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22/12/2020

Dear Sir/ Madam

**Response by the Home Builders Federation to the consultation on the Babergh and Mid Suffolk Joint Local Plan**

1. Thank you for consulting the Home Builders Federation (HBF) on the Joint Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

**We would like to submit the following representations on the Local Plan and we would welcome, in due course, participating in hearings of the Examination in Public.**

**Duty to Co-operate**

2. One key area of joint working for both authorities is the provision of sufficient homes to support the housing needs across the Ipswich Strategic Planning Area (ISPA). Ipswich is a key economic hub for this sub region, yet the city is very constrained and will require sufficient homes to be delivered in appropriate locations in the ISPA to support its continued growth. It will therefore be important that there is continued consideration of the development needs of Ipswich and that the Joint Local Plan (JLP) is sufficiently flexible to respond to any shortfalls in delivery in Ipswich.
3. With regard to other neighbouring authorities, it will be important that the Council ensures that there are Statements of Common Ground with each of its neighbouring authorities. The Council has stated that these are currently being developed. It is essential that these are available on submission and as such we reserve the right to comment on these at the examination.

**Policy SP01 - Housing Needs**

4. The approach to undertaking the local housing needs assessment required for all local planning authorities by paragraph 60 of the NPPF is set out in paragraph 2a-004 of Planning Practice Guidance. This would appear to have been correctly



applied by the Councils and we would agree with the assessment as to the minimum number of homes the Council should ensure delivery of through the JLP.

### **Housing supply**

5. On the basis of the housing trajectory provided in the local Plan both Councils would appear to have a strong housing land supply providing an overall buffer against their housing requirements of over 20%. It is important that this level of buffer is maintained to ensure the necessary flexibility required by paragraph 11 of the NPPF. Whilst the HBF cannot comment on individual allocations it is important that the Council can show that each of its allocations is either deliverable or developable as defined by the NPPF.

### **Policy SP02 – Affordable housing**

#### This policy is unsound as it is unjustified

6. The HBF have two concerns with regard to the soundness of policy SPO2. Firstly, The Councils' evidence on the need for affordable housing as set out in the 2017 Strategic Housing Market Assessment concludes at paragraph 7.4 that the affordable housing need for Babergh is 73 dwelling per annum (dpa) and at paragraph 7.21 that the need in Mid Suffolk is 97 dpa. This level of need is 17.5% of the housing requirement in Babergh and 18.1% of the requirement in Mid Suffolk. Yet despite this evidence the Councils' are seeking 35% affordable housing contributions on all developments of 10 or more units. This is unjustified as not is the policy not based on the available evidence it is also inconsistent with paragraph 56 of the NPPF in that the 35% requirement for affordable housing is not necessary to make a development acceptable in planning terms.
7. Secondly, the publication of the 2019 NPPF and its associate guidance placed far greater emphasis on testing the viability of development through the local plan rather than on a site-by-site basis. This is clearly stated in paragraph 10-002 of PPG and in paragraph 57 of the NPPF. Both these paragraphs indicate that decision makers can assume that a development will be viable with all a local plan's policies being met. This means that polices for affordable housing will need to be less aspirational than in the past and recognise the variability of viability across an area and between development scenarios. Given that the Council's viability study notes in its conclusions that viability on brownfield sites is more challenging and recommends that Council seeks a 20% requirement on affordable housing on such sites it is surprising that the Council have chosen a flat rate in its affordable housing policy. Given the conclusions in the viability study this approach is unsound.
8. In addition to this we are concerned that the Council is also seeking affordable housing contributions on residential development for older people. The conclusion in the viability study are that such development, alongside flatted

development on brownfield land, is not viable with any affordable housing contribution. However, in policy LP06 the Council specifically state that the requirements in SP02 will apply to such development. Such an approach is not supported by the evidence and as such must be considered unsound.

### Recommendation

9. On the basis of both the need for housing and the viability study we would suggest that the housing requirement is reduced from 35% to 20%. This would ensure that all sites coming forward whether on brownfield or greenfield land remain viable whilst also ensuring that the need for affordable housing across both areas is delivered. This amendment would need to be made to both SP02 and LP06. In addition, we would also suggest that the Council also indicate in policy SP02 that flatted development on brownfield land and residential development for older people is exempt from providing an affordable housing contribution.

### **Policy LP06 – mix and type of composition**

#### The policy is unsound as it is unjustified.

10. As set out in our comments on SP02 this policy must be amended to reflect the evidence with regard to affordable housing needs and viability. However, given that part 'a)' merely repeats policy SP02 we would recommend that this be deleted.
11. The policy requires at part b that 50% of all dwellings should be built to part M4(2). When considering the implementation of the optional standards it is important to note that footnote 46 in paragraph 147 in the NPPF states that policies on adaptable and accessible housing should be used:

*“... where this would address an identified need ...”.*

Whilst we recognise that the Government are currently considering its position with regard to part m of the building regulations the current approach is needs-based and as such the number of homes built to part M4(2) should be proportional to identified needs. Whilst the HBF recognises that there is a need for some homes to be built to higher accessibility standards we do not consider the Council to have provided sufficient evidence from sources such as those identified in paragraph 56-007 of PPG to support the requirement for 50% of all new homes are built to the optional standard part M4(2).

12. Firstly, the evidence presented appears to be based on the fact that there is an ageing population. We would not dispute that across the UK there is an ageing population, however the HBF does not agree that this leads to the conclusion that half of all new homes should be built to part M4(2).

13. Secondly, the need for more accessible homes above current standards is further reduced for those who live in a recently constructed house. All new homes will be built to part M4(1) which, according to Part M of the Building Regulations, will ensure reasonable provision for most people, including wheelchair users, to approach and enter the dwelling and to access habitable rooms and sanitary facilities on the entrance storey. As such these standards are likely to be suitable for the significant majority of people as they get older and including many those with long term health problems or disabilities.
14. Thirdly many older people with a long-term health problem or disability will be able to adapt their current home to meet their needs. Given that many of those who will need to adapt their homes in future will already live in the Borough this will reduce the number of people moving to meet their housing needs. Some evidence related to this is provided in the English Homes Survey. Whilst we recognise that this is a national study it provides an indication as to the proportion of more adaptable homes that are required. The study examined the need for adaptations in 2014/15<sup>1</sup> and noted that just 9% of all households in England had one or more people with a long-term limiting illness or disability that required adaptations to their home and that this had not changed since 2011-12. So, despite an increasing proportion of older people in the general populace the proportion of the population requiring adaptations had not changed. The survey also found that in 2014-15, 81% of households that required adaptations in their home, due to their long-term limiting disability, felt their current home was suitable for their needs and that 10% of those households whose home required an adaptation were trying to move somewhere more suitable.
15. So, whilst there is an ageing population this does not directly lead to the need for all new homes built to higher accessibility standards. An ageing population will lead to more people who are likely to have a mobility problem but not necessarily more people who need a new more home built to the M4(2). Many older people, and indeed those of all ages with a long-term limiting illness or disability, will be able to adapt their existing homes to meet their needs and do not need to find alternative accommodation. It is also the case that for many people a new home built to the mandatory M4(1) standard will offer sufficient accessibility and adaptability throughout their life.
16. If the Council wants to adopt higher accessibility standard it must be based on appropriate evidence as to the need for such homes. Until such evidence is provided part b of LP06 cannot be considered sound.
17. Part c of the policy is too specific and doesn't provide sufficient flexibility to address changing circumstances. It must be remembered that evidence on housing needs such as the SHMA is a snapshot in time. Needs will change not only as a result of shifting demographics but also with regard to the type of

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<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/539541/Adaptations\\_and\\_Accessibility\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/539541/Adaptations_and_Accessibility_Report.pdf)

development that is delivered. It is important to ensure that the development that come forward in future takes account of what has already been delivered. As such we would recommend that part c is amended to provide a greater degree of flexibility to reflect changing circumstances over the plan period.

Recommendation.

18. That the following wording “*reflect the mix and type (including bungalows) of housing needs identified in the most relevant district needs assessment evidence ...*” in part c is changed to “*have regard to the mix and type (including bungalows) of housing needs identified in the most relevant district needs assessment evidence and the type new homes delivered as indicated in the AMR*”

**Policy LP08 – Affordable Housing**

Final sentence of paragraph 13.39 is inconsistent with national policy.

19. Paragraph 13.39 of the justification for policy LP08 states that “*The provisions for discount home ownership and starter homes must not be made at the expense of shared ownership and social /affordable rent provision*”. This statement is misleading and should be deleted. The NPPF states in paragraph 64 that 10% of all homes on major residential development should be available for affordable home ownership and that this should be part of the overall affordable housing contribution. Whilst paragraph 64 does state that this level can be amended where it would exceed the level of affordable housing or significantly prejudice the delivery of identified affordable housing needs it still seeks to make affordable home ownership a priority.

**Policy LP18 – Biodiversity and Geodiversity**

The policy is not consistent with national policy.

20. The Council have included the Government’s suggestion that new development should improve the biodiversity on their site to show a 10% net gain over the pre-development baseline within this policy. Whilst we recognise that this is the Government’s current position favoured position it is likely that there will be a transition period to allow the development industry to adapt to the proposed changes. As such we would suggest that the Council remains consistent with paragraph 170 of national policy to seek net gains in biodiversity and not include the requirement to show a 10% net gain. A policy without a specific percentage requirement would be consistent with current policy and should the relevant legislation be enacted as currently proposed such a policy would be sufficiently flexible to support a 10% requirement and any transition period.

Recommendation

21. That the 10% requirement be deleted.

### **Policy LP25 – Sustainable construction and design**

22. The Councils' suggestion in part 7 of this policy to encourage development to achieve a maximum water consumption of 100 litre per day could create confusion for decision makers as to the actual requirement of policy.

#### Recommendation

23. Part 7 is removed from policy and placed within the supporting text.

### **Policy LP26 – Design and residential amenity**

24. Part e of LP26 requires development to meet national spaces standards as a minimum. Whilst the HBF shares the Council's desire to see good quality homes delivered across Babergh and Mid Suffolk we also consider that space standards can, in some instances, have a negative impact upon affordability issues and reduce customer choice. In terms of choice some developers will provide entry level two, three and four-bedroom properties which may not meet the optional nationally described space standards, but which would allow on lower incomes can afford a property which has their required number of bedrooms. Given the poor affordability of property in the area and the tight constraints on development it is therefore important that the Council can provide robust evidence that there is a need to introduce the optional space standards – that these standards are a must have rather than a nice to have policy.
25. As the Council are aware paragraph 56-020 of PPG establishes the type of evidence required to introduce space standard through the local plan. The Council is required to have a robust justifiable evidence to introduce any of the optional housing standards, based on the criteria set out in PPG. We could not find any evidence presented by the Council that space standards are needed in either area. Without the necessary evidence part e of LP26 cannot be considered to be sound.

#### Recommendation

26. Part e of LP26 is deleted.

### **Policy LP30 – Designated open spaces**

Policy is unsound as it requires applications to meet a standard that is not set out in the local plan.

27. The Council can only require conformity with standards where they are included in the local plan. As such we recommend that part is amended to read "*The provision of open space in development will need to have regard to the open space standards identified in the open space assessment*".

## Policy LP32 – Safe sustainable and Active Transport

### The policy is unsound as it is not justified

28. The HBF supports the use of electric and hybrid vehicles and the introduction of the necessary supporting infrastructure via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. It is the industry's preference for a national approach to the provision of charging points rather than local authorities setting their own standards. We consider this is necessary to allow research and development and supply chains to focus upon responding to agreed national targets, and for training providers to plan their programmes to equip the labour force to meet these new requirements. It is fundamentally inefficient to create a plurality of standards.
29. The Government has recognised in recent consultations the possible impact of any requirement to provide electric vehicle charging points 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 electric vehicle charging points (EVCP) 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.
30. Where such costs are high the Government are proposing that 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. The consultation proposes that the threshold for the exemption is set at £3,600. In the instances the additional costs are 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 requirements should be applied.
31. As such we would suggest that the requirement for EVCPs should be deleted *because* the Government's proposed changes to Building Regulations will provide a more effective framework for the delivery of charging points for electric vehicles.
32. In addition, part h of LP32 requires conformity with parking standards as defined in guidance *produced* by Suffolk County Council. The Council does not set out in this policy what is required by an applicant with regard to parking provision.

The approach taken by the Council is therefore unsound as it does not comply with legislation that prevents the Council from setting policy in supplementary planning documents, which cannot be challenged through an Examination in Public. This principal was most recently tackled in *William Davis Ltd & Ors v Charnwood Borough Council* [2017] EWHC 3006 (Admin) (23 November 2017) where supplementary planning document strayed into an area that should be considered by a development plan document. This decision quashed an SPD that contained policies that clearly encouraged and imposed development management policies against which a development could be refused. Policy can only be established through the Local Plan to ensure these cannot be amended without the required consultation and examination in public.

### Recommendation

33. That:

- Part i) of policy LP32 is deleted.
- Parking requirements currently proposed to be established in the SPD should be set *out* within an appendix to the Local Plan or the wording of part h) be amended to have regard to current parking guidance.

### **Conclusion**

34. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, for the following reasons:

- The requirement for 35% of all homes on sites of 10 or more units should be amended to reflect the evidence presented by the Council;
- The requirements relating to the optional technical standards for accessibility and space standards have not been justified and should be deleted;
- Whilst we recognise the direction of travel the 10% requirement for net biodiversity gain is not consistent with current national policy. Consideration may need to be given to any transitional arrangements that may be introduced by Government;
- Standard for electric vehicle charging points have not been sufficiently justified and should be deleted; and
- Parking standard should either be set out in the plan or the wording amended removing the requirement to meet the standard published in supplementary guidance.

35. We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and examination. Should you require any further clarification on the issues raised in this representation please contact me.

Yours faithfully



A handwritten signature in black ink, appearing to read 'Mark Behrendt'.

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