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14<sup>th</sup> December 2020

Dear Sir / Madam

## **SOLIHULL LOCAL PLAN REVIEW (LPR) – 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 when Local Plans are adopted an effective strategy is in place to deal with strategic matters such as unmet housing needs (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 this pre-submission Local Plan consultation, which is inconsistent with national policy. In the absence of a published SoCG, it is impossible for the HBF and other interested parties to assess if the Council has satisfied the legal requirements of the Duty to Co-operate.

The Council's supporting evidence includes the Greater Birmingham & Black Country Housing Market Area (GB&BCHMA) Housing Need and Housing Land Supply Position Statement July 2020. However, this document is not a SoCG, the Solihull Local Plan should be supported by an agreed SoCG. Indeed the Position Statement confirms "*The purpose of this statement is to provide a starting point from which future Statements of Common Ground, as required by the revised 2019 NPPF, can develop*" (para 1.2).

The GB&BCHMA Position Statement seeks to demonstrate that the housing need can be met across the sub-region for the period 2011 - 2031. However, Table 5 : Housing Shortfall for GB&BCHMA 2011 – 2031 is somewhat misleading by showing a housing shortfall of only 2,597 dwellings. Table 5 compares an updated Housing Land Supply (HLS) against a minimum housing requirement of 207,979 dwellings (based on Strategic Growth Study re-based 2014 household projections model plus a contribution to Coventry & Warwickshire HMA) rather than the adopted housing requirements and unmet housing needs set out in Table 2. The minimum housing requirement in Table 5 of 10,399 dwellings per annum is below the housing requirement in Table 2 of 10,961 dwellings per annum (annual housing requirement plus unmet need not provided for). Table 2 is also an under-estimation of housing need because of the exclusion of the identified shortfall in the Black Country of 29,260 dwellings between 2019 – 2038 of which 7,485 dwellings arise by 2031 (see para 4.2). The addition of the Black Country shortfall would increase the housing requirement in Table 2 to 11,585 dwellings per annum. Furthermore, future housing need in Local Plan Reviews will be based on the current standard methodology for calculating Local Housing Need or the Government's proposed revised standard methodology rather than the objective assessment of housing need. Using the current standard methodology, a re-calculation of Local Housing Need (LHN) across the GB&BCHMA is 11,958 dwellings per annum (with Birmingham's housing need uncapped) or 10,466 dwellings per annum (with Birmingham's housing need capped). Using the revised standard methodology, re-calculation of LHN for the GB&BCHMA increases to 12,598 dwellings per annum.

The estimated HLS in 2019 of 205,382 dwellings set out in Table 3 relies on unevidenced allowances of 11,413 dwellings from proposed allocations in emerging Local Plans yet to be tested at Examination, an additional urban supply of 19,410 dwellings and windfall development of 14,111 dwellings. It is noted that Table 6 : Changes in Housing Capacity 2017 – 2019 identifies a 27%

increase of 13,942 dwellings in Birmingham. The deliverability of residential development in these locations will be dependent upon the viability of previously developed land and the demand for high density city living post Covid-19. The HBF contend that the housing shortfall in the GB&BCHMA is greater than 2,597 dwellings shown in Table 5 of the Position Statement because housing need has been under-estimated and HLS has been over-estimated.

There is a long history of on-going engagement between the GB&BCHMA authorities but to date there is no conclusive outcome from this engagement in relation to the strategic cross-boundary matter of redistribution of unmet housing needs from Birmingham, Tamworth, Cannock Chase and Black Country authorities, which indicates that this engagement is not constructive or active and forms a unsound basis for plan-making. Almost four years after the adoption in January 2017 of the Birmingham Development Plan, which identified an unmet housing need of 37,900 dwellings, there is no agreement on how the housing needs of the GB&BCHMA are going to be met in full. In the absence of any signed SoCG, there is no real commitment to resolving the redistribution of unmet housing needs. There is every likelihood that reaching a consensus on this strategic matter will be a lengthy disharmonious process between the GB&BCHMA authorities.

Before the Local Plan is submitted for examination, the HBF expects the GB&BCHMA authorities to produce a SoCG setting out where unmet housing need will be met. An agreed SoCG should confirm that :-

- Each authority will meet its own LHN and a defined amount of unmet LHN. This cumulative figure will be the housing requirement figure for each authority respectively ;
- An acknowledgement by the GB&BCHMA authorities that additionality in HLS may be required to ensure deliverability and flexibility ; and
- An agreement that if housing requirement figures materially change due to revisions to the Government's standard methodology for calculating LHN with a consequential impact on the quantum of unmet LHN across the HMA, then a revised SoCG will be agreed within 6 months.

If the strategic matter of meeting housing needs in full is not set out in a signed SoCG, the Council will not have satisfactorily discharged the legal requirements of the Duty to Co-operate and the Local Plan will not be sound.

After publication of a SoCG, the Council should embark on an additional stage of public consultation, so that the HBF and other interested parties are able to submit further comments on the Council's compliance with the Duty to Co-operate. In the absence of such an opportunity, the HBF will submit further comments in written Examination Hearing Statements or orally during Examination Hearing Sessions.

### **Local Housing Need (LHN) & Housing Requirement**

As set out in 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). 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).

The NPPG sets out the standard methodology for calculating the LHN figure using demographic data (based on 2014 MHCLG Sub National Household Projections (SNHP)) and an affordability adjustment (based on the latest ONS affordability ratios) (ID 2a-004-20190220). Using the standard methodology, the minimum LHN for Solihull is 807 dwellings per annum equivalent to 12,912 dwellings over the plan period 2020 – 2036. This calculation is based on 2014 SNHP, 2020 as the current year and 2019 affordability ratio of 8.42. 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 when appropriate revised until the Local Plan is submitted for examination (ID 2a-008-20190220). The Council should be mindful that the minimum LHN may change as inputs are variable.

The NPPG clearly states that the standard methodology is the minimum starting point in determining the number of homes needed. It does not produce a housing requirement figure (ID 2a-010-20190220). The NPPG explains that "circumstances" may exist to justify a figure higher than the minimum LHN (ID 2a-010-20190220). The "*circumstances*" for increasing the minimum LHN are listed in the NPPG, but the NPPG emphasises that the listed "*circumstances*" are not exhaustive. The listed "*circumstances*" include, but are not limited to, situations where increases in housing need are likely to exceed past trends because of growth strategies, strategic infrastructure improvements, agreeing to meet unmet need from neighbouring authorities or previous levels of housing delivery / assessments of need, which are significantly greater than the outcome from the standard methodology (ID: 2a-010-20190220). The Council has considered whether such "*circumstances*" exist in its Housing & Economic Development Needs Assessment (HEDNA) 2020.

The Local Plan's proposals for the UK Central Growth Hub including expansion at Jaguar Land Rover, Birmingham Airport, the National Exhibition Centre and the HS2 interchange development at Arden Cross will facilitate significant investment and employment growth in the Borough. The Baseline economic forecast by Experian predicted a jobs growth of 10,000, which was judged not to reflect the planned investments for economic growth in the Borough therefore two alternative economic scenarios were considered. A UK Central scenario based on planned growth, which forecast an additional jobs growth of 12,998, and a more generalised growth scenario whereby locally based sectors of manufacturing, transport & storage, accommodation & food service, information & communication, real estate activities, and professional scientific & technical outperform the Baseline, which forecast an additional jobs growth of 5,680. The Council has decided to plan for 22,998 jobs growth by 2036 based on Baseline jobs forecast plus the UK Central Hub scenario.

Other evidence published by the Council states that “*Solihull is the location for the first High Speed 2 (HS2) rail interchange station outside London, and the scale of development opportunity this brings is set out in the Midlands HS2 Growth Strategy published in July 2015. This identifies the potential to deliver around 16,500 new jobs and 1,900 new homes in the vicinity of the HS2 interchange station. The UK Central Solihull Urban Growth Company has recently published the UK Central Hub Growth and Infrastructure Plan predicting up to 77,500 jobs, 4,000 homes and 775,000 square metres of commercial space over the wider Hub Area, including the Airport, NEC, JLR, Birmingham Business Park, and Arden Cross, the location of the HS2 Interchange, by the mid 2040’s*” (Viability Study 2020 by Cushman & Wakefield). The Council should confirm that there are no inconsistencies in its evidence and the HEDNA is not under-estimating the additional jobs growth from the UK Central Hub.

It is estimated that by 2036, the standard methodology LHN figure of 807 dwellings per annum will support a jobs growth of only 13,119 therefore to support the proposed planned jobs growth of 22,998 (Baseline plus the UK Central Hub scenario) the housing need figure is increased to 816 dwellings per annum. However, this modest uplift to the LHN figure assumes that Baseline growth (10,000 jobs) continue to reflect 2011 Census commuting patterns for the Borough and the UK Central Hub jobs reflect local commuting patterns, which rely on greater levels of in commuting from surrounding local authority areas. The HBF would query these assumptions on commuting given that the Council itself acknowledges that “*this does, however, assume that commuting ratios remain the same as they did in 2011, which are known to have likely changed*” (see para 26 of the HEDNA).

It is also understood that the Council intends to contribute 2,105 dwellings to meet unmet housing from the GB&BCHMA. However, this is not set out in a SoCG (see HBF representations above under the Duty to Co-operate). The derivation of the contribution is undefined. The 2,105 dwellings appears to be the difference between the LHN for Solihull and the identified HLS.

The median house price in Solihull is £275,000, which is significantly higher than in the West Midlands at £190,000 and in England at £230,000. The median house prices to median earnings ratio is 8.42. The HEDNA identifies a need for 578 affordable dwellings to rent per annum and 412 affordable home ownership homes per annum. 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 NPPG also states that an increase in the total housing figures may be considered where it could help deliver affordable housing (ID : 2a-024-20190220). The affordable housing need figures for Solihull are significant. The higher the overall housing requirement the greater the contribution towards delivery of affordable homes.

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 proposals for revisions to the standard method for assessing housing numbers in strategic plans. This revised methodology is designed to address shortcomings with the current standard methodology, to align with the Government's housebuilding ambitions and to provide more certainty for all stakeholders. The proposed revised methodology increases the minimum LHN for Solihull to 1,011 dwellings per annum, which is above the Council's proposed housing requirement of 938 dwellings per annum.

As set out in the NPPG, the Government is committed to ensuring that more homes are built and supports ambitious Councils wanting to plan for growth (ID : 2a-010-20190220). The NPPG states that a higher figure "*can be considered sound*" providing it "*adequately reflects current and future demographic trends and market signals*". In the HEDNA, the Council has demonstrated that "*circumstances*" exist to justify a housing need higher than indicated by the standard methodology.

Under **Policy P5 – Provision of Land for Housing**, the Council will deliver 15,017 dwellings (938 dwellings per annum) in the period 2020 - 2036. The HBF support the Council in identifying a housing need, which is greater than the minimum standard methodology LHN figure. However, the NPPG does not set any limitations on a higher figure, which is a matter of judgement. The Government's objective of significantly boosting the supply of homes set out in the 2019 NPPF remains (para 59). The HBF believe that the Council should have been more ambitious. A higher housing requirement would provide greater flexibility to support economic growth, to deliver more affordable housing, to contribute to unmet housing needs from GB&BCHMA and to respond to the Government's proposed changes to the standard methodology. The HBF also note that the housing requirement set out in **Policy P5** is not expressed as a minimum figure.

Before submission of the Local Plan for examination, the Council should re-consideration its housing requirement figure with reference to commuting rates, worsening affordability, a SoCG with GBBCHMA authorities and future changes to the standard methodology. The HBF believe that there is evidential justification for a housing requirement above 938 dwellings per annum. **Policy P5** should also be amended to set out the Council's housing requirement as a minimum.

### **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 Solihull'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.

75% of the Borough's population live within the urban areas of Solihull. The Council's spatial strategy focuses strategic developments in locations that are,

or can be made, accessible and sustainable, which are located on the edge of the urban area or within the rural settlements with the greatest range of services. This approach supports the UK Central Hub and HS2 growth strategy. Some smaller non-strategic sites will assist the early delivery of housing during the plan period.

The Council's estimated overall HLS is 15,017 dwellings comprising of :-

- 2,671 dwellings from existing commitments (as at April 2019 after deduction of 10% lapse rate on sites not started) ;
- 315 dwellings from existing allocations (after deduction of 10% lapse rate) ;
- 288 dwellings from SHLAA sites (after deduction of 10% lapse rate) ;
- 69 dwellings from Brownfield Register sites (after deduction 10% lapse rate) ;
- 865 dwellings in Town Centre (after deduction of 10% lapse rate) ;
- 2,740 dwellings in UK Central Hub Area ;
- 5,270 dwellings from proposed Local Plan allocations ; and
- a windfall allowance for 2,800 dwellings.

There is limited information available from which to assess the robustness of the Council's overall HLS. The Council should set out in detail its assessment of the capacity of SHLAA, Brownfield Register, Town Centre and UK Central Hub Area sites. The Council should robustly evidence that the proposed number of dwellings can be accommodated without reverting to an overly ambitious intensification of site densities. The deliverability of residential development in these locations will be dependent upon the viability of previously developed land and the demand for high density urban living post Covid-19.

The soundness of strategic and non-strategic site allocations will be tested in due course at the Local Plan Examination. The HBF would not wish to comment on individual sites proposed for allocation but it is noted that the Council has provided no data on a site by site analysis of the deliverability of individual site allocations. 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, 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's housing requirement and HLS are the same figure. The Council's only contingency is 10% lapse rate. This lack of contingency planning provides no flexibility. The HBF 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 the amount of contingency needed but where the HLS is highly

dependent upon one or relatively few large strategic sites and / or localities then greater numerical flexibility is necessary than if the HLS is more diversified.

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 proposed windfall rate of 200 dwellings per annum is high. To prevent double counting with existing permissions, the windfalls are only included from the third year onwards. However, the Council should confirm that there is no overlap between windfalls and SHLAA, Brownfield Register and Town Centre sites.

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.

The Summary Table of Residential Allocations (para 226) identifies eighteen sites, which are located as follows :-

- 6 sites in Balsall Common ;
- 3 sites in Blythe ;
- 2 sites in Hampton in Arden ;
- 1 site in Hockley Heath ;
- 2 sites in Knowle ;
- 1 site in Meriden ;
- 1 site in North Solihull ; and
- 2 sites in Solihull.

Of the proposed allocations only one site is for 50 dwellings, six sites are for 51 – 100 dwellings, 4 sites are for 101 – 200 dwellings, three sites are for 201 – 350 dwellings, two sites are for 600 – 700 dwellings, one site is for 875 dwellings and one site is for 1,000 dwellings. 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 Solihull, 10% of the housing requirement is 1,502 dwellings. None of the Council's proposed residential allocations are less than 1 hectare. The Council should ensure that the Local Plan is consistent with 2019 NPPF.

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). Seven allocated sites will be delivered in Phase 1 only, one site will be delivered in Phase 2 only, seven sites will be delivered in Phases 1 & 2, two



sites will be developed in Phase 2 & 3, and one site will be delivered in all Phases.

It is also noted that the Council's proposed housing trajectory is stepped. The Council proposes 851 dwellings per annum between 2020 – 2026 and from 2026 onwards 991 dwellings per annum. This is justified by the Council because the larger strategic sites will not make a significant contribution to completions until the mid-delivery phase. The level of proposed growth of 938 dwellings per annum is higher past delivery. Over the last 5 years completions have averaged 706 dwellings per annum. The highest completion rate was 836 dwellings per annum in 2005/06. However, these low completion rates may have arisen due to a constrained HLS rather than limited market demand or the performance of the house building industry.

The Council's 5 YHLS is estimated as 5.37 years based on 5% buffer and the stepped trajectory. This represents a minimal surplus of only 329 dwellings, which could be easily eroded by any changes in circumstances. 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). The viability of individual developments and plan policies should be tested at the plan making stage.

Viability is a key issue in determining the soundness of the Local Plan at Examination. 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. 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. 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.

The Council's viability assessment is set out in the Viability Study 2020 by Cushman & Wakefield. 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. The HBF have concerns about the Council's standard inputs including (but not an exhaustive list) :-

- using BCIS lower quartile costs. All new build housing is built to a high specification therefore median rather than lower quartile BCIS figures should be the starting point ;
- a blended developer return of 17% may not reflect the risk profile of development ;
- finance cost of 6%. Homes England currently use a range of 5% - 7%. The HBF recommends between 6.5% - 7% ;
- professional fees of 8%. The Harman Report recommended 8% – 10% for straightforward sites up to 20% for complex strategic sites ; and
- sales & marketing cost of 3% for market housing & 0.5% for affordable housing. The Harman Report recommends 3% - 5%.

The HBF also have concerns that the Council's 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 including (but not an exhaustive list) :-

- Policy P4D for Self & Custom Build plots ;
- Policy P4E for M4(2) & M4(3) compliant homes ;
- Policy P5 for NDSS ;
- Policy P9 for Future Homes Standard & EVCPs ;
- Policy P10 for biodiversity net gain ; and
- Policy P11 for optional water efficiency standard excluded

Detailed comments for each respective Policy are set out below.

The HBF note that the Council's viability testing identifies the following typologies as unviable :-

- North Solihull greenfield and Previously Developed Land (PDL) ;
- Mature Suburbs PDL ;
- windfall sites in the Low Value Area (North Solihull) ; and
- retirement housing developments.

## **Housing Policies**

### **Policy P4A : Meeting Housing Needs – Affordable Housing**

**Policy P4A** requires developers of allocated and windfall sites of 10 or more dwellings to make a 40% contribution to affordable housing defined as social rented, affordable rented, intermediate tenure and Starter Homes subject to viability.

Under **Bullet Point 6**, on-site provision and off-site contributions should be based on a tenure split of 65% social rent with 35% provided as shared ownership. 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 Council's policy approach to affordable housing tenure set out in **Bullet Point 6** is

inconsistent with national policy. Furthermore, the Government's consultation on Changes to the Current Planning System (ended on 1st October 2020) proposed further changes to deliver First Homes.

Under **Bullet Point 7**, the social rented housing mix should be 30% 1 bedroom maisonettes / apartments (2 person home), 35% 2 bedroom houses (4 person home), 25% 3 bedroom houses (5 person home) and 10% 4 bedroom houses (6 person home) taking into account site circumstances. Under **Bullet Point 8**, the shared ownership housing mix should 15% 1 bedroom maisonettes / apartments, 40% 2 bedroom houses / apartments, 40% 3 bedroom houses and 5% 4 bedroom houses taking into account site circumstances. The Council's policy approach is inflexible and overly prescriptive. The HEDNA 2020 set out a range of housing mixes as shown below :-

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Affordable home ownership	10 – 20%	35 – 45%	35 – 45%	0 – 10%
Affordable (rented)	25 – 35%	30 – 40%	20 – 30%	5 – 15%

**Policy P4A** should be re-considered and modified by the Council.

#### **Policy P4C : Meeting Housing Needs - Market Housing**

Under **Bullet Point 3**, market dwellings shall be provided in accordance with the following mix 30% 1 or 2 bedrooms, 50% 3 bedrooms, 20% 4 or more bedrooms.

As set out in 2019 NPPF, the housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing including a need for affordable housing (paras 61 & 62). 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). All households should have access to different types of dwellings to meet their housing needs. Market signals are important in determining the size and type of homes needed. The Council's policy approach is inflexible and overly prescriptive. The HEDNA 2020 set out a range of housing mixes as shown below :-

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Market	0 – 10%	20 – 30%	45 – 55%	15 – 25%

The Council's policy approach should acknowledge that not all sites will be able to meet an overly prescribed housing mix requirement because of site size, proposed development typology, site specific circumstances and viability. **Bullet Point 3** should be amended to be more flexible and less prescriptive.

#### **Policy P4D : Meeting Housing Needs - Self and Custom Housebuilding**

Under **Bullet Point 1**, the Council will require developers of allocated sites and sites of 100 or more dwellings to make a contribution of 5% self and custom build plots taking into account site size, accessibility to local services, facilities & access to public transport, viability, realisation of other planning objectives, range of house types & sizes and achievement of a successful and functional housing development. Under **Bullet Point 2**, these plots are expected to be offered for sale with outline planning permission, fully serviced to the boundary and unconstrained access to the highway for a period of 12 months to those Registered on Solihull's Self and Custom Build Housing Register. The value of the plots will be subject to an independent valuation by a Registered Surveyor.

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 5% self & custom build housing on site allocations and residential developments of 100 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). At 30 October 2019, there were 370 individual entries on the Register and 4 groups comprising of 18 individuals. 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.

There is no rationale for the selection of allocated sites or the threshold of 100 dwellings for qualifying developments nor the percentage provision of 5% sought. The Council has not provided any details on the preferences of people interested in self & custom build. Often self & custom builders are looking for an individual plot in a rural location. If the Council mismatches an over-supply of clusters of plots on larger housing sites in urban locations against demand for single 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 self & custom build serviced plots on larger housing developments 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 between the lead-in times / build out rates of self & custom build plots and the development of the wider site means unfinished plots next to completed and occupied dwellings 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. 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 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.

As well as on-site practicalities any adverse impacts on viability should be tested. The Council's viability assessment acknowledges that developing sites including self & custom build plots will have a fundamental bearing on the development economics of the scheme. Site externals, site overheads, and enabling infrastructure costs are fixed and borne by the site developer. The developer will also have borne up front site promotion costs, including planning and acquisition costs. It is unlikely that these costs will be recouped because the plot price a self & custom builder is able to pay is constrained by much

higher build costs for self-build. The Council have modelled the impact on the site developer as a “profit foregone” of not recouping profit otherwise obtainable if the house was built and sold on the open market by the site developer. However, this does not cover the worst-case scenarios of unsold plots remaining undeveloped, disruption if unsold plots are built by the site developer out of sequence from the build programme of the wider site or a return to site after completion of the wider site and the greater burden of affordable housing provision, infrastructure contributions, etc. falling onto fewer market for sale dwellings.

**Policy P4D** will cause delay to the processing of planning applications and slowdown housing delivery. There is no robust evidence of demand for plots on larger housing sites. It is the HBF’s opinion that 5% self & custom build serviced plots should not be required on allocated sites and housing sites of 100 or more dwellings. This policy should be deleted.

### **Policy P4E : Meeting Housing Needs - Housing for Older and Disabled People**

Under **Bullet Point 2**, all new build housing on major development sites must be built to optional technical standard M4(2) of the Building Regulations unless it is built in to M4(3) and under **Bullet Point 3**, at least 5% of housing on major development sites must be built to optional technical standard M4(3) of the Building Regulations. Under **Bullet Point 6 iv**, all specialist housing must meet the M4(2), M4(3(2a)) or M4(3(2b)) requirements 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 latest 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 the HEDNA 2020. The HENDA 2020 provides information on the proportion of older people in the population but the Council has provided no evidence 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 Borough.

In Solihull, the number of people aged 75 and over is projected to increase by 7,147 between 2020 and 2036. There will also be an increase in the number of people aged 65 and over with dementia and mobility problems (31%). The HBF acknowledge that the population of Solihull 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 Solihull. 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.

Many older households are already living in the Borough. Of these older households, many 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 (92,415 dwellings in 2019) is considerably larger than the new build sector (only 807 new build completions in 2018/19) so adapting the existing stock is likely to form part of the solution.

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 justification for 95% of dwellings to be M4(2) as set out in **Bullet Point 2**, which should be deleted.

It is noted that the supporting text (para 209) distinguishes between a wheelchair adaptable home (M4(3)(2a)), which includes features to make a home easy to convert to be fully wheelchair accessible and a wheelchair

accessible home (M(3)(2b)), which includes the most common features required by wheelchair users, but this distinction is not included in the actual policy wording. 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).

There is no justification for at least 5% of dwellings to be M4(3) as set out in **Bullet Point 3**, which should be deleted.

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).

Viability testing should take full account of additional costs for policy compliance. The Council's viability assessment uses the Government's Housing Standards Review cost estimates for M4(2) and M4(3) by EC Harris plus inflationary increases since 2014. However, the costs shown in Table 45b for M4(2) are below the MHCLG consultation "Raising Accessibility Standards for New Homes" dated September 2020, which estimates the additional cost per new dwelling not already meeting M4(2) is approximately £1,400 per dwelling.

**Policy P4E Bullet Points 2 and 3** are unsound because of an absence of robust evidence justifying the need for optional standards. The policy approach is inflexible and fails to take account of site-specific circumstances and viability, which impedes effectiveness.

Under **Policy P4E Bullet Points 4 & 5**, all developments of 300 dwellings or more must provide specialist housing or care bedspaces taking into account site specific factors, viability, realisation of other planning objectives and the need to achieve a successful housing development.

The HBF recognise that all households should have access to different types of dwellings to meet their housing needs. When planning for an acceptable mix of dwellings types to meet people's housing needs the Council should focus on ensuring that there are appropriate sites allocated to meet the needs of specifically identified groups of households such as the elderly rather than seeking inclusion as part of a prescribed housing mix on individual sites above a specified site threshold. Indeed, the housing needs of older people is a diverse sector so the Local Plan should be ensuring that suitable sites are available for a wide range of developments across a wide choice of appropriate locations.

### **Policy P5 : Provision of Land for Housing**

**Bullet Point 5** requires all new homes to comply with the Nationally Described Space Standards (NDSS).



If the Council wishes to apply the optional NDSS to all dwellings, then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46). Footnote 46 states that “*policies may also make use of the NDSS where the need for an internal space standard can be justified*”. 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 NPPG sets out that “*where a need for internal space standards is identified, the authority should provide justification for requiring internal space policies. Authorities should take account of the following areas need, viability and timing*” (ID: 56-020-20150327). Before adopting the NDSS, the Council should provide a local assessment evidencing the case for Solihull.

The NDSS 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*”. The identification of a need for the NDSS should identify the harm caused or may be caused in the future. If it had been the Government’s intention that generic statements simply stating in some cases the NDSS had not been met justified adoption of the NDSS then the standard would have been incorporated as mandatory in Building Regulations, which is not the case. The Council has provided no supporting evidence to justify the need for NDSS.

There is a direct relationship between unit size, cost per square metre, selling price per metre and affordability. The Council should recognise that customers have different budgets and aspirations. The introduction of the NDSS for all dwellings may lead to customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs. This may lead to the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. Non-NDSS compliant dwellings may be required to ensure that those on lower incomes can afford a property, which meets their bedroom requirements. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice for affordable homeownership products such as First Homes.

The Council’s viability assessment only tests one average house type size of 954 square feet rather than testing the sixteen NDSS compliant house typologies. The HBF consider that this is not a robust approach to assessing the impact of NDSS on viability.

Moreover, there is no assessment of the impact on affordability in a Borough where housing is expensive and unaffordable for a significant proportion of the resident population. The median house price in Solihull is £275,000, which is significantly higher than in the West Midlands at £190,000 and in England at £230,000. The median house prices to median earnings ratio is 8.42.

The Council should assess any potential adverse impacts on meeting demand for First Homes and other affordable homeownership products, which may affect delivery rates of sites included in the housing trajectory. The delivery

rates on many sites will be determined by market affordability at relevant price points of dwellings and maximising absorption rates. An adverse impact on the affordability may translate into reduced or slower delivery rates.

In the absence of robust evidence justifying the requirement for NDSS and lack of viability testing, the Council should delete **Bullet Point 5** from **Policy P5**.

If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

## **Other Policies**

### **Policy P9 Mitigating and Adapting to Climate Change**

Under **Bullet Point 3** :-

- **(i)** all new dwellings to achieve 30% reduction in energy demand/carbon reduction improvement over and above the requirements of Building Regulations Part L (2013) at the time of commencement up to March 2025 ;
- **(ii)** from April 2025 for all new dwellings to be net zero carbon ; and
- **(iv)** all major housing development to provide at least 15% of energy from renewable and/or low carbon sources.

It is commendable for the Council to seek to achieve a reduction in energy demand and to deliver renewable and low carbon energy, however it is important that the Council's proposed policy approach does not conflict or go beyond the Government's proposals for Building Regulations. As set out in The Future Homes Standard consultation (ended on 7<sup>th</sup> February 2020), the Government intends to future proof new homes with low carbon heating and world-leading levels of energy efficiency by uplifting standards for Part L (Conservation of Fuel & Power) and changing Part F (Ventilation) of the Building Regulations.

The HBF recognise and support the need to move to The Future Homes Standard but there are difficulties and risks to housing delivery 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 in combination with Government proposals for the installation of electric vehicle charging points (EVCP) in new homes. The HBF and its Members favour adoption of a stepped and incremental approach to achieving the Government's ambitions because of the need for supply chain and infrastructure investment and skills training. The consensus of HBF Members is that Option 1 (20% reduction in emissions from higher fabric efficiency standards) should be implemented first, with Option 2 (31% reduction in carbon emissions compared

to the current Part L 2013 requirements) being implemented two to three years later.

The requirements set out in **Bullet Point 3 (i), (ii) and (iv)** are unnecessary given the Government's proposals for Parts F and L of the Building Regulations. These requirements should be deleted.

If **Bullet Point 3 (i), (ii) and (iv)** are retained, the Council's requirement should not compromise the viability of development. The Council's viability assessment incorporates a cost of only £4,200 - £4,620 per dwelling for Future Homes Standard Option 2 rather than the Government's estimated cost of £4,847 per dwelling for Option 2.

The Council's policy approach should also recognize that these requirements may not be physically appropriate or practical on all sites. If retained reference to practical feasibility should be added to make the policy approach flexible and therefore more effective.

Under **Bullet Point 3 (v)**, at a site level to supply energy efficiently and give priority to decentralised and / or district energy supply.

It is also noted that the Council propose to give priority to decentralised and / or district energy supply. The Council should be aware that some decentralised energy supply 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 such consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a decentralised and / or district energy supply does not have the same opportunities to switch supplier as they would for most gas and electricity supplies. Such 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.*"

**Policy P9 Bullet Point 3 (viii)** requires for residential development the provision of at least one electric vehicle charging point (EVCP) per dwelling. On development sites without allocated parking, a contribution will be made to the

Council's Charging Infrastructure Fund and / or provision to be made through a commercial rapid charging point.

The Department of Transport consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings (ended on 7<sup>th</sup> October 2019) set out the Government's preferred option to introduce a new requirement for EVCPs under Part S of the Building Regulations. 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 fitted with a universal socket to charge all types of electric vehicle currently on the market.

The HBF recognise that electric vehicles will be part of the solution to transitioning to a low carbon future. However, given the Government's proposals for Part S of the Building Regulations, the requirement set out in **Bullet Point 3 (viii)** is unnecessary, which should be deleted.

If **Bullet Point 3 (viii)** is retained, the HBF consider that the physical installation of fixed EVCPs is unnecessary. 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. The Council should consider a cable and duct only approach so 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 requirement should not compromise the viability of development. 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. 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. The Council's viability assessment included a cost of £1,000 per dwelling but no costs for upgrading local network. 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 a capped figure of £3,600 on developers therefore this figure should also be included in any viability impact assessment.

If **Bullet Point 3 (viii)** is retained, references to practical feasibility and viability should be added to provide a more flexible and effective policy approach.

## **Policy P10 : Natural Environment**

**Bullet Points 8 & 9** require development to demonstrate a biodiversity net gain of at least 10% is provided in situ.

It is the HBF's opinion that the Council should not deviate from the Government's proposals on biodiversity gain as set out in the 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. 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 Council should not specify a requirement above 10%. The prefix "at least" should be deleted.

Under **Bullet Point 12**, enhancements should be undertaken either on the site, or in its vicinity, but where it is clearly justified that this is not possible, biodiversity offsetting, in alternative strategic locations within the Borough's ecological or green infrastructure network, may be considered as a last resort.

The Council's approach is not consistent with proposals 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 Council's viability assessment. 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. The Council's viability assessment assumes that the cost of biodiversity net gain is incorporated into S106 contributions of £6,500 - £10,000 per dwelling. This is considered to significantly under-estimate costs. 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 West Midlands of £18,527 per hectare of development based on a central estimate but there are significant increases in costs to £63,725 per hectare for off-site delivery under Scenario C. There may also be an impact on gross / net site acreage ratio, which is not considered in the Council's viability assessment. Before the Local plan is submitted for examination, the Council should undertake further viability testing.

In the Environment Bill, the Government will make provision 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 P10** should be modified to align with the Environment Bill.

### **Policy P11 : Water and Flood Risk Management**

**Bullet Point (3)** requires all new development to meet the optional water efficiency standard of 110 litres per person per day.

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. 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. The NPPG states that where there is a "*clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day*" (ID : 56-014-20150327). The NPPG also states the "*it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement*" (ID : 56-015-20150327).

The Council's Water Cycle Study 2017 undertaken in consultation with the Environment Agency and Severn Trent Water, demonstrates that the level of proposed development is capable of being delivered without significant water and sewerage infrastructure improvements. The study recommends adoption of the optional higher standard of water efficiency because Solihull is identified as an area of moderate water stress.

Furthermore, the additional cost for the optional water efficiency standard is explicitly excluded from the Council's viability assessment. The cost of the optional water efficiency standard cost may be minimal but it should be included so that the Council assesses the cumulative impact of compliance with all policy requirements set out in the Local Plan.

In the absence of robust evidence of need and the lack of viability testing, the HBF object to **Bullet Point 3** of **Policy P11** for adoption of the optional water efficiency standard, which should be deleted.

### **Policy P14A : Digital Infrastructure and Telecommunications**

Under **Bullet Point 4**, residential development proposals will be expected to include provision for on-site Ultrafast broadband infrastructure to enable connectivity to wider networks. Such infrastructure should be designed and installed as an integral part of the development to ensure that properties and premises are constructed and occupied with connections readily available. Infrastructure (such as ducting for cables) should be future proofed to enable cable upgrades and minimise future disturbance during maintenance.

The Council should not impose new electronic communications requirements beyond the provision of infrastructure as set out in statutory Building Regulations. In the Budget (11<sup>th</sup> 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. The Department for Culture, Media and Sport (DCMS) has outlined its intentions on the practical workings of this policy, which 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.

**Bullet Point 4** is unnecessary because of the Government’s proposed changes to Part R of the Building Regulations. **Bullet Point 4** should be deleted from **Policy P14A**.

The HBF also note that in the supporting text that the Council is expecting “*occupiers to secure direct connections from the moment they move in*” (para 384) and “*residents are able to access high speed broadband when they move into new developments*” (para 385). The Council should acknowledge that these expectations are beyond the control of developers. Service delivery is the responsible of service providers.

### **Policy P15 : Securing Design Quality**

Under **Bullet Point 3**, all residential development proposals shall demonstrate how they meet Building for Life 12, or its equivalent.

The Council should note that Building for Life 12 has been superseded by Building for a Healthy Life. 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.

Under **Bullet Point 4**, all developments should comply with the urban design principles set out in established current design guidance, including at present; The National Design Guide (2019), Urban Design Compendium 1 and 2 (2007), Manual for Streets 1(2007) and 2 (2010), Building for Life 12 and Secured by Design principles, or their equivalents.

The 2019 NPPF confirms that Local Plans should avoid unnecessary duplication (para 16f). The Council should also be aware that the design principles set out in the specified documents are not always compatible. **Bullet Point 4** is unnecessary, which should be deleted.

### **Supplementary Planning Documents (SPDs)**

The HBF note that throughout the Local Plan, a number of policies refer to SPDs and other guidance. These Policies are :-

- **Policy P4A : Meeting Housing Needs – Affordable Housing Bullet Point 2**, the Borough definition of ‘affordable’ will be informed by work with the WMCA and build upon the definitions in national guidance. It will be set out in a Meeting Housing Needs SPD, which will be updated periodically to ensure it remains up to date and can respond to the introduction of new tenures quickly and effectively if required ;
- **Policy P4E : Meeting Housing Needs - Housing for Older and Disabled People Bullet Point 4**, all developments of 300 dwellings or more must provide specialist housing or care bedspaces ... in accordance with the Council’s most up to date statement of need on older person’s accommodation ;
- **Policy P9 : Mitigating and Adapting to Climate Change Bullet Point 1**, full details of the proposed measures should be incorporated into a Climate Change Assessment in accordance with the Climate Change SPD ;
- **Policy P15 : Securing Design Quality Bullet Point 5**, development proposals should also comply with any local design guides and standards, including Conservation Area Appraisals, the Urban Forestry Strategy, adopted Supplementary Planning Guidance and Documents, as well as the relevant design policies of any applicable ‘made’ Neighbourhood Plans in the Borough ; and
- **Policy P18 : Health and Wellbeing Bullet Point 10**, all HIAs and HIA Screening shall be undertaken in accordance with the Council’s Health SPD.

Such references (as underlined above) are inappropriate and non-compliant with the Regulations. The Regulations are clear that development management policies, which are intended to guide the determination of applications for planning permission should be set out in policy in the Local Plan. The Council’s approach of requiring compliance with adopted SPDs is giving Development



Plan Document (DPD) status to documents, which are not part of the Local Plan and have not been subject to the same process of preparation, consultation and examination.

To ensure a policy is effective, it should be clearly written and unambiguous so it is evident how a decision maker should react to development proposals. The Council's requirements should be set out in sufficient detail to determine a planning application without relying on, other criteria or guidelines set out in a separate SPD. National policy clearly defines the scope and nature of an SPD in the planning process as providing more detailed advice and guidance on adopted Local Plan policies. The NPPG confirms that an SPD cannot introduce new planning policies nor add unnecessarily to the financial burdens on development (ID: 61-008-20190315).

**Policies P4C, P4E, P9, P15 and P18** should be amended to remove inappropriate references to SPDs. References to guidance been provided in the Council's SPDs could be inserted into supporting text.

## Conclusions

For the Solihull 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 setting out agreement on the meeting of unmet housing needs across GB&BCHMA ;
- housing requirement should be expressed as a minimum figure in **Policy P5** ;
- lack of flexibility in overall HLS & no justification for a stepped housing trajectory ;
- inflexible policy approach to market & affordable housing mix in **Policies P4A & P4C** ;
- no justification for **Policy P4D** – Self & Custom Housebuilding ;
- no justification for optional standards for accessible & adaptable housing, NDSS and water efficiency in **Policies P4E, P5 & P11** ;
- unnecessary requirements in **Policies P9 & P14A** because of the Government's proposed changes to Parts, F, L, R & S of the Building Regulations ;
- **Policy P10** should align with the Environment Bill ; and
- Inappropriate referencing to SPDs in **Policies P4A, P4E, P9, P15 & P18**.

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

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



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