

Sent by email to: planning.policy@west-norfolk.gov.uk

27/09/2021

Dear Sir/ Madam

Response by the Home Builders Federation to the consultation on Kings Lyn and West Norfolk Local Plan Review

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

Duty to co-operate

2. We could not find any mention within the Duty to Co-operate statement as to whether any discussion has been had with neighbouring areas with regard to housing needs and whether these will be met in full. Whilst it may be the case that all areas are meeting their needs in full it would be helpful for the Council to provide evidence as to these discussions and the level of need and delivery in each area. As the Council will be aware the minimum number of homes to be planned for should take into account the unmet needs of neighbouring areas and as such should be a key part of any discussions with regard to strategic planning across boundaries.

Policy LP01 Spatial Strategy

This policy is unsound as part 9 is inconsistent with national policy.

Housing needs

3. Part 9 of LP01 states that the local housing needs for the Borough is 539 dwellings per annum (dpa). However, since this assessment the relevant datasets that should be used to assess housing needs have been updated. In March of 2021 the median affordability ratios were updated and show an increase in the Borough Council of Kings Lyn and West Norfolk BC (BCKLWN)). This ratio increased from



7.37 to 7.76 which increases the affordability adjustment to 1.24. Applying this affordability adjustment to the annual household growth from the current year (2021) over the next ten years of 443 homes results in a minimum housing requirement of 547 dpa. As the Council's current plan is older than 5 years and has not been reviewed the cap for BCKLWN is 40% above the current housing requirement of 660 dpa in the adopted Core Strategy, adopted in 2011, and as such the housing needs remain at 547 dpa.

4. In addition to the slightly higher housing requirement the plan period over which housing needs should be planned for must be extended. Paragraph 22 of the NPPF states strategic policies must look ahead over a minimum of 15 years from adoption. If this plan is to be submitted later this year it is unlikely that the plan will be adopted until either late 2022 or early 2023. As such we would recommend that the plan period be extended by a single year to 2037 to ensure consistency with national policy. Both these changes mean that the Council should be planning for a minimum of 11,487 (547 x 21) homes and this should be reflected in LP01.

Housing supply

5. On the basis of the housing trajectory provided in the local plan the Council would appear to have a strong housing land supply providing a significant buffer against their housing requirements. It is important that this level of buffer is maintained to guarantee the necessary flexibility, as recognised by the Council, to ensure their needs are met in full. In addition to supporting delivery, it is also important to recognise that the level of delivery being proposed will better support the Council in meeting their affordable housing requirements given whilst also ensuring that development is viable and comes forward as planned. Planning Practice is clear in paragraph 2a-024 that housing supply should be increased in such situations stating, "*An increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes*".
6. The HBF have no comments on individual sites and our representations are submitted without prejudice to any comments made by other parties. However, it is critical that an accurate assessment of availability, suitability, deliverability, developability and viability is undertaken. The Council's assumptions on lead in times and delivery rates should be correct and supported by parties responsible for the delivery of housing on each individual site. In particular caution should be applied in relying on strategic allocations coming forward in the early years of the plan given the complexities in bring forward such sites and the potential for delay.
7. There also appears to be a slight discrepancy within the Council housing 2019/20 housing trajectory. The level of small site delivery over the period 2020/21 to 2024/25 states that 1,165 homes are expected to be delivered on sites delivering 1 to 4 homes. However, the total delivery from identified sites expected to come forward in those five years, as set out in the penultimate column of that sheet, is 861. It would appear that delivery from the plan period prior to the five-year period

being considered is being taken into account. Whilst this alone has a relatively small impact on the five-year housing land supply the council will still need to ensure that this data is accurate and prior to submission.

8. In order to be consistent with paragraph 22 of the NPPF it will also be necessary for the Council to provide more information on development and delivery beyond the end of the plan period on those sites providing a significant level of development. In determining how this element of the NPPF should be considered no guidance is provided in either the NPPF or PPG, however, this has been promised and will need to be taken into account. In the meantime, the Council should be pragmatic and proportionate in its considerations of paragraph 22 and ensure it does not slow down or stall plan preparation and submission.

LP05 – Implementation Policy

The policy is unsound as it is not consistent with national policy

9. With regard to infrastructure provision, we note that the Viability Update states that the Council did not consider it necessary to include even a nominal £2,000 additional cost in relation to site specific S106 costs, aside from those identified on strategic allocations, as these would be addressed through the Community Infrastructure Levy. If this is the case, then the Council need to reflect this within policy LP05 which will potentially see significant additional obligations placed on development for a wide variety of facilities and services that one would expect to be funded through the Community Infrastructure Levy. However, if this is not the case, then the Council need to consider what the likely cost of S106 contributions will be in future and ensure that these do not make development unviable and impact on the deliverability of the local plan.
10. This policy also sets out what is in effect a shopping list of infrastructure the Council would like to fund rather than infrastructure that is necessary to make the development acceptable in planning terms. For example, the Council include public art and next generation mobile technology as potential planning obligations for new development within their list, and whilst these may be improvements the Council want to see in the area, they are not required to make development acceptable in planning terms. The expectations on development need to be justified and consistent with national policy and at present this list does not meet either of these tests of soundness.

LP06 – Climate change policy

Part 4 of this policy is unsound as it is not consistent with national policy.

11. The housebuilding industry, through the HBF, recognises that there is a need to improve the environmental performance of new residential development. In order to achieve this, we established, with a wide range of partners, the Future Homes Task Force. This task force examined how the house building industry can work

toward delivering net zero homes by 2050. The initial outcomes of this work can be found at <https://www.futurehomes.org.uk/> with a summary of the Delivery Plan resulting from this work attached to this response.

12. The delivery plan published by the task force in July outlines the need to operate on a collective basis recognising the need for housebuilders, their supply network and the trades people building homes to successfully transition to the delivery of low carbon homes. In addition, it recognises the need for both national and local government alongside housebuilders to ensure those people buying new homes are confident in the technologies and systems being used. As such the HBF consider a national and standardised approach to improving the energy efficiency of buildings to be the most effective approach in that it balances improvements to building performance with the continued delivery of housing and infrastructure which would appear to be the approach broadly being adopted by the Council with regard to the Future Homes Standard.
13. With regard to the provision of electric vehicle charging points (EVCP) in part 4 of this policy the HBF recognises that electric vehicles will be part of the solution to transitioning to a low carbon future. As set out in the Department of Transport consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings (ended on 7th October 2019), the Government's preferred option is the introduction of a new requirement for EVCPs under Part S of the Building Regulations. The inclusion of EVCP requirements within the Building Regulations will introduce a standardised consistent approach to EVCPs in new buildings across the country and in time will negate the need for policies in local plans. However, until the introduction of proposed changes to Part S of the Building Regulations, the HBF consider that the physical installation of active EVCPs is inappropriate.
14. As such we are concerned with regard to part 4 of LP06. The policy seemingly requires development to enable and implement charging across development. However, LP14 suggests that the electric vehicle charging will be supported and encouraged rather than required. It is therefore essential, as required by paragraph 16d of the NPPF, that the Council provide clarity as to what is being required of development with regard to EVCPs. Given that policy LP14 would suggest that the Council are not seeking to require their provision this should be reflected in part 4 of LP06. We would suggest the following amendment:

All applications for development ~~should be designed~~ will be encouraged to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations on site; to help reduce fuel consumption, CO2 emissions and air quality pollutants in the district (in accordance with LP14, 18);

15. If this is not the case, then the Council will need to provide greater clarity as to its approach and further justification for its approach. In particular it will need to show how it has considered ensure the local electricity supply network can support the

scale of additional EVCPs being proposed. These can be a significant cost, as recognised in the consultation referred to above, and an increase in the cost per charge point over the assumptions made in the viability study will be necessary.

LP18 Design and Sustainable Development

Part 3m is unsound as it is not been adequately justified

16. Whilst the HBF shares the Council's desire to see good quality homes delivered across Kings Lynn and West Norfolk we also consider that space standards can, in some instances, have a negative impact upon affordability issues and reduce customer choice. In terms of choice some developers will provide entry level two, three and four-bedroom properties which may not meet the optional nationally described space standards, but which would allow on lower incomes can afford a property which has their required number of bedrooms. Given the poor affordability of property in the area and the tight constraints on development it is therefore important that the Council can provide robust evidence that there is a need to introduce the optional space standards – that these standards are a must have rather than a nice to have policy.
17. As the Council are aware paragraph 56-020 of PPG establishes the type of evidence required to introduce Nationally Described Space Standard through the local plan. The Council is required to have robust justifiable evidence to introduce any of the optional housing standards, based on the criteria set out in PPG. It is important to recognise that the optional technical standards can, as set out in paragraph 56-002 of PPG, only be introduced where they are needed and where they do not impact on the viability of development. The application of space standards has been considered in the viability assessment; however, we could not find any evidence with regard to the need for such standards. If the Council wants to include space standards in the local plan it must provide the necessary evidence to justify their inclusion.

LP28 – Affordable housing

Part 7a and b are unsound as they are not justified.

18. Policy LP28 sets out a variable affordable housing requirement of 15% within the urban areas of Kings Lyn and 20% elsewhere. Affordable housing requirements have the single largest impact on the viability of development in any area and it is important that the cumulative impact on development of this and other policy costs do not render development unviable and the plan undeliverable.
19. However, what is evident from the viability assessment is that whilst development in the North East, East and A10 corridor areas of the Borough would appear to be viable on the basis of the policy costs imposed through this local plan there are concerns regarding the viability of certain types of development in Kings Lyn and in the Wisbech fringe. Table 10.11 (also replicated in table 12.8 in the final chapter)

of the Viability Update indicates that development of 10 or more units of previously development land in this Kings Lyn and all development over 10 units expected to come forward in the Wisbech Fringe as having residual land values (RLV) below the benchmark land values (BLV) - in some instances by a significant margin. In total development considered to have RLV below the BLV is, according to table 12.5 of the Viability Update, some 21.7% of expected development.

20. With regard to the viability evidence, it is important that the cumulative impact of the policies in the local plan are properly tested and that all costs are considered. With this regard we are concerned that the full implications of First Homes have not been considered. Whilst First Homes are considered to be affordable housing, they are different in that it is the developer that they are house sold on an open market basis and as such the developer takes the risk. This is different to an affordable unit where the developer is in effect acting as the contractor providing the affordable housing for the registered social landlord. As such the margin on the delivery of First Home should reflect that for other market products and not that for affordable housing. These additional costs alongside those from S106 agreements that could stem from policy LP5 need to be considered in relation to development where viability is more marginal.
21. Whilst we recognise that the Council have a significant buffer within their housing land supply it is important to ensure that there is a reasonable distribution of development across the Borough and that development in these areas is not made unviable by the policies in Local Plan. However, the evidence presented by the Council would suggest affordable housing contributions should be reduced in Kings Lynn and the Wisbech fringe from those suggested in policy LP28 for development in these areas to be considered deliverable.
22. In addition, the Council must consider the implications of paragraph 58 of the NPPF which establishes that decision makers should be able to assume that development that meets all the policy requirements in a local plan is viable. The reason for this is to limit the number of applications where, as set out in paragraph 10-002 of Planning Practice Guidance, the need for further viability assessment at the decision-making stage of the planning process. Therefore, whilst paragraph 58 of the NPPF provides scope for negotiation at the development management stage the objective of this policy is still to limit such negotiations. This situation will be most notable with regard to PDL development coming forward in Kings Lyn. The Council expect a reasonable number of homes to come forward each year on larger windfall sites and it will be important to ensure that when such sites do come forward viability should not need to be negotiated each time.
23. Finally, we would also suggest a slight modification to part 8b and suggest the policy refers to "Designated rural areas" with a footnote provided stating that such areas are set out under section 157(1) of the Housing Act 1985. This ensures clarity to decision makers and the public as to the areas that are considered to be rural.

LP29 – Housing for the Elderly and Specialist Care

This policy is unsound as it is not positively prepared or effective

24. Whilst the HBF broadly welcomes the Council's positive approach to meeting the development needs of older people we consider it important that such policies in local plans are only effective if the Council are committed to meeting identified needs and that there is a mechanism in the plan that encourages decision makers to take positive action should there be a shortfall. We would therefore recommend that a target for the delivery of homes for older people is included within the policy and in the event that the annual benchmark is not achieved in a year, the Council will operate a presumption in favour of proposals for older persons housing in the subsequent year.
25. This presumption will continue to operate until the benchmark has been achieved. Whilst we recognise that there is not a requirement in national policy for the Council to maintain a specific supply of accommodation for older people identifying the level of need, monitoring supply and having a contingency measure should that supply not come forward are all required in order to make this policy effective.
26. In addition to this policy, we would also recommend that the Council look to allocate specific sites to meet the needs of older people. In particular the Council must look, in the first instance, to allocate those sites submitted for older people's accommodation that are in the most sustainable locations close to key services. Allocating sites for this key area of housing need is vital to ensure needs are met over the plan period.

Conclusion

27. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF for the following reasons:
 - The housing requirement is not consistent with the application of the standard method;
 - The plan period does not provide a 15-year time horizon from the adoption of the local plan;
 - There is insufficient clarity and inconsistencies between policies with regard to electric vehicle charging points;
 - No evidence as the need for the Nationally Described Space Standards have been provided;
 - The affordable housing requirements for Kings Lynn and Wisbech are not consistent with the viability evidence; and
 - Ineffective approach to ensuring the needs of older people are addressed.

28. As such I can confirm that I wish to participate in the relevant hearing sessions in order to full represent our concerns which reflect the views of discussions with our membership who account of 80% of the market housing built in England and Wales.

Yours faithfully

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

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