

Response to Freedom of Information Request Ref 15/353

On the 14th May 2015 the Planning Inspectorate sent to the Borough Council the report on the Development Management Plan examination for fact checking. This document is referenced PINS/B1415/429/5.

It is our understanding that "Fact Check" reports are not usually made available because they are work 'in progress'. Because the Council does not wish to be seen as setting a precedent, we have discussed the release of this draft version of the Inspector's report with the Planning Inspectorate. We are however, happy to release this version of the report. Fact check versions of Local Plan reports are only ever shared with local planning authorities (LPAs) on the basis that the fact check provides an opportunity for the LPA to identify any factual errors and to seek clarification on any conclusions that are unclear. It does not provide any opportunity to question the conclusions of the Inspector.

Report to Hastings Borough Council

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

Date: 14th May 2015

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE HASTINGS LOCAL PLAN DEVELOPMENT MANAGEMENT PLAN REVISED PROPOSED SUBMISSION VERSION 10 MARCH – 22 APRIL 2014.

Document submitted for examination on 31 July 2014

Examination hearings held during 9 days between 18 November and 4 December 2014 and on 16 January 2015

File Ref: PINS/B1415/429/5

Abbreviations Used in this Report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
BHLR	Bexhill/Hastings Link Road
DEFRA	Department of the Environment, Food and Rural Affairs
DMP	Development Management Plan
ESLR	Employment Strategy and Land Review
NPPF	National Planning Policy Framework
FTE	Full Time Equivalent
HCA	Homes and Communities Agency
HMA	Housing Market Area
HPS	Hastings Planning Strategy
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LNR	Local Nature Reserve
LWS	Local Wildlife Site
MM	Main Modification
QGR	Queensway Gateway Road
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SELEP	South East Local Enterprise Partnership
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNCI	Site of Nature Conservation Importance
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

Non-Technical Summary

This Report concludes that the Hastings Local Plan Development Management Plan (DMP) Revised Proposed Submission Version 10 March – 22 April 2014 provides an appropriate basis for the planning of the Borough provided that a number of modifications are made to it. The Borough Council has specifically requested me to recommend any Main Modifications (**MM**) necessary to enable the plan to be adopted. All the **MMs** to address this have been agreed by the Council. They are summarised as follows:

MM1 - Deletion of land at Upper Wilting Farm for the development of wind turbines;

MM2 – Changes to Policy HN6 concerning the Former Convent of Holy Child Jesus, Magdalen Road, St Leonards-on-Sea;

MM3 – Inclusion of a Policy to encourage a high quality of design;

MM4 – Deletion of proposed allocation of land at Robsack A, Church Wood Drive for residential development;

MM5 – Addition to allocated site adjacent to Sandrock Park for residential development;

MM6 – Inclusion of open space within land allocated for residential development at Cornwallis Street Car Park, Hastings Town Centre;

MM7 – Deletion of proposed allocation of land at Victoria Avenue for residential development;

MM8 – Deletion of proposed allocation of land at Rear of Old London Road for residential development

Introduction

1. This Report contains my assessment of the Hastings Local Plan DMP Revised Proposed Submission Version 10 March – 22 April 2014 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 compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (the Framework) (paragraph 182) makes clear that to be sound, a Local Plan must 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 considered to be a sound plan. The basis for my examination is the Plan to which reference is made in the above paragraph. My Report deals with the MMs that are needed to make the Plan sound and they are identified in bold in the Report (**MM**). In accordance with Section 20(7C) of the 2004 Act the Council requested that I should make any MMs needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These MMs are set out in Appendix 1.
3. The **MMs** that are necessary to ensure that the Plan is made sound and capable of being adopted all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council published my Preliminary Findings dated 3 February 2015 which sets out a schedule of proposed MMs for consultation during the 6 week period from 13 February to 27 March 2015. The Council carried out a sustainability appraisal of these proposed MMs which was available for public comment during the same period. I have taken account of the 757 consultation responses in coming to my conclusions in this Report. The great majority of these representations were in support of the proposed deletion of 2 Speckled Wood sites, CVO1 and CVO3. In the light of all these representations, I have made some amendments to the detailed wording of the proposed MMs. None significantly alters the content of the MMs as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.
4. The Council intends to make a number of other modifications, variously described as Minor and Additional Modifications. They would, in essence, provide updating, clarification and minor amendments. They would usefully assist in the full understanding of the Plan and its objectives. For the most part they arise from discussions at the hearings and negotiations between the Council and other participants. Seldom, however, do I refer to them in my Report because they do not affect the soundness or otherwise of the Plan.

Assessment of Duty to Co-operate

5. 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 preparation of the Plan. This Section imposes a duty on the Council to co-operate in relation to the planning of sustainable development *so far as relating to a strategic matter*. The Oxford English Dictionary defines *co-operate* as *to work together, act in conjunction with another person or thing, to an end, or in a work*. It is therefore more than mere consultation. This definition is a good start. Importantly, however, it does not demand that a consensus be achieved in all circumstances. Thus it is not a duty to agree. The Framework explains that strategic matters relate to a number of issues, including the homes and jobs needed for the area, the provision of retail, leisure and other commercial development, infrastructure in its various guises, the mitigation of climate change and the conservation of the natural and built environment.
6. In my Report published on 31 October 2013 concerning the Examination of the Hastings Planning Strategy (HPS), I concluded that the Council had provided good evidence of effective and continuing partnership with the production of such documents as the Strategic Flood Risk Assessment (SFRA) (April 2008), the Hastings and Rother Employment Strategy and Land Reviews (ESLR) (May 2008 and August 2011), the Assessment of Housing Need in the Hastings and Rother Housing Market Area (HMA) (May 2012) and on-going work on transport capacity and modelling. The Council's subsequent Statement of Compliance with the Duty to Co-operate (July 2014) is further convincing evidence that the Council continues to co-operate with relevant bodies in a pragmatic way. Co-operation with East Sussex County Council and Rother District Council, both of which appeared at the hearings in support of the Council and its DMP, and other bodies has resulted in the planning and current construction of the Bexhill/Hastings Link Road (BHLR). On-going co-operation with the Highways Agency and the County Council supports the consideration of options for improving traffic conditions and flows along The Ridge and for increasing capacity of the A21 Baldslow junction.
7. The Council is not the sole provider of all the infrastructure needed to support the envisaged development. The County Council, for example, is the Highways, Social Services and Education Authority. The Environment Agency, Natural England, Network Rail, Southern Water and Historic England are among the vital partners in the preparation and implementation of a plan in this part of the country, and this Local Plan is no exception. The Infrastructure Development Plan (IDP) is the outcome of close co-operation between the Council and these and other bodies, and it will be updated as need be to take account of the finances and programmes of all concerned, both of which are likely to change during the plan period. It was updated as recently as July 2014.
8. The Statement of Compliance sets out the result of effective co-operation between the Council and a wide variety of other bodies on the content of the submitted plan. Significantly, no specified body has said that the Council has not co-operated with it, or that any co-operation has been inadequate. The County Council confirms that the Council has worked

constructively with it on infrastructure issues and transport matters and Rother District Council confirms that engagement has been on a constructive, active and on-going basis. The Statement is comprehensive, thorough and convincing. In conclusion, the Council has met the Duty to Co-operate in accordance with the Localism Act 2011 Section 110, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Framework. There is no reason to doubt its intention to continue to do so, as the HPS requires.

Sustainability Appraisals and Appropriate Assessment

9. A number of sustainability appraisals has been undertaken during the preparation of the DMP. These appraisals assess the Issues and Options in the HPS (May 2008) and include the Informal Consultation Document (June 2011) and the Sustainability Appraisal (SA) Report (May 2012). A SA was undertaken by external specialist consultants specifically for the DMP. It considered the impacts of the emerging DMP, its proposed site allocations and policies and assessed alternatives and possible mitigation measures that could be employed to reduce any untoward effects. It was published alongside the Proposed Submission DMP in January 2013. A further SA was published in March 2014 alongside the Revised Proposed DMP as a supplement to the previous version. It focused on the main changes to the DMP. The Council accepts that the consultants did not inspect every site which it proposed to allocate. This is unfortunate, and it is a matter which I have borne in mind in my inspection of every single allocation which the DMP proposes and indeed in the Examination as a whole.
10. The Council and Applied Ecology Limited undertook an Appropriate Assessment (AA) in respect of the Habitat Regulations Assessment for the Revised Proposed DMP and the Report thereon was published in June 2014. As the Council explained at the Pre-Hearings Meeting on 7 October 2014, the AA considered the potential adverse effect that could result from the implementation of the DMP on European designated sites, these being Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar Sites within 10 miles of the sites assessed. These Sites include Dungeness to Pett Level SPA, Hastings Cliffs SAC and the Pevensey Levels Ramsar Site. The Report concludes that none of the policies in the DMP, either in isolation or in combination with other policies and plans, is likely to result in any significantly adverse effect on these sites of European importance and that a more detailed Stage 2 Assessment is unnecessary. There is no reason to disagree.

Consultations

11. The above mentioned Regulations at 22 (1) (c) set out legal requirements concerning consultations for a Local Plan and the Council's Statement of Consultation explains how it has complied with them. In addition to these requirements, and prior to the statutory consultations, the Council sought to engage the local community as early as 2009/2010 in its "Big Map",

pre-production stage, exercise. Various means were employed, including questionnaires, public drop-in sessions and meetings when requested with local groups. A total of 266 people attended the drop-in sessions and 148 responses were received from individuals and organisations. Further consultation took place in accordance with Regulation 18 on the Consultation Draft DMP for 12 weeks during February – April 2012 with advertisements, newsletters and other means as the Statement explains. This consultation resulted in 1,250 responses from 288 individuals and organisations. Proposals for Sandrock Park, Robsack A, the Former Convent of the Holy Child Jesus at Magdalen Road and the former Hastings College at Archery Road generated a good deal of local interest.

12. This stage was followed in July and August 2012 by a focused consultation as a result of additional sites being put forward for development and additional policy issues during the Regulation 18 consultation. Similar means as before were employed to give the public a further opportunity to influence the preparation of the Plan. The Council received 1,532 representations from 1,407 respondents. Further consultations under Regulations 19 and 20 were undertaken on the Proposed and Revised Proposed Submission DMP. These took place during 12 and 6 week periods between January and April 2013 and March and April 2014. Essentially the same means of public engagement were employed, as set out in the Statement. The Council received 378 representations from 92 respondents and 3,887 representations from 1,255 respondents respectively. As a result of changes made to the Revised Proposed Submission DMP, 62 representations to the Proposed Submission DMP have been withdrawn. The Council sent copies of all the outstanding representations to these 2 versions of the DMP to the Planning Inspectorate and I have taken them into account in my deliberations on the legal compliance and soundness of the DMP.
13. Some participants raise concerns about the consultation exercises, and especially the problems encountered in accessing the Council's website and documents contained in it. It is alleged that the Examination documents have not been as readily available as they should have been. It is claimed that one particular exhibition, at Priory Meadow, did not take place as the Council asserts. It is difficult to come to a conclusion on these matters. Not everybody has experienced these problems. The documents have been available for inspection at the Town Hall since July 2014 and with the Programme Officer, by arrangement with her, since her appointment. Even if there was no exhibition at Priory Meadow, the Council's comprehensive endeavours to engage the public would not have been seriously undermined.
14. My conclusion is that the Council has abided by its legal obligations concerning the preparation of the DMP. Indeed, in some respects it has gone well beyond them in its determination to involve the people of the Borough in the plan making process.

The Development Plan and its Policies

15. Like my Report, the DMP when adopted should be read as a whole and in the context of the adopted HPS. The adopted DMP and the HPS will

together constitute the development plan for the Borough. Planning applications will be determined in accordance with it, unless material considerations indicate otherwise. This is a statutory requirement. Each policy in it must be accorded due weight in so far as it is material to the planning application being determined. Not surprisingly, the Council accepts this proposition and has helpfully agreed to include it in the DMP. It would be better not to include words such as *normally* or *usually* in any policy; the reference to material considerations in the legislation provides sufficient flexibility. Also, again as the Council agrees, there should be a greater emphasis in the DMP policies on *must* rather than *should*.

16. The Council agrees that the thrust of as many policies as is practicable, including those which apply to the proposed allocations, should be that *planning permission will be granted provided that...* (positive drafting) or that *planning permission will not be granted unless/until.....* (negative drafting). The latter stipulation need not be contrary to the principle of sustainable development and, as the Council agrees, should apply where there are such serious issues as contamination, drainage, provision of a safe and convenient access and land instability. This approach would give the policies more rigour and certainty, to the benefit of intending developers, infrastructure providers and the public alike. It is an aspect of the positive preparation of the DMP. As it is the thrust of the policies rather than, in the main, their content, the Council agrees that additional modifications where need be would suffice.

Assessment of Soundness

Preamble

17. 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 which it sets out, including the presumption in favour of sustainable development. The HPS was examined in the context of the Framework and adopted on 19 February 2014.
18. The Framework explains that to be sound, a plan must be positively prepared, justified, effective and consistent with national policy. It defines the 3 dimensions to sustainable development, stating that the planning system has an economic role of contributing to building a strong, responsive and competitive economy, a social role of supporting strong, vibrant and healthy communities by providing the supply of housing required to meet present and future needs and an environmental role of contributing to protecting and enhancing our natural, built and historic environment. The DMP seeks to achieve a balance between these often competing objectives and inevitably judgements on where that balance should be will differ.
19. Where there are urgent needs for both employment opportunities and housing, in a Borough as rich as is Hastings with its many and valuable natural and historic assets, the achievement of the appropriate balance is challenging, to put it mildly. To this should be added the urgent need for

the regeneration of the Borough which is already taking place. As the Council wryly remarks, this judgement calls for the wisdom of Solomon. As explained in this Report, the Council has generally done a good job in achieving that balance although in a few respects I consider that it has placed too much emphasis on development and not enough on the protection of assets, especially the natural ones.

Main Issues

20. Taking account of all the representations, the written evidence, the discussions that took place at the examination hearings and my accompanied and unaccompanied site inspections, I have identified 6 main issues upon which the soundness of the Plan depends

Issue 1 – Whether the policies and proposals for housing are effective in providing a reasonable prospect of ensuring a sufficient quantity of dwellings and a wide choice and high quality of homes to be delivered throughout the plan period in accordance with the requirements of the Framework and the Hastings Planning Strategy

Housing needs, requirements and source of supply

21. The HPS acknowledges that the Borough's full, objectively assessed need for market and affordable housing during the plan period (2011-2028) is some 6,863 new homes, equivalent to a net annual average of 404. This assessment can be regarded as the first step. The Framework explains, however, that this provision should be made as far as is consistent with policies which it sets out, including those relating to the natural and built environment. The HPS refers to the Borough's environmental assets and, as the second step, adopts a requirement, as opposed to a full, objectively assessed need, of at least 3,400 dwellings during the plan period. This equates to a net annual average of at least 200. The DMP carries forward this requirement for the same plan period.

22. During the first 3 years of the plan period, 476 dwellings were completed, an annual average of only 159. A further 284 dwellings are under construction during 2014 – 2015 and, if completed in that year, would bring the annual average during the first 4 years up to 190. This leaves a residual requirement for the rest of the plan period of at least 2,640 dwellings, an annual average requirement of at least 203 dwellings. The Council expects that this requirement will be met by 2,372 dwellings arising from the proposed allocations in the DMP where construction is not taking place; 276 dwellings on both large and small windfall sites where planning permission has recently been granted; and a small windfall assumption of 385 dwellings based on an annual average of 35 in accordance with the conclusion in the report on the Examination of the HPS. As the Council agrees, the bringing back into use of dwellings which have been vacant for months or years should not be treated as a source of supply. They are already part of the existing housing stock.

23. These sources amount to a total of some 3,033 dwellings. As explained later, however, I have serious reservations about some of the proposed allocations. The deletion of allocations at Robsack A Church Wood Drive (GH1) (32), Victoria Avenue (CVO1) (51) and Land at the Rear of Old London Road (CVO3) (10) would somewhat reduce that supply to 2,940. This is still more than the residual requirement of 2,640, being an excess

of 300 dwellings or about 11%. Some allocations may not, for whatever reason, be developed during the plan period. Some densities and capacities which the Council estimates on other sites may not be realised although a few might be exceeded, as at land adjacent to No 777 The Ridge and at the extended Sandrock Park site. These figures, and the reasons leading to them, demonstrate the challenges of meeting the housing requirement, let alone the need, in the Borough.

24. Even with the deletion of the above 3 allocations, the Council would be making sufficient provision for housing requirements in terms of quantity. The tightness of the supply may, however, be eased should any large windfall site(s) come forward during the plan period. Of note also are the proposals by the South East Local Enterprise Partnership (SELEP) for the A21/A259 Hastings/Bexhill Growth Corridor as one of 3 such corridors in East Sussex and its confirmation that *in this corridor we have the opportunity to directly create 5278 jobs and 765 new homes by 2021 and facilitate 9,700 jobs and 11,300 homes through our proposed transport schemes*. The great majority of these new jobs and homes would be provided in Rother District for its own requirements, but they should contribute to the need and requirement in the HMA as a whole which includes the Borough. Even so, these circumstances demand close and effective monitoring to ensure that the DMP is kept on track. At its paragraphs 12.1 – 12.8 the HPS provides the means for doing so, with a commitment in place to rectify any significant failure(s) to meet expectations. On the evidence, and taking account of present circumstances, it is reasonable to conclude that the Council will meet its housing requirement for the plan period.
25. The latest Monitoring Report (July 2014) shows that 1,234 dwellings are capable of being completed within the next 5 years with 880 of them coming from 32 sites which the DMP proposes to allocate. The 5-year supply is thereby provided. A further 1,492 dwellings are likely to come forward, the Council says, during the rest of the plan period from further sites which the DMP identifies for residential development. To these sites should be added 280 dwellings arising from small windfall sites. The Report identifies those proposed allocations for housing and mixed uses which are considered to be deliverable within the next 5 years and those which have a reasonable prospect of being developed during the rest of the plan period.

Choice, quality and design

26. There is no reason to doubt that a wide choice of homes can be provided. The proposed allocations vary in size and are fairly widely spread throughout the Borough. Generally, lower density schemes of family homes are more likely to be delivered on open land with higher densities expected within and near town centres and on previously-developed (brownfield) land. The emphasis in the DMP is on the re-use of such land, with it providing about 75% of the new dwellings required. This would assist the objective of regeneration. It should also ease the pressure on greenfield land at the edges of the mainly built up areas.
27. It is the Government's policy to widen the choice of high quality homes and to promote good design which is indivisible from good planning. Policy DM3 amplifies this approach and carries forward relevant policies in the

HPS, including Policy SC1 which seeks to meet the housing needs of all sectors of the community. It provides guidance for the Council's worthy ambition of ensuring that all homes in the Borough are of high quality. The Policy is rigorous with an array of requirements. The requirements concerning internal space standards are particularly contentious, with evidence to show that insistence on these standards could result in fewer homes being built, or none at all in some circumstances. In the short term, internal space standards lower than the Policy seeks may be justified on limited occasions where material considerations indicate a departure from the Policy.

28. The example at Sea Breezes on The Ridge shows that a reasonable standard of accommodation can be provided, albeit with somewhat limited living space. The main point here, however, is that dwellings are built to last. Hence the Council is right to take a longer term view and ensure that people living in new dwellings can live, and can continue to live, comfortably and conveniently with sufficient internal and external private open space. The internal space standards set out in the Policy are reasonable and, unless there are good reasons to waive them in particular circumstances, the Council should keep to them. To that extent they should be treated as guidelines, but to delete or reduce one or more internal space standard from the Policy would send the wrong message.
29. Similarly, it is reasonable to require the 10 m length of rear gardens, although an area with a dimension of less than 10 m might be acceptable where, for example, the width would compensate for a shorter length. In summary, intending developers should be in no doubt about the Council's determination to seek to provide a decent standard of accommodation in schemes for residential development. Adherence where possible to minimum space standards is an important part of doing so.

Self-build

30. The Council is aware of the advantages of self-build and is encouraging this initiative. It states that applications for planning permission for self-build will be assessed against relevant development plan policies to ensure similar standards of design as required for other residential schemes. In February 2013 it undertook a marketing exercise on behalf of the Homes and Community Agency (HCA) seeking Expressions of Interest to develop land in the Agency's ownership at Church Road with preference being given to self-build projects. Unfortunately, no Expression of Interest met the criteria which included deliverability and so no scheme has been accepted. It is reasonable to assume, however, that windfalls and allocations proposed for small, previously-developed sites would be particularly attractive and suitable for self-build schemes.

Constraints and assets

31. The examination of the HPS showed that there are many constraints to development in the Borough, and they are acknowledged in the DMP. They include topography, the effect on the natural and historic environment, contamination, land instability and the present insufficiency of infrastructure. Woodland, Ancient and modern, which contributes much to the sylvan character of parts of the Borough and particularly to those in St Leonards, is both a constraint to development but also an asset which, in principle, should be protected and enhanced.

32. The proposed allocations generally take account of constraints and assets. For the most part they are not made on land where constraints would be insuperable or where there is an overriding need to protect assets. Where the need for housing outweighs those considerations, the policies introduce measures of mitigation to take account of constraints, assets and opportunities. This approach is helpfully amplified in the Design Briefs.

Affordable housing

33. Policy H3 in the HPS sets out the Council's requirements for affordable housing. The percentage varies according to the envisaged total net number of dwellings in a scheme and whether it takes place on previously-developed or Greenfield land. A lower proportion will normally be required in schemes on previously-developed land, reflecting the usually higher costs incurred. The DMP carries these requirements forward by stipulating the percentage of affordable housing required on each proposed allocation. This clarity should aid prospective developers. The Council will have regard to recent national policy concerning schemes for 10 or fewer dwellings.

Gypsies and travellers

34. Policy FB10 in the DMP proposes the allocation of land at the junction of Queensway and Crowhurst Road for a permanent site with 2 pitches for gypsies and travellers. Outline planning permission was granted for it in February 2013. It should meet needs up to 2016. The Council continues to co-operate with the County Council and other East Sussex authorities to identify future permanent and transit needs. The DMP should, of course, identify needs throughout the plan period in much the same way as with the general housing need and requirement. Nevertheless, the Council has undertaken to respond as appropriate to the results of the co-operation and identify any site(s) deemed necessary to meet longer term needs.

Students

35. As the University of Brighton's Hastings Campus attracts more students, their accommodation needs are likely to increase. The redevelopment of the Hastings Station site is expected to include 220 flats for students, but as the needs of students were not taken into account in the assessment of market and affordable housing needs, this number should not contribute towards the Borough's housing requirements. The accommodation should, however, ease pressure on the more general supply of housing land.

Conclusion

36. The housing policies and proposals are positively prepared, justified and effective in that they are based upon evidence which convincingly demonstrates that there is a reasonable prospect that sites will come forward to provide for a sufficient quantity, wide choice and high quality of homes throughout the plan period. These provisions accord with the relevant requirements of the Framework and the HPS. In this respect, the DMP is sound.

Issue 2 – Whether the approach of the DMP to economic development, the protection of employment land and the viability of town centres is clearly articulated, sufficiently justified and in line with the Hastings Planning Strategy and the Framework

The proposed allocations

37. Policy DS2 in the HPS identifies a need for 70,000 sq m of employment floorspace between 2008 and 2028. The objectives are explained as economic regeneration, local economic growth and diversification, to be achieved in a number of ways. They include the continuing development of new office-based employment opportunities at Priory Quarter in Hastings town centre, the provision of employment land in the Queensway Employment Corridor (about 15,300 sq m) and additional employment floorspace in existing employment areas, mainly at Churchfields.
38. Proposed allocations at Churchfields comprise Sites PX and QX (GH8), Sites NX2 (GH9), RX2 (GH10) and NX3 (GH11) at Sidney Little Road. They should ensure a variety of opportunities for large, medium and small premises, providing respectively 6,900 + 770 + 910 + 920 and hence a total of 9,500 sq m gross of employment floorspace. This allowance should widen employment choices in the neighbourhood and in the Borough as a whole. These provisions stem from the findings of the Hastings and Rother ESLR (August 2011) which updated earlier work completed in 2008.
39. The DMP suitably carries forward this overall approach and, in doing so, accords with the Framework by contributing to building a strong, responsive and competitive economy. The proposed allocations are clearly shown and described in Section Three: Site Allocations, with criteria to be met in their development. The approach of focusing additional office floorspace in the town centre, close to public transport and other services accords with national and local policies to promote the viability of town centres. Land is allocated at Priory Quarter for 21,700 sq m of Class B1 Use and Policy HTC6 sets out specific requirements to be met in its implementation. Work undertaken by Sea Change Sussex includes land assembly and office development in the town centre where the latest phase is now underway.
40. This emphasis on the regeneration of the town centre complements the redevelopment of Hastings rail station and the nearby Sussex Coast College, the development of an Education and University precinct and the protection of Priory Quarter as a business district. Impressive progress during the last 10 or so years, including the redevelopment of the Station Plaza and its associated buildings, instils confidence that the envisaged further progress will take place in a timely fashion. This should result in a commercial, educational and retail district in the heart of the town centre, albeit complementing historic assets.
41. Not all the existing office space in Hastings and St Leonards town centres appears to be used at present, and some participants express doubts about the need for as much office space as is proposed. The overall need for office and other employment space was considered during the Examination of the HPS and it was concluded that, owing to such matters as the length of the plan period, the need to diversify the local economy and the related need for regeneration, the envisaged scale of growth was justified. Its scale and location is suitably carried forward in the DMP.
42. Other proposed employment allocations are generally within or adjoining existing employment areas. They are Queensway North, Queensway (LRA6) where planning permission has been granted for an access road

- and associated infrastructure, Natural England being satisfied with the related conditions and legal agreement (letter of 7 December 2012); Land at the Junction of The Ridge West and Queensway (LRA7); Land at Whitworth Road, The Ridge West (LRA8) and at Marline Fields, Enviro21 Business Park, Land West of Queensway (LRA9). These 4 sites should provide for 9,700 + 6,000 + 6,000 + 5,600 respectively, giving a total of 27,300 sq m of gross floorspace during the plan period. Two of these proposed allocations (LRA6 and LRA9) lie adjacent to an SSSI and effective measures of mitigation must be included in any scheme to limit the effect upon these Sites.
43. Land at Ivyhouse Lane, Northern Extension (HOV11) and East of Burgess Road, Ivyhouse (HOV12) would form extensions to the existing Ivyhouse Lane employment area. Both sites are in the High Weald AONB and great weight should be given to conserving landscape and scenic beauty in areas such as these. This is especially the case with regard to HOV11 which includes a variety of fine trees. These important environmental matters must be weighed in the balance with the need to provide land for employment as a way of diversifying the local economy and easing unemployment in the Borough. Their development would constitute extensions to existing employment areas, and in that respect they are well-located. They would provide opportunities for start-ups and for the convenient expansion of existing companies. Development should, however, have regard to natural assets including trees and hedges and take place towards existing buildings. Provided that these, and the other relevant criteria to which the Policy refers, are met, these proposed allocations are sound.
44. The DMP takes a sensible approach in the provision of land for employment purposes, especially with regard to the concentration of new office floorspace in Hastings town centre and the allocation of land for other employment purposes close to existing employment areas off Queensway and close to it at The Ridge West. These proposals should benefit from the financial advantages of Assisted Area status and the better accessibility of the BHLR, due to be completed in 2015, and proposed improvements to the A21 road. Existing and proposed employment areas in this part of the Borough should take advantage of the Government's £56,000,000 of support for this Link Road to facilitate economic regeneration in a deprived area of the South East. Significantly, these employment policies are supported by both Rother District Council and East Sussex County Council and promoted by Sea Change Sussex, the economic regeneration company for East Sussex.
45. Policies E1 and DS2 in the HPS provide for the renewal and protection of the existing stock of employment land and premises and the Council rightly sees no need to repeat them in the DMP. Even so, it still acknowledges the importance of ensuring the effective use of these existing assets by securing their retention and generally resisting changes to alternative uses. The Policies allow for intensification, redevelopment and extensions to premises and they should support and enable start-ups particularly in older buildings where rents are usually lower. Flexible lease arrangements may assist.
46. Land south of Upper Wilting Farm (FB12) is proposed to be allocated for the development of wind turbines. Following concerns raised by Natural

England and having taken account of changes in Government subsidies and feed-in tariffs concerning this type of development, the Council has re-assessed the proposal. Natural England has withdrawn its objection to the proposal, subject to recommendations being incorporated to mitigate any effects upon birds and bats, about which there is some uncertainty. The Sussex Wildlife Trust raises concerns about the closeness of an SSSI. The Council is also concerned about the effect on the local landscape.

47. The Council commissioned consultants to report on the economic viability of this proposal. The Appraisal concluded that in view of the current economic situation and the likelihood of further reductions in the Government support mechanism for wind power, the site is considered not to be attractive, in the short term, to commercial wind developers. However, it is possible that, in the medium to longer term, sufficient support might be available to local groups to enable them to develop the site for a community turbine. The Council accepts this conclusion but advises that there has been no interest from community groups and considers that the proposal should now be deleted from the DMP. This evidence shows that there is no reasonable prospect of the development taking place within the plan period. The proposal should be deleted from the DMP as ineffective, in accordance with **MM1**.

Education and training

48. The policies and proposals set out in the DMP convincingly demonstrate a close, complementary relationship between employment, regeneration and the infrastructure which supports them. Crucial to success, however, and especially in a Borough with above average unemployment and other aspects of deprivation, is the role of education and training. Everything practicable should be done to equip local people with the skills to take advantage of the jobs which the Council is seeking to attract to the Borough. This applies both to new enterprises and the expansion of existing ones, including those in specialist manufacturing industries. The proposed allocations for employment uses should be seen in this context and in that of the HPS, especially its discussion on educational attainment.
49. The Rother Task Force was established in 2012 to drive the further regeneration of the area. The Council describes it as a strategic economic partnership. Its membership includes the Council, Rother District Council, the County Council, the University of Brighton, Sussex Coast College and representatives of local businesses. The Council confirms the importance of enhancing the ability of local people to engage in economic activity, and a number of courses offered by the University and the College are geared to that objective. Of particular note are the various business and computing degree courses offered by the University at its Hastings Campus and the HNC and HND courses at the College in mechanical, manufacturing, electrical and electronic engineering. The College is engaged in a current review of its 40 Higher Apprenticeship frameworks so as to introduce more relevant programmes in 2015/16 and 2016/17. This approach is vital to securing the economic wellbeing of the Borough and supports the effectiveness of the DMP.

Town and other centres

50. The DMP sets out a clear hierarchy for these centres. At the top is Hastings Town Centre. District Centres are defined for St Leonards

Centre, the Old Town, Ore Village and Silverhill; Bohemia is defined as a Local Centre with Neighbourhood Centres defined for Battle Road, Marine Court, Mount Pleasant, Mount Road and West St Leonards (Bexhill Road). This is in line with the HPS, the only difference being the amplification in the DMP of the reference to neighbourhood centres. They provide for many day to day needs, are no doubt valued by people living in and near them for their convenience and are usefully defined in the DMP. The hierarchy itself, together with the Council's approach of ensuring that the scale and type of any new development reflects the centre's existing and proposed function accords with the policies in the Framework of recognising town centres as the heart of their communities and promoting their viability.

51. There is an increasing trend towards internet and on-line shopping, both nationally and locally. This trend, coupled with the recent recession, has significant implications for town centres. Recent reports suggest that retailers are becoming more reluctant to invest in large supermarkets. The Council acknowledges these uncertainties and particularly their effect upon retail and warehousing requirements during the plan period. It initiated a review of the retail requirements which had been produced in 2010 and 2011, but the findings came too late to inform the preparation of the DMP.
52. The Council decided not to delay the DMP, giving greater importance to the need to have an adopted plan in place as soon as possible with the certainty of its policies and proposals for the allocation of land for housing and employment. It proposes the production of a Town Centre Action Area Plan which would enable it to consult upon any review of the boundary of the Town Centre as shown on the Proposals Map. This would accord with the Framework paragraph 23. This is a pragmatic way forward; the emphasis should be on the speedy adoption of the DMP and the certainty which it would confer.
53. Provided that they are well managed, street markets can add vitality, interest and excitement to a town centre. There is a regular street market in Hastings Town Centre on Thursdays and the fish market at Rock-a-Nore can be regarded as both a street market and a tourist attraction. The Council will continue to encourage and support well managed street markets such as those which have been successful in Hastings Town Centre, The Stade and at Kings Road St Leonards. The Council's Regeneration Team advertises and promotes the existence and dates of licensed street markets. This is welcome, for reasons of vitality, tourism and regeneration.

Tourism

54. Tourism is vital to Hastings and St Leonards. It contributes as much as £253,000,000 to the local economy and supports about 5,160 jobs (3,900 FTE). It should continue to be seen as an aid to regeneration. Policy CC1 supports additional caravan and camping sites and the expansion of existing ones. Policy CQ1 identifies 4 Cultural Quarters where cultural and, presumably, leisure activities will be encouraged and supported, to the benefit of local people and visitors. They amplify Chapter 9: Local Economy iii) Tourism and Visitors in the HPS and particularly its Policy E4: Tourism and Visitors. In terms of soundness the DMP does as much as it

should on the matter of tourism and it is clear that the Council enthusiastically promotes it in the Borough. These include its promotion work with Rother District Council and other parties in the 1066 Country Partnership.

55. Work continues on the restoration of Hastings Pier and it is due to re-open in 2015. The Council used its powers of compulsory acquisition for this project and worked closely with a community based trust to secure a £11,000,000 Heritage Lottery grant and other funding to rescue and restore this historic asset. It is expected to attract more than 300,000 visitors annually, and it is to be hoped that it will draw more visitors along The Front to savour the delights of St Leonards with its elegant Victorian and Edwardian buildings, including Burtons' St Leonards. No doubt the eye-catching advertisements at London main line rail stations and DCS Foyle have assisted the Council in bringing visitors to the Borough. Again, these measures promote regeneration.

Conclusion

56. These policies, modified as recommended, are effective, justified and accord with both the HPS and the Framework. In this respect, the DMP is sound.

Issue 3 – Whether the DMP accords sufficient importance and protection to the Borough's historic and natural assets.

The historic assets, including enabling development

57. The Borough has a rich heritage of historic assets, including 6 Scheduled Ancient Monuments, more than 900 Listed Buildings and 18 Conservation Areas. The HPS was judged to provide sufficient protection, preservation and enhancement of the built environment. The DMP carries forward and amplifies its guiding principles. It includes useful advice for prospective developers and its Policy HN1 sets out criteria against which proposals for development which have the potential to impact upon the significance of designated heritage assets will be assessed. The criteria usefully include the historic context, street patterns, plot layouts, siting, scale, height, massing, appearance, materials and finishes. It rightly draws attention to the importance of protecting views, including the dramatic one of Hastings Castle.
58. Changes to doors, windows and roofs, especially in Conservation Areas, can result in the erosion of the character or appearance, and Policy HN2 seeks to maintain the form and appearance of these features. As agreed at the relevant hearing, the Council should insist that, in determining applications in Conservation Areas, schemes should be of distinctive design, quality and character consistent with the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. A similar approach should be taken with regard to any scheme which would affect the setting of a Conservation Area. Policy HN3 provides suitable guidance for the determination of applications which involve the demolition of a heritage asset. Policy HN4 concerns proposals for development affecting heritage assets with archaeological and historic interest or potential interest. It

refers to a requirement to submit an appropriate Historic Environment Record.

59. Policy HN6 is an enabling development policy to assist the restoration of Grade II* and Grade II Listed Buildings at the Former Convent of Holy Child Jesus at Magdalen Road, St Leonards. The listing may include the Italianate East Wing but, even if it does not, every encouragement should be given to its retention and conservation. A policy of this type would assist the Council, as the Framework explains, in assessing whether the benefits of a proposal for enabling development, which would otherwise be in conflict with planning policies, would secure the future conservation of a heritage asset.
60. Enabling development should be regarded as exceptional. Hence the Policy should be rigorous in its intentions, stipulating that only the minimum amount of development will be permitted to secure the long term suitable use and future of the Listed Buildings, thereby retaining as much as possible of the open curtilage. The Council should consult Historic England on any proposals and consider the effect on viability of the inclusion of any affordable homes in a development scheme. A marketing exercise might result in some delays, but it would accord with Historic England's Guidelines. The DMP rightly applies an enabling policy in this particular case, but any other as yet unidentified case(s) should be assessed against national and local policies, taking into account the broad and general thrust of the Policy. There is no need for the DMP to have a more general enabling policy brought into it.
61. The Listed Buildings of the former Convent and their curtilage are a vitally important heritage asset in St Leonards and in the Borough as a whole. Their inclusion in the Magdalen Road Conservation Area acknowledges even more their historic and architectural importance. The Council is therefore keen to secure their suitable long term future which the provisions of the Policy are designed to achieve. As the Council agrees, it should work closely with the developer and monitor the implementation of a scheme when approved, acting promptly if necessary to ensure that all conditions and obligations are met. Changes to the Policy are nevertheless required to assist the Council in effectively ensuring the suitable long term future for these buildings, hence **MM2**.

The natural environment, including flora and fauna

62. I acknowledged in my Report on the Examination of the HPS that the Borough benefits from a wide range of green infrastructure including the Hastings Cliffs, 3 SSSIs, 7 LNRs, 25 LWSs, Ancient Woodland and 2 Registered Parks and Gardens. Additionally, the High Weald AONB covers as much as 18% of the Borough. To these features should be added other areas of open space, both public and private, and the impressive views of open land which the local topography affords. It is difficult to exaggerate the vital contribution which these open spaces and the links which connect them make to the character and general amenity of this unique Borough. It is, however, a consideration which must be weighed in the balance with the need for land for housing and employment purposes. Hence the DMP, like the HPS, with its Policies EN2-EN8 and the Framework, must be read and applied in its entirety. These 7 policies are suitably amplified in the DMP.

63. The supporting text to Policy HN7: Green Infrastructure in New Developments sets out the advantages of protecting and enhancing the green infrastructure network and of including it in development schemes where applicable and the means of doing so. The Policy seeks to ensure that, where appropriate, good quality green infrastructure is integrated into design, taking account of the need to ensure safe links for the community and connectivity for biodiversity within the existing network. As discussed at the hearings, the Council should, where desirable and practicable, seek to ensure pedestrian/cycle routes of approximately 5 m width.
64. The supporting text to Policy HN8 explains the importance of development proposals contributing to the natural environment by avoiding harm to biodiversity. It includes adequate mitigation of unavoidable harm and, as a last resort, compensates for any unavoidable damage. An ecological constraints and opportunities plan will be required where need be. The Policy gives teeth to these aspirations. Other fauna, including birds, protected or otherwise, and their habitats, are equally important. The Council should ensure, as far as it can, that wildlife and its habitats are given the long term protection which they deserve where development takes place. It is an important consideration, and it may mean that a significant part of a site must be retained and enhanced in its open and maybe sylvan state.
65. Policy HN9 gives suitable protection to the AONB which includes Hastings Country Park and the Hastings Cliffs SAC and to the Combe Valley Countryside Park. Policy HN10 gives protection to private open space, allotments and local green spaces. These are generally smaller spaces, and others to which the Ore Community Land Trust refers can make a vital contribution to the green infrastructure network. They should be protected and enhanced wherever possible and desirable.

Conclusion

66. These policies, modified as recommended, amplify and complement those in the HPS. They serve to ensure that the development plan as a whole is consistent with national policy for conserving and enhancing the historic and natural environment. These considerations are amongst those taken into account in the assessment of the sites which the Council proposes to allocate for various purposes. These DMP policies are positively prepared, effective, justified and consistent with national policy. In this respect, the DMP is sound.

Issue 4 – Whether each and every proposed allocation has a realistic prospect of contributing as envisaged to the Borough's assessed housing requirement, consistent with environmental and other considerations including the Queensway Gateway Road

Introduction

67. The DMP identifies 13 Focus Areas and considers each one in turn for residential development. Each site which the Council proposes to allocate is governed by a Policy which sets out various requirements which are comprehensive where need be. This is a useful approach, in that it makes clear the things which are expected of developers and should ensure that each site will be developed in a suitable manner. These requirements

include those for affordable housing, the submission of an ecological constraints and opportunities plan, provision for open space, an arboriculture plan, effect on nature conservation issues, assessment of land stability, transport statement and travel plan, suitable drainage arrangements and prevention and/or mitigation of any risk of flooding.

68. The number of dwellings put forward for each housing site is purely indicative, showing what might be achieved. Of principal consequence for every scheme will be matters which include design, height, mass, appearance, layout (including the provision of a safe and convenient access), trees, wildlife and its habitat and the relationship with the surroundings including nearby buildings and views of the Borough's natural and historic assets (including of Hastings Castle). These considerations, rather than indicative numbers, should ensure that schemes respect their site and surroundings. This will be an especially important approach for development in and adjacent to Conservation Areas and for sites close to or adjacent to natural assets including Ancient Woodland. Such is the importance of ensuring that new development is worthy of the uniqueness and quality of the Borough and its architectural and natural assets that the DMP should be modified in accordance with **MM3**.
69. The Council's SHLAA is a comprehensive, Borough-wide exercise which ensures that there is an adequate pool of potentially available land from which to test, assess and choose sites for residential development. The appraisal of each site included consultation with statutory undertakers, including Southern Water, and ecological surveys and landscape assessments by external consultants. Viability testing took place to confirm deliverability. Policies and allocations have been the subject of a detailed sustainability appraisal with testing against social, economic and environmental indicators and in the context of the HPS. Inevitably, the Council must rely upon the advice of these consultees, and it is significant that none has raised any objection in principle to any allocation. As I explain, however, this is not the end of the matter.

Focus Area 1 – Little Ridge & Ashdown

70. Holmhurst St Mary (LRA1) is a large, mainly open site of nearly 7 ha. It is within the broadly, mainly built up area which lies to the south of The Ridge and was allocated for residential development in the adopted Hastings Local Plan (2004). It is still suitable in principle for this use and could provide a variety of dwellings, both market and affordable. Similar considerations apply to the 1.86 ha Land adjacent to No 777 The Ridge (LRA3).
71. The main disadvantage applying to these 2 sites, and indeed to others along and close to The Ridge, concerns existing and likely future traffic flows. There are no measured annual average daily traffic (AADT) flows for 2015, but inspections demonstrate that there is a fairly steady flow of traffic in both directions during much of the day, with increased flows during peak periods. Actual and modelled AADT flows between the junctions with Harrow Lane and Conquest Hospital in 2011 are 16,956 and 17,800 respectively. Natural traffic growth is predicted to increase along this stretch of road to 19,300 in 2015 and 22,700 in 2028. With the completion of the BHLR these flows are predicted to increase to 24,400 (2015) and 26,200 (2028) but, with the completion of both the BHLR and

the Queensway Gateway Road (QGR), reduce to 22,900 (2015) and 25,800 (2028). Even so, these 2 road schemes will result in more traffic than is predicted solely from natural growth.

72. Whichever scenario is taken, and accepting that predictions are no more than that, existing traffic flows are likely to increase substantially and may be up to 13-17% between The Ridge East near Grange Road as a result of the BHLR (See County Council's Supplementary Note Table 2). Where they exist, footways along The Ridge are often narrow, visibility is restricted in places especially near Sandrock Park, and pedestrians encounter inconvenience, to put it mildly, when trying to cross the road particularly when accompanied by children. Much the same applies to drivers gaining access to or from The Ridge against the flow of traffic. The County Council proposes Complementary Measures to the BHLR prior to its opening which will comprise mainly junction improvements. They would no doubt serve to assist the free flow of traffic, but would do little to reduce flows.
73. The County Council as Highways Authority advises that the Council's proposed allocations in this part of the Borough comprising 500 or so additional dwellings, could be safely accommodated. It advises that the traffic which they are likely to generate would amount to no more than about 5-8% of total traffic flow in 2028 arising from route assignment changes/additional traffic due to the BHLR and natural growth. Existing and likely future traffic flows and highway conditions along The Ridge are considerations, and important ones, but others are the suitability in other respects of these sites for housing and the Borough's need and requirement for this purpose, in line with Government policy to boost significantly its supply. The evidence does not lead to the conclusion that the residual cumulative impacts of the BHLR and the QGR on the allocated sites would be, in the terms of the Framework paragraph 32, severe. On balance, therefore, these 2 allocations are sound and should be retained.
74. The Harrow Lane Playing Fields (LRA2) is open land of about 4.75 ha. The DMP indicates a capacity for 140 dwellings. There are strong arguments for and against the use of this land for housing and for its retention for possible resumed use for formal recreation. People need housing, but they also need adequate and conveniently located recreation facilities, or at least the land with the potential to provide them. The sloping nature of the land is not ideal for playing fields and the small portakabin style units have lacked showers and are said to have reached the end of their useful life. Nevertheless, the fact remains that this land has been used for formal recreation in recent times. There is no funding available at present, but it is not beyond the bounds of possibility that better facilities could be funded and provided at some time during the plan period. It is reasonable to assume that the likely increase in housing provision in this and other parts of the Borough will result in greater pressure on existing and potential future land for recreation.
75. The Council's evidence, including as set out in HBC/25, is that all the clubs who used this land have moved elsewhere and that it has not been in formal recreational use for 3 or 4 years. The last time it was in use as a formal sports venue was during the 2010/11 football season. Various clubs have left for other grounds and alternative and/or additional provision has been, or will be, found for them at various places, including

at Barley Lane, the Sandhurst and Bexhill Recreation Grounds and The Firs at Elphinstone Road. The East Sussex Sunday Football League was restructured in 2010 and stopped using the facilities at Harrow Lane due to lack of demand. At the hearing, the Council considered that, due also to more and better provision elsewhere, the land is no longer needed for its former purpose.

76. Following my Preliminary Findings, the Council has provided further, more detailed evidence in support of its case (HBC/31). It maintains that provision for recreation can be better provided elsewhere and that Policy LRA2 accommodates any such need generated by the proposed housing development on this land. The prospective developer would be required to provide appropriate open space and green infrastructure as part of the residential scheme, and the Design Brief indicates a significant amount of green space and landscaping along boundaries. The open space(s) should provide for safe and conveniently located children's play area(s).
77. The Council draws attention to the serious implications of the loss of the 140 or so dwellings on the 5 year supply of housing land in particular and on the more general supply of housing land and the delivery of dwellings throughout the plan period. A site of this size has considerable potential for a variety of market and affordable dwelling types in terms of their size and design. As the Council owns it, it could make an early and substantial contribution to the housing requirement, a much needed and integral part of the Council's regeneration objectives. The Council's case, substantially strengthened by its later submission, is convincing. Therefore, the balance of advantage lies with the retention of this allocation in the DMP so as to make a substantial contribution to housing need and requirement, and particularly the 5 year supply.
78. Old Roar House, Old Roar Road (LRA4) is being developed at the time of writing but the Policy should be retained for the determination of any amended plans. The Former Workplace Health & Fitness Centre (LRA5) is previously-developed land within the mainly built up area. It is suitable in principle for residential development. Land North of Downey Close (LRA10) is an open site for which planning permission has been granted for residential development.

Focus Area 2 – Greater Hollington

79. Robsack A, Church Wood Drive (GH1) is an area of 1.24 ha. It fronts Church Wood Drive and adjoins the residential estate of Robsack Avenue. It is within a broad, mainly built up area in this part of Hollington and is part of a wider area which was allocated for residential development in the Hastings Local Plans of 1993 and 2004. It has no statutory nature conservation designation. A scheme of 32 or so dwellings would make a modest, but valuable, contribution to the Borough's urgent housing need and requirement. Close to its frontage, the land includes a sliver of Ancient Woodland which is more clearly marked on the Design Brief than on the Proposals Map. The central part of the site was formerly grassland or meadowland but it now includes small trees and shrubs and is somewhat overgrown in places. Even so, scrub land is not necessarily

unattractive and can be a valuable habitat for wildlife. The same applies to any remaining semi-natural grassland.

80. With its variety of trees and other vegetation, this site is close to areas of Ancient Woodland and the woodland of Local Nature Reserves to its north, south and west. It provides a safe and attractive haven for local people, no doubt including children, and complements Robsack Wood on the opposite, western side of Church Wood Drive. Despite the proximity of residential development, it forms part of the sylvan character of the immediate neighbourhood, an attractive feature which occurs in other parts of St Leonards. Even on a dull morning in late November, this land is a thing of beauty and a joy to behold. Although there was little obvious evidence of wildlife and use of habitats, there can be no doubt of its greater value in this regard during the Spring, Summer and Autumn. The Council's memorandum which considered the ecological aspects and recommended that the site be not developed was submitted in 1998 and is described as an historic document. The need for housing was probably not as intense then as it is now, but this document still has considerable force and the 6 points in its summary are convincing.
81. This land is valuable for its openness, its sylvan character, its wildlife, the habitats which it provides and its tranquillity. The habitats include several ponds. Irrespective of the precision of boundaries, the development of this land with dwellings, access, drives and all that might be expected in a residential scheme would be a thoroughly damaging and unwarranted intrusion into this valuable local asset. As the consultants say in their Report, *it is constrained in many respects*. Measures of mitigation as the Council proposes in later reports would not adequately reduce the impact. The land should be protected from development and consideration should be given to its designation as a Local Nature Reserve (LNR) or Local Wildlife Site (LWS). This would have the added benefit of removing the uncertainty and, like the Sword of Damocles, the impending peril which has hung over it for a number of years. The Framework emphasises the importance of the natural environment as does the HPS. As a matter of soundness, therefore, the allocation for residential development should be deleted in accordance with **MM4**.
82. Lands at Mayfield E, Bodiam Drive (GH2), Mayfield J, Mayfield Lane (GH4) and Mayfield Farm, Mayfield Lane (GH6) would provide suitable opportunity for the rounding off of a larger residential area in the vicinity of Bodiam Drive. The Council rightly acknowledges the need to respect the setting of the Grade II Listed Mayfield Farmhouse.
83. Spyways School, Gillsmans Hill (GH3) is suitable in principle for residential development, but the site and its surroundings include some protected trees. A LWS overlaps it. These considerations, together with topography, demonstrate that the indicative number of 33 dwellings on this site, which is only about one hectare in area, may be ambitious.
84. Land at Redgeland Rise, Former Wishing Tree Nursery (GH5) is previously-developed land within a mainly residential area. It is suitable in principle for this use and reserved matters have been approved for its development. Schemes at No 63 Wishing Tree Road (Former Wishing Tree Public House (GH12) and at No 133 Battle Road (Former Tivoli Tavern) (GH13) are

either completed or nearing completion. They make good use of previously-developed land.

Focus Area 3 – Filsham Valley & Bulverhythe

85. The Grove School (FB1) has been declared surplus to requirements, there being sufficient capacity at the Hastings Academy. The County Council as Highways Authority has raised no objection with regard to access and Natural England has withdrawn its objection to the development of the site. It is entirely, or substantially, previously-developed land in a mainly residential area and provides a good opportunity in principle for housing. A possible total of 240 dwellings should include a significant number of affordable homes. The County Council is taking steps to obtain planning permission, and it is reasonable to assume that development could take place within the next 5 years. The Design Brief helpfully indicates the open areas which should be retained and enhanced and acknowledges the closeness to the site of Ancient Woodland.
86. The former West St Leonards Primary School site (FB2) provides another good opportunity for residential development provided that adequate flood prevention and/or mitigation measures are incorporated into the design. A mixed use scheme as the Council proposes to include 100 or so dwellings would make a useful contribution to the Borough's housing need and requirement. Some doubts have been expressed about its current viability, although the Council considers the land to be deliverable during the plan period. Previously-developed land at Seaside Road, West St Leonards (FB3), is rightly proposed for residential development and for the regeneration of this part of the Borough. There is no reason to doubt that these sites will be developed during the plan period.
87. Following the closure of the private school, the former Westerleigh School site (FB4) and its Playing Fields (FB8), being within a mainly residential area, are suitable sites in principle for housing. Together, they could provide $68 + 7 = 75$ or so dwellings, including affordable homes. Development is nearing completion at the former Hastings College site, St Saviours Road (FB5) following relocation to buildings at Hastings Station Plaza. Again, good use is being made of previously-developed land with the provision of 44 or so dwellings. Much the same comment applies to the proposed mixed use scheme on land at Cinque Ports Way (Former Stamco Timber Yard & TA Centre) (FB6), suitably described by the Council as *a key site on The Front*.
88. Nos 123-125 West Hill Road (Former Malmesbury House) (FB7) is a prominent site for which planning permission was granted in 1998 for 117 dwellings. In 2006, a Certificate of Lawful Development was granted confirming that the development had started within 3 years of the permission. The Council still envisages the same number of dwellings. The Policy suitably refers to land stability. No 190 Bexhill Road (FB9) is a site which includes a number of commercial uses. This previously-developed land could provide for 32 or so dwellings for which planning permission has been granted.
89. Reference is made above at paragraph 37 to Land South of Crowhurst Road (FB10) for which there is an extant outline planning permission for 2 permanent residential pitches for gypsies and travellers and ancillary buildings. Development of the Hastings Garden Centre Bexhill Road

(FB13) for 12 or so dwellings would constitute a rounding off of mainly residential development on land which appears to be previously-developed, or partly so.

90. The development of Lands North of No 31 Fern Road (FB14) and North of No 14 Fern Road (FB15) would result in the loss of 2 pleasant open spaces. Of more concern, however, is the inclusion of FB14 within a LWS and adjoining a newly designated LNR. Nevertheless, planning permission has been granted for its development, no doubt in acknowledgement of the housing requirement. Planning permission has been granted on appeal for FB15 and again the conclusion is that the value of its openness is outweighed by the Borough's housing requirement. The assumption must be that development will follow on both sites in accordance with the criteria in the Policies.

Focus Area 4 – St Helens

91. Land adjacent to Sandrock Park (SH1) is a relatively flat site extending to about 3.32 ha and suitable in principle for residential development. The main problem is its location on The Ridge which includes a pronounced bend at the apex of this triangular site. A suitable access would have to be secured to the land from this busy road. The Council proposes that the proposed allocation be enlarged by the inclusion of land to the south in accordance with **MM5** and this addition could increase its potential capacity from 80 or so to nearer 100. The western boundary of the extended land should be as shown on Land Registry Plan Title Number ESX140891.
92. The Lodge Cottage is in some state of disrepair, but its structure appears to be generally sound. Its original form and detail has survived and it should be retained, restored and maybe extended in accordance with relevant policies to make a positive contribution to the character, context and setting of the Ore Place Conservation Area. The proximity of St Helen's Church and the Grade II Listed Ore Place must be taken into account. A suitable access to the additional land must be provided, either from a new, main access into the enlarged site or by some separate means to be agreed with the Council and Highways Authority.
93. A residential scheme on Land at Osborne House, The Ridge (SH2) appears to be nearing completion on what is, or partly is, previously-developed land. This 2.80 ha site should provide for 55 or so dwellings.
94. Land at Hurst Court, The Ridge (SH3) is a prominent corner site. In terms of land use and location, it is suitable in principle for residential development with a possible capacity of 20 or so dwellings. It is alleged, however, that residential development of the site is not currently viable and that there is no realistic prospect in the foreseeable future of it becoming so. The possible loss of a contribution of this number of dwellings to the Borough's housing requirement would be regrettable, and the Council should be satisfied about the viability or otherwise of this land for housing. Bearing in mind the amount of residential development nearby, the evidence of non-viability is not convincing, and the allocation for housing should stay.
95. Mount Denys, Pinehill & Ridgeway (SH4) include buildings currently used by East Sussex County Council Social Services. They are expected to

become vacant during the plan period, but they are not Listed nor are they in a Conservation Area. Either demolition of these buildings and the redevelopment of the land could take place or some or all of these buildings converted to residential use. Pinehill is a fine Victorian building with an imposing rear elevation. Hopefully it can be converted and its contribution to the Borough's architectural heritage enhanced. Development on the adjoining site, No 191 The Ridge (SH7), has taken place.

Focus Area 5 – Silverhill and Alexandra Park

96. Land at Horntye Park (SAP1) would not result in the loss of any sport facilities. It is in a good location, within about a 15 minute walk to the town centre and on a bus route with frequent services. It should provide a good range of dwelling types, including affordable homes. An additional advantage is that it would serve to support the Horntye Sports Centre with its range of recreational opportunities.
97. Land at Hollingsworth Garage, Braybrooke Road (SAP2) is 0.40 ha in area but is awkwardly shaped. This constraint, together with the prominence of the site and its proximity of the Blacklands Conservation Area, calls for a scheme of imaginative design. This is previously-developed land close to the town centre and its re-use would be in accordance with the Council's worthy aim of regeneration.
98. The site at Nos 12-19 Braybrooke Terrace (SAP3) is within a mainly residential area, as is Nos 347-349 London Road (SAP4). The Silver Springs Medical Practice, Beaufort Road (SAP5) is in use as a medical practice but there is the prospect of its relocation. The site is previously-developed land within a mainly residential area with convenient access to shops and other services at Silverhill. Similar considerations apply to Bilmore Corner, Battle Road (SAP7) and No 4 Wykham Road (SAP8). All 5 sites are suitable in principle for housing and, in totality, would help regenerate this part of the Borough.

Focus Area 6 – Maze Hill & Burtons' St Leonards

99. Planning permission has been granted for 121 dwellings on previously-developed land at the Former Hastings College, Archery Road (MBL1). Should any revised application be made, however, careful consideration must be given to Listed Buildings on and close to the site and its inclusion in the St Leonards West Conservation Area. This 2.2 ha site should provide for a variety in dwelling types and a suitable number of affordable homes.
100. The redevelopment of previously-developed land at No 37 Charles Road West (Former Filsham Nurseries) (MBL2) would secure regeneration in this mainly residential area. Gambier House, West Hill Road (MBL3) is previously-developed land in a prominent cliff top position in the Grosvenor Gardens Conservation Area. It is an attractive building, but not Listed. It is to be hoped that it can be converted to residential use rather than demolished for new development.
101. West Hill Road Reservoir (MBL4) is previously-developed land within the Grosvenor Gardens Conservation Area. No 27 Dane Road (MBL5) and Caple Ne Ferne, No 2 Albany Road (MBL8) are small sites within a mainly residential area and the Markwick Terrace Conservation Area. All 3 sites

are suitable in principle for housing, with the emphasis on conversion of the Listed Caple Ne Ferne. Like new development, good conversions can assist regeneration.

Focus Area 7 - Central St Leonards & Bohemia

101. Nos 1-3 Chapel Park Road (CLB1) is a prominent site which includes a pair of attractive and imposing semi-detached villas. The site adjoins the Kings Road Conservation Area and a number of participants consider that the site should have been included in it. The buildings are not Listed but they make a valuable contribution to the elegance of this part of St Leonards, a fine Victorian townscape. The conclusions of the previous Inspector are noted, including the observation that the area has a delightful mixture of buildings of varying periods, scale and form in a relatively spacious and mature setting with striking topography (APP/B1415/A/09/2116749).
102. The appeal was allowed and planning permission granted for the demolition of the existing properties and the construction of 29 1 & 2 bed apartments with parking. Should this permission lapse or otherwise not be taken forward, the existing buildings should either be suitably converted or an alternative residential scheme prepared which would preserve or enhance local character, complementing the regeneration, enhancement and vitality of the locality which is steadily taking place.
103. Similar considerations apply to the Tax Office and BR Social Club, St Johns Road (CLB2) and the Sorting Office Site, Kings Road (CLB3). They are both in the Kings Road Conservation Area and the suitable re-use of these previously-developed lands would assist the regeneration of this part of St Leonards, complementing the continuing enhancement of Kings Road. They are both suitable in principle for a mixed use development, including residential. The number of storeys for each scheme should not be set at this stage, but should be consistent with a design which is worthy of the surroundings. Great care should be taken in any scheme near St Leonards Warrior Square station which encapsulates the best of Victorian civic planning.
104. Nos 4-5 Stockleigh Road (CLB4) is a vacant site in the St Leonards North Conservation Area. It, too, is suitable in principle for residential development, but all 3 sites call for high quality schemes of distinction, fitting for their location and surroundings.

Focus Area 8 – Hastings Town Centre

105. Hastings Station Yard (part) (HTC1) is a relatively large (0.44 ha) site within the Town Centre and near a good range of shops, offices and other usual town centre uses. Rail and bus services are close by, at the Station Plaza. Other parts of the Station Yard have been developed for educational (Sussex Coast College), health care and retail uses. Full and effective use should be made of this well-located land, high density schemes being in principle consistent with town centre sites. Higher and further education services are assuming a greater importance in the town, contributing about £14,000,000 annually to the local economy. They include the University of Brighton Hastings Campus. This implies an increasing need for student accommodation which is a special type of housing, and this site is well

located to provide for it. Planning permission has been granted for a scheme of 223 student rooms together with 27 other dwellings. The latter, unlike the students' accommodation, should count towards the Borough's housing requirement of market and affordable housing.

106. The Cornwallis Street Car Park (HTC2) is located within a mainly residential area. Surrounding roads are busy in this urban area and there are no conveniently located play areas nearby with safe access to them for children. The Council has considered this matter, stating that 2 playgrounds lie within 600 m of the site with another one just beyond this distance. It makes clear that any future need which may be identified would be dealt with at the time of the planning application. Hence the Policy makes no mention of the need to include a play area or similar in any development proposal for this land. This likely requirement should be made clear in the Policy, and the DMP should be modified in accordance with **MM6**.
107. The Observer Building (HTC3) provides opportunity for a variety of uses in a mixed scheme, including residential. Nos 40 & 41 Wellington Square (HTC4) are attractive buildings within the Old Town Conservation Area. As with others nearby, they are suitable for conversion to residential use.
108. These 4 sites comprise well-located, previously-developed land in the town centre. Their re-use for residential and other suitable purposes accords with the Council's regeneration ambitions of effecting the vitality of the town centre and, in the case of HTC3 and HTC4, of enhancing the character or appearance of the Conservation Area. Their conversion as proposed should be enthusiastically promoted.

Focus Area 9 – Old Town

109. No allocations are proposed for this Focus Area, but the Council envisages 50-70 new homes coming forward during the plan period. The area is described as being characterized by tightly organised buildings with some timber-framed buildings dating from the 15th century. The 13th century St Clement's Church is a local landmark. This Focus area is located entirely within the Old Town Conservation Area and it is a locality of great charm, character and interest.
110. An annual provision of 3-5 dwellings is expected to be provided mainly by small windfall schemes arising from conversions and redevelopment. During 2011-2013 there were 7 net completions, an annual average of 3.5. There must, however, be a limited capacity for conversions and redevelopment at any one time. Overall, however, the number of net additions appears at present to be a reasonable assumption.

Focus Area 10 – West Hill

111. This Area is about 69 ha in extent. It includes Hastings Castle which is a Grade I Listed Building and a variety of attractive Victorian terraced housing. Apart from West Hill itself whose attractive openness should continue to contribute greatly to the character and identity of the town, the area is much developed. The HPS rightly notes that *the vista of open space and elegant housing that surrounds the Castle should be preserved*.

It is a vital part of the character of this part of the town. It is no surprise that the Council proposes no allocations for this Focus Area. It envisages 60-80 additional dwellings during the plan period, an annual average of 4-6 net completions. Again, windfalls arising from redevelopment and conversions are expected to be the main contributors. During 2011-2013, net completions accounted for 31 new dwellings, an annual average of 15.5, a good deal more than expected. If this trend continues, it may compensate for any future shortfall in the Old Town.

Focus Area 11 – Hillcrest & Ore Valley

112. The Former Stills Factory, Ore Valley (HOV1), Ore Valley (HOV2), the Former Mount Pleasant Hospital, Frederick Road (HOV3) and Ore Business Park, Farley Bank (HOV6) are neighbouring sites comprising previously-developed land. Contamination is likely to be an issue. Their re-use for residential development would make a substantial contribution to the Council's policy of regeneration for the Borough as a whole and for this part of it. Development at Nos 87-221 Farley Bank (HOV5) is well under way. Together these sites could provide for a variety of 188 or so dwellings, including a good number of affordable homes. The size of these sites should offer opportunity for a wide choice of dwellings and serve to stimulate the Focus Area which is one of the most deprived in the Borough.
113. Cheviots/Cotswold Close (HOV4) and Upper Broomgrove Road (HOV7) are previously-developed sites within mainly residential areas. No 107 The Ridge (Simes & Sons) (HOV9) is a former industrial site and hence previously-developed land. These 3 sites are also suitable in principle for residential development.

Focus Area 12 – Clive Vale & Ore Village

114. Land at Victoria Avenue (CVO1) is well wooded with steep slopes. The Council acknowledges that it has particular ecological constraints. These are important considerations, but more so is its location at the northern end of the Ore Valley. It thus forms an integral part of an extensive sweep of open, attractive land extending from Victoria Avenue in the north east to Frederick Road in the south west. There are some steep slopes rising up from the valley floor through which flows a stream of much charm and interest. Even on a cold, wet January morning, this is a locality to be savoured and appreciated.
115. Parts of the site include extensive patches of Japanese knotwood which would have to be eradicated prior to development. Some rubbish from fly-tipping and what appears to be asbestos must be removed. It is doubtful, however, whether the cost of all this clearance would be so high as to thwart a residential scheme. If developed, it could accommodate 51 or so dwellings which would make a useful contribution to the Borough's housing requirement. A planning application *is subject to a resolution to grant planning permission by Hastings Planning Committee dated 25 February 2014*. It is for 34 dwellings, garaging, parking and community amenity facilities subject to a legal agreement.

116. Land at the Rear of Old London Road (CVO3) is bounded on 2 sides with residential development. Although described as previously-developed land, it forms part of the open Ore Valley. The Council estimates that it could accommodate 10 or so dwellings. These, again, would contribute to the housing requirement. On balance, however, the wider public interest lies with the land remaining open and contributing to the character of the Ore Valley and the opportunities which it offers for nature conservation, public recreation and the enjoyment and instruction in the ways of nature.
117. Previously-developed land at Church Street (CVO4) is narrow and somewhat awkward in shape. It lies between other areas of residential development. Its shape and position limits the contribution which it makes to the Ore Valley and its development would not unduly undermine the openness of the Valley nor its character or potential. Nor would it thwart the worthy aspirations of the Ore Community Land Trust. Provided that such issues as wildlife and their habitats are suitably accommodated within a scheme, it is suitable in principle for residential development.
118. These 3 sites are part of the area known locally as Speckled Wood, an area of about 5 ha and 1.5 km in length which includes a stream, several footpaths, marshy areas, mature trees, woodland glades, overgrown hedgerows and abandoned allotments. It provides habitats for a variety of flora and fauna. There is no doubt that this open land is much valued by local people. Residential areas are close by, and this is one of the more deprived parts of the Borough with a generally high density of development. People need housing and there is a substantial shortage of it in the Borough. But like their children, they also need attractive open spaces where they can relax, recharge and appreciate the beauty and interest of nature. In the light of the Framework, this open land is demonstrably special to the local community and holds a particular local significance due to its tranquillity and other attributes. As William Wordsworth encourages us, *let Nature be your teacher*. Speckled Wood fulfils this need.
119. The evidence of the Trust is professionally prepared, professionally delivered and is convincing. As it explains, the amount and range of work undertaken by local groups and volunteers, including the clearance of footpaths and streams and the removal of rubbish, is impressive. Without doubt, their commitment will continue and hopefully result in the provision of a children's play space, access for people with disabilities and a small village green. The intention to set up a community food growing project on the abandoned allotments would be a worthwhile and exciting endeavour. The Trust's mission is to acquire land in the Upper Ore Valley to save and enhance urban woodland and green space for community use and to protect animal habitats. Speckled Wood, owing to its beauty and tranquillity, should be treated as a valuable urban green space.
120. The 2 sites identified, CVO1 and CVO3, should be kept in their open state and the Trust encouraged to manage and enhance this local community asset. CVO1 is private land with no lawful public access to it. Irrespective of the landowner's intention *at this point* not to co-operate with the Council in delivering open space on CVO1, the land should be protected as Local

Green Space in accordance with Policies HN8 and HN10. The DMP should be modified in accordance with **MM7**.

121. There is no extant planning permission for CVO3, but it too should remain open as part of the Upper Ore valley, as **MM8** provides. These 2 modifications would accord the DMP with the social and economic roles which, as the Framework explains, the planning system should perform. The deletion of these 2 allocations would serve to make the DMP sound.
122. Land West of Frederick Road known as Little Acres Farm (CVO2) is located within a mainly residential area and includes a bungalow and a number of other buildings. The Council regards it as previously-developed land. Nos 309-311 Harold Road (CVO5) are previously-developed land within a mainly residential area. Both sites are suitable in principle for residential development.
123. All these sites proposed for development in this Focus Area have convenient access to local services and facilities, including public transport at Ore Rail Station. Access to and from this locality would be improved should the Marshlink line between Hastings (Ore) and Ashford via Rye be electrified, together with other improvements, to enable high speed Javelin trains to run direct between Hastings and St Pancras International via Ashford. This should reduce journey times between Hastings and London from 90 or more minutes to about 68. It could result in the economic and regeneration benefits as set out in the Mott McDonald Project Brief, to the advantage of this Focus Area and of the Borough as a whole.

Focus Area 13 – Hastings Country Park

124. No allocations are proposed for this area which is within both the High Weald AONB and a SSSI. Within it, any development would be limited to facilities which would enhance the environment and visitor experience. This approach is eminently sensible.

Issue 5: Whether any additional and/or alternative sites should be allocated for housing.

Introduction

125. Each additional and/or alternative site proposed by parties other than the Council for residential development would have the advantage of bringing the delivery of housing closer to both the Borough's need and requirement. As with the Council's proposals, other considerations must be taken into account, particularly the environmental role.

Land at Breadsell Lane (FA1)

126. This locality was considered in some depth during the examination, in the context of the Framework, of the HPS. There are no matters of sufficient importance which outweigh the conclusion at that time that land at Breadsell Lane should not be allocated for development. Since then, Natural England has confirmed its continued objection to any such proposal. This is a consideration within the overall conclusion that the

sustainability credentials of the HPS and the DMP are better served by its omission.

Land at My Way Lodge (also FA1)

127. This is mainly open land in the High Weald AONB. Its development would substantially erode the openness and rural character of the locality which prevails to the north of The Ridge and The Ridge West in this part of the Borough. Great weight should be given to conserving landscape and scenic beauty in areas such as this, and the conservation of this natural asset outweighs the need and requirement for housing. Exceptional circumstances are not demonstrated.

Summerfields Business Centre (FA5)

128. This site includes a building which is in employment use. Although it is of poor quality with high maintenance costs, the jobs which it provides should be protected for the foreseeable future in line with the Hastings Planning Strategy Policy E1.

Land at Rock Lane (FA11)

129. This is an extensive area which straddles the boundary between the Borough and Rother District. It is within the High Weald AONB. The Council and District Council intend to co-operate on a joint approach to the treatment and management of the Hastings urban fringe to secure a clearer definition of the urban boundary and to protect and enhance the rural character of the locality and access to it. The Council considers that the outcome of this work will inform the form and scale of any future development on this land. In the meantime, however, similar considerations should apply to this part of the AONB as with My Way Lodge. It should not be allocated.

Land at Barley Lane (FA12)

130. This is a steeply sloping site and it is understood that there was a slippage of land on it in 1984 due, it is alleged, to the Council's failure to maintain the retaining wall along the frontage. There is no convincing evidence of a history of instability and it is not a matter which should, by itself and in principle, prevent its development. There is some evidence of development having taken place. This includes a dropped kerb, the levelling of land to accommodate an access with some indications of rubble below it and the remains or beginnings of a wall in a corner of the site.

131. The land was designated in the adopted (2004) Hastings Local Plan as a Site of Nature Conservation Importance (SNCI) following a survey in 1996 of a wider area of Clyde Vale which included the site. On behalf of the landowners it is claimed that there was inadequate consultation concerning the survey, although the local plan process has given them the opportunity to make representations on the DMP and bring evidence to show that, in their opinion, the site has no, or insufficient wildlife value to qualify it as a LWS. This they have done, and their case has not been unduly prejudiced by any shortcomings in the process advocated by DEFRA. The designation followed the recommendation of a panel of ecologists. By the time of the

accompanied site inspection, much of the vegetation on the site had been cleared and the only wildlife to be noticed was a lone magpie.

132. The site is elongated in shape and extends from New Road in the north east to an area of Private Open Space in the south west and thence to a LNR and Open Space. As the Council maintains, and as the accompanied inspection of the site and its surroundings confirmed, it is thus an asset in a collection of assets and should be treated as an integral part of a corridor of essentially open space with the potential for providing a substantial area of natural habitat. The designations were reviewed in 2009 and the site is now included as a LWS in the DMP and hence protected by Policies EN3, EN5 and HN8. The change in designation from SNCI to LWS was in response to the Good Practice Guidelines issued by DEFRA. Considerable weight should continue to be given to the ecologists' professional opinion and, owing to such matters as the importance of wildlife and its habitats in the Borough, the land should not be allocated for development.

133. On behalf of the landowners, a Freedom of Information request has been made to the Council. Whatever the outcome, it does not alter the physical characteristics of the site, its location or its existing and potential value for wildlife.

Land between Old London Road and Greville Road (FA12)

134. This land adjoins Land at the Rear of Old London Road (COV3). It forms the central part of Speckled Wood. Similar conclusions apply as they do to Land at Victoria Avenue (COV1) and Land at the Rear of Old London Road (COV3). It should remain as Local Green Space as the DMP proposes. Alternatively, it could be designated a LNR.

Conclusion

135. Apart from the proposed extension to Land at Sandrock Park, none of these sites should be allocated for development. Consequently there is no need for any further MM in this respect.

Issue 6: Whether the DMP 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 with robust measures designed to rectify and shortcomings

Provision of infrastructure

136. As concluded above, the Council has co-operated with, and consulted, statutory bodies, other service providers and public sector bodies in the preparation of both the HPS and the DMP. They have contributed to the updating of the IDP which has been prepared in accordance with an agreed County-wide format and which the Council is committed to update on an annual basis. None of these bodies has identified any quality or capacity issues incapable of resolution. Indeed, there are statements in support of the Council from East Sussex and Rother District Councils.

137. The Council will not be the sole provider of the infrastructure required, and has to rely on the advice and finance of others. The record for key schemes is good. These comprise the BHLR, due for completion in 2015 with confirmed funding and complementary junction improvements, and the QGR for which planning permission was granted in February 2015. Other items of infrastructure required are essentially local measures including junction improvements to be secured by way of conditions or legal agreements in accordance with the tests set out in the Framework paragraph 204.
138. Other evidence demonstrates the strong support and commitment of such bodies as SELEP and Sea Change Sussex for the delivery of homes and jobs in the Borough. In July 2014, SELEP secured £442,100,000 from the Government's Local Growth Fund to support economic growth in the A21/A259 Hastings/Bexhill Growth Corridor with £64,600,000 of new funding confirmed for 2015/16 and £143,600,000 confirmed for 2016/17. Assuming that SELEP approves a business case for it, £6,000,000 of this funding will be used to provide for a walking and cycling package for Hastings and Bexhill.
139. Other funding has been secured from the Department of Transport for various initiatives including The Ridge Movement and Access Improvements study which has identified the provision of a predominantly off-road cycle route and a series of pedestrian crossing points to serve existing and proposed housing and employment sites as well as the Conquest Hospital and local schools.
140. The provision of main services like gas, water and electricity would be development-funded. National Grid advises that its existing networks should be able to cope with any additional demand for gas and electricity. Neither Scotia Gas Networks nor EDF Energy Networks has identified any capacity problems. Co-operation with Southern Water has resulted in references in various policies to the requirement to provide connections for sewerage and water supply to the nearest points with adequate capacity. Having examined the Council's SHLAA, the Company has not identified any significant capacity issues.
141. It advises that *there is a reasonable prospect of the required water supply and wastewater infrastructure being in place to provide for the proposed development*, subject to various minor amendments to the text. The Company requests modifications to Policies HN9 and HN10 which essentially would enable development to take place in Areas of Landscape Value and Amenity Green Spaces if it outweighed any harm. Material considerations would, however, accommodate any such circumstances and there is no need to make the modification sought.
142. The promotion and increased use of sustainable forms of transport, including walking and cycling, is a key policy in the HPS. Policy DM4 of the DMP amplifies it with, for example, its reference to the inclusion within development schemes of pedestrian and cycle routes into and through sites to promote links to other schemes and routes. This approach should enhance the green networks throughout the Borough and make walking and cycling more attractive, convenient and healthy ways of getting around

the Borough. The County Council advises that *there is more than a reasonable certainty that the walking and cycling infrastructure identified in the IDP will be delivered to support the proposed development.*

143. Other measures include the requirement for a bus lane along Bexhill Road as part of a scheme for the Former West St Leonards Primary School (FB2). The HPS raises the prospect of a park and ride scheme. Given the convincing criteria for a successful park and ride scheme as set out by the County Council, it is doubtful whether it is justified at present. It is a matter which the Council and the County Council may wish to keep under review.
144. Coast and flood protection measures continue to be necessary along The Front, and this will require DEFRA funding. This is a matter of climate change which applies to other authorities along the coast. The necessary surveys have been funded by DEFRA and it is reasonable to assume that enough money will be forthcoming. Watercourses are another potential source of flooding. The Council's SFRA (2008) informs the HPS and the DMP with regard to both possible sources of flooding. The Council realistically accepts that the risk of flooding cannot be completely eliminated, if only because the cost would be prohibitive. The planning process can, however, reduce the risk, and that is the approach of the development plan.
145. Policy SC7 of the HPS supports the allocation of land which is not liable to flooding or would increase the risk of flooding elsewhere. It then adopts a risk-based sequential approach in determining the suitability of land for development and requires developers to deal with flood risk in areas of highest risk by requiring the use of Sustainable Urban Drainage Systems (SUDS). Consultants were commissioned to undertake a sequential test of all sites initially put forward for development and the conclusions were validated by the Environment Agency. As a result, a number of sites, particularly at Bulverhythe, were deleted as the preparation of the DMP progressed.
146. The County Council, as Local Education Authority, confirms that the Council has worked closely with it throughout the preparation of the DMP in establishing the education requirements arising from the planned growth. The IDP estimates their cost of provision, location and timescales. As an example, the expansion of the Robsack Wood Community Primary School is underway with completion expected in September 2015. The project is funded from the County Council's capital programme, Section 106 contributions and Government grant. Feasibility studies of a number of schools are being undertaken to inform how best to provide for additional primary school places.

Implementation and Monitoring

147. The DMP sets out a detailed list of indicators and targets for its policies together with the sources of the relevant information. It follows and accords with the Monitoring and Implementation section in the HPS and the 2 parts of the development plan should be considered together. Of particular relevance are the provisions for the monitoring of house building

and the types of dwellings completed. The HPS proposes various indicators including an annual update of the housing trajectory, the annual net number of dwellings completed for both the Borough and its Spatial Areas and the annual completions of affordable homes. Vitrally, this will assist in ensuring a 5 year supply of deliverable sites for housing. Indicators also apply to the provision of employment land and to other DMP policies. They are relevant and measurable.

148. The Council has an effective monitoring system in place. Relevant information is collected on a regular basis and the aim is to publish a twice yearly Local Plan Monitoring Report on its website. A Monitoring Board has been established comprising elected members of the Council, key Heads of Service and representatives of the County and Rother District Councils. It is proposed to meet every 6 months. A crucial task will be to bring the strategy of the development plan back on track should there be any actual or likely significant departure from it. This could involve discussions with landowner(s) should a site or sites not come forward for development when expected with a view to overcoming any problems. Where the 5 year supply of deliverable sites is under threat, a more drastic measure like the review of the DMP would be considered. This approach accords with the relevant provisions of the HPS.

149. The Council will rely for the foreseeable future on Section 106 Agreements to secure contributions for the provision of infrastructure unless it can be provided on site as part of the development. It has resolved not to introduce a Community Infrastructure Levy for the time being owing to the relatively low sales value of open market residential property. Similar considerations apply to commercial and industrial land values. Should these values increase and/or owing to changes in requirements for affordable housing on small schemes, the Council may reconsider this conclusion.

Conclusion

150. The evidence shows good track record, commitment and robust measures in place for monitoring and implementation. In these respects, the DMP is sound.

Conclusion on Soundness

Positively prepared

151. The Council has not had an easy task in proposing land allocations for housing. As the HPS explains, there is a need for some 6,863 net new homes in the Borough during the plan period, an annual average of 404. This is the full, objectively assessed need for market and affordable housing to which the Framework refers at its paragraph 47. Natural and historic assets, administrative boundaries and the densely built-up form of much of the Borough severely restrict the amount of housing and other development which could suitably be accommodated within it, as the HPS acknowledges.

152. The HPS proposes a housing requirement of at least 3,400 net new dwellings during the plan period, an annual average of at least 200. These figures, and each proposed allocation, should be seen in the context of the Government's determination to boost significantly the supply of housing, a matter acknowledged in the HPS. The HPS, like the Framework, should be read and applied as a whole. The emphasis on the re-use of well-located previously-developed land and the continuing emphasis on regeneration and renewal accord with both documents. So does the approach of allocating other land within, or close to, the mainly built-up areas and in sustainable locations within reasonably convenient access of a good range of services, particularly public transport. In general, the Council has done an excellent job in consulting and responding to relevant parties, particularly with regard to its SHLAA, and reconciling competing objectives.
153. The DMP as submitted to the Secretary of State comes close to achieving the right balance between the often competing economic, social and environmental roles of planning to which the Framework refers. Provided that **MMs 1-8** are included in it, it will have been positively prepared.

Justified

154. The SHLAA, updated in July 2014, is a comprehensive document prepared to demonstrate that there is an adequate pool of potentially available land from which to test, assess and choose land for housing and employment purposes. Each candidate site has been appraised to assess its suitability for development. In consultation with colleagues, landowners, their agents and others, planning officers assessed the potential capacity of each site. This is a useful first step, although subject to matters of design. The DMP has been the subject of viability testing by independent consultants to ensure deliverability/viability of the selected sites. The policies and allocations have been the subject of detailed Sustainability Appraisal work, as the Regulations require, to ensure general conformity with the HPS and the Framework in terms of sustainability.
155. The IDP will continue to be updated on a regular basis. It sets out the key infrastructure needed to deliver the proposed growth and shows how and when it will be funded and the lead agency responsible for its provision. It is vital in its support for the DMP. In these respects, the DMP is justified.

Effective

156. In general, the DMP delivers the spatial vision, objectives and level of growth set out in the HPS. In particular, it continues to promote regeneration and renewal. Conservation of natural and historic assets is a vital part of renewal, ensuring that the essential quality of the Borough is protected and enhanced. The DMP, when modified, will include effective policies in this regard. The Council's track record in effecting and encouraging regeneration is good and instils confidence in the future and in the reasonable prospect of the proposals being taken forward.
157. Good examples include the funding support from SELEP, the delivery of the BHLR and the opportunities it provides in the unlocking of potential employment development sites and the regeneration at Hastings Station

Plaza, Hastings Pier and Pelham Place. The commitment of Sea Change Sussex to Hastings Town Centre is demonstrated in the promotion of office accommodation at Priory Quarter. Developer interest in certain sites and the amount of development already started on other allocations provides further confidence that the DMP is realistic in its proposals. In these respects it will, when modified, be effective.

Consistent with national policy

158. The modified HPS, the adoption of which was unchallenged, was judged to be consistent with national policy. In so far as the modified DMP will generally conform with the HPS, it will also conform with national policy. Moreover, as explained above, the DMP when modified will achieve the balance between the economic, social and environmental roles of planning to which the Framework refers. The economic role includes the allocation of sites and the delivery of jobs, the provision of infrastructure and policies and proposals for the vitality of town and other centres. The social role includes the allocation of land to provide for the housing requirement, a choice of dwelling type and quality of accommodation.

159. The environmental role includes the protection of natural and historic assets. It is all too easy to focus on one particular paragraph or policy and advance an argument on it for, say, the deletion of an allocation. There are, however, 3 examples where the Council has, in my judgement, placed too much emphasis on the economic and social roles, especially the housing need and requirement, and not enough on the environmental role. These are the proposed allocations at Robsack A, (GH1), Victoria Avenue (CVO1) and Rear of London Road (CVO3). They should be deleted in accordance with the relevant MMs.

Conclusion

160. In general, the Council's approach is sound and largely accords with the strategy for sustainable development set out in the Framework and in the HPS. With the recommended MMs, the DMP would comply with the criteria of soundness and could proceed towards adoption.

Assessment of Legal Compliance

161. 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 Development Management Plan is identified within the approved LDS (July 2014) which sets out an expected adoption date of November 2015. The Plan's content and timing are compliant with the LDS.
Statement of Community	The SCI was adopted in July 2014 and consultation has been compliant with the

Involvement (SCI) and relevant regulations	requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (June 2014) sets out why an AA is not necessary.
National Policy	The Development Management Plan complies with national policy except where indicated and Main Modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Local Plan complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

162. 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.
163. The Council requests that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended MMs set out in the Appendix the Hastings Local Plan Development Management Plan Revised Proposed Submission Version 10 March – 22 April 2014 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

HASTINGS DEVELOPMENT MANAGEMENT PLAN

APPENDIX

MAIN MODIFICATIONS

MM1 Deletion of Policy FB12 – Land south of Upper Wilting Farm for the development of wind turbines

MM2 Modification of Policy HN6 – Former Convent of Holy Child Jesus, Magdalen Road

Planning permission will not be granted for development within the curtilage of the Former Convent of the Holy Child Jesus unless it is enabling development which would secure the long term suitable use and future of the existing Listed Buildings.

Planning permission for enabling development will not be granted unless such development would:

- a) Secure the management in perpetuity of the whole site as a single entity and as a place of special significance;
- b) Secure the ongoing management of the whole site, including the respectful protection and enhancement of the Nuns' Cemetery;
- c) Subject to any need to provide affordable housing, be the minimum amount of development required to secure the long term future of the existing buildings and the site as a whole;
- d) Follow genuine investigation of the potential for securing the long term future of the buildings without the need for enabling development and follow the exploration of unrestricted disposal of the site on the open market;
- e) Convincingly demonstrate that it would be the only realistic source of sufficient subsidy to secure the suitable long term future of the Listed Buildings;
- f) Minimise the harm to other public interests;
- g) Provide an appropriate amount of affordable housing (for which see Policy H3 of the Hastings Planning Strategy), even if this increased the overall number of units to be provided; and where
- h) The public benefit of securing the future of the heritage assets through enabling development decisively outweighed the harm or otherwise caused by the scheme.

The Local Planning Authority will liaise closely with Historic England on any scheme submitted including the sharing with them of any viability assessments or financial assessments submitted to support any development proposals.

In addition, planning permission will not be granted for enabling development unless:

- 1) The impact of the development is precisely defined at the outset, through the granting of full, rather than outline, planning permission;
- 2) The achievement of the heritage objective is secured through the use of a Section 106 agreement or by other enforceable means;

3) The heritage assets concerned are repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, and in any event, before completion or occupation of any new build;

New supporting text paragraph after Policy HN6:

These Listed Buildings and their curtilage are a vitally important heritage asset in St Leonards and in the Borough as a whole. Their inclusion in a Conservation Area emphasises even more their historic and architectural importance. The Council is therefore keen to secure their suitable long term future which the provisions of the Policy are designed to achieve. Enabling development is, however, undertaken as an exception to the usual planning policies which apply and this justifies the rigour of the Policy. The Council will therefore work closely with the developer and monitor the implementation of an approved scheme, acting promptly if necessary to ensure that all conditions and obligations are met.

The Council is also mindful of the need to protect the setting of nearby Listed Buildings and of the Conservation Area as a whole when considering any new development proposals for the site.

The general principles set out above will, where appropriate, be applied in the case of any other proposals for enabling development elsewhere in the Borough.

The Council will also take into account Historic England's adopted and emerging guidance on heritage assets and in particular advice on development in relation to heritage assets, protecting views and settings. (insert weblink)

Through its pre-application service, the Council will provide informal guidance as to what constitutes enabling development in terms of the above Policy. Where development proposals are not considered to be enabling development after consultation with the Council, such proposals will be assessed against other relevant policies in the Plan.

MM3 New Policy concerning Design etc

The number of dwellings set out in the Proposed Allocations Policies is purely indicative, showing what might be achieved on each site. Of principal and greater consequence for every scheme, however, will be matters which include design, height, mass, appearance of the proposed building(s), layout (including the provision of a safe and convenient access), trees, biodiversity, green infrastructure and relationship with the surroundings including nearby buildings and views of the Borough's natural and historic assets (including Hastings Castle). These considerations, rather than indicative numbers, will provide the guidelines to ensure a development worthy of the site and its surroundings. For development within Conservation Areas, the Council will insist on schemes of distinctive design, quality and character consistent with the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. A similar approach will be taken with regard to any scheme which would affect the setting of a Conservation Area. The Council will advise and work with prospective developers from the inception of each scheme to ensure a development of distinction.

MM4 Deletion of Policy GH1 – Allocation of Robsack A, Church Wood Drive, for residential development

MM5 Modification of Policy SH1 – Allocation of land adjacent to Sandrock Park, The Ridge for residential development, to include additional land to the south as shown on the plan accompanying the Statement of Common Ground (HBC/7) with any suitable amendment to its western boundary.

Addition of 2 criteria to the Policy, as follows:

- a) Lodge Cottage shall be retained in any overall development proposal and restored and/or extended to provide for its viable future use; and
- b) Vehicular access to the enlarged site shall be agreed with the Highways Authority (East Sussex County Council); this may involve use of the principal access to the proposed allocation SH1 or by separate means; should no separate access to the enlarged site be practicable to the satisfaction of the Highways Authority, access through the main, larger part of the site would not be unreasonably withheld.

MM6 Modification of Policy HTC2 Cornwallis Street Car Park

Planning permission will be granted for residential development (possible net capacity of 10 dwellings) on the Cornwallis Street Car Park provided that the development includes:

- v) a children's play area, "pocket park" or similar open recreational space.

MM7 Deletion of Policy CVO1 – Allocation of Land at Victoria Avenue for residential development.

MM8 Deletion of Policy CVO3 – Allocation of Land at the Rear of Old London Road for residential development