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Dear Sir/ Madam

EASTBOURNE LOCAL PLAN

1. Thank you for consulting with the Home Builders Federation (HBF) on the Eastbourne Local Plan.
2. HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which include multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

Draft National Planning Policy Framework

3. HBF recognise the draft NPPF will have no weight until it is formally adopted. However, consideration will need to be given as to how the new NPPF, when it is published later this year, impacts on the soundness of policies in the local plan.
4. On the basis of paragraph 4 and 8 in Annex A of the draft NPPF this local plan, which the Council propose to submit under the current plan making process, will be examined under the NPPF24. However, it is also notable that in relation to decision making Annex A also states that from the date the new NPPF is published local plan policies that are "*...any way inconsistent with national decision making policies in this Framework should be given very limited weight, except where they have been examined and adopted against this Framework*". Therefore, should this new iteration of the NPPF be adopted unchanged the Council will need to have regard to national policies for decision making given that any inconsistency would effectively render many of the development management policies proposed in this consultation that are not consistent with the new Framework redundant as soon as the local plan is adopted.
5. It is clear from the draft NPPF, and the decision to establish national policies for decision making, that the Government are seeking to limit the number of development management policies in local plans that seek to gold plate policies and go beyond national standards which place significant burdens on applicants as well as their own officers. The Council have noted that it will need to review development management policies following publication of a new NPPF. HBF agree and it is our contention that any policies which are inconsistent

with the new framework should be deleted in order to avoid unnecessary and lengthy discussions on an application by application basis as to the weight that should be attached to the policies in the adopted local plan.

Duty to Co-operate.

6. The publication of the Housing and Planning Minister's Written Ministerial Statement on Reforming Local Plan Making published on the 27th of November states that the Government has decided not to save the Duty to Co-operate. Therefore, once the relevant regulations have been enacted local planning authorities will no longer be under a legal duty to co-operate.
7. While the legal duty to co-operate will therefore not apply to this local plan this does not remove the requirement in the NPPF that in order to be considered sound a local plan must be "*based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground*". The only difference arising from the removal of the duty is that a failure to co-operate effectively is a soundness matter and as such the Council will need to be able to show that they have co-operated effectively on strategic matters such as unmet housing needs.

Policy SS5: Provision of Homes

8. SS5 sets out the housing requirement for Eastbourne as 6,010 net additional homes across the plan period. This is a capacity constrained figure that reflects expected supply and leads to a shortfall of 8,270 homes over the plan period. Firstly, the Council will need to ensure that the requirement is consistent with housing supply expectations. While the trajectory at appendix 2 states that the supply over the plan period will be 6,010 homes, the cumulative total in that appendix is 6,025 homes. While this is a small discrepancy it is important to ensure consistency within the Council's expectations and policy.
9. Secondly, HBF consider it to be necessary for the Council to set out in the policy the shortfall in housing delivery against assessed needs and that the Council seek to secure the delivery of additional dwellings in neighbouring area to address these unmet needs. HBF recognises that constraints are likely to mean that it cannot meet its own needs in full. As such it is vital that the scale of the issue is recognised in the plan so that this can inform the actions of the Council both in terms of decision making but also in challenging neighbouring areas to do more to address Eastbourne's unmet needs given its significant constraints. At present it is not clear from the local plan and supporting evidence what has been done to try and secure the delivery of homes elsewhere to address unmet needs.
10. However, in order to be considered effective, any co-operation must go beyond writing to Council's neighbouring areas asking if they have capacity. Across Sussex and the South East this approach has elicited no additional homes to address unmet needs in areas such as Eastbourne and cannot be considered to be effective. The Council needs to be more challenging – interrogating the plans of other areas and their claims that they cannot meet needs in full or help Eastbourne meet some of their needs. In other words, the Council will need to be proactive in seeking to have their needs met elsewhere, setting out the negative consequences of housing needs not being

met not just to Eastbourne and its residents but also to neighbouring areas. Tackling the Borough's housing crisis must be a top priority, however, without other areas addressing the pressing need for new homes arising in Eastbourne the Council will inevitably fail in this objective. Only through more strategic action to secure development beyond its tightly drawn borders will it be able to address the ongoing issues around affordability, the delivery of affordable housing and the rising costs of temporary accommodation¹.

11. Finally, the Council will need to ensure that the plan period is consistent with national policy. HBF would recommend that the plan period starts in 2025/26. At present the plan starts 3 years prior to submission despite assessments of housing need being based on data from 2025/26. As the Council will no doubt be aware, the standard method for assessing local housing need uses an affordability adjustment to take account past levels of under delivery. As such there is no need for the housing trajectory to include years prior to the assessment taking place. Using the trajectory in appendix 2 this would result in an overall housing need of 5,512 homes and an annual requirement across the plan period of 324 dwellings per annum.

Policy TC1: Healthy Places

12. HBF considers it unjustified to require development of 10 or more dwellings to undertake a screening for a Health Impact Assessment (HIA) and development over 25 to undertake and submit an HIA. While there are clearly health issues to be addressed in Eastbourne, HBF considers that this is for the plan to address through its policies, not for development to screen through the application process. Developments that are consistent with the policies in the plan should by dint be supporting the objectives of the plan to encourage a healthy lifestyle. Ergo there is no need for development to undertake an HIA screening, or indeed a full HIA. There may be justification for much larger sites that are not allocated in the local plan to undertake a screening process and potentially an HIA, but otherwise the requirement to undertake an HIA screening or HIA should be removed.

Policy HO1: Affordable Housing

1. The policy requires 40% affordable housing on greenfield sites and 30% on wholly previously developed land. The viability evidence was published in 2022, and an update will be needed to take account of any change in the costs of developing in Eastbourne. In particular the Council will need to:
 - Recognise that build costs are increasing rapidly and that BCIS costs will not reflect the situation faced by developers. While inflation on build costs (materials, labour, plant) has come down from the 11% experienced toward the end of 2022 it is still higher than the general Consumer Prices Index at 4.4%². This will mean that overall build costs are likely to be higher than those set out in the Viability Assessment. This must also be reflected in the cost of delivering infrastructure and any payments relating to S106 agreements.

¹ In 2024 Eastbourne Borough Council said it was paying 49p out of every £1 in council tax on temporary accommodation, a position it considered to be unsustainable - [BBC](#), Feb 2024.

² <https://www.bcis.co.uk/insight/construction-inflation-reflecting-reality-with-project-cost-data/> m

- Include the cost of paying the Building Safety Levy which in Eastbourne will add £18.80 per square meter on the cost of developing homes on PDL and £37.61 on greenfield sites.
- Use up to date costs for delivering BNG. Many studies continue to use costs from the DEFRA Impact Assessment published in 2019. Of particular concern is that this costs off site provision at £11,000 per biodiversity unit. Evidence from providers is that this can range from between £30,000 to £150,000 depending on the type of biodiversity to be offset. Given that Eastbourne is seeking to maximise delivery of PDL, the need to offset delivery may be more frequent and as such the costs must be accurately reflected. HBF would also recommend that on strategic sites an assessment is made as to the baseline habitats to better understand the costs of delivering 10% net gains in biodiversity.
- Fully recognise the costs of meeting the Future Homes Standard now that the Government have confirmed that this will require PV.
- The cost of delivering M4(3) included in the report is £14,155. This is an indexed link cost based on the DCLG housing standards review. However, this is the cost of wheelchair adaptable housing not a wheelchair accessible dwelling specified by the Council in HO1. The EC Harris report from 2014 which was commissioned by DCLG for the Housing Standards Review indicates that the cost of building a wheelchair accessible housing is circa £15,500 for apartments and £30,000 for a house. Increasing these costs in line with inflation would mean they are substantially higher than in the Viability Assessment.
- Ensure that the additional costs facing developers of older people's housing are included. There are a number of reasons:
 - Firstly, older peoples housing has less efficient net to gross ratios than general purpose housing and the inclusion of extensive communal areas, care facilities and other ancillary uses. This is recognised in the viability assessment and includes 20% adjustment for no saleable floor space. However, this is at the lower end and can be as high as 40% of the total area. HBF would recommend that it is increased. The net to gross ratio on an older people's housing development is also typically of 70% compared with 85% for low rise general purpose flatted blocks.
 - Secondly specialist housing developments for older people tend to have longer sales periods, as purchasers prefer to view the flat, they intend to buy which results in very little off-plan buying during construction. The average sales rate for flatted sheltered housing at present is 0.6 sales per month. The rate has fallen year on year over the last 10 years from circa 1.3 sales per month in 2016 to less than 1 sale per month on average across the major providers of this typology.
 - Finally, the sales and marketing costs for older person's housing are typically 6% of GDV and not 3% as suggested in the viability assessment. Age-restricted products require more intensive marketing and sales staff involvement over several years for relatively small developments and do not compare to general needs housing in terms of these costs.

These additional costs are likely to make it very difficult to viably deliver either retirement or extra care housing in Eastbourne development while also providing affordable housing. Where evidence does show this to be the case then the policy should respond to this and state that such development will be exempt from providing affordable housing. More detailed evidence on the additional costs faced by retirement

house builders is available in “*Community Infrastructure Levy and Sheltered Housing/Extra Care Developments*” published by the Retirement Housing Group³.

2. Finally, in the eighth paragraph of the policy, it is stated that the council may set a maximum post discount sale price in line with local affordability evidence. As the Council will be aware it cannot seek to set policy in supplementary guidance. If the council are to set a maximum post discount sale price this must be done in policy and not outside the local plan to ensure that it can be properly tested through examination and not amended without going through the relevant processes for amending local plan policy.

Policy CR2: Development Standards.

3. As set out earlier the Council will need to give careful consideration as to the consistency between policies in this plan and the draft NPPF. The new framework is likely to have been adopted prior to this plan being submitted and will be a material consideration in determining the soundness of the local plan. What is evidence from PM13 in the draft NPPF is that policies such as CR2 which seek to dictate how homes are built will not be consistent with national policy. Policies seeking to reduce emissions should focus on the orientation and layout of buildings to reduce emission and maximise energy efficiency and should not ask for energy statements setting out how the construction of homes has reduced energy demands. The Government is clear in the draft NPPF that such matters are for building regulations to consider, not the planning system.
4. Even on the basis of the current Framework the Council will need to amend this policy to take account of the introduction of the Future Homes Standard (FHS). This new standard will require the use of heat pumps and as such this does not need to be repeated in policy. It is also not necessary to prioritise connection to a low carbon heat network over the use of heat pumps. Both are low carbon methods of heating homes and as such there is no need for prioritisation. In fact, the requirement to connect to a heat network reduces consumer choice and can in some circumstances increase the cost of heating homes. As such the hierarchy of heating systems should be removed.

Policy CR3: Solar PV, Storage and Demand Management.

5. HBF considers the opening paragraph in this policy to be unnecessary in relation to residential development given that the FHS will include requirements for PV.

Policy CR6: Water Efficiency

6. The requirement for development to achieve water consumption of no more than 105 litres per person per day (lppd) it is not consistent with national policy as this is lower than the optional technical standard for water consumption of 110 lppd set out in Planning Practice Guidance. The Council’s justification for going below policy is that the south east is an area under serious water stress. While this is justification for meeting the

³ <https://retirementhousinggroup.com/resources/>

optional standard of 110 lppd it is not a justification for going below that standard. The only reason for going below 110 lppd is where development would be prevented from being built without a lower water use standard (for example where it would impact on a protected habitat). This is not the case here and as such the lower standard allowed for in national policy should be used.

Policy CR8: Cycle parking provision.

7. Paragraph 6.1.43 states that cycle parking must be in accordance with the Department for Transport Local Transport Note 1/20 or subsequent guidance. The Council should not seek to give any current or subsequent guidance the status of policy in the plan. If guidance changes and the council wishes to use this as the basis for this policy, it must update the local plan. The phrase “*subsequent guidance*” should therefore be deleted and the phrase “*in accordance with*” must be deleted and replaced with “*have regard to*”.

Policy QE4: Biodiversity Net Gain

8. Given that the delivery of 10% net gains in biodiversity is a statutory requirement, HBF does not consider this policy to be necessary. However, if a policy is included its approach to offsite delivery must be consistent with policy and guidance. There is no requirement in policy for offsite provision to be as close as possible to the development. This is because the metric includes a spatial risk multiplier which increases the number of biodiversity units that must be delivered the further away from the development they are provided. It is therefore already in the interest of the developer to deliver offsite BNG as close as possible to the development and as such there is no need for any consideration as to the location of any offsite BNG units as part of a planning application. The policy also states that offsite delivery should be achieved through a planning obligation. This is incorrect. Offsite net gains can also be achieved through conservation covenant. These are similar to a s106 Agreement in being legally binding, perpetual, and binding on future owners but are not governed by the Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Policy QE5: Urban Greening

9. HBF does not consider the requirement for development of 5 or more dwellings to calculate and achieve a specific urban greening factor (UGF) to be effective. It is possible for development to provide the necessary green infrastructure without having to resort to specific standards. The use of such standards simply removes any flexibility of the developer to respond effectively to the site and its context. A more appropriate approach would be for development to be required to deliver on site green infrastructure that is proportionate in scale to the development and takes into account the context of the site.

Policy HO3: Specialist Housing for Older and Vulnerable People

10. The policy requires housing for older people to provide affordable homes in line with policy HO1. As set out in our comments on HO1 the Council will need to revisit its Vitality Assessment to ensure that it accurately reflects the cost of developing new homes in Eastbourne. HBF are concerned that costs relating to the development of

older people's housing are not fully reflected and providing affordable homes will make development of this type of housing unviable. The outcome of any study will also need to be reflected in policy to avoid a site by site negotiation on development for older people's housing.

HO4: Provision of Self-Build and Custom Housebuilding.

11. The threshold of 10 or more dwellings in this policy is too low. It is highly impractical for such small sites delivering relatively few homes to bring forward plots for self-build with a high risk of plots being left unfinished well after the rest of the development has been built out. This is not only dangerous but has a significant negative impact on the other occupants. It is recognised that in some circumstances it may be appropriate to require some self-build on larger sites. However, this must be on sites where it is possible for self-build to come forward in manner that does not impact on the rest of the development. This will inevitably be on larger strategic sites where it has been agreed with the developer as part of the allocation and not on smaller developments where it is more likely than not to be impractical to deliver, rendering the policy ineffective.

Policy HO7: Residential Accessibility

12. As set out in our response to HO1 the cost of meeting this standard has been underestimated. The Viability Assessment will need to be updated. The Council will also need to ensure the policy is consistent with PPG with regard to wheelchair adaptable homes and wheelchair accessible homes, as the later can only be required in policy on homes where the local authority has nomination rights.

Policy EI4: Water supply and waste water management

13. HBF's position is that it is the legal responsibility of water companies to ensure a supply of water for new development and that it should not be for house builders and other developers to address the failings of water companies to upgrade infrastructure to increase supply and prevent the huge loss of water from leaks. It is therefore not sound for the council to ask developers to show that there is capacity in supply over the lifetime of the development. HBF does not consider this to be necessary as the capacity of the water supply infrastructure to be a land use planning matter for consideration on an application-by-application basis as Water companies are subject to statutory duties under S37 and 94 of the Water Industry Act 1991 (WIA 1991). Section 37 of the Act, set out below, imposes a statutory duty on all water companies to provide and maintain adequate infrastructure and potable water supplies.

“S37 General duty to maintain water supply system etc. (1) It shall be the duty of every water undertaker to develop and maintain an efficient and economical system of water supply within its area and to ensure that all such arrangements have been made— (a) for providing supplies of water to premises in that area and for making such supplies available to persons who demand them; and (b) for maintaining, improving, and extending the water undertaker's water mains and other pipes, as are necessary for securing that the undertaker is and continues to be able to meet its obligations under this Part. (2) The duty of a water undertaker under this section shall be

enforceable under section 18 above— (a) by the Secretary of State; or (b) with the consent of or in accordance with a general authorisation given by the Secretary of State, by the Director.”

14. Consequently, it is inappropriate to include a policy in the local plan requiring a housebuilder, or other applicants for development, to assess the capacity or otherwise of the water company to provide water supply connections as they are an attempt to get applicants to do things for which they are not legally responsible. Rather it is the responsibility of water companies, working with local authorities and the Environment Agency, to plan for the future demand for water services relating to the development requirements proposed in local plans, not applicants. If the Council cannot show that there is sufficient water supply to meet the level of development set out in the local plan, then it cannot be considered to be deliverable. HBF therefore consider it necessary for opening paragraph to be deleted.

Future Engagement

15. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider housebuilding industry.
16. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



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