwellings. Neither the Planning Strategy nor the Council in its wider remit has a target at present, but more informally seeks to achieve much the same annual number. On past performance and in view of the housing policies in the Planning Strategy, this is a reasonable, creditable aspiration.

The elderly

89. Policy H2 has been devised following the Council's co-operation with East Sussex County Council and particularly with regard to Adult Social Care. The large number of elderly residents is acknowledged, as is their especial need to have convenient access to shops, public transport and other services. Hence the Policy seeks to ensure, for example, a genuine mix of housing types within existing and future communities by encouraging proposals for residential development with a mix of housing types and tenures to support a range of household sizes, ages and incomes. It also seeks a proportion of homes to Lifetime Homes Standard and, where suitable, the inclusion of at least 2% of homes in schemes of 50 or more dwellings fully adapted for wheelchair users. This Policy should usefully provide the context for the consideration of more detailed matters in the Development Management Plan.

Gypsies, travellers and travelling showpeople

90. The recently published (October 2012) evidence base Provision for Permanent Sites for Gypsies, Travellers and Travelling Showpeople indicates a present need for 2 pitches for which it is expected that a site will be identified in the DMP. Outline planning permission was granted for it, however, in February 2013. This should meet requirements up to 2016. For the need thereafter, the Council will continue to work with the East Sussex authorities to identify requirements for additional permanent pitches and transit sites for at least a 5 year supply of land. In the meantime, the Planning Strategy includes the criteria based Policy H5 against which any planning applications can be determined. In these ways, the Council's approach accords with the Framework in ensuring that plans include fair, realistic and inclusive policies which should increase the number of these sites in appropriate locations with planning permission, address under-provision and maintain a suitable level of supply.
91. The Council is, of course, aware of the Government's Planning Policy for Traveller Sites and particularly of its plan-making requirements. The Planning Strategy goes some way towards meeting them, and it is to be hoped that the DMP will, for example, identify and include a mechanism for updating annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets, and broadly similarly for

years 6-10 and, where possible, for years 11-15. The Council is confident that, as a result of on-going co-operation with other authorities and usual consultations, any need after 2016 should be met. On this assurance, the Planning Strategy should be judged sound.

Students

92. With the University of Brighton Hastings Campus and the Sussex Coast College, the number of students in the Borough is likely to increase. The substantial number of local students who presumably live at home or commute from elsewhere does, however, serve to reduce the need for student accommodation. The Council has a regular dialogue with the University and advises that any additional need for student accommodation will be mainly in the form of student halls of residence or similar, much of which would be managed by the University. On that basis, there is no need at present to increase the amount of housing which the Planning Strategy proposes to provide as student accommodation.

Houses in multiple occupation

93. These are small shared houses or flats occupied by 3-6 unrelated individuals who share basic amenities (for cooking and/or personal hygiene). A shared dwelling with more than 6 such individuals is treated as a *sui generis* use. The Planning Strategy accepts that there is a large number of HMOs in the Borough and that it is likely to increase as a result of factors which include more students seeking accommodation. They are an important source of housing, but an undue concentration of them can change the character and function of a locality. At which point a significant change occurs in a locality is a matter of fact, degree and perception.
94. The Council considers that significant change results when HMOs exceed 10% of the total number of dwellings in a locality. Policy H4 seeks to restrict the change of use from dwelling to a HMO with 3 or more unrelated individuals sharing the accommodation where more than 10% of the dwellings within a 100 m radius of the application property are already in use as a HMO. It follows the Council's making of an Article 4 Direction which applies throughout the Borough and bringing such changes of use under planning control. It is noteworthy that the Secretary of State did not intervene, either to cancel or amend the Direction.
95. At first glance, the criteria in the Policy seem arbitrary. But the existing concentration of HMOs, especially in the 4 wards of Braybrooke, Gensing, Central St Leonards and Castle which account for 85% of the HMOs in the Borough, their absolute number throughout the Borough in 2012 (2,770) and the number and type of problems compared with other wards as explained in the evidence base (HBC/PS/46), make it vital to have criteria against which planning applications can be determined. The Council considers that a radius of 100 m would provide an appropriate area within which the existing percentage of HMOs in a locality could be assessed and it would include a manageable number of dwellings for applicants, local residents and itself to consider in terms of their existing use. No party has justified a better figure and it is reasonable to rely upon the Council's

experience in dealing with a matter which is so clearly evident in this Borough. The same applies to the 10% threshold.

96. There is no reason to believe that the Council has acted in any untoward manner in gathering the evidence and devising the Policy, as is alleged. It is based upon credible evidence gathered during a reasonable period of 5 years, although no doubt some officers and members recall earlier years. The evidence includes that gained from site inspections. There is no need for any modification to the Planning Strategy in this respect.

Issue 5 – Whether the Planning Strategy's approach to economic development, the protection of employment land and the vitality of town centres is effective, justified and in line with national policy

Introduction

97. This issue is set in the context of the Council's worthy aim of regeneration and the Government's promotion of economic growth. This ambition is set out, for example, in the Chancellor's 2011 Budget proposals, the "Plan for Growth", the Written Ministerial Statement "Planning for Growth" and its commitment in the Framework to securing sustainable economic growth. The Council's approach has been based upon close co-operation with Rother District Council and East Sussex County Council and there is a commitment to continue to do so, particularly as work progresses on the Bexhill-Hastings Link Road. The advocacy role of the South East Local Enterprise Partnership, which sees itself as an enabling body, will continue to make an important contribution in dealing with problems of transport, skills imbalance and deprivation. It sees its job as identifying the very high priority actions which must happen and, collectively, use the talents and resources of its members to ensure that these actions take place.

The evidence base

98. The Borough and District Councils jointly prepared the Hastings and Rother ESLR, published in 2008 and updated in 2011. It depended a good deal upon input from a host of contributors including commercial agents, the County Council, SEEDA and Sea Space (Hastings and Bexhill Renaissance Limited) a regeneration company established to deliver the main aspects of regeneration in Borough and District. In 2011 the Secretary of State for Business, Innovation and Skills authorised the transfer of the majority of the assets of Sea Space to a new not-for-profits company Sea Change Sussex. The ESLR concludes that 65,000-70,000 sq m of employment space will be needed to meet the Council's regeneration objectives. Its update takes account of significant changes since 2008, including greater economic uncertainty, the then imminent revocation of the South East Plan and more recent work at the local level on housing development and hence workforce growth forecasts.
99. This part of the evidence base comprises a thorough analysis of the socio-economic context, including population and employment structures, earnings and labour supply. It notes that, in common with other south coast towns, Hastings has not developed as a location for inward

investment, relying more on local business growth and the public sector as economic drivers. Unemployment, as measured by the Job Seekers Allowance, increased from 3.6% in 2009 to 4.7% in July 2013. Based upon the definition of unemployment by the International Labour Organisation, the unemployment rate during April 2012 – March 2013 was 10.7%. This compares with the current UK rate of around 7.7%. The workforce, those aged 15 to pensionable age was expected to decline from 38,590 in 2008 to 35,752 in 2028, but this was based on the population structure and prevailing economic activity rates in 2008 and past migration rates. The ESLR draws attention to the generally low skill base of the local work force.

100. At first sight, these figures and other conclusions in the ESLR, based upon a continuation of the status quo, do not paint a promising picture. But, as the ESLR advises, *this backcloth reinforces the established policy aims to vigorously pursue economic regeneration*. These policy aims in 2011 included those of the Local Enterprise Partnership, the Hastings and Bexhill Task Force, SeaSpace, the Central St Leonards Regeneration Framework and the Government's Regional Growth Fund. To these aims can be added the regeneration objectives of the Planning Strategy. As noted above, there has been marked progress so far, and this gives confidence in the future.

Policies and proposals

101. The Planning Strategy seeks to protect and enhance the Borough as a major centre of diversified employment, and to that end it proposes up to 70,000 sq m net of employment floorspace during 2008-2028. This will be provided mainly at the Enviro21 Innovation Parks in the Queensway Employment Corridor (about 15,300 sq m), the development of new business floorspace on existing employment areas including at Churchfields and Castleham (32,800 sq m) and in new offices at the Priory Quarter in Hastings town centre. The Council will also encourage the renewal of the older stock of employment premises of which, the ESLR states (page 74), *there is a high, and uncommonly high, proportion of stock which is pre-war*. It will also promote live/work units where suitable in residential schemes.
102. In coming to its recommendations, the ESLR considers such matters as labour supply, economic activity rates, labour demand, business needs and out-commuting. It notes the wide variation in floorspace ratios (sq m per employee) and concludes that, given the likely mix of uses, an average of 40 sq m per employee is a realistic assumption. The analysis in the ESLR is comprehensive and its recommendations are as robust as they can be at a time of economic uncertainty and for a period of 17 or so years. As with housing, the Council will need to keep such matters as take-up under review, and adjust/review as need be. The emphasis must be to keep to the worthy aim of regeneration.
103. Current national policy is to promote economic growth. There is a strong local commitment to reverse the economic fortunes of the Borough, and especially to address relatively low economic activity and high

- unemployment. There is the political will to foster a balanced demographic profile in order to maintain and improve economic vitality. The Council's strategy builds upon the setting up, following the Government's decision in 2001 not to go ahead with the Bexhill and Hastings Bypass, of the Hastings and Bexhill Taskforce to prepare an alternative strategy for regeneration. This resulted in the Hastings and Bexhill Five Point Plan, endorsed by the Government with £400,000,000 of funding and adopted in March 2002. Its 5 themes are urban renaissance, excellence in higher and further education, stimulation of business and enterprise, broadband and Information and Communication Technologies and transport. A sixth theme, adopted in July 2012, is designed to improve the image of the Borough as a desirable place in which to invest, work, live and visit.
104. The Task Force of local and regional organisations has been the main driving force for regeneration during the last 10 years or so. Perhaps the most impressive result has been the transformation of Hastings Rail Station and its environs which includes Sussex College and a medical centre, office space and residential development. The Creative Media Centre in Robertson Street opened in 2004/05 and provides about 1,800 sq m start up and space for small firms. Lacuna Place in Havelock Road and Priory Street opened in 2008 with 3,981 sq m while One Priory Square opened in 2009 with 5,263 sq m, both of high quality office space. Lacuna Place was 65% let in 2011 and One Priory Square was fully let to SAGA, the insurance company, which states that it intends to employ about 800 people at its Hastings office.
105. Following these successes, planning permission was obtained in 2011 for a third phase of development of 8,005 sq m on a nearby site in Havelock Road. On his recent visit to Hastings, the Secretary of State for Communities and Local Government said that he was *particularly pleased to witness the beginning of the new office development in Priory Quarter as it is one of the first Growing Places funded projects to be put into action anywhere in the country.....I'm sure this in turn will lead to increased business activity and jobs in the near future.* This is part of the transformation which has been taking place and, with the evident political will, there is every prospect that it will continue. Whilst acknowledging the skills shortage, the Planning Strategy seeks to promote the key economic growth sectors which include hi-tech, knowledge-based and creative industries, manufacturing and the growing finance/insurance sector.
106. This approach builds on the strong local manufacturing and specialist engineering businesses by seeking to diversify the local economy and providing the workforce with the necessary skills. The Council has regular meetings with the local business community to identify the skills needed in these growth industries, and liaises with the University of Brighton Campus in Hastings and the Sussex Coast College Hastings to ensure that they provide appropriate courses and training schemes. The University has a good reputation for its creative media courses and Knowledge Transfer Partnerships and the College offers courses to help develop engineering skills and bespoke training to meet local business needs. Other notable initiatives are the Hastings Employability Forum with its wide membership. It is co-ordinated by the Council and covers such matters as training,

mentoring, job creation and the specific skill needs of local enterprises. These are all crucial aspects of employment-led regeneration.

107. It is important to retain existing industrial and warehousing floorspace to protect existing businesses and jobs and to provide accommodation for start-ups and other enterprises needing low rent premises. New ideas can start and flourish in old buildings. Exceptions can be justified where, for example, it can be demonstrated that there is no reasonable prospect of the continued use of the land for employment purposes, or there are serious amenity considerations. Hence Policy E1 is in line with the Framework paragraph 22. Annual monitoring of employment land will continue, and maybe the DMP will take the Policy a stage further with a set of criteria about, for example, any required marketing exercise. A key consideration is to ensure a balance between employment land and land for housing, of which the Council is aware.

Town and other centres

108. The Planning Strategy rightly recognises Hastings town centre as the hub of the Borough, with the Old Town, St Leonards centre, Ore Village and Silverhill defined as District Centres and Bohemia as a Local Centre. This acknowledges their present roles and their capacity to take new development and accords with the Framework paragraph 23 of recognising town centres as the heart of their communities and defining a network and hierarchy of centres that is resilient to anticipated future economic changes. To ensure their vitality, the Council intends to continue such measures as safeguarding their retail character, enhancing their character and appearance, diversifying the uses within them and promoting the suitable re-use of empty buildings. The pedestrian priority scheme in Robertson Street is a good example of making a town centre street more attractive to shoppers and others, and the Thursday market brings much life and atmosphere to the centre of Hastings, increasing its vitality.
109. The Retail Study, updated in 2011, looks ahead to 2028. It advises that to retain its market share, Hastings town centre needs about 20,500 sq m (gross) of additional floorspace for comparison goods with a minimum requirement for convenience goods. It estimates that another 2,800 sq m (gross) floorspace is needed for retail warehousing. These estimates are based upon a thorough examination of such matters as population forecasts, expenditure growth rates, changes in town centre floorspace between 2006 and 2009, commitments and vacant floorspace. The outcome, in terms of recommended additional floorspace, much depends upon the assumptions made. The adopted comparison spending growth rate of 3.6% per annum may prove to be ambitious and the effect of on-line shopping may be greater than expected. With the growth of "just in time" deliveries, less storage space may be needed, and this would reduce gross figures. The Retail Floorspace Needs Assessment acknowledges these and other uncertainties, but the estimates may be on the high side, especially for comparison shopping floorspace.
110. The Planning Strategy acknowledges the sequential approach to town centre uses, including shopping, set out in the Framework. The Retail

Sites Assessment August 2012 is part of the evidence base. It considers that land at St Andrews Square between Priory Meadow and the Morrisons store would provide a logical extension to the Priory Meadow shopping centre, could accommodate the bulk of the required comparison floorspace and provide a critical mass likely to be attractive to developers. This land does, however, include a large number of dwellings with more than 200 ownerships and a significant number of leasehold flats. Its redevelopment for retail purposes does not seem likely in the foreseeable future.

111. The Council has assessed other sites, one at the edge of the town centre comprising much of the Morrisons store and its car park, about 200 m north of Priory Meadow, and a large number of smaller sites. There appears to be no immediate need for the additional floorspace and the Council has been unable to identify a particular site for it at present. This is understandable, and there would be no point in doing so if any such land had no realistic prospect of being developed within the plan period. The omission is justified in present circumstances and does not make the Planning Strategy unsound. The Council should, however, keep the matter under review with the intention at some stage of providing for the scale of need identified.
112. The Council is aware of the opportunities for improving the centre of St Leonards. It has set up the St Leonards Town Team to improve the retail centre. As Council Leader Cllr Mr Jeremy Birch explains, the Team includes local business people, resident groups and others who have come together to work with the local community to continue to revitalise the shopping area and create a thriving commercial and social centre. No doubt much will depend on funding, but both the Borough and County Councils have budgets to undertake maintenance and improvement works in the public realm parts of the centres. During the previous 5 years and for the next 3 years, the Council has an annual budget of £50,000 for town centre improvements. It will continue to be pooled with funds from the County Council, Sea Space and others to re-instate paving and heritage street lighting, improve seating, railings and signage. Commitment is in no doubt, and there is every reason to believe that enhancement will continue.

Tourism

113. New employment opportunities and the jobs they create will make a vital contribution to growth and prosperity, but tourism is likely to remain a key part of it. It is estimated that in 2011 it generated £239,900,00 to the local economy, supporting about 5,160 jobs (3,818 FTE). The Council has a number of initiatives, including the promotion of an all year tourist season, the encouragement of more short-stay visitors with higher spending power, the retention and improvement of accommodation and the improvement of visitor attractions of which there are many. These include the Old Town, the Castle, Alexandra Park, Burtons' St Leonards, the Seafront, examples of elegant Victorian and Edwardian architecture and the Fish Market. And all these attractions are on offer in 1066 Country. Whilst the Planning Strategy is not a tourism promotion

document, it provides the right planning context for the protection and enhancement of these economic assets.

114. Accommodation for visitors takes various forms. The intention of MM10 is to emphasise the importance of serviced visitor accommodation along the Seafrost (including Warrior Square), the Old Town and the Town Centre. In these areas there will be a presumption against the change of use from this to other uses. Beyond these areas, the change of use from visitor accommodation (including camping, caravan and chalet sites) will generally be resisted. This MM is necessary in providing greater clarity for this important industry and emphasising the Council's commitment to retaining visitor accommodation throughout the Borough, in the interests of the local economy.

Conclusion

115. The Council's track record and initiatives, much assisted by Government funding and the political and other local commitment to diversifying the local economy, is a good start along the probably long road of urban renaissance. Past success instils confidence in the future. The push for regeneration should gain further support from the Council's housing policies with their seeking to ensure a good mix and tenure of accommodation, and from other policies which promote the protection and enhancement of the Borough's environmental assets.
116. The employment proposals are modest, but proportionate for a Borough of the size of Hastings and consistent with other aspects of regeneration. The economic role of the Planning Framework complements its social and environmental role in the promotion of sustainable development. In these respects, its policies and proposals are effective, justified, in line with national policy and sound.

Issue 6 – Whether the Planning Strategy provides for sufficient protection, preservation and enhancement of the built and natural environment and introduce measures of sufficient force to mitigate any potentially adverse effects upon these interests.

The built environment

117. The Borough has a rich heritage of historic assets. These include 6 Scheduled Monuments including Hastings Castle, dating from 1066, and the Hastings Town Wall. There are more than 900 Listed Buildings, 18 Conservation Areas including the Old Town and Burtons' St Leonards, and numerous archaeological sites/monuments/finds/locations. Many streets which are outside Conservation Areas but date from Victorian and Edwardian times make a further key contribution to the uniquely attractive and distinctive character of the Borough. It is clear from the representations that this high quality historic townscape is much valued by local people.
118. The Planning Strategy acknowledges these attributes, making the good point that historic assets are irreplaceable. Policy EN1 sets out the

- presumption in favour of the conservation of these assets and their settings. The more important the asset, it states, the greater the weight that will be given to the need to conserve it. In looking for opportunities to enhance or better reveal the significance of the designated heritage assets and in its responses at the Hearings, the Council recognises that some assets may be at risk through neglect, decay or other threats. Its approach accords with, and complements, the Framework and the relevant provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.
119. The Council's track record demonstrates commitment. Numerous buildings have been repaired and had original architectural features reinstated through its conservation grant schemes, with external funding from English Heritage and the Heritage Lottery Fund. The most recent of these schemes has been the Townscape Heritage Initiative for Central St Leonards, a 2 phased programme of grant improvement works during a 10 year period funded by sources including the Heritage Lottery Fund, the European Union, English Heritage and the Council. The Council is not shy of using the statutory powers available to it, as a result of which more than 500 buildings have been improved and better used following the serving of Notices pursuant to the Town and Country Planning Act 1990 Section 215 concerning land adversely affecting the amenity of a neighbourhood.
120. There are 5 sites/buildings in the Borough on English Heritage's Heritage at Risk Register. The Council's essential approach is to engage with English Heritage and owners and occupiers with a view to satisfactory refurbishment. It has been particularly successful in the case of the remains of the Manor House, Ore Place which has been the subject of a major consolidation and restoration scheme, overseen by the Sussex Heritage Trust and now removed from the Register. The Council and English Heritage have a current grant scheme in place for the Grade II* Listed Pelham Place. This scheme includes the restoration of the shop fronts and widening of the footway at street level and the repair and restoration of the lantern light. The building should thus be assured of a continuing elegant presence on the Seafront.
121. Perhaps the most dramatic restoration scheme in the Borough is of the Grade II Listed Hastings Pier, built by Laidlaw and Son of Glasgow during 1869-71 and sadly much destroyed by fire in October 2010. The Council's determined efforts, and those by others including the Hastings Pier and White Rock Trust and the Pilgrim Trust, has resulted at the time of writing in a grant of £11,400,000 from the Heritage Lottery Fund towards the total project cost of £13,900,000. The road to Hastings Pier has been challenging. It includes submissions for grant aid, confirmation of a Compulsory Purchase Order on its Panamanian owners, an Urgent Works Notice and Repairs Notice pursuant to the above Act Sections 47 and 48 respectively and a considerable amount of Council resources in terms of time and funding. This is an excellent example of the Council's commitment to the Borough's historic assets and civic pride.

The natural environment including Registered Parks and Gardens

122. The Borough benefits from a wide range of green infrastructure, biodiversity, landscape and open spaces of various types. Amongst the designations is the Hastings Cliffs SAC, 3 SSSIs (Combe Haven Valley, Marline Valley and Hastings Cliffs to Pett Beach), 7 LNRs and 25 Local Wildlife Sites. Part of the High Weald AONB is in the Borough, and there are significant areas of Ancient Woodland. To these assets can be added the Registered Parks and Gardens of Alexandra Park and St Leonards Gardens. These open areas are important in their own right, and they complement the coast, rivers, streams, fields, parks and historic assets in giving Hastings and St Leonards their distinctive character. They are well worth protecting and enhancing, and they complement the aims of regeneration.
123. Policies EN2-EN5 are wide ranging and generally seek to protect and enhance the various open spaces. As submitted, however, the Planning Strategy does not accord sufficient importance the protection of Ancient Woodland. Much of it has been in existence since the end of the last ice age and provides a nationally important and threatened habitat which is irreplaceable. It deserves more recognition with a specific policy for its protection and guidance for the determination of planning applications which might affect it. As advised by Natural England, the Council proposes a new Policy EN4 with supporting text in its **MM8** which meets these concerns. It is necessary and should be included in the adopted plan.
124. Even though LNRs and Local Wildlife Sites are not subject to statutory designations, being of Borough-wide rather than of national significance, similar considerations apply. They should enjoy specific protection for a number of reasons including their contribution to wildlife habitats and the safe environment which they offer and in which children can learn about the wonders of nature. The Council proposes **MM9** which comprises new Policies EN5 and EN6 which provide special protection to LNRs and Local Wildlife Sites respectively. It, too, is necessary.
125. These 3 new policies, EN4, EN5 and EN6 suitably advise that the Council may attach conditions to a planning permission and/or may seek to enter into agreement(s) to minimise harm and/or secure the protection, enhancement and management of these assets. These modifications address the concerns and should be included in the adopted plan. Despite assertions to the contrary, these policies are of sufficient rigour.

Conclusion

126. The Framework is not just about housing numbers and economic growth. It strongly supports the conservation and enhancement of the built and natural environment, and particularly the important assets with which Hastings and St Leonards are so blessed. The Planning Strategy, as proposed to be modified, provides sufficient protection, preservation and enhancement of the built and natural environment. The measures which it introduces to mitigate any potentially adverse effects upon these important assets are of sufficient force to do so. Furthermore, the Council's

commitment to the funding the conservation of the historic environment and in proposing new policies for the protection of the natural environment instil confidence in the future.

127. These policies support and complement those for economic growth and regeneration in that they serve to promote character and distinctiveness, making the Borough a more attractive place in which to live, work and invest. In these respects the Planning Strategy accords with national policy and is sound.

Issue 7 – Whether the Planning Strategy is sufficiently in accord with national planning policy in such matters as recreation and leisure

128. The aims and objectives of the Planning Strategy accord with the Hastings and Rother Leisure Facilities Strategy 2009-2020 (August 2009) which audits and assesses the quantity and quality of leisure facilities across the Borough and the District. It was updated in August 2011 jointly by the Council and AmicusHorizon Limited as the Hastings and St Leonards Play Space Strategy which also identifies the means of creating and removing spaces as required. It includes guidelines for maximising funding opportunities available from, for example, Sport England.
129. The Planning Strategy provides the basis for developer contributions, financial or otherwise, towards recreation and play space and with equipment where appropriate. The importance of allotments is acknowledged, their identification and protection being a matter to be carried forward in the Development Management DPD. This should take account of the number of residents on the allotments waiting list which was 88 in December 2012.
130. Policy EN2 of the Planning Strategy promotes a Green Infrastructure Strategy based upon the Council's audit of open space, sports and recreational facilities. Other policies including EN3, EN4 and EN5 promote and protect various open spaces and this approach will be carried forward and reinforced in the DMP.
131. The Council accepts that an important part of supporting and enhancing the tourist industry and making the best use of the Seafront is the quality of the sea water. This is monitored by the Council in partnership with the EA at 2 locations, the Hastings and St Leonards seafronts. The Council is also working in partnership with the EA and Southern Water on a project to improve bathing water quality at Pelham Beach which is affected mainly by the Alexandra Park stream. Aspects of this project include the draining and clearing of various ponds in Alexandra Park and the targeting of wrongly connected household waste. Policies SC3 and SC7 seek the effective management of surface water run-off with a view to protecting sea water quality.
132. In these ways, the Planning Strategy accords with the Framework, particularly its policy that existing open space, sports and recreational buildings and land, including playing fields, should not be developed unless certain criteria are met. It also accords with its policy to minimise

pollution and other adverse effects on the local and natural environment. Again, the Planning Strategy accords with national policy and is sound.

Assessment of Legal Compliance

133. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Planning Strategy is identified within the approved LDS (June 2012) which sets out an expected adoption date of July 2013. The Planning Strategy's content is compliant with the LDS, but not its timing in that it was not adopted in July 2013. This slippage is due mainly to the need for as many as 12 Main Modifications. These have been the subject of a Sustainability Appraisal, consultation and an additional Hearing. This slippage is not fatal to the legal compliance of the Plan.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in June 2006 and a Review of it was adopted in September 2011. Consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'Main Modification' (MM) changes.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations Assessment (HRA) has been carried out and is adequate.
National Policy	The Planning Strategy complies with national policy except where indicated and Main Modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations	The Planning Strategy complies with the Act and the Regulations.

Overall Conclusion and Recommendation

134. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

135. The Council has requested that I recommend Main Modifications to make the Plan sound and capable of being adopted. I conclude that with the recommended Main Modifications set out in the Hastings Local Plan – The Hastings Planning Strategy – Proposed Main Modifications 20 May-1 July 2013 which accompanies this Report, the Hastings Planning Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Richard E Hollox

Inspector