

Draft Local Plan consultation
London Borough of Bexley
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Deas Sir / Madam

London Borough of Bexley: Local Plan Regulation 19 Consultation

Thank you for consulting the Home Builders Federation (HBF) on the new Draft Bexley Local Plan. James Stevens, the HBF's Director for Cities, has prepared this response and he is the lead contact for all things in relation to the Bexley Local Plan.

The HBF is the principal representative body of the house building industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational plc's, through regional developers to small, local builders. Our members account for over 80% of all new housing built in England and Wales in any one year. Recent research by the Government has estimated that housebuilders have made a significant contribution to the nation's infrastructure, providing some £21 billion towards infrastructure of all types including affordable housing since 2005.

The HBF would like to submit the following representations on the Draft Bexley Local Plan Regulation 19 version. **We would also like to participate in the subsequent examination-in-public.**

Plan period

The Council states on page 2 that it intends for the Plan to operate for the period 2021 to 2038. It would be helpful if this was stated on the front cover of the Plan. We will have further comments to make in relation to this and the housing requirement. See below.

SP1: Achieving sustainable development – the spatial strategy

The Plan is unsound because it is ineffective in sustaining housing delivery from the year 2032 and beyond.

We note in paragraph 1.15 that the 10-year target for Bexley is for 6,850 net new homes, or 685dpa. This accords with the London Plan. The London Plan is only able to establish a housing requirement for 10 years - 2019/20 -2028/29 because housing



land supply after 2028/29 is uncertain. The Mayor of London expects to prepare and adopt a new London Plan before this end date with fresh housing need / requirement targets. As noted above, Bexley's Local Plan, is intended to operate from 2021-2038. We assume that the Council will apply the annualised figure of 685 dpa for the first ten years – 2021-2031. The local plan should make this clear. Thereafter, the Council will need to clarify what housing requirement it will use for the period from 2032 to 2038. We have noted the housing trajectory in figure 2. This implies that the Council will role forward the 685 dpa annual requirement for the remaining years of the Plan. We support this but it would be helpful if the Council could clarify if this is its intention as this does not appear to be stated anywhere specifically.

The Council would be prudent in rolling-forward the London Plan target in view of the possibility of delays in the production of a fresh London Plan, and because of the shortfall in planned housing supply against assessed need across London in general. On the basis of the new London Plan, that shortfall is 14,000 homes a year, the difference between the assessed need for 66,000 homes a year and the estimated capacity for 52,000 homes a year.

In addition, although London is treated as single housing market area, it is apparent from the Council's own statements, that 685 dpa will not cater for the projected growth in the number of households in Bexley. In paragraph 2.2 it states:

There were an estimated 92,944 households in Bexley from the 2011 Census. There were over 101,000 households in 2019, and this is predicted to rise to almost 135,000 households by 2050. The average household size was 2.495 people at the 2011 Census.

This suggests that the number of new households in Bexley could grow by 1,096 per year, albeit the rate of the annual increase is likely to fluctuate and projections overall are subject to much uncertainty.

Also, we are aware of the Bexley Strategic Housing Market Assessment of November 2020 (SHMA 2020) posits many alternative figures relating to housing needs. Table 5.5 summarises the various scenarios. All indicate a level of need that exceed the London Plan figure of 685 dpa. As the report observes at paragraphs 5.34:

Having applied the standard method to the Borough, the level of household growth and affordability pressures results in a need for housing which ranges between 1,540 and 1,837 dwellings each year over the period 2020-2030 depending on the household projections being applied.

The SHMA 2020, goes on to consider the application of various caps and growth scenarios in line with the advice in the Planning Practice Guidance (PPG). The SHMA 2020 concludes at paragraph 5.40 with the following observation:

A key objective of the SHMA is to assess the future housing need across Bexley. As the document will inform the preparation of the Local Plan which covers the period 2021 to 2036, the proposed housing need figure under the standard methodology is 1,657 each year. This is subject to a cap of either 624 (2016 London Plan) or 959 (new London Plan Intend to Publish Version). Based on the PPG narrative, it is understood that the capped figure could be uplifted to 1,050 to support the Bexley Growth Strategy.

This analysis indicates a potentially greater level of housing need in Bexley than the figure set by the new London Plan.

Having said this, the Mayor of London is the strategic plan-maker for London, and London has long been treated as a single housing market area. This means that housing provided in Bexley could help meet the needs of households in Croydon, Greenwich, or even Hillingdon or any of the other London boroughs. The London Plan considers London's housing needs in aggregate and then sets housing requirements for the boroughs based on judgements about capacity in each borough. While not without its problems, HBF considers this is a relatively effective and efficient way to plan for London's housing needs.

Consequently, HBF considers Bexley's position is a sound one albeit the Council should amend the Plan to provide clarity about the treatment of the housing requirement for the period 2032-2038. We consider this should be 685 dpa for each year from 2021 to 2038 until a new London Plan is adopted that updates the housing requirement for Bexley.

Part 4 of Policy SP1 is unsound because it is too restrictive. It is unjustified and insufficiently positive. The wording creates a presumption against development outside of the delineated 'sustainable development locations'.

Part 4 states that development proposals outside of these areas will only be supported where they demonstrably contribute to sustainable development, respect local character and are supported by the required infrastructure. A study of the Key Spatial Diagram indicates that this would preclude development in large parts of the borough, especially in areas along highstreets that benefit from good bus services. The large area between Sidcup and Bexleyheath is one example. So is the area around West Heath. So is the border area with Greenwich near Eltham. These areas could provide many opportunities for small developments, that respond well to local character or the guidance provided by local design codes. They can take advantage of public transport, especially bus routes, or where walking and cycling would enable new residents to travel to a bus stop or train station for longer distance commuting.

The consequence of the negative wording of this policy is that housebuilders who would like to build outside of the sustainable development zones would need to work hard to put together a case to justify an application.

The new London Plan makes it a strategic priority to encourage a greater number of homes through developments on small sites. We note from Annex C that the Council has allocated only two sites for homes (BH012 and BH016) where the size of the site is broadly in line with the London Plan small sites requirement of 0.25ha or less (Policy H2) and even both of those are over the 0.25ha guide. The London Plan policy H2 requires that boroughs pro-actively support housing development on sites of 0.25ha or less. Bexley is required to provide 305 homes a year on small sites (London Plan table 4.2).

The local plan has an invaluable role in providing certainty. Policies that support development in specified locations will help applications to progress more rapidly to a determination than applications outside of approved locations where the appropriateness of development is in doubt.

To support the delivery of a greater number of homes on small sites, we recommend that Policy SP1 is amended to read:

Outside of these areas, development proposals on sites of 0.25 hectares or less will be supported where the proposal responds to local character or adheres to a design

code and where the proposal is able to demonstrate that residents can use public transport for travel.

Local Plan housing trajectory

We welcome the inclusion of the trajectory. Unfortunately, the Council's approach to improving the supply of homes from small sites is unsound because it is ineffective. The Council need to identify and allocate sites for 10% of its housing requirement, in line with national policy, to support delivery from small sites.

Paragraph 1.39 of the draft Local Plan states:

Small sites (smaller than 0.25ha) make up 45% of Bexley's 10-year housing target, as set out in London Plan Table 4.2. Small sites are expressed as a windfall allowance in the housing trajectory, which is considered an appropriate approach in London.

Windfall will form a component of the small sites supply but it cannot be relied upon wholly. Increasing supply from small sites is a strategic priority. London Plan policy H2 requires the London boroughs to plan proactively to support new housing supply on small sites of 0.25 ha or less. As the London Plan states at paragraph 4.2.1:

For London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan-making.

Among other things, the London Plan encourages local authorities to identify and allocate small sites through the local plan and list suitable sites in the brownfield register. The Council will also be aware that national policy requires 10% of the housing requirement to be accommodated on sites no larger than one hectare.

HBF is familiar with the difficulties that London boroughs face with identifying and allocating small sites. We acknowledge the resource and time constraints associated with implementing this policy objective. Land ownership details might be difficult to come by or ownership is fragmented. Nevertheless, the success of the new London Plan depends to a large degree on increasing substantially the number of homes provided on small sites. The figure for Bexley is 305 a year. National policy wishes to increase the number of active SME housebuilders to increase competition and help lift supply. Further, as the Council explains in paragraph 1.39, small sites are supposed to account for 45% of all delivery in the first ten years.

We have considered the five-year land supply statement from November 2020. This is very helpful and a good piece of work. It does not, however, help much with understanding how many, if any, small sites have been allocated compared to ones that have come forward as 'windfall'. The Council takes the small sites estimate from the London Plan (derived from the GLA SHLAA of 2017) and adds this to its calculation but without, it seems, any further scrutiny as to whether this will continue to provide a reliable measure for future small site supply.

The NPPF at paragraph 70, expects 'compelling evidence' that windfall will provide a reliable source of supply. The Council will be conscious that it has struggled with

sustaining housing delivery in recent years in line with its plan targets, hence the need to apply a 20% buffer.

The five-year land supply statement is very helpful in listing a number of small sites in Table 4 (sites with planning permission but not yet started). It is clear from this that houses from small sites will provide a substantial component of housing delivery over the next five years. If one adds the totals together from tables 4 and 5 then 771 net additional homes could be provided on small sites of 0.25 ha or less within the next five years. Even so, because 305 homes a year are required on small sites this would indicate that the Bexley local plan is still failing to give sufficient support to small site delivery over the plan period, relying on these sites to materialise, rather than actively planning for their allocation.

This is illustrated below. We have added-up all the small housing schemes of various types. As the council acknowledges in paragraph 3.24 of this study, it is possible that some of the homes listed in table 5 (small sites under construction) will be completed before the new local plan is adopted and therefore will not make a contribution to the targets in the new plan. Therefore, supply from small sites may be fewer than 771.

Table 4: Small sites with extant planning approval that have not started construction as of 30/09/2020:	
Change of use	217 homes
Small sites fewer than 10 units	186 homes
Custom and self-build (under 10)	36 homes
Extensions and conversions on small sites	124 homes
Total	563
Table 5: Small sites under construction (01/04/2017 - 30/09/2020):	
Small sites of fewer than 10 net units	93 homes
Custom housebuilding and self-build	18 homes
Small sites of fewer than 10 net units	49 homes
Change of use - sites with 10 or more net units (latter category - all sites under 0.25 ha in size).	48 homes
Total	208
Grand total	771

On the face of the evidence provided, the Council is in a reasonably strong position in having a five-year land supply of 6.07 years (see table 1). It does not have to rely on identifying other sites to plug any shortfall. Even so, national and London Plan policy attaches great importance to encouraging a greater plurality of housebuilders, and to help achieve this, both require local authorities to identify and allocate sites, instead of hoping these come forward as windfall. HBF, consequently, considers that the Council should identify more small sites to help deliver the 305 homes a year expected from this source. We feel this ought to be at least the 10% required by national policy. So, 68 homes a year on allocated small sites of 0.25 ha in size or less is reasonable, we feel.

SP2: Meeting Bexley's housing requirements

Part of Part 1 is unsound because it is unclear, hence unjustified.

The policy states, among other things, that it is the Council's aspiration to achieve 50% affordable housing as a proportion of all qualifying provision across the borough over the Plan period.

It is unclear what the Council is seeking precisely from applicants for housing development. Does this mean that the policy is for 50% affordable housing on all schemes of 10 or more dwellings? Or does it require 50% affordable housing on public-owned land or developments in receipt of public funds, in line with Policy H5 of the new London Plan?

HBF supports the threshold approach in the London Plan, which is reflected in the new Bexley Local Plan. Nonetheless, consideration of the Bexley Local Plan Viability Assessment 2020, especially the tables 6.4.1 to 6.4.9, illustrates that the difficulty of delivering 50% affordable housing. The viability of this is a rare thing, especially on land in the 'secondary offices' and 'secondary industrial' categories. It is a little more likely in the 'undeveloped land' category. This suggests that the Council should not be stipulating 50% affordable housing as the baseline position, but a lower percentage for previously developed land ('secondary offices' and 'secondary industrial'). An overall target of 35% would be more appropriate, with a lower threshold rate of 25% to incentivise the supply of affordable housing.

In terms of affordable housing on small sites (ten units or fewer) the viability evidence demonstrates that it would be unwise to seek contributions from applicants if the Council wants to increase supply from this source of supply.

Part 4 of the policy is unsound because it is unjustified. Support for the supply of small sites should not be limited to the sustainable development locations.

In part 4 of the policy the Council states:

4. The Council recognises that the London Plan sets a significant proportion of Bexley's housing requirement to be met through the development of sites smaller than 0.25 hectares in size. Therefore, the Council will support proposals for appropriate development of small sites within the sustainable development locations set out in policy SP1, illustrated on the Local Plan key diagram (Figure 1) and defined on the submission policies map.

We see no justification for limiting small site housing supply to areas outside the sustainable development locations. London benefits from very high levels of public transport accessibility. Moreover, active forms of travel will enable many residents, if not all, to access public transport nodes. We have discussed this point in relation to Policy SP1 above.

The Council's Local Plan seeks to encourage more active forms of transport, as discussed in paragraphs 6.31-32 of the Plan. Policy SPD10 (part D) and Policy DP 22 seek to encourage more walking and cycling. In view of these objectives, it is curious why so many residential areas appear to be placed off limits for new housing development.

We acknowledge that Bexley has poorer levels of public transport services than other boroughs – e.g. no tube or Overground services, but the Local Plan Transport Assessment reveals that Bexley has a comprehensive bus network. This is illustrated in figure 3.7 on page 17 of the report:



Figure 3.7 Bus Route Network

The accompanying text to Figure 3.7 states:

Figure 3.7 shows the borough's bus route network and the level of service (buses per hour) on parts of the network. Buses have a reasonably good penetration across the borough as a whole.

Furthermore, the Council observes at paragraph 3.21:

Once the Elizabeth line services start at Abbey Wood (expected to be in 2022 at the time of writing), London Buses has plans to reorganise local routes to provide better access and increased capacity. A new route 301 between Bexleyheath and Woolwich via Abbey Wood was introduced in July 2019.

Bexley borough is also well served by mainline rail services. This is illustrated by figure 3.10 of the report. For example, precluding the large area south from Bexleyheath and north from Sidcup from development appears unjustified when Sidcup high street has train stations at Albany Park and Sidcup as well as frequent bus services. This is eminently walkable. So is the area south of Belvedere, which is accessible for the able-bodied able to walk or cycle to the train stations at Bexleyheath or Belvedere / Abbey Wood. The area north of Crayford and south of Erith is also easily accessible for those able to walk and cycle.

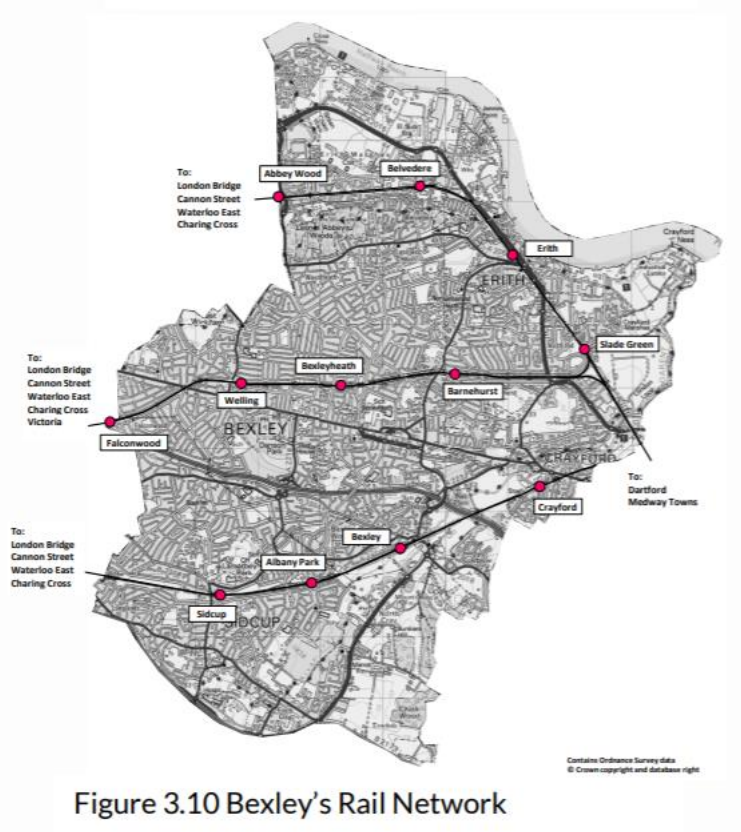


Figure 3.10 Bexley's Rail Network

The network of bus lines is also illustrated in Figure 9 on page 89 of the Plan. There appears little justification to restrict these areas from new development, especially small-scale infill development.

We acknowledge that public transport accessibility is not ideal in Bexley, compared to other London boroughs (albeit it is still much better than many of parts of the UK, including our other major cities) but in view of the public policy emphasis on encouraging more active types of travel, we feel the prohibition of development outside the sustainability zones is unjustified.

We recommend that SP2, part 4, is amended to read:

The Council recognises that the London Plan sets a significant proportion of Bexley's housing requirement to be met through the development of sites smaller than 0.25 hectares in size. Therefore, the Council will support proposals for development on sites of 0.25 hectares or less where the proposal responds to local character or adheres to a design code and where the proposal is able to demonstrate that residents can use public transport for travel.

Part 2: Older persons housing

The Council's approach to planning for older persons housing is unsound because it is unjustified and ineffective.

We welcome the Council's willingness to support the supply of homes for older people. As the Local Plan observes at paragraph 2.3, the number of older people aged 70 or over in Bexley is projected to double by 2050. However, the number

being planned for is too low and the mechanisms to ensure they are supplied are too weak.

Scale of need. Part 2a) of the policy states:

a) 1,008 units of specialist older person accommodation (falling within Use Class C3);

Paragraph 2.13 of the Plan observes:

Table 4.3 of the London Plan sets a benchmark figure for specialist older persons housing for Bexley of 145 units per annum. This figure is indicative only and is a component of Bexley's overall housing target, not an additional requirement. Bexley's local level assessment of specialist housing has identified a need of 70 units per annum, fewer than half the indicative London Plan figure.

We disagree with the view of the Council that it can select its own local need figure for older persons housing, drawn from its own local SHMA, as the GLA SHMA treating London as a single-housing market area, has already assessed the housing need for London, including the need for specific types of housing, at the pan-London level. It is important that planners adopt a consistent approach in the use of evidence. If the Council considers the housing need figure for Bexley in the GLA SHMA (and the London Plan) as robust, then it follows that the GLA's assessment of older persons need is robust also. Conversely, if the Council considers that its local assessment of older persons housing is more accurate, then equally it should plan for the overall housing need figure (capped figure to support the Bexley Growth Strategy) of 1,050 homes a year, rather than the London Plan figure for Bexley of 685dpa.

Adopting the locally-derived and lower figure for older persons housing risks planning for too few homes for elderly people.

The Council should follow the London Plan and include the figure of 145 units of older persons housing in its local plan.

Mechanisms to ensure supply

The London Plan benchmark figure is indicative, but it is a figure that the Council should endeavour to achieve. The figures included in the London Plan are designed to encourage local authorities to match these levels of need. To help ensure that these targets are met, we recommend amendments to Policy DP3. See comments below.

Parts 2-4: Affordable housing (and paragraph 2.31)

First Homes

The plan is unsound because it is inconsistent with national policy.

The Council should amend the Plan to refer to First Homes. As this local plan has yet to be finalised and submitted to the Secretary of State, the Council is required to reflect this national policy requirement in its new local plan.

Self-build and Custom Housebuilding

The policy relating to self-build is unsound because it is unjustified.

Part 5 of the policy encourages developers to provide plots, *where appropriate*, within residential schemes for individuals or groups to build their own homes.

The policy lacks clarity. It is unclear what applicants will need to do to demonstrate if this is inappropriate. For example, how many plots would the applicant be required to provide as a percentage of the overall development? Is viability a legitimate consideration for what is appropriate as the sale of land plots which may have an effect on the overall development value of the site? If not, then the requirements of the policy will need to be expressed precisely. Also, it may not be feasible to provide self-build plots for schemes of flats. The Council should develop a more carefully worded policy to illustrate what type of schemes are expected to provide self-build plots and those types of schemes that would be exempt.

Once it has done this, and if this is to be a policy that is universally applied (except in exceptional circumstances), the Council will need to assess the implications of this policy on viability as the supply of self-build plots will, potentially, have an effect on the viability of development.

DP2: Residential development on backland and infill sites

Part 1 of the policy is unsound because it is unjustified.

See our comments above relating to SP2, part 4. We consider that the current draft policy will restrict the supply of housing, including housing on small sites, outside of the defined sustainable development locations. The council should adopt a more encouraging and positively worded policy stance to encourage delivery on suitable sites outside of these primary residential delivery locations. Examination of the Council's housing land supply evidence suggests that the Council will need to adopt a more positive policy position to encourage the supply of a greater number of homes from small sites.

DP3: Providing housing for older people

Parts of the policy are unsound because they are unjustified and ineffective.

Part 1 of the policy states that proposals for older persons housing will only be supported where there is an identified need in the borough for the tenure and type of accommodation proposed. This is unsound because it is unjustified and ineffective. Requiring providers of older persons housing to justify the need for these homes is an unnecessary barrier to production despite both London Plan and the Bexley Plan having established the need for these homes already.

We understand what the Council might be trying to achieve here by ensuring that the tenures proposed match the requirements in the London Plan, but arguably this is an unnecessary condition because the GLA SHMA has assessed the need for older persons housing and has established the benchmark targets and has specified the type of homes that are suitable – older persons housing that does not provide an element of care. Overall, the London Plan has established that 145 units of older persons housing are needed each year in Bexley and it defines what falls within this category in paragraph 4.13.5 supporting London Plan policy H13:

4.13.5 Specialist older persons housing that does not provide an element of care but is specifically designed and managed for older people (minimum age of 55 years) is covered by the requirements of this policy.

We consider that the Council's approach will militate against the supply of the 145 homes for older people required each year.

Enabling the delivery of older persons housing

The policy needs to be strengthened to enable the supply of older persons housing. The Council should amend policy DP3, possibly by including a new part, that states that where delivery has not kept pace with the requirement for 145 units year, proposals for older persons housing in the subsequent year will benefit from a presumption in favour of development. This arrangement should continue until supply has reached the 145 units required for the year.

Chapter 5. Bexley's wellbeing: providing community facilities and enhancing our environment

Part of Chapter 5 is unsound because it is contrary to national policy.

We note paragraph 5.3 which states:

5.3 However, directly related to this is the impact new residential development will have on existing social and community infrastructure. The capacity of the existing services and facilities will be assessed to determine whether an increase in population from the new development can be accommodated, or, if more services and facilities are needed, whether they should be expanded, or new provided.

This supporting paragraph implies that proposals for residential development could be refused by the Council even if the applicant is able to provide additional amenities / services through conditions or the payment planning obligations. This is troubling for three reasons.

First, because the local plan is intended to enable the delivery of housing in line with the London Plan targets. The debate surrounding the London Plan has concluded following examination, and national and local government has settled on what is judged to be an acceptable level of housing capacity for each borough.

Second, national policy only allows local authorities to refuse planning permission on infrastructure grounds if the proposed development is unable to provide adequate new provision to cater for the needs of the new population (NPPF, paragraph 54), although even this is an area where the local authority can exercise some discretion. It is not an absolute rule.

Third, it must be remembered that not all new residential development will result in an increase in the local population. Many of the new homes that will be built in the borough will be providing accommodation for members of the existing, resident population and as most housing moves are local ones, not all new housing creates new demands. New homes will allow new households to form but not necessarily increase the population.

We suggest that this paragraph is re-worded to reflect better national policy. We suggest the paragraph could be amended like this:

The capacity of the existing services and facilities will be assessed to determine whether an increase in population from the new development can be accommodated, or, if more services and facilities are needed, whether they should be expanded, or new provided.

DP20 Biodiversity and geodiversity in developments

Parts of the policy and supporting text are unsound because they are unjustified.

HBF is aware of the requirements of the NPPF in terms of achieving a net improvement in bio-diversity from new developments. We are also aware of the direction of travel of Government legislation and policy in this area with statutory requirements expected soon following the passage of the Environment Bill.

Part B of the policy requires more explanation from the Council. It requires developments to achieve a net improvement in bio-diversity but by how much is not specified by the Council. Supporting paragraph 5.118 states that the Council will agree a percentage improvement with the applicant. We consider this is unsound as the local plan needs to set price signals and provide greater certainty for applicants. We consider that the plan should specify a percentage. Applicants that meet that percentage will benefit from the presumption in favour of sustainable development (NPPF, paragraph 11). Those that are unable to do so will have to enter into negotiations with the Council.

The Council will also need to consider the feasibility of applicants being able to comply with this policy. Small, brownfield developments could struggle owing to the more limited options for providing effective bio-diversity gain on-site. The PPG encourages local authorities to identify green networks that applicants might be able to contribute to help them provide bio-diversity gains (see PPG, Paragraph: 028 Reference ID: 8-028-20190721). The Council has identified these opportunities in the section supporting policy SP9 and Figure 7 of the plan, but it would be helpful if the plan provided more guidance here for applicants on specific nature-based projects that they could contribute towards within the locality of the development. For example, it would be helpful if the Council established a series of projects, among those listed in the Bexley Green Infrastructure Study, that developers might be able to pay-into to provide net-gains.

Policy DP22: Sustainable Transport

We have discussed in our response to Policy SP2: Meeting Bexley's Housing Requirements why we consider that the Council's decision to exclude the areas outside the sustainable development areas to be unjustified. More able-bodied residents in new residential developments in these excluded areas could access easily bus and train connections by walking or cycling.

Part P is unsound because it is unjustified.

Part P requires that new developments, including new residential developments, provide electric vehicle charging infrastructure to be made publicly available where possible.

It is unclear who is expected to pay for this electricity being made available to the general public. At the moment it appears that this is a cost that the residents of the development would be expected to pay for collectively, even if some are non-car

owning households. If so, it is unreasonable that residents of new developments should have to pay for the electricity used by non-residents. Clarification of the Council's intentions would be welcome.

DP29: Water quality, supply and treatment

Part 1 is unsound because it is contrary to national planning policy.

Part 1 states:

“Development proposals should not adversely affect the quality or quantity of water in watercourses or groundwater. New development will be required to enhance and protect the water quality of existing water resources, such as watercourses and groundwater.”

The local plan should clarify the Council's intentions with this policy. Water bodies are under a statutory obligation to ensure that adequate water is supplied, and sewerage treated, to meet the needs of the planning system. They have a statutory responsibility to provide adequate water infrastructure to serve new development under S37 of the Water Industry Act 1991. Developers can be required, through the adoption of the optional technical standard, to incorporate measures to improve water efficiency of new homes, subject to evidence of need. It has been established through the London Plan that new residential developments in London should conform to the tighter technical standard that limits water use to 105 litres per person per day (as in Local Plan policy DP30, part 4).

Housebuilders, however, are not required to make payments, or take actions, to enhance the water infrastructure providing services to and from development sites. This is the responsibility of the water provider (usually Thames Water in the case of the London boroughs). To expect this would be unlawful. Nor can arguments relating to water scarcity or quality be cited as a reason by Thames Water or the Council to refuse planning permission.

This may be what the Council intends, but this needs to be clarified. It cannot seek planning obligations or make conditions to require housebuilders to subsidise the infrastructure of the water industry.

SP14 Mitigating and adapting to climate change

Part 1 a) is unsound because it is contrary to national policy.

SP14, part 1 states that:

“the Council will actively pursue the delivery of sustainable development by: a) supporting developments that achieve zero-carbon and demonstrate a commitment to drive down greenhouse gas emissions to net zero.”

This is an unnecessary statement because all residential development will be required by law, to meet the building regulations. The building regulations establish the standards for residential development to achieve the Government's zero carbon and related environmental objectives. As the Council will be aware, from July 2022, all new homes will be required to achieve a 30% improvement on the current Part L (energy efficiency) as part of an ongoing regulatory changes over the next decade to move towards zero carbon homes by 2030. The transition arrangements will be limited and far less generous than those accompanying previous changes.

The inference of part 1 a) is that the Council would have the option to refuse applications on the grounds that they met only the most recent building regulations even if these standards are much higher than those currently in place. The Council will need to clarify if this is its intent. We would, however, recommend that the Council does not do this, as the changes associated with meeting the new building regulations will already be very challenging for the industry. This is the case in terms of product development, materials supply, the availability of labour force skilled enough to fit the new technologies and products needed to achieve zero carbon homes (such as air source heat pumps), as well as the costs associated with this.

DP30 Mitigating climate change

Part 3 is unsound because it is unjustified.

In Part 3 the Council expects compliance with:

- i) BREEAM Home Quality Mark (HQM); or
- ii) BREEAM Communities standards (for major housing-led mixed-use development);
- iii) Passivhaus; or
- iv) other appropriate sustainability measures.

The proliferation of competing building sustainability guides and measures will become an obstacle to the development of a single, coherent, effective, and reliable building code. The Council should support the Building Regulations as the only appropriate building code, not least because the changes that the Government wishes to introduce for its Future Homes Standard, will be achieved through the Building Regulations. A single, authoritative set of Building Regulations is needed. To avoid confusion and the potential for outdated practice continuing, the Council should delete Part 3.

Yours faithfully



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