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Dear Sir / Madam

SWINDON LOCAL PLAN REVIEW (LPR) REVISED 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 the above-mentioned consultation and in due course attend Examination Hearing Sessions to discuss matters in greater detail.

Duty to Co-operate

As set out in the 2021 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 SoCG identifying the cross-boundary matters to be addressed and the progress of co-operation in addressing these matters. Therefore, as set out in the 2021 NPPF, the revised LPR should be positively prepared and provide a strategy, which as a minimum seeks to meet its own housing needs in full and is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated (para 35a).



The National Planning Practice Guidance (NPPG) explains that a SoCG sets out where effective co-operation is and is not happening throughout the plan-making process. The NPPG confirms that a SoCG is a way of demonstrating that Local Plan is deliverable over the plan period and based on effective joint working across LPA boundaries. It also forms part of the evidence required to demonstrate compliance with the Duty to Co-operate (ID 61-010-20190315). The Inspector will use all available evidence including SoCG to determine whether the Duty to Co-operate has been satisfied (ID 61-031-20190315).

To provide communities and other stakeholders with a transparent picture of collaboration, the NPPG sets out that authorities should have a SoCG available on their website by the time of publication of their Draft Plan. Once published, the Council will need to ensure that any SoCG continues to reflect the most up-to-date position of joint working (ID 61-020-20190315). The revised Swindon LPR consultation is not accompanied by a SoCG.

Before the revised LPR is submitted for examination, this omission should be rectified by the Council. The Council's joint working on strategic planning matters with Wiltshire Council and the other adjacent authorities namely Vale of White Horse District Council, West Berkshire District Council and Cotswold District Council (see para 1.0.5) should be set out in SoCG. The HBF may submit further representations on the Council's compliance with the Duty to Co-operate and the soundness of the Swindon LPR in Written Examination Hearing Statements or orally at Examination Hearing Sessions.

Local Housing Needs (LHN) and Housing Requirement

Policy SP 2 - The Spatial Strategy sets out that sufficient land comprising of completions since 2018, existing commitments and allocations will be provided to deliver at least 21,100 dwellings over the plan period 2018 - 2036.

As set out in the 2021 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 66). The determination of the minimum number of homes needed should be informed by LHN assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 61). In Central Swindon, there are no exceptional circumstances to justify an alternative approach. The latest NPPG sets out the standard methodology for calculating the LHN figure (ID 2a-004-20201216).

The LHN for Swindon is set out in the Swindon Borough Council & Wiltshire Council LHN Assessment dated April 2019 by Opinion Research Services. Swindon's minimum LHN is calculated as 18,720 dwellings (1,040 dwellings per annum) between 2018 – 2036. This calculation is based on 2014 Sub National Household Projections (SNHP), 2019 as the current year and 2018 affordability ratio of 7.62. The calculation is mathematically correct. As set out in the NPPG, the LHN is calculated at the start of the plan-making process however this

number should be kept under review until the LPR is submitted for examination and revised when appropriate (ID 2a-008-20190220). The minimum LHN for Swindon may change as inputs are variable and this should be taken into consideration by the Council. Using the standard methodology, the minimum LHN for Swindon is 1,000 dwellings per annum based on 2014 SNHP, 2021 as the current year and 2020 affordability ratio of 7.18.

The NPPG clearly states that the standard methodology is the minimum starting point in determining the number of homes needed. The NPPG explains that “*circumstances*” may exist to justify a figure higher than the minimum LHN. The “*circumstances*” for increasing the minimum LHN are listed in the NPPG including, but 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. The NPPG indicates that if previous housing delivery has exceeded the minimum LHN, the Councils should consider whether this level of delivery is indicative of greater housing need (ID 2a-010-20201216). The Council should consider if there are “*circumstances*” in Swindon to justify a housing requirement above the minimum LHN.

The 2021 NPPF seeks to achieve sustainable development by pursuing economic, social and environmental objectives in mutually supportive ways (para 8). The Council should be seeking to support the long-term sustainability of the Borough by achieving a sustainable balance between employment and housing growth. The Swindon Borough Council & Wiltshire Council LHN Assessment identifies that to ensure there will be sufficient resident workers to align with the jobs growth set out in the 2017 EDNA forecast (assuming no change in the commuting rates identified by the 2011 Census), it is necessary to uplift the minimum LHN in Swindon to 1,080 dwellings per annum (see paras 4.22 & 4.26). The Council’s proposed minimal uplift of 80 dwellings per annum above the minimum LHN to support economic growth is representative of a “status quo” position rather than a significant boost to housing supply, 1,080 dwellings per annum is only 9 dwellings per annum more than the average 1,071 dwellings completed per annum achieved in Swindon over the last twenty years.

The Council should also recognise economic benefits of housing development in supporting local communities as highlighted by the HBF’s latest publication Building Communities – Making Place A Home (Autumn 2020). The Housing Calculator (available on the HBF website) based on The Economic Footprint of House Building (July 2018) commissioned by the HBF estimates for every additional house built in Swindon, the benefits for the local community include creation of 3 jobs (direct & indirect employment), financial contributions of £27,754 towards affordable housing, £806 towards education, £297 towards open space / leisure, £1,129 extra in Council tax and £26,339 spent in local shops.

The Council has not undertaken a re-assessment of affordable housing since the 2017 SHMA. The Planning Inspectorate Guidance for Local Plan Examination sets out that evidence base documents, especially those relating to development needs and land availability, that date from two or more years before the submission date may be at risk of having been overtaken by events, particularly as they may rely on data that is even older. Any such documents should be updated as necessary to incorporate the most recent available information (para 1.11). The Council should update its assessment of affordable housing need in accordance with the NPPG, which sets out that households whose needs are not met by the market, who are eligible for one or more of the types of affordable housing as defined in Annex 2 : Glossary of the 2021 NPPF, should be considered in need of affordable housing (ID 67-005-20190722). The NPPG also 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. As set out in the NPPG, an increase in the total housing figures may be considered where it could help deliver affordable housing (ID 2a-024-20190220). The HBF acknowledge that the Council may not be able to meet all affordable housing needs but a housing requirement above the minimum LHN will make a greater contribution to delivering more affordable housing.

As set out in the NPPG, the Government is committed to ensuring that more homes are built and supports ambitious Council's wanting to plan for growth (ID 2a-010-20201216). The NPPG states that a higher figure "*can be considered sound*" providing it "*adequately reflects current and future demographic trends and market signals*". 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 2021 NPPF remains (para 60). The HBF believe that the Council should have been more ambitious. A housing requirement above the minimum LHN would support economic growth and deliver more affordable housing.

Before the revised LPR is submitted for examination, the Council should consider a higher housing requirement. The Council should also clearly set out its minimum LHN and housing requirement figures and distinguish between the housing requirement and housing land supply.

Plan Period

The HBF also note that in **Policy SP 2**, the Council is proposing a plan period of 2018 - 2036. The 2021 NPPF sets out that strategic policies should look ahead over a minimum 15 years period from the date of adoption, to anticipate and respond to long-term requirements and opportunities (para 22). Unless the Swindon revised LPR is adopted before the end of 2021, there would be a remaining plan period of less than 15 years. Before the revised LPR is submitted for examination, the Council should extend the plan period end date from 2036 to 2037/38 dependant on the likely adoption date for the revised LPR.

Housing Land Supply (HLS)

The LPR's strategic policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver the Borough'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 Housing Delivery Test (HDT) performance measurements.

The revised LPR spatial strategy combines a concentration of development at Swindon and Strategic Site allocations with a graduated dispersal strategy of development outside of Swindon. Outside of Swindon Urban Area, development will be primarily located at Highworth and Wroughton, which are considered the most accessible of the rural settlements with the largest range of facilities. At other villages in the Borough, development proportional to their size and function will be supported within rural settlement boundaries as shown on the Policies Map and at Local Site Allocations or allocations in made Neighbourhood Plans. Outside settlement development boundaries and site allocations development will not be supported unless allowed for by other policies in the LPR.

Under **Policy SP2 Table 1**, 2,209 dwellings are allocated on 8 sites in Swindon Urban Area for 611 dwellings, 5 sites in Highworth for 866 dwellings, 3 sites in Wroughton for 608 dwellings and 9 sites in other villages for 124 dwellings. There are 25 residential Local Site Allocations across the Borough in Swindon Urban Area (**Policies LA1 – LA4 & LA9 – LA13**), in Wroughton (**Policies LA16, LA17 & LA27**), in Highworth (**Policies LA18 – LA21 & LA34**) and in other Villages (**Policies LA22 – LA26 & LA28 – LA31**).

Strategic Sites are allocated at Wichelstowe (**Policy SA1**), Kingsdown (**Policy SA2**), the New Eastern Villages (including Rowborough & South Marston Village Expansion) (**Policy SA3**), Badbury Park (formerly Commonhead) (**Policy SA4**) and Tadpole Garden Village (**Policy SA5**).

The HBF have no comments on individual sites and these 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.

Table 3 – Summary of HLS 2018 – 2036 identifies total HLS of 21,599 dwellings comprising of :-

- Housing completions 2018 - 2019 of 1,868 dwellings ;
- Small site (less than 5 dwellings) windfall allowance of 57 dwellings per annum from Year 4 onwards of 741 dwellings ;
- Non-strategic Sites with planning permission for 2,648 dwellings ;
- Neighbourhood Plan sites for 53 dwellings ;
- Remainder of Strategic Site at Wichelstowe for 2,811 dwellings ;

- Remainder of Strategic Site at Badbury Park (formerly Commonhead) for 413 dwellings ;
- Remainder of Strategic Site at Tadpole Farm for 283 dwellings ;
- New Eastern Villages for 8,923 dwellings ;
- Kingsdown Strategic Site for 1,650 dwellings ;
- Proposed Allocations in Swindon Urban Area for 611 dwellings ;
- Proposed Allocations in Highworth for 866 dwellings ;
- Proposed Allocations in Wroughton for 608 dwellings ; and
- Proposed Allocations in other villages for 124 dwellings.

The Council's windfall allowance of 57 dwellings per annum should be robustly evidenced. 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.

There is headroom of only 499 dwellings (2.3%) between at least 21,100 dwellings figure set out in **Policy SP2** and the overall HLS of 21,599 identified in Table 3. This limited headroom provides a minimal contingency if any slippage occurs in delivering Strategic Sites. The HBF always advocates as large a contingency as possible. There is no numerical formula to determine a quantum for flexibility but where HLS is highly dependent upon one or relatively few large strategic sites and / or localities then greater numerical flexibility is necessary than if HLS is more diversified. In Swindon, 14,080 dwellings representing 71% of residual HLS (less completions between 2018 – 2019) are allocated on Strategic Sites.

Housing delivery is optimised by the widest possible range of housing site sizes and market locations, which provides suitable land buying opportunities for small, medium and large housebuilding companies. On Strategic Sites, there may be long lead in times before the commencement of on-site development and build up to optimum delivery rates. To ensure a continuous short to medium term HLS, Strategic Sites should be complimented by smaller non-strategic sites. The widest mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides competition in the land market. A diversified portfolio of housing sites also offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. As set out in the 2021 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 69a). For Swindon, 10% of the housing requirement is approximately 2,110 dwellings. From the Council's evidence, it is unclear if the revised LPR is consistent with national policy.

The 2021 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 74). The Council's Housing Trajectory is set out in Appendix 4, which shows estimated yearly completions by category (Strategic Allocation, Local

Allocation, Consented Large / Small Sites, Prior Approvals, Neighbourhood Plan Sites & Windfall Allowance), it is not site specific. The Council has not provided sufficient detailed background information on each site to allow a rigorous check of the Council's delivery assumptions. To satisfy the 2021 NPPF Glossary definition of deliverable, clearer evidence is needed.

A 5 YHLS Statement has not been provided by the Council. If the Council cannot demonstrate a 5 YHLS on adoption of the revised LPR and maintain a 5 YHLS throughout the plan period, the revised LPR should not be found sound. Furthermore, it is not clear if the Council is wishing to demonstrate its 5 YHLS via adoption of the Swindon revised LPR as set out in 2021 NPPF (para 74b).

For the Swindon revised LPR to be found sound under the four tests of soundness as defined by the 2021 NPPF (para 35), the revised LPR must be positively prepared, justified, effective and consistent with national policy. Before the revised LPR is submitted for examination, the Council should increase the proposed headroom and insert detailed trajectory.

Viability and Deliverability

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 Charnwood Local Plan. 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 Local Plan (para 34). As stated in the 2021 NPPF, development should not be subject to such a scale of obligations that the deliverability of the Local Plan 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. Without a robust approach to viability assessment, the Local Plan will be unsound, land will be withheld from the market and housing delivery targets will not be achieved.

The Council's viability evidence is set out in Draft Whole Plan Viability & CIL Assessment dated February 2020 by Aspinall Verdi, which tests numerous generic typologies. It is noted that Strategic Sites are separately tested, however, the results of these individual viability assessments are not contained within the Council's published Draft Viability Assessment.

The Council's viability assessment should accurately account for all costs for affordable housing provision, CIL, S106 contributions and policy requirements sought. 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. The HBF have separately commented on the Council's viability assumptions for **Policies DM4, DM6, DM7, DM8, DM12, DM19 and DM30.**

The Draft Viability Assessment concludes that brownfield sites in higher and lower value areas are unviable. A flexible policy approach should be adopted for brownfield sites, which comprise only a small proportion of sites in the Council's overall HLS.

Before the revised LPR is submitted for examination, the Council should publish the final version of its Viability Assessment including the results of the individual testing of Strategic Sites. After publication of the final version of the Council's Viability Assessment, the HBF may submit further representations on viability and deliverability of the Swindon revised LPR in Written Examination Hearing Statements or orally at Examination Hearing Statements.

Development Management Policies

Policy DM4 : Residential Quality and Standards

Under **Policy DM4**, all residential development must meet 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 2021 NPPF (para 130f & Footnote 49). Footnote 49 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 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). 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). The Council should provide a local assessment evidencing its case. The Council's evidence in the Space Standards Topic Paper dated December 2019 provides insufficient evidence to justify this policy requirement.

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*". 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 NDSS would have been incorporated as mandatory in Building Regulations, which is not the case.

There is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing. An inflexible policy approach imposing NDSS on all housing removes the most

affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

The Council's Draft Viability Assessment assumptions are based on NDSS but there is no assessment of the impact on affordability. The Council should assess any potential adverse impacts on meeting demand for first-time buyer open market products and other affordable homeownership products such as First Homes. 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.

Without robust evidence justifying the requirement for NDSS and no assessment of the impact on affordability, **Policy DM4** is unsound. Before the revised LPR is submitted for examination, the Council should delete **Policy DM4**. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning Strategic and non-strategic 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.

Furthermore, under **Policy DM4**, the Council should not require adherence to the separation distances set out in the Swindon Borough Design Guide,

The reference to "*adherence to the separation distances set out in the Swindon Borough Design Guide*" should not be interpreted by the Council's Development Management Officers as conveying the weight of a Development Plan Document (DPD) onto this guidance, which has not been subject to examination and does not form part of the revised LPR. 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. This reference should be removed from **Policy DM4**.

For the Swindon revised LPR to be found sound under the four tests of soundness as defined by the 2021 NPPF (para 35), the revised LPR must be positively prepared, justified, effective and consistent with national policy.

Before the revised LPR is submitted for examination, **Policy DM4** should be modified as outlined above.

Policy DM6 : Affordable Housing

Under **Policy DM6**, on all developments of 10 or more dwellings (except in Swindon Town Centre) 10% of dwellings should be for affordable home ownership and 20% should be affordable or social rented dwellings or where it is robustly demonstrated to be inappropriate, a proportionate contribution should be provided towards affordable homes off-site. Within Swindon Town Centre 10% affordable housing will be sought as affordable home ownership housing. If this policy requirement is not being met then an open book approach will be taken on viability assessment and the onus will be on the applicant to clearly demonstrate the circumstances justifying a lower contribution.

The HBF support the Council's differentiated approach to the provision of affordable housing, which is justified by the Council's viability testing. However, the HBF is concerned that the impacts of First Homes on viability have not been fully considered in the Council's Draft Viability Assessment. There will be an increased cost to developers selling First Homes in terms of marketing plus an increased risk as they will not be able to sell First Homes in bulk to a Registered Provider thus obtaining a more reliable up front revenue stream. The 6% developers return for affordable housing does not reflect this risk. Furthermore, First Homes may impact on the ability of developers to sell similarly sized open market units. First Homes may dampen the appetite of first-time buyers for 1, 2 & 3 bedroomed open market dwellings as some households, which would have opted to purchase a home on the open market will use the discounted First Homes route instead. This may result in slow sales of similar open market units, increased sales risk and additional planning costs (if sites have to be re-planned with an alternative housing mix). Before the revised LPR is submitted for examination, further viability work should be undertaken to test impacts, which have not been previously considered.

Policy DM7 : Housing for Older People and Policy DM8 : Accessible Housing

Under **Policies DM7** and **DM8** all housing for older people and on sites of 10 or more dwellings all new housing should accord with Building Regulations Part M4(2). Furthermore, under **Policies DM7** and **DM8** at least 50% of all housing for older people and on sites of 25 or more dwellings at least 10% of the dwellings should be suitable for occupation by wheelchair users in accordance with optional Building Regulations Part 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 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 focus focussed tightly on supporting and justifying the policies concerned (para 31). 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).

The Council's evidence is set out in Specialist Housing Topic Paper dated July 2019. 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 the Borough differ substantially to those across the South West region 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.

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 the Borough 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 Borough's existing housing stock (circa 98,866 dwellings) is significantly larger than its new build component, therefore adaption of existing stock will form an important part of the solution.

As well as the absence of evidence of local need in the Council's Specialist Housing Topic Paper to justify the proposed policy requirements, the Council's Draft Viability Assessment includes cost assumptions of only £521 per dwelling for M4(2) and £10,307 per dwelling for M4(3). This cost is based on DCLG Housing Standards Review, Final Implementation Impact Assessment, March 2015. It is noted that Table 45 of the Impact Assessment shows that £521 per dwelling is based on 3 bed semi-detached house, the costs for apartments are higher (£907 - £940 per dwelling). £521 per dwelling is also based on 2015 costs, which 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. In September

2014 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 (Table 45). M4(2) and M4(3) compliant dwellings are also larger than 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. Further viability work should be undertaken to sensitivity test the Council's assumptions.

The 2019 NPPF confirms that Local Plans should avoid unnecessary duplication (para 16f). The Council's proposed policy approach will be 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, which closed on 1 December 2020.

In the meantime, if the 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 also distinguish between (M4(3a)) wheelchair adaptable dwelling, which include features to make a home easy to convert to be fully wheelchair accessible and (M4(3b)) wheelchair accessible dwelling, 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).

The HBF note that **Bullet Point 5 of Policy DM8** states that to demonstrate a dwelling meets the provisions for a wheelchair user, furnished plan layouts that show the access zones and other provisions should be provided to a scale of at least 1:100. The NPPG sets out that where a Council adopts a policy for accessible and adaptable homes they should do so only by reference to M4(2) and / or M4(3) of the optional requirements in the Building Regulations and the Council should not impose any additional information requirements for instance provision of furnished layouts (ID: 56-008-20160519). This requirement should be deleted.

For the Swindon revised LPR to be found sound under the four tests of soundness as defined by the 2021 NPPF (para 35), the revised LPR must be positively prepared, justified, effective and consistent with national policy. **Policies DM7 and DM8** are unsound. Before the revised LPR is submitted for examination, **Policies DM7 and DM8** should be deleted or modified as set out above.

Policy DM12 : Custom & Self Build

On sites of 50 or more houses the Council will seek a proportion of the developable plots to be set aside for self-build and custom-build. The proportion will be determined by the needs derived from the Council's Custom and Self-build Housing Register. Where serviced plot(s) for self and custom-build have been sought as part of a large site or as an allocation in a Neighbourhood Development Plan they must be made available and marketed for an appropriate time (to be agreed with the Council). If, following this marketing these plots have not sold, and sufficient evidence is provided that there is not likely to be market interest in the plot(s), the applicant will be able to develop the land for further market housing.

There is no legislative or national policy basis for imposing an obligation on landowners or developers of sites of more than 50 dwellings to set aside a proportion of plots for self & custom build housing. Under the Self Build & Custom Housebuilding Act 2015 and 2021 NPPF (para 62), it is the Council's responsibility, not the landowner's or developer's, to ensure that sufficient permissions are given to meet demand. The Council is not empowered to restrict the use of land to deliver self & custom build housing. The NPPG sets out ways in which the Council should consider supporting self & custom build by "*engaging*" with developers and landowners and "*encouraging*" them to consider self & custom build "*where they are interested*" (ID 57-025-201760728).

The Council should ensure that the revised LPR will result in a wide range of different self & custom build housing opportunities. It is unlikely that self & custom build serviced plots on residential sites of more than 50 dwellings will appeal to those wishing to build their own home. Alternative policy mechanisms could be used to ensure a reliable and sufficient provision of self & custom build opportunities across the Borough including allocation of small and medium scale sites specifically for self & custom build housing and permitting self & custom build outside but adjacent to settlement boundaries on sustainable sites especially if the proposal would round off the developed form.

The Council has provided no evidence to justify the proposed 50 or more dwellings site threshold. Furthermore, the requirement to set aside a proportion of developable plots is ambiguous. The 2021 NPPF states that policies should be clearly written and unambiguous so that a decision maker knows how to react to a development proposal (para 16d).

As set out in the NPPG, the Council should use its Self Build Register and additional data from secondary sources to understand and consider future need for this type of housing (ID 57-011-20210208). In Swindon, there is minimal interest in self & custom build with only 20 entries added each year to the Register. Furthermore, a simple reference to the headline number of entries on the Council's Register may over-estimate actual demand. 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

Register's entries may have insufficient financial resources to undertake a project, be registered in more than one LPA area and have specific preferences.

The provision of self & custom build plots on sites of more than 50 dwellings adds to the complexity and logistics of developing these sites. It is difficult to co-ordinate the provision of self & custom build plots with the development of the wider site. Often there are multiple contractors and large machinery operating on-site, the development of single plots by individuals operating alongside this construction activity raises both practical and health & safety concerns. Any differential between the lead-in times / build out rates of self & custom build plots and the wider site may lead to construction work outside of specified working hours, building materials stored outside of designated compound areas and unfinished plots next to completed and occupied dwellings resulting in consumer dissatisfaction.

It is important that unsold plots are not left empty to the detriment of neighbouring dwellings 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. The requirement to agree with the Council "marketing for an appropriate time" is ambiguous.

As well as on-site impracticalities, impacts on viability should be tested. The Council's Draft Viability Assessment fails to consider the impacts of the provision of self & custom build plots on sites of more than 50 dwellings, which will have a bearing on the development economics of these schemes. It is unlikely that up front site promotion costs (including planning & acquisition costs) and fixed site externals, site overheads and enabling infrastructure costs will be recouped because the plot price a self & custom builder is able to pay may be constrained by much higher build costs for self-builders. There are also impacts of not recouping profit otherwise obtainable if the dwelling was built and sold on the open market by the site developer, disruption caused by building unsold plots out of sequence from the build programme of the wider site and a worst-case scenario of unsold plots remaining undeveloped. Further viability work should be undertaken by the Council.

For the Swindon revised LPR to be found sound under the four tests of soundness as defined by the 2021 NPPF (para 35), the revised LPR must be positively prepared, justified, effective and consistent with national policy. With evidence of only minimal demand and no viability testing, **Policy DM12** is unsound. Before the revised LPR is submitted for examination, the Council should delete **Policy DM12**.

Policy DM19 : Transport and Development

Policy DM19 Bullet Point 8 states that parking provision including electric vehicle charging points (EVCP) should be provided in accordance with the Council's adopted parking standards as set out in Appendix 1. Appendix 1

states that residential houses should be provided with 1 EVCP per dwelling as a wall box and for residential apartments 30% of parking spaces should be fitted with an EVCP and further 30% of parking spaces should be fitted with the necessary infrastructure to enable installation of EVCPs in the future.

The HBF recognise 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 supersede the Council's policy approach.

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. The evolution of automotive technology is moving quickly therefore a passive cable and duct approach is a more sensible and future proofed solution, which negates the potential for obsolete technology being experienced by householders. A passive cable and duct approach means that the householder can later arrange and install a physical EVCP suitable for their vehicle and in line with the latest technologies.

The HBF and its Members have serious concerns about the capacity of the existing electrical network in the UK. The supply from the power grid is already constrained in many areas across the country. 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 Draft Viability Assessment includes a cost of £1,000 per EVCP however any costs for upgrading local electricity networks are excluded, which under the Government's proposal in The Department for Transport - Electric Vehicle Charging in Residential & Non-Residential Buildings consultation automatically levies a capped figure of £3,600 on developers. Further viability work should be undertaken to sensitivity test the Council's assumptions.

For the Swindon revised LPR to be found sound under the four tests of soundness as defined by the 2021 NPPF (para 35), the revised LPR must be positively prepared, justified, effective and consistent with national policy. **Policy DM19** is unsound. Before the LPR is submitted for examination, the requirement for EVCPs should be deleted from **Policy DM19** and Appendix 1.

Policy DM22 : Water Supply and Wastewater and Sewerage Infrastructure

Under **Policy DM22** residential development must not exceed the Building Regulations optional water efficiency standards of 105 litres per person per day (excluding 5 litres external consumption).

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, 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).

Swindon is part of Thames Water’s Swindon and Oxfordshire Water Resources Zone (SWOX). Across Thames Water’s whole region there is an acknowledged increasing pressure on water resources as a result of planned housing growth. The whole region, including SWOX, is classified as being seriously water stressed however the Swindon Water Cycle Study (2014) concluded that, with demand management measures, there would be sufficient water supplies to deliver the anticipated level for population growth in Swindon Borough up to 2026. The Council has provided no updated supporting evidence to demonstrate any changed circumstances in Swindon Borough. A clear local need has not been demonstrated.

For the Swindon revised LPR to be found sound under the four tests of soundness as defined by the 2021 NPPF (para 35), the revised LPR must be positively prepared, justified, effective and consistent with national policy. Without robust evidence of local need, **Policy DM22** is unsound. Before the revised LPR is submitted for examination, the requirement for the optional water efficiency standard should be deleted from **Policy DM22**.

Policy DM30 – Biodiversity

Policy DM30 Bullet Point 4 states that all development must secure a minimum of 20% measurable net gains for biodiversity or as set out in legislation, whichever is the greater.

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%.

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.

There are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council's Draft Viability Assessment. The Council's Draft Viability Assessment includes a cost of £42,545 per gross hectare of development land for compliance with **Policy DM30**. The DEFRA Biodiversity Net Gain & Local Nature Recovery Strategies : Impact Assessment Table 16 : Net gain delivery costs per greenfield development (residential) estimates a South West cost of £998 per dwelling (based on 2017 prices and the central estimate). However, there are significant cost increases for off-site delivery under Scenario C to £3,481. There may also be an impact on the ratio of gross to net site acreage. It is not clear if the Council's estimate of costs for 20% biodiversity net gain is comparable to DEFRA's estimated costs. Furthermore, 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 Council should provide further clarification and undertake further viability sensitivity testing work.

For the Swindon revised LPR to be found sound under the four tests of soundness as defined by the 2021 NPPF (para 35), the revised LPR must be positively prepared, justified, effective and consistent with national policy. **Policy DM30** is unsound. Before the revised LPR is submitted for examination, **Policy DM30** should be modified to align with the Government's proposals set out in the Environment Bill.

Conclusion

For the Swindon revised LPR to be found sound under the four tests of soundness as defined by the 2021 NPPF (para 35), the revised LPR must be positively prepared, justified, effective and consistent with national policy. The HBF consider the above-mentioned Policies to be unsound. Before the revised LPR is submitted for examination, the afore-mentioned Policies should be modified as outlined above. 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".

Susan E Green MRTPI
Planning Manager – Local Plans