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SENT BY E-MAIL ONLY TO  
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21<sup>st</sup> September 2021

Dear Sir / Madam

**PLAN REVIEW - AMENDED ALLOCATIONS & DEVELOPMENT  
MANAGEMENT DEVELOPEMNT PLAN DOCUMENT (DPD) - OPTIONS  
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 responses to specific questions contained within the Council's Options Report.

**Question 1 – Affordable Housing Provision. Do you agree with the preferred approach?**

The Council proposes to update adopted **Core Policy 1 – Affordable Housing Provision** of the Amended Core Strategy in relation to site thresholds and requirements for 10% affordable homeownership.

Whilst the Council's proposed affordable housing tenure mix accords with the 2021 National Planning Policy Framework (NPPF) (para 65) expectation that at least 10% of homes will be available for affordable home ownership, the Council's proposed amendment should also align with the 24 May 2021 Written Ministerial Statement requirement for 25% of affordable housing to be First Homes. The Council's preferred approach repeats para 65 of the 2021 NPPF in the proposed wording of **Core Policy 1**, which is unnecessary. As set out in the 2021 NPPF, the Council should avoid unnecessary duplication of policies in the Framework (para 16f).



Before the pre-submission Amended Allocations & Development Management DPD consultation, the proposed amendment to **Core Policy 1** should be modified to delete repetition of the 2021 NPPF (para 65) and to incorporate First Homes.

**Question 3 – Housing Mix, Type and Density. Do you agree with the preferred approach?**

The proposed amendment to adopted **Core Policy 3 – Housing Mix, Type & Density** of the Amended Core Strategy introduces a requirement for 1% of new dwellings to meet M4(3) and a minimum of 23% of new homes to meet M4(2). The provision of the appropriate proportion of dwellings to M4(2) standard will be expected on all sites. Sites for 50 dwellings or more should make provision for the M4(3).

If the Council wishes to adopt the optional standards for accessible & adaptable dwellings, then this should only be done in accordance with the 2021 NPPF (para 130f & Footnote 49) and the latest National Planning Practice Guidance (NPPG). Footnote 49 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 2021 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). A policy requirement for M4(2) and M4(3) 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).

The Council’s supporting evidence is set out in District Wide Housing Needs Assessment dated December 2020 by Arc4. This evidence does not justify the Council’s proposed policy requirements for M4(2) and M4(3). This evidence does not identify any local circumstances, which demonstrate that the needs of Newark & Sherwood differ substantially to those across the Midlands or England. 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 currently the case. Before the pre-submission Amended Allocations & Development Management DPD consultation, the Council should provide further evidence of its local need.

All new homes are built to M4(1) “visitable dwelling” standards. These standards 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. M4(1) standards are not usually available in the older existing housing stock. These standards benefit less able-bodied occupants and are likely to be suitable for most residents.

Furthermore, as the Council is aware not all health issues affect housing needs. Many older people already live in Newark & Sherwood and are unlikely to move home. No evidence is presented to suggest that households already housed would be prepared to leave their existing homes to move into new dwellings constructed to M4(2) and / or M4(3) standards. Those who do move may not choose to live in a new dwelling. 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 (circa 54,437 dwellings) is significantly larger than its new build component, therefore adaption of the existing stock will form an important part of the solution.

Before the pre-submission Amended Allocations & Development Management DPD consultation, the Council should undertake a viability assessment of the impact of proposed amendments to **Core Policy 3**. The DCLG Housing Standards Review, Final Implementation Impact Assessment, March 2015 (see Table 45) estimates a cost for M4(2) of £521 per dwelling based on 3 bed semi-detached house and costs of £907 - £940 per apartment. These 2015 costs are somewhat out of date and less than alternative estimates. The Government’s consultation “Raising Accessibility Standards for New Homes” (ended on 1st December 2020) estimates the additional cost per new dwelling, which would not already meet M4(2), is approximately £1,400. During the Government’s Housing Standards Review, EC Harris estimated the cost impact of M4(3) per dwelling as £7,607 - £8,048 for apartments and £9,754 - £23,052 for houses (see Table 45). M4(2) and M4(3) compliant dwellings are also larger than Nationally Described Space Standards (NDSS) (see DCLG Housing Standards Review Illustrative Technical Standards Developed by the Working Groups August 2013), therefore larger sizes should be used when calculating additional build costs for M4(2) / M4(3) and any other input based on square meterage except sales values, which are unlikely to generate additional value for enlarged sizes.

The Council should also note that its proposed policy approach will become unnecessary if the Government implements proposed changes to Part M of the Building Regulations as set out in the “Raising Accessibility Standards for New Homes” consultation. The 2021 NPPF confirms that Local Plans should avoid unnecessary duplication (para 16f).

In the meantime, if the proposed policy requirements are retained, the NPPG specifies that *“Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”* (ID 56-008-20160519).

The Council should distinguish between a wheelchair adaptable dwelling (M4(3a)), which include features to make a home easy to convert to be fully wheelchair accessible and a wheelchair accessible dwelling (M4(3b)), which include the most common features required by wheelchair users. The Council

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

Before the pre-submission Amended Allocations & Development Management DPD consultation, the Council should delete or modify the proposed amendments to **Core Policy 3** as set out above.

**Question 13 – Policy DM2 – Development on Allocated Sites. Do you agree with the preferred approach?**

In **Policy DM2**, the reference to “*in accordance with the Developer Contributions & Planning Obligations Supplementary Planning Document (SPD)*” should not be interpreted by the Council’s Development Management Officers as conveying the weight of a DPD onto this SPD, which has not been subject to examination and does not form part of the Amended Allocations & Development Management DPD. The Town and Country Planning (Local Planning) (England) Regulations 2012 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. 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. It is noted that **Policy DM3** refers to provision of appropriate contributions being guided by the Council’s Planning Obligations & Developer Contributions SPD (our emphasis underlined). 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).

Before the pre-submission Amended Allocations & Development Management DPD consultation, **Policy DM2** should be modified to delete the reference “*in accordance with the Developer Contributions & Planning Obligations SPD*”.

**Question 16 – Policy DM5(a) & DM5(b) – Design. Do you agree with the preferred approach?**

Under **Policy DM5(a) - The Design Process**, new residential development will also need to perform positively against Building for a Healthy Life (or any successor version of the tool).

The HBF is supportive of the use of Building for a Healthy Life as best practice guidance to assist the Council, local communities and developers assess new housing schemes. The HBF has played a fundamental role in establishing Building for a Healthy Life, but it was never intended to become enshrined as a mandatory policy requirement in Local Plans. The use of Building for a Healthy Life should remain voluntary rather than becoming a requirement of **Policy DM5(a)**, which would oblige developers to use this tool. If the Council wishes to

refer to Building for a Healthy Life, it should be in supporting text only. The Council should also clearly set out the definition of performing positively against Building for a Healthy Life. A positive performance should not require achievement of a prescribed number of greens under the Building for a Healthy Life traffic light system of assessment. Before the pre-submission Amended Allocations & Development Management DPD consultation, **Policy DM5(a)** should be modified.

If Building for a Healthy Life is introduced as a mandatory requirement of **Policy DM5(a)**, then the Council should assess any viability implications. The Council cannot assume that there are no additional costs as the creation of place in terms of local character and site context may involve specific elevational treatments / materials.

In **Policy DM5(b) – Design**, the reference to “*in accordance with the adopted Residential Cycle and Car Parking Design Guide SPD*” should not be interpreted by the Council’s Development Management Officers as conveying the weight of a DPD onto this SPD, which has not been subject to examination and does not form part of the Amended Allocations & Development Management DPD. The Town and Country Planning (Local Planning) (England) Regulations 2012 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. 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). Before the pre-submission Amended Allocations & Development Management DPD consultation, **Policy DM5(b)** should be modified to delete the reference to “*in accordance with the adopted Residential Cycle and Car Parking Design Guide SPD*”.

**Question 18– Policy DM5(d) – Water Efficiency Measures in New Dwellings. Do you agree with the preferred approach?**

Under **Policy DM5(d)**, new dwellings should meet the Building Regulation optional higher water efficiency standard of 110 litres per person per day, or relevant successor standard, as set out through the Building Regulations.

Under Building Regulations, all new dwellings must achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. 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 Authority (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 that “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).*

It is understood that Anglian Water’s response to the 2019 Issues Paper consultation identified that the area of Newark & Sherwood served by Anglian Water is considered by the Environment Agency to be at serious water stress but the remainder of the District is not. This reference is insufficient supporting evidence to justify **Policy DM5(d)**. Before the pre-submission Amended Allocations & Development Management DPD consultation, the Council should provide further evidence to demonstrate a clear local need across the whole District.

Whilst the viability implications of the optional water efficiency standard are minimal (circa £6 - 9 per dwelling), before the pre-submission Amended Allocations & Development Management DPD consultation, the Council should undertake a viability assessment of the cumulative impacts of **Policy DM5(d)** in conjunction with additional proposed policy requirements under **Core Policies 1 & 3** and **Policies DM3, DM5(a), DM5(b) & DM7**.

**Question 19 – Policy DM7 – Biodiversity & Green Infrastructure. Do you agree with the preferred approach?**

Under **Policy DM7**, development proposals should seek to enhance biodiversity. This enhancement should be a net gain of at least 10%, or if different the relevant percentage set out in the Environment Act, as measured by the applicable DEFRA metric or any successor document.

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. Before the pre-submission Amended Allocations & Development Management DPD consultation, the prefix “*at least*” should be removed from **Policy DM7**.

In the Environment Bill, the Government also makes provision for 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. Before the pre-submission Amended Allocations & Development Management DPD consultation, **Policy DM7** should be modified to include transitional arrangements.

The Council should also carry out a viability assessment of the impact of **Policy DM7**. There are significant additional costs associated with biodiversity gain. The Government has confirmed that more work needs to be undertaken to address viability concerns raised by the housebuilding industry in order that biodiversity net gain does not prevent, delay or reduce housing delivery. The DEFRA Biodiversity Net Gain & Local Nature Recovery Strategies : Impact Assessment Table 16 : Net gain delivery costs per greenfield development (residential) East Midland estimates a cost of £1,011 per dwelling (based on 2017 prices and the central estimate) and Table 17 : Net gain delivery costs per brownfield development (residential) East Midland estimates a cost of £287 per dwelling (based on 2017 prices and the central estimate). There are significant cost increases for off-site delivery under Scenario C to £3,562 and £943 per dwelling respectively. There may also be an impact on the ratio of gross to net site acreage. Before the pre-submission Amended Allocations & development Management DPD consultation, a viability assessment should be undertaken.

## **Conclusion**

For the Amended Newark & Sherwood Allocations & Development Management DPD to be found sound under the four tests of soundness as defined by the 2021 NPPF, the DPD should be positively prepared, justified, effective and consistent with national policy (para 35).

In plan-making, viability is inseparable from the deliverability of development. At Examination, viability will be a key issue in determining the soundness of the Amended Allocations & Development Management DPD. The viability of individual developments and plan policies should be tested at the plan making stage. As set out in the 2021 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 DPD (para 34). As stated in the 2021 NPPF, development should not be subject to such a scale of obligations that the deliverability of the DPD is threatened (para 34). Viability assessment should not be conducted on the margins of viability especially in the aftermath of uncertainties caused by the Covid-19 pandemic and Brexit.

Most sites should be deliverable at planning application stage without further viability assessment negotiations. Viability negotiations should occur occasionally rather than routinely. Trade-offs between policy requirements, affordable housing and infrastructure provision should not be necessary. However, if the viability of sites is overstated, policy requirements will be set at unrealistic levels. Viability negotiations at planning application stage cause

uncertainty for both the Council and developers, which may result in significant delay to housing delivery or even non-delivery. Without a robust approach to viability assessment, the Amended Allocations & Development Management DPD will be unsound, land will be withheld from the market and housing delivery targets will not be achieved. Before the Amended Allocations & Development Management DPD pre-submission consultation, a viability assessment should be undertaken by the Council.

It is hoped that the above responses are of assistance to the Council in the next stages of its plan preparation. In the meantime, if any further information or assistance is required, please contact the undersigned.

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

A handwritten signature in blue ink, appearing to read 'Susan E Green', written in a cursive style.

**Susan E Green MRTPI**  
**Planning Manager – Local Plans**