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Dear Sir / Madam

RUTLAND LOCAL PLAN – PRE-SUBMISSION CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above-mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes 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. We would like to submit the following representations to this pre-submission consultation and attend future Examination Hearing Sessions to discuss matters in greater detail.

Duty to Co-operate

As set out in the 2019 National Planning Policy Framework (NPPF), the Council is under a Duty to Co-operate with other Local Planning Authorities (LPA) and prescribed bodies on strategic matters that cross administrative boundaries (para 24). To maximise the effectiveness of plan-making and fully meet the legal requirements of the Duty to Co-operate, the Council's engagement should be constructive, active and on-going. This collaboration should identify the relevant strategic matters to be addressed (para 25). Effective and on-going joint working is integral to the production of a positively prepared and justified strategy (para 26). The Council should demonstrate such working by the preparation and maintenance of one or more Statements of Common Ground (SoCG) identifying the cross-boundary matters to be addressed and the progress of co-operation in addressing these matters. A SoCG should be made publicly available throughout the plan-making process to provide transparency (para 27).

The National Planning Practice Guidance (NPPG) confirms that a key element of Local Plan Examination is ensuring that there is certainty through formal agreements that an effective strategy is in place to deal with strategic matters when Local Plans are adopted (ID : 61-010-20190315 & 61-031-20190315). The NPPG explains that a SoCG sets out where effective co-operation is and



is not happening throughout the plan-making process (ID : 61-010-20190315). The NPPG also sets out that by the time of publication of a Draft Plan, a SoCG should be available on the Council's website. Once published, the Council should ensure that the SoCG continues to reflect the most up-to-date position of joint working (ID : 61-020-20190315). The HBF note that there are no SoCGs accompanying the pre-submission Local Plan consultation. The Council has published a report titled "Summary of Duty to Cooperate Engagement and emerging SoCG" dated January 2020. The Council state that several SoCG are being prepared, which will be appended to the final "Duty to Cooperate Statement of Compliance" and submitted to the Local Plan examination. This timescale is inconsistent with the NPPG.

Rutland adjoins five other LPAs namely Melton & Harborough District Councils (in the Leicester & Leicestershire Housing Market Area (HMA)), Corby & East Northamptonshire District Councils (in the North Northamptonshire HMA) and South Kesteven District Council (in the Peterborough sub-regional HMA, which includes Rutland). The HBF would expect the Council to prepare and maintain one or more SoCG with these LPAs. The HBF would expect relevant strategic matters to include meeting housing needs in full (including unmet need from South Kesteven), the cross-boundary Strategic Development Area at Stamford North, the impact of the proposed St. Georges Garden Community and delivering infrastructure to support growth.

After publication of SoCG, the HBF may submit further comments on the Council's compliance with the Duty to Co-operate in written Examination Hearing Statements or orally during Examination Hearing Sessions.

Local Housing Need (LHN) & Housing Requirement

The 2019 NPPF sets out that strategic policies should set out an overall strategy for the pattern, scale and quality of development (para 20). Under the 2019 NPPF, strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period (para 65). There is no strategic policy in the Local Plan setting out Rutland's housing needs and its housing requirement.

Para 5.1 of the Local Plan refers to a minimum housing requirement of 2,340 dwellings (130 dwellings per annum) between 2018 – 2036 (18 years) based on the standard methodology for calculating LHN, which will be used for calculating the 5 Year Housing Land Supply (5YHLS). In para 5.2, the Council refer to a 25% buffer of additional Housing Land Supply (HLS) above the minimum housing requirement to provide 2,925 dwellings (162 dwellings per annum) over the lifetime of the plan.

A housing need for Rutland of 160 dwellings per annum is identified in the Strategic Housing Market Assessment (SHMA) Updated 2019 (para 5.3). The Council consider that the SHMA assesses the additional housing needs of the

County's growing population over the plan period in more detail than the standard methodology for calculating LHN. The SHMA is considered to provide a more detailed and relevant analysis of market signals, affordability and market demand as evidenced by recent rates of housebuilding in Rutland. The addition of a buffer to the minimum LHN requirement would address affordability issues and demographic trends identified in the SHMA, where various indicators point to pressures in Rutland.

The Council's statement in para 5.3 supports a housing requirement of 160 dwellings per annum (2,880 dwellings between 2018 – 2036). This is the housing requirement figure on which 5YHLS calculations should be based. The Council is confusing minimum LHN starting point, the housing requirement and HLS. There should be a clear distinction between LHN, the housing requirement and HLS.

As set out in the 2019 NPPF, the determination of the minimum number of homes needed should be informed by a LHN assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 60).

Using the standard methodology as set out in the latest NPPG, the minimum LHN for Rutland is 122 dwellings per annum between 2018 – 2038. This calculation is based on 2014 Sub National Household Projections (SNHP), 2019 as the current year and 2019 affordability ratio of 8.94. As set out in the NPPG, the LHN is calculated at the start of the plan-making process but this number should be kept under review and revised when appropriate until the Local Plan is submitted for examination (ID 2a-008-20190220). The minimum LHN for the County may change as inputs are variable, which should be considered by the Council.

The Government has also confirmed its intention to review the standard methodology. The Government's consultation on Changes to the Current Planning System (ended 1st October 2020) included proposed revisions to the standard method for assessing housing numbers in strategic plans. Under the revised standard methodology, the minimum LHN for Rutland is 307 dwellings per annum. This figure is significantly higher than both the previously calculated minimum LHN and the updated SHMA. It may become necessary for the Council to update its figures.

The Government's current and revised standard methodologies identify the minimum annual LHN, which is only a minimum starting point. This is not a housing requirement figure (ID : 2a-002-20190220). The Government's objective of significantly boosting the supply of homes set out in the 2019 NPPF remains (para 59). Any ambitions to support economic growth, to deliver affordable housing and to meet unmet housing needs from elsewhere may necessitate a housing requirement figure above the minimum LHN. In Rutland, there is justification for a housing requirement above the minimum LHN.

The NPPG indicates that justification can include a recent SHMA identifying a higher housing need and / or if previous housing delivery has exceeded the minimum LHN, the Council should consider whether this level of delivery is indicative of greater housing need (ID : 2a-010-20190220). The adopted Local Plan housing requirement of 150 dwellings per annum is above the minimum LHN. The Housing Delivery Test (HDT) Results for 2018/19 identified housing completions of 213 dwellings, which exceeds the minimum LHN and the adopted and proposed housing requirements.

If the relatively strong jobs growth economic forecasts for Rutland are taken into consideration, the SHMA estimated housing need of 190 dwellings per annum. Economic growth may require an increase in housing requirement above the minimum LHN so that a lack of labour is not a constraint. The 2019 NPPF seeks to achieve sustainable development by pursuing economic, social and environmental objectives in mutually supportive ways (para 8). The Council should seek to achieve a sustainable balance between employment and housing growth. The Council's corporate objective is to deliver more new homes across the County which will help to bridge the affordability gap for housing, allowing younger residents and families to stay in the county, thereby helping to address issues associated with an ageing population and rapidly decreasing economically active workforce (para 5.15).

The Council should also recognise economic benefits of housing development in supporting local communities as highlighted by the HBF's latest publication Building Communities – Making Place A Home (Autumn 2020). The Housing Calculator (available on the HBF website) based on The Economic Footprint of House Building (July 2018) commissioned by the HBF estimates for every one additional house built in Rutland, the benefits for the local community include creation of 3 jobs (direct & indirect employment), financial contributions of £27,754 towards affordable housing, £806 towards education, £297 towards open space / leisure, £1,129 extra in Council tax and £26,339 spent in local shops.

The NPPG states that total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments. The SHMA identifies an affordable housing need of 44 dwellings per annum. As set out in the NPPG, an increase in the total housing figures may be considered where it could help deliver affordable housing (ID : 2a-024-20190220). The NPPG also sets out that households whose needs are not met by the market, which are eligible for one or more of the types of affordable housing set out in the definition of affordable housing in Annex 2 of the 2019 NPPF are considered to be in affordable housing need (ID : 67-005-20190722). The Council should calculate its affordable housing need as defined by the NPPG. This figure may be significant in comparison to the minimum LHN. A higher overall housing requirement will contribute towards delivery of a greater number of affordable homes. It is acknowledged that the Council may not be able to meet all affordable housing needs but an uplifted housing requirement above the minimum LHN will make some contribution to meeting affordable housing needs.

As set out in the 2019 NPPF, the Local Plan should be positively prepared and provide a strategy, which as a minimum seeks to meet its own LHN in full and is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated (para 35a). It is proposed that the cross-boundary Strategic Development Area at Stamford North contributes towards housing needs of South Kesteven (also see HBF response to the Duty to Co-operate).

There is justification for Rutland's housing requirement to be higher than the minimum LHN (122 dwellings per annum) calculated using the standard methodology. However, the proposed housing requirement (160 dwellings per annum) is a "business as usual" scenario only 10 dwellings per annum above the adopted housing requirement rather than a significant boost to the supply of homes. A higher housing requirement would provide greater flexibility to respond to future changes in the LHN (307 dwellings per annum), to deliver more affordable housing, to support economic growth (190 dwellings per annum) and to contribute to housing needs from South Kesteven (see Policy H4 : Cross Boundary Development Opportunity – Stamford North).

Before submission of the Local Plan for examination, the Council should consider a higher housing requirement. The Council should clearly and unambiguously set out in policy, the housing requirement for Rutland, which should be expressed as a minimum figure.

Spatial Strategy & Housing Land Supply (HLS)

The Local Plan's strategic policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Rutland's housing requirement. This sufficiency of HLS should meet the housing requirement, ensure the maintenance of a 5 Years Housing Land Supply (YHLS) and achieve HDT performance measurements.

Policy SD2 – The spatial strategy for development focuses on the Main Town of Oakham, Small Town of Uppingham, ten Local Service Centres, thirty-two Smaller Villages and St. Georges Garden Community. **Policy SD3 – Development within planned limits of development** supports sustainable housing development within settlement boundaries and **Policy SD4 – Residential development in the countryside** permits limited development.

The spatial strategy distributes 890 dwellings (30%) in Oakham, 319 dwellings (11%) in Uppingham, 368 dwellings (12%) in Local Service Centres, 65 dwellings (2%) in Other Villages and 1,000 dwellings (34%) at St. Georges Garden Community. The Council should confirm that this distribution meets the locational housing needs of the resident population. The Local Plan should meet the housing needs of both urban and rural communities.

Policy H1 – Sites for residential development allocates 18 sites for circa 1,631 dwellings and identifies 200 dwellings to be allocated in the reviewed Uppingham Neighbourhood Plan.

The Council's overall HLS of 2,942 dwellings comprising of 211 completions in 2018/19, 600 dwellings from existing commitments (as at April 2019), 1,631 dwellings from proposed Local Plan allocations set out in **Policy H1** (of which 1,000 dwellings are located at St. Georges Garden Community set out in **Policies H2 & H3**), 200 dwellings to be allocated in reviewed Uppingham Neighbourhood Plan and a windfall allowance for 300 dwellings. The Cross Boundary Development Opportunity at Stamford North set out in **Policy H4** is excluded.

National policy only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. The Council's evidence is set out in Small Site Windfall Housing Study dated July 2020. This study concludes that 20 dwellings per annum is a reasonable allowance.

There is a headroom of only 62 dwellings between the SHMA's assessment of housing need of 2,880 dwellings (160 dwellings per annum x 18 years) and the overall HLS of 2,942 dwellings. The HBF always advocates as large a contingency as possible to treat the housing requirement as a minimum rather than a maximum, to provide optimum flexibility to response to changing circumstances as well as providing greater choice and competition in the land market. There is no numerical formula to determine a contingency quantum but where the HLS is highly dependent upon one or relatively few large strategic sites such as proposals for St. Georges Garden Community and / or localities then greater numerical flexibility is necessary than if the HLS is more diversified.

The Council's overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, therefore strategic sites should be complimented by smaller non-strategic sites. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. A diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice / competition in the land market.

As set out in the 2019 NPPF at least 10% of the housing requirement should be accommodated on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 68a). For Rutland, 10% of the minimum LHN is 234 dwellings, 10% of the residual minimum LHN is 159

dwellings, 10% of SHMA housing need is 288 dwellings and 10% residual SHMA housing need is 207 dwellings. **Policy H1** only allocates seven sites (H1.5, H1.9, H1.10, H1.14, H1.15, H1.16 & H1.17) of less than one hectare for circa 94 dwellings. The Council should ensure that the Local Plan is consistent with 2019 NPPF.

The HBF would not wish to comment on the merits or otherwise of individual sites proposed for allocation. Our responses are submitted without prejudice to any comments made by other parties but it is critical that the Council's assumptions on lapse rates, non-implementation allowances, lead in times and delivery rates contained within its overall HLS, 5 YHLS and housing trajectory are correct and realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council. The Council has provided limited information / supporting evidence on a site by site analysis of the deliverability of individual site allocations (see Appendix B of 5 YHLS Report).

The Council expects the St. Georges Garden Community to deliver 1,000 dwellings (100 dwellings per annum) from 2025/26 up to 2036. This delivery rate projection is based on industry norms rather than County based evidence. It is noted that the ongoing HIF bid process is material to the deliverability of this development. If the HIF bid is successful, then funds will be available for the infrastructure requirements to deliver this site. Without funding, the Council will struggle to demonstrate a viably deliverable development (see para 4.32 of Viability Note for Strategic Sites by HDH Consulting dated 28 October 2019). The soundness of allocating the St. Georges Barracks as a strategic site for the development of a Garden Community, the Council's assumptions for the delivery of development and availability of funding will be tested in due course at the Local Plan Examination. However, given potential uncertainties about the commencement date (only 5 years away), anticipated delivery rates and / or funding, extra resilience should be built into the Local Plan.

The 2019 NPPF sets out that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period and if appropriate to set out the anticipated rate of development for specific sites (para 73). The **Housing Trajectory** 2021/22 – 2035/36 (see page 170 of the Local Plan) is not very detailed. **Policy IMP1 – Delivery & Monitoring** states that "the housing trajectory set out in this Plan will be used to monitor housing delivery. This will be updated each year in the Authority Monitoring Report. The trajectory will be used for the purposes of monitoring the phasing of housing delivery and for calculating 5 YHLS in development management decisions". The housing trajectory contains insufficiently detail to fulfil its monitoring function as set out in **Policy IMP1**. It is also noted that the trajectory is stepped. A stepped trajectory of 110 dwellings per annum between 2021/22 – 2025/26 increasing to 140 dwellings per annum between 2026/27 – 2035/36 is proposed. The Council has provided no evidence to justify this proposed stepped trajectory.

The Council's 5 YHLS Report published August 2020 estimates the 5 YHLS between 2020/21 – 2024/25 against the LHN (123 dwellings per annum) is only 5.2 years (using 5% buffer). There is only a minimal surplus of 31 dwellings, which could be easily extinguished by delayed completions due to Covid-19 shutdown of construction sites and on-going social distancing restrictions since sites re-opened. An updated 5 YHLS Report should be prepared based on the proposed housing requirement of 160 dwellings per annum and housing trajectory (on page 170). This re-calculation of 5 YHLS may be less than 5 years. If the Council cannot demonstrate 5 YHLS on adoption of the Local Plan, the Plan should not be found sound.

Deliverability & Viability

In plan-making, viability is inseparable from the deliverability of development. As set out in the 2019 NPPF, the contributions expected from development including the level & types of affordable housing provision required and other infrastructure for education, health, transport, flood & water management, open space, digital communication, etc. should be set out in the Local Plan (para 34). As stated in the 2019 NPPF, development should not be subject to such a scale of obligations that the deliverability of the Local Plan is threatened (para 34).

Viability is a key issue in determining the soundness of the Local Plan at Examination. For the Council's information, the HBF Local Plan Viability Guide is attached. This guidance puts forward issues that must be addressed to ensure that sites come forward for development and Local Plans are deliverable. Without a robust approach to viability assessment, land will be withheld from the market and housing delivery will be threatened, leading to an unsound Local Plan and housing delivery targets not being met. The Council is referred to the Common Concerns Boxes in the HBF Guide. Viability assessment should not be conducted on the margins of viability. This will be particularly important in the aftermath of uncertainties caused by the Covid-19 pandemic and Brexit. It is also noted that there has been no stakeholder involvement in viability assessment since 2017.

The viability of individual developments and plan policies should be tested at the plan making stage. The Council's viability testing should assess the cumulative impact of affordable housing provision (Policy H9), policy compliant standards (including Policy H7 – Accessibility Standards, Policy H8 – Self-build & Custom Housebuilding, Policy EN3 – Delivering Good Design, Policy EN4 – Sustainable Building & Construction, Policy EN9 - The Natural Environment, Policy SC3 – Promoting Fibre to the Premises Broadband and Policy SC4 – Developer Contributions), Community Infrastructure Levy (CIL) and any other contributions so that there is sufficient incentive for a landowner to bring forward land for development. The Council's latest viability assessment is set out in the Local Plan Pre-submission Viability Update by HDH Planning & Development dated February 2020. If the resultant Benchmark Land Value (BLV) is lower than the market value at which land will trade, then the delivery of housing targets will not be met. It is note that the average price paid for policy compliant schemes in Rutland is £783,659 per hectare, which is above the BLVs of

£720,000 per hectare for brownfield and £370,000 - £400,000 per hectare for greenfield. It is not transparent where the impact of a higher BLV is considered (para 6.29).

Viability assessment is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on the viability of development. There are concerns that some standard inputs are below industry norms as set out in the Harman Report. The HBF also submit the following comments to specific policy requirements :-

- Policy H7 – Accessibility Standards (see HBF representation below). The baseline appraisal includes costs of £521 per M4(2) compliant dwelling and £10,111 per M4(3) compliant dwelling. The MHCLG consultation “Raising Accessibility Standards for New Homes” dated September 2020 estimates the additional cost per new dwelling is approximately £1,400 for units which would not already meet M4(2). In September 2014, the Government’s Housing Standards Review included cost estimates by EC Harris of £15,691 per apartment and £26,816 per house for M4(3). The Council’s viability testing should include such costs plus inflationary increases since 2014. Furthermore M4(3) compliant dwellings are larger than NDSS therefore larger sizes should be used ;
- Policy H8 – Self-build & Custom Housebuilding (see HBF representation below). The viability assessment appraises the impact of self & custom build on viability as the balance between the profit foregone and the receipt for the serviced plot concluding that it is unlikely to have an adverse impact (paras 10.41 – 10.45). However, there is an inbuilt assumption that the serviced plots are sold. There is no consideration of the impacts of unsold plots, disruption if unsold plots have to be built by the original developer out of sequence from the build programme of the wider site, impracticalities if the developer has to return to build out unsold plots after completion of the wider site or the greater burden of affordable housing provision, infrastructure contributions, etc. falling onto fewer market for sale dwellings ;
- Policy EN4 – Sustainable Building & Construction (see HBF representation below). Para 8.17 states that the details for the Council’s policy are unknown therefore no costs are included in the baseline appraisal. However, the Government’s Future Homes Standard estimated costs of £2,557 per dwelling (Option 1) and £4,847 per dwelling (Option 2). These costs should be included in baseline appraisal rather than in the sensitivity testing scenario (Table 10.4) ;
- Policy EN4 – Sustainable Building & Construction (see HBF representation below) requires provision of Electric Vehicle Charging Points (EVCP). The baseline appraisal only includes a cost of £350 per EVCP. However, the Department for Transport - Electric Vehicle Charging in Residential & Non-Residential Buildings consultation estimated an installation cost of approximately £976 per space plus any costs for upgrading local electricity networks, which under the Government’s proposal automatically levies the capped figure of £3,600

on developers therefore this figure should also be included in any viability impact assessment ;

- Policy EN4 – Sustainable Building & Construction (see HBF representation below). The optional water efficiency standard cost of £100 per dwelling is excluded from the baseline appraisal ;
- Policy EN9 - The Natural Environment (see HBF representation below). The baseline appraisal includes a site cost increase of 5% and a fee cost increase of 1% for biodiversity (based on biodiversity cost of £20,000 per hectare). However, the DEFRA Biodiversity Net Gain & Local Nature Recovery Strategies : Impact Assessment Table 14 : Net Gain Delivery Costs (Residential) sets out regional costs (based on 2017 prices) in East Midlands of £19,951 per hectare of development based on a central estimate but there are significant increases in costs to £69,522 per hectare for off-site delivery under Scenario C. The potential for higher costs should be sensitivity tested. There may also be an impact on gross / net site acreage ratio, which is not considered by the viability assessment ;
- Policy SC3 – Promoting Fibre to the Premises Broadband (see HBF representation below). This potentially costly policy requirement is excluded from the baseline appraisal. Costs of £1,000 per dwelling on sites adjacent to Oakham & Stamford and £4,000 per dwelling elsewhere are included in sensitivity testing scenario (Table 10.4). These costs should have been included in the baseline appraisal ; and
- Policy SC4 – Developer Contributions. The baseline appraisal includes CIL rate indexed to November 2019 plus S106 allowance of £2,000 per dwelling. Higher S106 contributions should have been sensitivity tested too.

Policy SC4 – Developer Contributions states that CIL and the policy requirements in the Local Plan have been assessed as viable for allocated sites, therefore it is assumed that all development proposals will be viable. Only in exceptional circumstances may a site-specific viability appraisal be acceptable. Where this is accepted, the viability assessment should be prepared in accordance with the NPPG. The Council will determine how much weight it gives to the viability assessment in each case.

However, the HBF have note that not all development is viable. As set out in the Council's viability assessment brownfield sites are unviable and older persons housing schemes are unviable. The viability of St. Georges Garden Community is dependent on securing HIF monies. Furthermore, as identified above the baseline appraisal is not an accurate assessment of the cumulative impact on viability of compliance with all policy requirements set out in the Local Plan. A more accurate baseline appraisal combining sensitivity testing scenarios in Table 10.4 with higher costs for M4(2) / M4(3), self & custom build, energy efficiency, EVCPs, water efficiency, biodiversity, etc. may result in marginally viable (amber) greenfield sites becoming unviable (red).

Other Housing Policies

Policy H7 – Accessibility Standards

Policy H7 requires all specialist housing for older people & people with disabilities and at least 50% of all new residential development on sites of 10 or more dwellings to be adaptable and accessible homes as defined in Part M4(2) of the Building Regulations. On sites of 100 or more dwellings, a minimum of 3% of affordable rented dwellings is required to meet Part M4(3) of the Building Regulations.

If the Council wishes to adopt the optional standards for accessible & adaptable dwellings, then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46) and the NPPG. Footnote 46 states “*that planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing where this would address an identified need for such properties*”. As set out in the 2019 NPPF, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). Therefore, a policy requirement for M4(2) and M4(3) dwellings must be justified by credible and robust evidence. The NPPG sets out the evidence necessary to justify a policy requirement for optional standards. The Council should apply the criteria set out in the NPPG (ID 56-005-20150327 to 56-011-20150327) to ensure that an appropriate evidence base is available to support any proposed policy requirements. The NPPG sets out that evidence should include identification of :-

- the likely future need ;
- the size, location, type and quality of dwellings needed ;
- the accessibility and adaptability of the existing stock ;
- variations in needs across different housing tenures : and
- viability.

The Council’s evidence is set out in Chapter 5 of the Updated SHMA Report by JG Consulting dated July 2019 and the Accessibility Standards Study dated February 2017. These documents do not provide the supporting evidence necessary to justify the policy requirements sought by the Council. Detailed information on the accessibility and adaptability of the existing housing stock, the size, location, type and quality of dwellings needed and variations in needs across different housing tenures in the County is absent from the Council’s supporting evidence.

The Council predict 50% increase in the population aged over 65 between 2016 – 2036 however many of these people already live in the County as migration is largely concentrated in typical working-age groups (and their associated children). Many older households will not move from their current home but will make adaptations as required to meet their needs, some will choose to move to another dwelling in the existing stock rather than a new build property and some will want to live in specialist older person housing. Recent research by Savills “Delivering New Homes Resiliently” published in October 2020 shows that over 60’s households “*are less inclined to buy a new home than a second-*

hand one, with only 7% doing so". The existing housing stock (17,567 dwellings in 2019) is considerably larger than the new build sector (only 0.9% annual net addition to existing stock) so adapting the existing stock is likely to form part of the solution.

The HBF acknowledge that the population of Rutland is going to "age" in the future and for older people care needs become more significant but it is important to note that not all health problems affect a household's housing needs therefore not all health problems require adaptations to homes. An ageing population affects the whole country and is not an issue specific to Rutland. It is most likely that other parts of the UK will be impacted by an ageing population to a greater extent. If the Government had intended that evidence of an ageing population alone justified adoption of optional standards then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case.

The optional standards should only be introduced on a "need to have" rather than a "nice to have" basis. Need is generally defined as "*requiring something because it is essential or very important rather than just desirable*". Evidence of an ageing population alone does not justify adoption of optional standards. All new homes are built to Building Regulation Part M Category 1 (M4(1)) standards, which include level approach routes, accessible front door thresholds, wider internal doorway and corridor widths, switches and sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. These standards are not usually available in the older existing housing stock and benefit less able-bodied occupants. M4(1) standards are likely to be suitable for most residents.

There is no rationale for the selection of 10 or 100 dwellings as the respective thresholds for qualifying developments nor the percentage provisions of 50% for M4(2) or 3% for M4(3) sought. The choice of thresholds for qualifying development proposals and levels of provision sought are unduly onerous.

The Council has also failed to take into account site specific factors such as vulnerability to flooding, site topography and other circumstances, which make a site unsuitable for M4(2) and M4(3) compliant dwellings (NPPG ID : 56-008-20150327).

The Council's viability testing should take full account of additional costs (see HBF representation on Deliverability & Viability above). The Viability Assessment Report demonstrates that not all residential schemes are viable. Brownfield developments and specialist housing schemes for the elderly are unviable. A more positive and flexible policy approach should be adopted by the Council.

The Council's requirement for M4(3) should distinguish between a wheelchair adaptable home (which includes features to make a home easy to convert to be fully wheelchair accessible) or a wheelchair accessible home (which includes the most common features required by wheelchair users). The Council

is also reminded that the requirement for M4(3) should only be required for dwellings over which the Council has housing nomination rights as set out in the NPPG (ID 56-008-20150327).

Policy H7 is unsound because of an absence of robust evidence justifying the need for optional standards. Effectiveness is impeded by an inflexible policy approach, which ignores viability and site-specific circumstances. This policy should be deleted.

Policy H8 – Self-build and custom housebuilding

Policy H8 requires on sites of 50 or more dwellings, at least 2% serviced plots for sale to self-builders and/or custom house building. Where evidence is provided demonstrating that a plot has been appropriately marketed for a minimum period of 12 months but has failed to be sold, the Council will consider whether the plot(s) may be built out as conventional market housing by the developer.

Under the Self Build & Custom Housebuilding Act 2015, the Council has a duty to keep a Register of people seeking to acquire self & custom build plots and to grant enough suitable development permissions to meet identified demand. The NPPG (ID: 57-025-201760728) sets out ways in which the Council should consider supporting self & custom build. These are :-

- developing policies in the Local Plan for self & custom build ;
- using Council owned land if available and suitable for self & custom build and marketing such opportunities to entrants on the Register ;
- engaging with landowners who own housing sites and encouraging them to consider self & custom build and where the landowner is interested facilitating access to entrants on the Register ; and
- working with custom build developers to maximise opportunities for self & custom housebuilding.

The HBF is supportive of policy approaches to encourage self & custom build such as the allocation of sites and / or exception sites for self & custom build. The HBF is not supportive of policy requirements for the inclusion of at least 2% self & custom build housing on residential development sites of 50 or more dwellings. The Council should not seek to burden developers with responsibility for delivery of self & custom build plots contrary to national guidance, which outlines that the Council should engage with landowners and encourage them to consider self & custom build. The Council's policy approach should not move beyond encouragement by seeking provision of self & custom build plots as part of the housing mix on new housing development.

As set out in the 2019 NPPF, all policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). Therefore, the provision of self & custom build serviced plots must be justified by credible and robust evidence. As set out in the NPPG, the Council should provide an

assessment of demand including a review of data held on the Council's Register (ID 2a-017-20192020), which should be supported by additional data from secondary sources to understand and consider future need for this type of housing (ID 57-0011-20160401). It is understood that on 31st October 2019, there were 45 entries on the Council's Register, which illustrates a minimal demand. The Council should also understand the preferences of people interested in self & custom build, local estate agents have described parties as typically looking for an isolated plot on the edge of Oakham or any village throughout the County.

There is no rationale for the threshold of 50 dwellings for qualifying developments nor the percentage provisions of at least 2% sought. The choice of threshold and level of provision sought are unduly onerous.

The Register may indicate a level of expression of interest in self & custom build but it cannot be reliably translated into actual demand should such plots be made available. The Council's policy approach should be realistic to ensure that where self & custom build plots are provided, they are delivered and do not remain unsold. It is understood that historically identified demand has been met by planning permissions granted. There are also other sources of supply including 300 dwellings windfall allowance in the Council's overall HLS and St. Georges Garden Community (Policy H3). There is no necessity for other housing sites (including H1.2, H1.3, H1.4 & H1.8) to make provision for self & custom build housing. If the Council mismatches an over-supply of clusters of plots on larger housing sites in urban locations against minimal demand for individual plots in rural locations, there is a risk of plots remaining permanently vacant effectively removing these undeveloped plots from the Council's HLS. The Council should consider the application of a non-implementation rate to its HLS calculations.

The provision of at least 2% self & custom build serviced plots on housing developments of 50 or more dwellings adds to the complexity and logistics of developing such sites and slower delivery. It is unlikely that the provision of self & custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health & safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. Any differential in lead-in times and build out rates of self & custom build plots behind the development of the wider site means uncompleted dwellings next to completed and occupied homes resulting in consumer dissatisfaction, construction work outside of specified working hours, building materials stored outside of designated compound areas, etc.

Where plots are not sold, it is important that the Council's policy is clear as to when these revert to the original developer. Under the policy as written the Council will only consider reversion to the original developer after the marketing period, there is no certainty of the reversion happening. It is important that plots should not be left empty to the detriment of neighbouring properties or the whole

development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. The Council's proposed minimum 12 months marketing period is considered too long. Furthermore, the expression "appropriately marketed" is ambiguous and not defined by the Council. There is potential for disagreement about the marketing strategy between the developer and the Council.

As well as on-site practicalities any adverse impacts on viability should be tested (see HBF representation on Deliverability & Viability above).

Policy H8 is unsound because of an absence of robust evidence to justify this policy requirement. It is the HBF's opinion that at least 2% self & custom build serviced plots should not be required on housing sites of 50 or more dwellings. This policy should be deleted.

Policy H9 - Affordable housing

Policy H9 requires all residential developments comprising 10 or more dwellings within the Parishes of Oakham and Uppingham and 6 or more dwellings in the Designated Rural Areas (all Parishes outside Oakham and Uppingham) to make on site provision for 30% affordable housing. Developments of between 6 - 9 dwellings inclusive may make off-site contributions.

The 2019 NPPF promotes affordable home ownership by requiring at least 10% of new dwellings built to be available for this tenure leaving only the remainder for other affordable housing tenures (para 64). The supporting text (para 5.46) confirms that the Council's policy approach to affordable housing tenure is consistent with national policy however this is not set out in policy wording itself. Furthermore, the Government's consultation on Changes to the Current Planning System (ended on 1st October 2020) proposed further changes to deliver First Homes.

Policy H9 assumes that all development proposals will be viable. In exceptional circumstances, where robust evidence demonstrates that the specifics of an individual site and scheme justify the need for a viability assessment, consideration may be given to the viability assessment at the planning application stage. However, the Council's own viability assessment identified viability challenges for certain typologies across the County. Under the cumulative impact of provision of affordable housing, CIL, S106 contributions and compliance with policy requirements, brownfield development and specialist housing for the elderly are unviable (see HBF representation on Deliverability & Viability above).

Policy H9 should be re-considered and modified by the Council.

Other Policies

Policy EN3 - Delivering Good Design

Under **Policy EN3**, all development proposals are expected to take account of the requirements of the Design Supplementary Planning Document (SPD), to comply with Manual for Streets guidance and relevant Rutland County Council highways standards and guidance, to perform positively against Building for Life 12, to accord with the parking standards set out in Appendix 4 and to have regard to the principles of Secured by Design.

The Council's policy approach to high quality design should accord with the 2019 NPPF, the latest NPPG and the National Design Guide.

The HBF is supportive of the use of best practice guidance. The Council should signpost such guidance in its supporting text however the use of guidance should remain voluntary rather than becoming a mandatory policy requirement. The Council should note that Building for Life 12 has been superseded by Building for a Healthy Life. References to guidance and the Design SPD in Policy EN3 should not be interpreted by Development Management Officers as conveying the weight of a Development Plan Document onto guidance, which has not been subject to examination and does not form part of the Local Plan.

Policy EN3 should be re-considered and modified by the Council.

Policy EN4 – Sustainable Building and Construction

Under **Policy EN4 Bullet Point 1**, new homes should be designed towards achieving zero carbon homes and will be expected to demonstrate minimisation of carbon dioxide emissions from design, construction to the ongoing use of the building, in accordance with an energy hierarchy of :-

- a. Using less energy through energy efficient building design and construction ;
- b. Utilising energy efficient supplies including connecting to available heat and power networks ; and
- c. Maximising use of renewable and low carbon energy generation.

As set out in The Future Homes Standard consultation (ended on 7th February 2020), the UK has set in law a target to bring all its greenhouse gas emission to net zero by 2050. New and existing homes account for 20% of emissions. It is the Government's intention to future proof new homes with low carbon heating and world-leading levels of energy efficiency. The Government's consultation addressed :-

- options to uplift standards for Part L (Conservation of Fuel & Power) and changes to Part F (Ventilation) Building Regulations ;
- transitional arrangements to encourage quicker implementation ; and

- clarifying the role of Councils in setting energy efficiency standards.

The HBF's response to the Government's consultation recognises and supports the need to move to The Future Homes Standard but the Government's preferred Option 2 for a 31% reduction in carbon emissions compared to the current Part L 2013 requirements in 2020 would be difficult and risky to deliver given the immaturity of the supply chain for the production / installation of heat pumps, and the additional load that would be placed on local electricity networks when coupled with Government proposals for the installation of electric vehicle charging points (EVCP) in new homes (also see HBF representation to Policy EN4 Bullet Point 3). The HBF and its Members favour the Government's Option 1 for a 20% reduction in emissions in 2020 (involving higher fabric efficiency standards than Option 2) and then a further step to Option 2 standards by 2023, which would allow more time for the supply chain to gear up for the scale of demand entailed. The HBF submission argues that *"a stepped and incremental approach should be adopted given, in particular, the large requirement for supply chain and infrastructure investment and skills training to support this ambition. The consensus is that Option 1 should be implemented within 2020, with Option 2 being implemented within two to three years in approximately 2023. Our membership sees that transitional arrangements around this implementation should be 18 – 24 months"*.

There are additional costs associated with achieving zero carbon homes, which should be accounted for (see HBF representation to Deliverability & Viability above).

It is also noted that the Council propose connection to available heat and power networks. The Council should be aware that some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies. All heat network domestic consumers should have ready access to information about their heat network, a good quality of service, fair and transparently priced heating and a redress option should things go wrong. Research by the Competition and Markets Authority (CMA) found that a significant proportion of suppliers and managing agents do not provide pre-transaction documents, or what is provided contains limited information, particularly on the on-going costs of heat networks and poor transparency regarding heating bills, including their calculation, limits consumers' ability to challenge their heat suppliers reinforcing a perception that prices are unjustified. The monopolistic nature of heat networks means that future price regulation is required to protect domestic consumers. The CMA have concluded that *"a statutory framework should be set up that underpins the regulation of all heat networks."* They recommended that *"the regulatory framework should be designed to ensure that all heat network customers are adequately protected. At a minimum, they should be given a comparable level of protection to gas and electricity in the regulated energy sector."*

Under **Policy EN4 Bullet Point 2**, new development should seek to achieve a water neutral position. New housing should meet the Building Regulations optional requirement target of 110 litres per head per day. Water reuse and recycling, surface water harvesting and rainwater harvesting should also be incorporated wherever feasible. Major development schemes will be expected to provide a programme of water efficiency promotion and consumer education.

It is noted that the Council's Water Study is dated 2011 and relates to the adopted Local Plan period up to 2026 rather than 2036. As set out in the 2019 NPPF, all policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The Planning Inspectorate Guidance for Local Plan Examination reiterates that evidence base documents dating from two or more years before the examination submission date of a Local Plan may be at risk of having been overtaken by events. Any such documents should be updated as necessary to incorporate the most recent available information.

Under Building Regulations, all new dwellings must achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure for achieving water neutral position. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the NPPG (ID 56-013-20150327 to 56-017-20150327). The NPPG references *"helping to use natural resources prudently ... to adopt proactive strategies to ... take full account of water supply and demand considerations ... whether a tighter water efficiency requirement for new homes is justified to help manage demand"* however the Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. From the Council's out of date evidence it is not apparent if Rutland is a water stressed area.

Furthermore, the additional cost for the optional water efficiency standard is explicitly excluded from the Council's baseline appraisal in its viability assessment (see HBF representation to Deliverability & Viability above).

Under **Policy EN4 Bullet Point 3**, all new residential development will be expected to meet the following requirements for electric vehicle charging points (EVCP) :-

- For houses one dedicated EVCP per house with garage or driveway within the curtilage of the property ;
- For apartments at least 10% of parking bays should be provided with dedicated EVCPs. All other parking spaces to be provided with passive wiring to allow future charging point connection.

Exemptions will be considered for residential apartments with communal parking areas or where it is demonstrated that it is not technically feasible or

viable for the existing electricity network to support the requirement. In such cases the installation of groundwork / passive wiring may be required to enable future installation when network capacity issues have been resolved.

The Department of Transport held a consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings (ended on 7th October 2019) set out the Government's preferred option to introduce a new functional requirement under Schedule 1 to the Building Regulations 2010, which is expected to come into force in 2020. The inclusion of EVCP requirements within the Building Regulations 2010 will introduce a standardised consistent approach to EVCPs in new buildings across the country. The requirements proposed apply to car parking spaces in or adjacent to buildings and the intention is for there to be one charge point per dwelling rather than per parking space. It is proposed that charging points must be at least Mode 3 or equivalent with a minimum power rating output of 7kW (expected increases in battery sizes and technology developments may make charge points less than 7 kW obsolete for future car models, 7 kW is considered a sufficiently future-proofed standard for home charging) fitted with a universal socket to charge all types of electric vehicle currently on the market and meet relevant safety requirements.

The Government has also recognised the possible impact on housing supply, where the requirements are not technically feasible. The Government's recent consultation proposed introducing exemptions for such developments. The costs of installing the cables and the charge point hardware will vary considerably based on site-specific conditions in relation to the local grid. The introduction of EVCPs in new buildings will impact on the electricity demand from these buildings especially for multi-dwelling buildings. A requirement for large numbers of EVCPs will require a larger connection to the development and will introduce a power supply requirement, which may otherwise not be needed. The level of upgrade needed is dependent on the capacity available in the local network resulting in additional costs in relation to charge point instalment. The Government recognises that the cost of installing charge points will be higher in areas where significant electrical capacity reinforcements are needed. In certain cases, the need to install charge points could necessitate significant grid upgrades, which will be costly for the developer. Some costs would also fall on the distribution network operator. Any potential negative impact on housing supply should be mitigated with an appropriate exemption from the charge point installation requirement based on the grid connection cost. In the instances when this cost is exceptionally high, and likely to make developments unviable, it is the Government's view that the EVCP requirements should not apply and only the minimum Energy Performance of Buildings Directive (EPBD) requirements should be applied.

The HBF's consultation response recognises that electric vehicles will be part of the solution to transitioning to a low carbon future but there are practical and financial challenges associated with the Government's proposed approach, which goes beyond the requirements of EPBD.

The supply from the power grid is already constrained in many areas across the country. The HBF and its Members have serious concerns about the capacity of the existing electrical network in the UK. Major network reinforcement will be required across the power network to facilitate the introduction of EVCPs and the move from gas to electric heating as proposed under the Future Homes Standard. The cost of infrastructure reinforcement and additional sub stations has not been considered. These costs can be substantial and can drastically affect the viability of developments. If developers are funding the potential future reinforcement of the National Grid network at significant cost, this will have a significant impact on their businesses and potentially jeopardise future housing delivery (see HBF representation to Deliverability & Viability above).

The introduction of EVCPs along with other electric demand technology could lead to problems with capacity not only in the grid but inside the dwelling too. The proposals place an undue burden on new build dwellings without making any inroads into provision of EVCPs in the existing housing stock.

The HBF's response identifies that the physical installation of fixed EVCPs is not necessary. The evolution of this automotive technology is moving quickly therefore a cable and duct approach is a more sensible and future proofed solution, which negates the potential for obsolete technology being experienced by householders. A cable and duct only approach means that the householder can later arrange and install a physical EVCP suitable for their vehicle and in line with the latest technologies.

The Council's policy approach in **Policy EN4 Bullet Points 1 & 3** are unnecessary because of the Government's proposals to change Building Regulations. The water efficiency requirement set out in **Bullet Point 2** is not justified by supporting evidence. **Bullet Points 1, 2, & 3** should be deleted from **Policy EN4**.

Policy EN9 - The natural environment

Under **Policy EN9**, the Council will seek to achieve net gains for biodiversity and will proactively seek habitat creation as part of development proposals.

It is the HBF's opinion that the Council should not deviate from the Government's proposals on biodiversity gain. In 2019 Spring Statement, the Government announced that it would mandate net gains for biodiversity in the forthcoming Environment Bill. This legislation will require development to achieve a 10% net gain for biodiversity. It is the Government's opinion that 10% strikes the right balance between the ambition for development and reversing environmental decline. 10% gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. 10% will be a mandatory national requirement, but it is not a cap on the aspirations of developers who want to voluntarily go further or do so in designing proposals to meet other local planning policies. The Government will use the DEFRA Biodiversity Metric to measure changes to biodiversity under net gain requirements established in the Environment Bill. The mandatory requirement

offers developers a level playing field nationally and reduced risks of unexpected costs and delays.

The Government will introduce exemptions applicable to only the most constrained types of development. Exemptions will be set out in secondary legislation.

The Environment Bill will introduce new duties to support better spatial planning for nature through the creation of Local Nature Recovery Strategies (LNRS). LNRS will detail existing areas of high biodiversity value as well as those areas where habitat creation or restoration would add most value. The intention is that the whole of England will be covered by LNRSs with no gaps or overlaps. Each LNRS will include a statement of biodiversity priorities for the area covered by the strategy and a local habitat map that identifies opportunities for recovering or enhancing biodiversity. Each LNRS will be produced locally, with a relevant public body appointed as the responsible authority by the Secretary of State. This will achieve the best combination of local ownership and knowledge and national consistency and strategy. Such spatial environmental mapping will help developers to locate their sites strategically to avoid biodiverse sites that would be difficult to achieve net gain on.

The Government will require net gain outcomes to be maintained for a minimum of 30 years and will encourage longer term protection, where this is acceptable to the landowner. The Government will legislate for Conservation Covenants in the Environment Bill.

The Environment Bill will make provision for local decision makers to agree biodiversity net gain plans with developers. Where offsite compensation is required, Councils will be able to review developers plans to deliver compensation through local habitat creation projects. Where suitable local projects are not available, there will be the option for investment in nationally strategic habitats. The Government will make provision for statutory biodiversity units in the Environment Bill, which will be purchasable at a set standard cost. This approach will allow Councils, landowners and organisations to set up habitat compensation schemes locally, where they wish to do so, where this is not the case, the Government will provide a last-resort supply of biodiversity units. The Government's proposals for statutory biodiversity units will provide a recourse for developers and Councils, where local habitat compensation schemes are not available, therefore preventing delays to development.

There are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Councils viability assessment. The Government is committed to continued engagement with the housebuilding industry to address concerns and risks. The Government has confirmed that more work needs to be undertaken to address viability concerns raised by the housebuilding industry in order that net gain does not prevent, delay or reduce housing delivery (see HBF representation under Deliverability & Viability above).

The Government will make provision in the Environment Bill to set a transition period of two years. The Government will work with stakeholders on the specifics of this transition period, including accounting for sites with outline planning permission, and will provide clear and timely guidance on understanding what will be required and when.

Policy SC3 - Promoting Fibre to the Premises Broadband (FTTP)

Under **Policy SC3**, all allocated residential sites and residential schemes of 10 or more dwellings must be supported by a FTTP Statement. This Statement will establish how FTTP will be provided to serve the development by first occupation. In exceptional cases where it is demonstrated that FTTP is not practical, viable or feasible to deliver, the Council will consider the delivery of non-Next Generation Access technologies that can provide speeds in excess of 24Mbps as an alternative.

The HBF note that these potentially costly policy requirements have been excluded from the Council's baseline viability appraisal (see HBF representation to Deliverability & Viability above).

The Council should not impose new electronic communications requirements beyond the provision of infrastructure as set out in statutory Building Regulations. In the Budget (11th March 2020), the Government confirmed future legislation to ensure that new build homes are built with gigabit-capable broadband. The Government will amend Part R "Physical Infrastructure for High Speed Electronic Communications Networks" of the Building Regulations 2010 to place obligations on housing developers to work with network operators to install gigabit broadband, where this can be done within a commercial cost cap. By taking these steps, the Government intends to overcome any existing market failure. The Department for Culture, Media and Sport (DCMS) has outlined its intentions on the practical workings of this policy. The policy will apply to all to new builds. Any type of technology may be used, which is able to provide speeds of over 1000 Mbps. All new build developments will be equipped with the physical infrastructure to support gigabit-capable connections from more than one network operator. The new measures will place responsibilities on both developers and network operators :-

- Developers will have to ensure new homes have gigabit broadband. This includes ensuring that the physical infrastructure necessary for gigabit-capable connections is provided on site for all new build developments and homes are connected by an operator to a gigabit-capable connection ;
- This requirement exists unless the cost to the developer of providing connectivity exceeds £2,000, or the operator declines to provide a connection ;
- Developers must seek a second quote from network operators, where the first quote suggests that gigabit-capable broadband cannot be installed within the cost cap ;

- If gigabit broadband exceeds the cost cap, the developer must provide connectivity to other technologies, which can provide at least superfast connection within the same cost cap, unless the operator declines to provide a connection ; and
- A commitment to contribute to the costs of connection by network operators. Virgin Media has committed to contributing at least £500, rising in the case of some larger sites to £1,000. Openreach has committed to a combined Openreach and Developer Contribution of £3,400, with a maximum developer contribution of £2,000.

As soon as Parliamentary time allows, the Government intends to lay the legislation to amend the Building Regulations. The supporting statutory guidance (Approved Documents) will also be published as soon as possible.

Policy SC3 is unnecessary because of the Government's proposals to change Building Regulations. This policy should be deleted.

Conclusions

For the Rutland Local Plan to be found sound under the four tests of soundness as defined by the 2019 NPPF (para 35), the Local Plan must be positively prepared, justified, effective and consistent with national policy. The following aspects of the pre-submission Local Plan are considered unsound :-

- no SoCG ;
- confusion between the minimum LHN, the housing requirement and overall HLS ;
- no headroom between overall HLS and the housing requirement ;
- an insufficiently detailed housing trajectory and no justification for the proposed stepped trajectory ;
- no 5 YHLS (using housing requirement rather than minimum LHN) on adoption ;
- no justification for policy requirements for M4(2) & M4(3) (Policy H7), self & custom build (Policy H8), energy & water efficiency standards, EVCPs (Policy EN4) and FTTP (Policy SC3) ; and
- an under-estimated viability assessment.

If any further information or assistance is required, please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**



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