



Bassetlaw District Council
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Planning Policy
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Dear Sir / Madam

BASSETLAW LOCAL PLAN 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 and attend future Local Plan Examination Hearing Sessions to discuss matters in greater detail.

Duty to Co-operate (DtoC)

As set out in the 2021 National Planning Policy Framework (NPPF), the Council is under a DtoC 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 DtoC, engagement should be constructive, active and on-going. This collaboration should identify the relevant strategic matters to be addressed (para 25). Effective and on-going joint working is integral to the production of a positively prepared and justified strategy (para 26). The Council should demonstrate such working by the preparation and maintenance of one or more Statements of Common Ground (SoCG) identifying the cross-boundary matters to be addressed and the progress of co-operation in addressing these matters. Therefore, as set out in the 2021 NPPF, the Bassetlaw Local Plan should be positively prepared and provide a strategy, which as a minimum seeks to meet the Council's 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 the 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 DtoC (ID 61-010-20190315). At Examination, the Inspector will use all available evidence including SoCG to determine whether the DtoC 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).

Bassetlaw District adjoins seven other LPAs, which are Bolsover, Doncaster, Mansfield, Newark & Sherwood, North Lincolnshire, Rotherham, and West Lindsey. It has been determined that Bassetlaw is a part of the North Derbyshire & Bassetlaw Housing Market Area (HMA) together with North East Derbyshire, Bolsover and Chesterfield Councils. There is also an identified overlap between this HMA and the Sheffield City Region HMA (including neighbouring authorities of Doncaster & Rotherham) with recognised functional economic links between the two HMAs. Bassetlaw is a full member of the Derbyshire & Nottinghamshire D2N2 Local Enterprise Partnership (LEP). Bassetlaw is also part of the Sheffield City Region Combined Authority but no longer a member of its LEP. The Bassetlaw Local Plan pre-submission consultation is accompanied by six SoCG and a DtoC Compliance Statement dated August 2021, which is not a SoCG. It is understood that the Council is proposing to deliver all its development requirements within its own boundaries and no requests to address the development needs of neighbouring LPAs have been received. However, it is noted that under the revised standard methodology, Sheffield is subject to the 35% Cities & Urban Areas Uplift, which increases housing needs from circa 37,000 dwellings to 50,000 dwellings between 2021 – 2038. This increase may have implications for the wider Sheffield City Region HMA. The Council intends to update existing SoCG and agree other SoCG with relevant parties before the Local Plan is submitted for examination. After publication of these updated and additional SoCG, the HBF may submit further representations on the Council's compliance with the DtoC and any implications for the soundness of the Bassetlaw Local Plan in written Examination Hearing Statements or orally during Examination Hearing Sessions.

Local Housing Needs (LHN) and Housing Requirement

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). The latest

NPPG sets out the standard methodology for calculating the LHN figure (ID 2a-004-20201216).

Bassetlaw's minimum LHN is calculated as 288 dwellings per annum between 2020 – 2037. This calculation is based on 2014 Sub National Household Projections (SNHP), 2020 as the current year and 2019 affordability ratio of 6.35. 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 Local Plan is submitted for examination and revised when appropriate (ID 2a-008-20190220). The minimum LHN for Bassetlaw may change as inputs are variable and this should be taken into consideration by the Council.

The Government's standard methodology identifies the minimum annual LHN. It does not produce a housing requirement figure (ID : 2a-002-20190220). LHN assessment is only a minimum starting point. The NPPG explains that "circumstances" may exist to justify a figure higher than the minimum LHN (ID 2a-010-20201216). The "*circumstances*" for increasing the minimum LHN are listed in the NPPG, but the NPPG emphasises that the listed "*circumstances*" are not exhaustive. The listed "*circumstances*" include, but are not limited to, situations where increases in housing need are likely to exceed past trends because of growth strategies, strategic infrastructure improvements, agreeing to meet unmet need from neighbouring authorities or previous levels of housing delivery / assessments of need, which are significantly greater than the outcome from the standard methodology. The Council has considered whether such "*circumstances*" exist in its Housing & Economic Development Needs Assessment (HEDNA) November 2020 by GL Hearn.

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 District by achieving a sustainable balance between employment and housing growth. 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 Bassetlaw, 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.

Over the last decade or more, there is evidence of a strong performance by transport and manufacturing sectors across the District. A market for commercial development along the A1 corridor in the north of the District is also emerging, which will serve a sub-regional market for distribution and industrial land that may exceed historic competitions. The allocation of Apleyhead Junction strategic employment site in Bassetlaw will generate future jobs

growth and a need for an increased labour supply to meet increasing employment demand, which will in turn lead to a need for new homes to accommodate the new population. The Council consider that a housing requirement based only on LHN would not support economic growth in the District. Economic growth would be constrained because of a shortage of skilled local labour and increase levels of in-commuting, which would be unsustainable by putting great strain on the transport network. The HEDNA 2020 identifies a minimum housing requirement of 591 dwellings per annum, which will support the full extent of jobs growth (9,735 jobs).

The HEDNA 2020 also identifies an affordable housing need for 214 rented dwellings per annum. The NPPG states that total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments. 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 Council's Whole Plan Viability Assessment identifies that affordable housing provision of only 15% on brownfield sites and 25% on greenfield sites is viable. Whilst it is not possible to deliver the full requirement for affordable housing through contributions from market housing schemes, a higher overall housing requirement to support economic growth will also contribute towards delivery of greater number of affordable homes.

As set out in the NPPG, the Government is committed to ensuring that more homes are built and supports ambitious Councils wanting to plan for growth (ID 2a-010-20190220). The NPPG states that a higher figure "*can be considered sound*" providing it "*adequately reflects current and future demographic trends and market signals*". The HEDNA 2020 demonstrates that "*circumstances*" exist to justify a housing need higher than indicated by the standard methodology. The HBF support the Council in planning for more homes than the minimum LHN. **Policy ST1 – Bassetlaw Spatial Strategy** states that there will be provision of land for a minimum of 10,047 dwellings (591 dwellings per annum) between 2020 - 2037. The Council's proposed housing requirement of 591 dwellings per annum for the plan period is justified to meet the housing needs of the population, to support economic growth of the District and to help deliver affordable housing.

Housing Land Supply (HLS)

The Local Plan's strategic policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver the District's housing requirement. This sufficiency of HLS should meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (YHLS) and achieve Housing Delivery Test (HDT) performance measurements.

Policy ST1 : Bassetlaw's Spatial Strategy sets out a 5 tier settlement hierarchy comprising :-

- Main Towns (Worksop, Retford and Harworth & Bircotes) ;

- Large Rural Settlements (Blyth, Carlton in Lindrick & Costhorpe, Langold, Misterton and Tuxford) ;
- Small Rural Settlements (Barnby Moor, Beckingham, Claborough, Clayworth, Cuckney, Dunham on Trent, East Drayton, East Markham, Elkesley, Everton, Gamston, Gringley on the Hill, Hayton, Laneham, Lound, Mattersey, Misson, Nether Langwith, Normanton on Trent, North Leverton, North & South Wheatley, Rampton, Ranby, Ranskill, Rhodesia, Scrooby, Shireoaks, South Leverton, Styrrup, Sutton cum Lound, Sturton le Steeple, Treswell, Walkeringham and West Stockwith);
- New Settlement at Bassetlaw Garden Village ; and
- Countryside (all areas not identified above).

In **Policy ST1**, total housing growth of approximately 10,884 dwellings is distributed as follows :-

- 3,269 dwellings (30%) in Worksop (2,569 dwellings in Worksop Outer Area & 700 dwellings in the Worksop Central DPD (**Policy ST5**)) ;
- 2,128 dwellings (19.5%) dwellings in Retford ;
- 1,758 dwellings (16%) in Harworth & Bircotes ;
- 1,496 dwellings (14%) in Large Rural Settlements ;
- 1,733 dwellings (16%) in Small Rural Settlements ; and
- 500 dwellings (4.5%) at the Bassetlaw Garden Village.

Policy ST15 – Provision of Land for Housing allocates land for approximately 3,011 dwellings in the plan period 2020 – 2037 as follows :-

- 5 sites (HS1 to HS5) (**Policies 16 - 20**) in Worksop for approximately 1,255 dwellings ;
- 7 sites (HS7 to HS13) (**Policies 21 - 27**) in Retford for approximately 1,181 dwellings ;
- 1 site (HS14) (**Policy 28**) in Tuxford for 75 dwellings ; and
- Bassetlaw Garden Village (**Policies ST3 & ST4**) for approximately 500 dwellings (and approximately 3,500 dwellings beyond 2037).

Under **Policy ST2 – Residential Growth in Rural Bassetlaw**, in Large Rural Settlements proposals should not exceed the number of dwellings in the settlement by more than 20% individually or in combination with other housing developments with planning permission or Local Plan or Neighbourhood Plan site allocations. In the Small Rural Settlements proposals should not exceed the number of dwellings in the settlement by more than 5% individually or in combination with other housing developments with planning permission or site allocations in Neighbourhood Plan.

As at 1 April 2020, the Council's overall HLS is estimated as 12,198 dwellings between 2020 – 2037 comprising of (see Figure 7) :-

- 775 completed dwellings between April 2020 - March 2021 ;

- 6,117 dwellings from existing commitments on small & large sites with outstanding planning permission ;
- 467 dwellings on “made” Neighbourhood Plan allocations without planning permission ;
- 3,014 dwellings on proposed allocations in the Local Plan ;
- 625 dwellings on proposed allocations in Worksop Central DPD ; and
- 1,200 dwellings from windfall allowance.

From the Council’s evidence, it is not clear if a non-implementation lapse rate has been applied to existing commitments and / or allocations, which should be clarified by the Council. It is also noted that there are anomalies in the Council’s figures for new allocations and Worksop Central DPD, which should be corrected. The windfall allowance of 1,200 dwellings 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.

Using the Council’s evidence, overall HLS is above the minimum housing requirement by 951 dwellings (9.5%) excluding the windfall allowance or 2,151 dwellings (21.5%) including the windfall allowance. The HBF supports the inclusion of such headroom. It is acknowledged that there is no numerical formula to determine the appropriate contingency quantum but where a Local Plan is highly dependent upon one or relatively few large strategic sites or settlements / locations then greater numerical flexibility is necessary than in cases where HLS is more diversified. The HBF always suggests as large a contingency as possible for maximum flexibility and to ensure the resilience of the Local Plan in responding to changing circumstances.

The Council’s overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, therefore strategic sites should be complimented by smaller non-strategic sites. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. A diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide 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 choice / competition in the land market. Under the 2021 NPPF, the Council should identify at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 69a). 10% of Bassetlaw’s housing requirement is 1,000 dwellings however only 5 proposed site allocations (HS2, HS5, HS8, HS10 & HS12) in **Policy ST15** are less than one hectare. The Council should confirm compliance with 2021 NPPF (para 69a).

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). Appendix 3 – Housing Trajectory sets out for each site expected yearly completions. The HBF have no comments on individual sites set out in the housing trajectory 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.

The Council should also provide evidence of its 5 YHLS position on adoption of the Local Plan using 591 dwellings per annum as the basis for the 5 YHLS calculation. A 5 YHLS Statement should demonstrate a 5 YHLS on adoption of the Local Plan, which is maintainable throughout the plan period. It is noted that the Bassetlaw 5 YHLS Report dated October 2020 applies a 5% buffer however if under the 2021 NPPF the Council is seeking to formally fix a 5 YHLS through the Local Plan then a 10% buffer should be applied (para 74b).

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 Bassetlaw Local Plan. The viability of individual developments and plan policies should be tested at the plan making stage. The Council's viability evidence is set out in Bassetlaw District Council Whole Plan & Community Infrastructure Levy (CIL) Viability Assessment by Nationwide CIL Services (NCS) dated August 2021. This Viability Assessment tests the cumulative impact of proposed policies on five generic typologies and eight Strategic Sites. 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 Bassetlaw Local Plan will be unsound, land will be withheld from the market and housing delivery targets will not be achieved.

The Council's Viability Assessment is based on the following assumptions :-

- Sales Values of £2,000 per sqm for apartments & £2,250 - £2,400 per sqm for houses ;
- Threshold Land Values of £771,553 per hectare for greenfield & £974,253 per hectare for brownfield ;

- Construction Costs prepared by Gleeds of £1,631 per sqm for apartments & £1,112 per sqm for houses ;
- 3% (para 4.21) or 5% (para 4.43) for contingencies ;
- No abnormal costs ;
- 20% developer profit for market housing but only 6% contractors margin for affordable housing ;
- 8% for professional fees, 0.5% for legal fees & 2% for sales & marketing costs ;
- CIL of £0 for Strategic Sites & £20 per sqm for non-strategic residential sites ;
- S106 contribution of £3,000 per dwelling ;
- Affordable housing provision of 15% on brownfield sites & 25% on greenfield sites with a tenure mix of 50% low cost home ownership & 50% affordable rent ;
- £500 per dwelling for biodiversity net gain based on DEFRA cost of £17,757 per hectare ;
- £3 per sqm for accessible & adaptable homes standards (based on a cost of £11 per sqm but assuming only applicable to 30% of dwellings) ; and
- No allowance for water efficiency standards.

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 submits the following comments of the above assumptions :-

- The exclusion of any abnormal costs suppresses the impact of policy compliant requirements, which are based on a percentage increase of build costs. The exclusion of all abnormal costs also implies that all abnormal costs should be fully deducted from the assumed Benchmark Land Value (BLV). The reduction of BLV to account for site-specific abnormal costs is only valid where that reduction maintains a sufficient incentive for the landowner to sell as required by the NPPG (ID 10-013-20190509), which states that the BLV should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The NPPG confirms that the premium above the Existing Use Value (EUV) should provide a reasonable incentive for the landowner to sell. Whilst the NPPG (ID 10-014-20190509) requires the BLV to reflect the implication of abnormal costs and site-specific infrastructure costs, this reflection is not equitable to full deduction because this may result in insufficient incentive for a landowner to sell, which will stagnate land supply as landowners will not bring land forward for development. The HBF acknowledge that BLV should reflect the implications of abnormal costs in accordance with NPPG, however, there is a tipping point beyond which the land value cannot fall as the landowner will not be sufficiently incentivised to release their site for development ;
- **Policy ST29 – Affordable Housing.** The full impacts of First Homes on viability have not been considered. 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. This increased risk is not reflected in the 6% contractor's margin assumed for affordable housing because there is no longer a guaranteed, known end value. 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) ;

- **Policy ST30 – Housing Mix.** The impacts of the provision of 2% serviced plots for self & custom build on sites of more than 100 dwellings have not been viability tested. This policy requirement 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.
- **Policy ST31 – Specialist Housing.** The derivation of the extra over cost of £11 per sqm for M4(2) standard is unexplained. The DCLG Housing Standards Review, Final Implementation Impact Assessment, March 2015 Table 45 identified a cost of £521 per unit for 3 bed semi-detached house and £907 - £940 per unit for apartments. £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. M4(2) 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) and any other input based on square meterage except sales values, which are unlikely to generate additional value for enlarged sizes. The Viability Assessment tests £3 per sqm assuming only 30% of dwellings are required to meet M4(2) standard but the policy requires all dwellings to meet M4(2) standards ;
- **Policy ST40 – Biodiversity & Geodiversity.** The costs of providing 10% biodiversity net gain are significant. 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's cost assumption of £500 per dwelling is less than £1,011 per unit for greenfield development cost set out as the East Midlands regional cost (central estimate based on 2017 prices) in the Net Gain Delivery Cost Tables 16 & 17 in the DEFRA Biodiversity Net Gain & Local Nature Recovery Strategies Impact Assessment 15/10/2019. Furthermore, costs increase significantly for off-site delivery under Scenario C to £3,545 per dwelling for greenfield. The under-estimation of costs for greenfield sites is concerning given that 76% of HLS is greenfield. As written **Bullet Point 3** states "at least" therefore biodiversity net gain of more than 10% may be sought, which would increase costs. There may also be an impact on the ratio of gross to net site acreage ;

- **Policy ST50 – Reducing Carbon Emissions Climate Change Mitigation & Adaption (Bullet Points 1(d) & 1(g)).** The Gleeds construction costs are based on current Building Regulations. The costs for the 2021 Part L Interim Uplift and Future Homes Standard are excluded. The Government's Future Homes Standard : 2019 Consultation on changes to Part L (conservation of fuel & power) and Part F (ventilation) of the Building Regulations for new dwellings estimated the cost of the Interim Uplift as £4,615 per unit. The Future Homes Standard 2025 will add further extra-over costs. These costs should be included in the Council's viability testing. There are no costs for EVCPs required under **Policy ST50 (Bullet Point 1(f))**. The Department for Transport - Electric Vehicle Charging in Residential & Non-Residential Buildings consultation estimated a cost of £976 per EVCP plus an automatic levy for upgrading networks capped at £3,600. These costs should be included in the Council's viability testing. The cost for the optional water efficiency standard is excluded despite the requirement under **Policy ST50 (Bullet Point 2(d))**. The Department of Communities and Local Government Housing Standards Review Cost Impact, September 2014 by EC Harris estimated an extra-over allowance of £10 per unit. However, this figure is somewhat dated and should be increased to reflect 2021 prices. This cost should be included in the Council's viability testing ; and
- **Policy ST57 – Digital Infrastructure.** If this policy requires provision above Part R of the Building Regulations, an extra-over cost allowance should be added.

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. Landowners and developers will have to submit site-specific assessments to challenge assumptions in the Council's Viability Assessment. Such 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. Before the Bassetlaw Local Plan is submitted for examination, further viability sensitivity testing work should be undertaken.

Housing Policies

Policy ST29 : Affordable Housing

Under **Policy ST29**, the provision of affordable housing will be sought from developments of 10 or more units to provide :-

- 15% of dwellings on brownfield sites of which 25% should be First Homes (sold at a minimum discount of 30% below local market value) and any remaining requirement will be social or affordable housing for rent and / or affordable home ownership ; and
- 25% of dwellings on greenfield sites of which 25% will be for First Homes and any remaining requirement will be social or affordable housing for rent and / or affordable home ownership.

Affordable housing should be provided on site in order to create sustainable, mixed communities. In exceptional circumstances, where it can be demonstrated through an Open Book viability assessment that all or part of the requirement is not viable on site, a financial contribution will be sought, of equivalent value, in lieu of on-site provision to be spent within the settlement / Parish.

The HBF support the Council's differentiated approach to the provision of affordable housing on brownfield and greenfield sites, which is justified by the Council's Viability Assessment.

The proposed affordable housing tenure mix set out in **Policy ST29** is consistent with 24 May 2021 Written Ministerial Statement requirement for 25% of affordable housing to be First Homes however it is inconsistent with the 2021 NPPF expectation that at least 10% of homes will be available for affordable home ownership (para 65). **Policy ST29** is also imprecise regarding the remaining affordable housing tenure mix. 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). To be effective, the Council should provide further clarification of its affordable housing tenure mix requirements, which should be justified by supporting evidence. The Council's Viability Assessment tested a specific affordable housing tenure mix (50% low cost homeownership / 50% affordable rent), any deviation from this tested mix will impact on viability. Furthermore, the full impacts of First Homes on viability have not been tested (see HBF detailed comments under Viability & Deliverability). Before the Bassetlaw Local Plan is submitted for examination, further viability sensitivity testing work should be undertaken.

Policy ST29 should also be modified to be more flexible regarding on-site and off-site provision of affordable housing. On smaller sites, on-site provision may not be practical for other legitimate reasons besides viability including it is not

mathematically possible or no registered provider is willing to manage the new affordable units.

Policy ST29 is unsound because it fails the four tests of soundness defined by the 2021 NPPF (para 35). **Policy ST29** is not positively prepared, justified, effective and consistent with national policy. Before the Bassetlaw Local Plan is submitted for examination, **Policy ST29** should be modified as outlined above.

Policy ST30 – Housing Mix

Self & Custom Build

The Council should ensure that the Local Plan provides a wide range of different self & custom build housing opportunities. Policy mechanisms should ensure a reliable and sufficient provision of self & custom build opportunities across the District 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. Therefore, the HBF is supportive of the Council's policy approach towards self & custom build as set out in **Policy ST30** :-

- **Bullet Point 2** - the Council will support proposals for self-build & custom build housing that help meet the needs of those on the Self Build & Custom Housebuilding Register, provided they are compliant with other Local Plan policies ; and
- **Bullet Point 4** - Neighbourhood Plans will be expected to consider the local need for self-build housing and where appropriate identify allocations for self-build & custom housing.

However, it is unlikely that self & custom build serviced plots on residential sites of more than 100 dwellings will appeal to those wishing to build their own home. Therefore the HBF is not supportive of **Policy ST30 Bullet Point 3**, which states that :-

- On housing allocations of 100 or more dwellings, 2% of the proportion of developable plots should be set aside for self-build & custom housebuilding. Serviced plots should be made available to households on the self-build register for a period of 12 months. If after that time plots have not been purchased or reserved by households on the Self Build Register, they may either remain on the open market as self-build or be built out by the developer as market housing.

There is no legislative or national policy basis for imposing an obligation on landowners or developers of sites of more than 100 dwellings to set aside 2% of plots for self & custom build housing. Under the Self Build & Custom Housebuilding Act 2015 and 2021 NPPF (para 62), it is the responsibility of the Council, not landowners or developers, to ensure that sufficient permissions are given to meet demand. The Council are 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 have provided no evidence to justify the proposed 100 or more dwellings site threshold. As set out in the NPPG, the Council should use their 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 Bassetlaw, there is a minimal demand for self & custom build housing. As of October 2020, the Council had only 91 entries on its Self Build Register (see para 7.18.8). 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 cannot be reliably translated into actual demand should plots be made available because entries may have insufficient financial resources to undertake a project, be registered in more than one LPA area and have specific preferences. Furthermore, in the past three years, planning permission for self & custom build properties granted have exceeded the number of registrations on the Self Build Register (see para 7.18.8).

The provision of self & custom build plots on sites of more than 100 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 / occupied dwellings, which results 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 proposed availability of serviced plots to households on the Council’s Self Build Register for a period of 12 months is too long.

As well as on-site impracticalities, impacts on viability should be tested. The Council’s Viability Assessment fails to consider these impacts (see HBF detailed comments under Viability & Deliverability). Further viability sensitivity testing work should be undertaken before the Bassetlaw Local Plan is submitted for examination.

Policy ST30 Bullet Point 3 is unsound because it fails the four tests of soundness defined by the 2021 NPPF (para 35). **Policy ST30 Bullet Point 3** is not positively prepared, justified, effective and consistent with national policy. Before the Bassetlaw Local Plan is submitted for examination, **Policy ST30 Bullet Point 3** should be deleted.

Policy ST31 – Specialist Housing

Under **Policy ST31 Bullet Point 3**, proposals for residential market housing in Class C3 should be designed to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the Building Regulations.

If the Council wishes to adopt the optional standards for accessible & adaptable dwellings, then this should only be done in accordance with the 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 focussed tightly on supporting and justifying the policies concerned (para 31). A policy requirement for M4(2) 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 the HEDNA November 2020 by GL Hearn. This evidence does not justify the Council's proposed policy requirements for M4(2). This evidence does not identify any local circumstances, which demonstrate that the needs of Bassetlaw differ substantially to those across the East 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.

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 District 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) 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 District's existing housing stock is significantly larger than its new build component, therefore adaption of existing stock will form an important part of the solution.

The 2021 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 requirements for M4(2) are carried forward, the NPPG specifics 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's Viability Assessment under-estimates the extra over costs of **Policy ST31 Bullet Point 3** (see HBF detailed comments under Viability & Deliverability). Before the Bassetlaw Local Plan is submitted for examination, further viability sensitivity testing work should be undertaken.

Policy ST31 Bullet Point 3 is unsound because it fails the four tests of soundness defined by the 2021 NPPF (para 35). **Policy ST31 Bullet Point 3** is not positively prepared, justified, effective and consistent with national policy. Before the Bassetlaw Local Plan is submitted for examination, **Policy ST31 Bullet Point 3** should be deleted or modified as outlined above.

Other Policies

Policy ST35 - Design Quality

Under **Policy ST35, Bullet Point (q)** states "*... that accords with the most up-to-date Nottinghamshire Parking Standards*". This policy wording should not be interpreted by the Council's Development Management Officers as conveying the weight of a Development Plan Document onto this guidance, which has not been subject to examination and does not form part of the Local plan. 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 separate guidance.

Policy ST31 Bullet Point (q) is unsound because it fails the four tests of soundness defined by the 2021 NPPF (para 35). **Policy ST31 Bullet Point (q)** is not positively prepared, justified, effective and consistent with national policy. Before the Bassetlaw Local Plan is submitted for examination, **Policy ST31 Bullet Point (q)** should be modified as outlined above.

Policy ST40 – Biodiversity & Geodiversity

Under **Policy ST40 Bullet Point 3**, all new development should make provision for at least 10% net biodiversity gain on site, or where it can be demonstrated that for design reasons this is not practicable, off site through an equivalent financial contribution.

It is the HBF's opinion that the Council should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Bill. This legislation will require development to achieve a 10% net gain for biodiversity. It is the Government's opinion that 10% strikes the right balance between the ambition for development and reversing environmental decline. 10% gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. 10% will be a mandatory national requirement, but it is not a cap on the aspirations of developers who want to voluntarily go further. The Government will use the DEFRA Biodiversity Metric to measure changes to biodiversity under net gain requirements established in the Environment Bill. The mandatory requirement offers developers a level playing field nationally and reduced risks of unexpected costs and delays. The Council should not specify a requirement above 10%. The prefix "*at least*" should be deleted from **Policy ST40 Bullet Point 3**.

The Council should not require "*all development*" to deliver biodiversity net gain. The Council should apply proportionality in their application of planning policy. Sites without reasonable opportunities to achieve biodiversity net gain should not face risks of delay through rigid or prescriptive requirements. As set out in the Environment Bill, the Government will introduce exemptions applicable to the most constrained types of development. Sites not containing habitats to start with (e.g. those entirely comprising buildings and sealed surfaces) will not be required to deliver compensatory habitats through biodiversity net gain, but may be required to incorporate some green infrastructure through wider planning policy. There will be a targeted exemption for brownfield sites that meet certain criteria including that they (i) do not contain priority habitats and (ii) face genuine difficulties in delivering viable development, which will address concerns about the cost sensitivity of the redevelopment of post-industrial developed land. These exemptions will be set out in secondary legislation. The Government will also consider whether minor (less than 10 dwellings) residential developments should be subject to longer transition arrangements or a lower net gain requirement than other types of development. A simplified process for minor residential developments will be introduced to ensure that such schemes do not face additional new survey requirements. This simplified assessment will not include a condition assessment, so users will only need to state what habitats are present and the area that these habitats occupy to

define their baseline for net gain. **Policy ST40 Bullet Point 3** should be amended to remove the reference to “*all development*”.

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. Transitional arrangements should be incorporated into **Policy ST40 Bullet Point 3**.

The Council’s Viability Assessment only includes a cost £500 per dwelling for **Policy ST40 Bullet Point 3** (see HBF detailed comments under Viability & Deliverability). Before the Bassetlaw Local Plan is submitted for examination, further viability sensitivity testing work should be undertaken.

Policy ST40 Bullet Point 3 is unsound because it fails the four tests of soundness defined by the 2021 NPPF (para 35). **Policy ST40 Bullet Point 3** is not positively prepared, justified, effective and consistent with national policy. Before the Bassetlaw Local Plan is submitted for examination, **Policy ST40 Bullet Point 3** should be modified as outlined above.

Policy ST50 – Reducing Carbon Emissions Climate Change Mitigation & Adaption

Under **Policy ST50 Bullet Point 1**, all proposals should seek to reduce carbon and energy impacts in their design and construction in accordance with Policy ST35. Proposals should incorporate measures that address issues of climate change mitigation by :-

- d) requiring compliance with relevant national building standards ; and
- g) ensuring that major development makes an appropriate financial contribution to the Bassetlaw carbon offsetting fund.

Bullet Point 1(d) is ambiguous. The Council should clarify that “*relevant national building standards*” means the Building Regulations.

Today’s new homes are already very energy efficient with lower heating bills for residents in comparison to older existing homes. Energy performance data has shown that 8 out of 10 new build dwellings have an A or B energy efficiency rating, compared to only 3% of existing properties. In November 2019, the average new build buyer in England saved £442.32 every year on heating costs compared to owners of existing dwellings. Nevertheless, the HBF recognise the need to move towards greater energy efficiency via a nationally consistent set of standards and timetable, which is universally understood and technically implementable. The Government Response to The Future Homes Standard : 2019 Consultation on changes to Part L (conservation of fuel & power) and Part F (ventilation) of the Building Regulations for new dwellings dated January 2021 provides an implementation roadmap for achieving the Government’s aim for greater energy efficiency. The interim Part L (Conservation of fuel and power),

Part F (Ventilation) & Overheating Regulations will be regulated for in late 2021 and to come into effect in 2022. The 2021 interim uplift will deliver homes that are expected to produce 31% less CO2 emissions compared to current standards. To ensure as many homes as possible are built in line with new energy efficiency standards, transitional arrangements will apply to individual homes rather than an entire development and the transitional period will be one year. This approach will support successful implementation of the 2021 Interim Uplift and the wider implementation timeline for the Future Homes Standard from 2025. The Future Homes Standard will ensure that new homes will produce at least 75% lower CO2 emissions than one built to current energy efficiency requirements. By delivering carbon reductions through the fabric and building services in a home rather than relying on wider carbon offsetting, the Future Homes Standard will ensure new homes have a smaller carbon footprint than any previous Government policy. In addition, this footprint will continue to reduce over time as the electricity grid decarbonises.

The HBF support the Government's approach to the Future Homes Standard but there are difficulties and risks to housing delivery, which include :-

- the immaturity of the supply chain for the production / installation of heat pumps ; and
- the additional load that would be placed on local electricity networks in combination with Government proposals for the installation of EVCPs in new homes under changes to Part S of the Building Regulations and the Council's own requirements under **Policy ST50 Bullet Point 1(f)**.

In autumn 2020, the HBF established a Future Homes Task Force to develop workable solutions for the delivery of the home building industry's contribution to meeting national environmental targets and objectives on Net Zero. Early collaborative work is focussed on tackling the challenges of implementing the 2021 and 2025 changes to Building Regulations successfully and cost-effectively as well as providing information, advice and support for Small Medium Enterprise (SME) developers and putting the customer at the centre of thinking. On 27 July 2021, the Future Homes Delivery Plan – Summary of the goals, the shared roadmap & the Future Homes Delivery Hub was published. To drive and oversee the plan, a new delivery Hub supported by involvement from Government was launched in September. The Hub will help facilitate a sector-wide approach to identifying metrics, more detailed targets (where necessary), methods and innovations to meet the goals and collaborations required with supply chains and other sectors. It will incorporate the needs of all parties including the public and private sector and consumers, so that they can all play their part in delivering environmentally conscious homes that people want to live in.

Bullet Points 1(g) is also ambiguous and its inter-relationship with **Bullet Point 1(d)**, 2021 Part L Interim Uplift and the Future Homes Standards is unclear. Financial contributions to a carbon offsetting fund should not be necessary.

Furthermore, the Council's Viability Assessment excludes any costs for 2021 Part L Interim Uplift, 2025 Future Homes Standard or financial contributions to carbon offsetting (see HBF detailed comments under Viability & Deliverability). Before the Bassetlaw Local Plan is submitted for examination, further viability sensitivity testing work should be undertaken.

Under **Policy ST50 Bullet Point 1(f)**, all proposals should seek to reduce carbon and energy impacts by providing for electric vehicle charging capability and charging infrastructure in new development.

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 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). It is noted that there is an inconsistency between **Policy ST50 Bullet Point 1(f)** and the Nottinghamshire Parking Standards 2020 (Document EX-010) Table T4.1.4 requirement for 1 fast charge socket per dwelling for houses / apartments with allocated parking. **Policy ST50 Bullet Point 1(f)** should be clearer in specifying a passive cable & duct approach and not the installation of active EVCPs.

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 Viability Assessment excludes any costs for **Policy ST50 Bullet Point 1(f)** (see HBF detailed comments under Viability & Deliverability). Before

the Bassetlaw Local Plan is submitted for examination, further viability sensitivity work should be undertaken.

Policy ST50 Bullet Point 2(d) promotes water efficiency by requiring residential development to meet the tighter Building Regulations optional requirement of 110 litres per person per day.

Under Building Regulations, all new dwellings must achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. 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).

The Council’s own evidence states that areas in Bassetlaw covered by Severn Trent Water are not classed as water stressed. Bassetlaw District is only partially in the area covered by Anglian Water classed as an area of serious water stress. A clear local need has not been demonstrated.

Furthermore, the Council’s Viability Assessment excludes any costs for **Policy ST50 Bullet Point 2(d)** (see HBF detailed comments under Viability & Deliverability). Before the Bassetlaw Local Plan is submitted for examination, further viability sensitivity work should be undertaken.

Policy ST50 Bullet Points 1(d), 1(f), 1(g) & 2(d) are unsound and fail the four tests of soundness defined by the 2021 NPPF (para 35). **Policy ST50 Bullet Points 1(d), 1(f), 1(g) & 2(d)** are not positively prepared, justified, effective and consistent with national policy. Before the Bassetlaw Local Plan is submitted for examination, **Policy ST50 Bullet Points 1(d), 1(f), 1(g) & 2(d)** should be deleted or modified as outlined above.

Policy ST57 – Digital Infrastructure

Under **Policy ST57 (Bullet Points 1 - 3)**, all proposals should enable full fibre broadband connection to the premises or any other technology as they become available on an open access basis on first occupation. Where this is not practicable or viable, then alternative technologies such as superfast fibre and/or community-based networks should be provided.

The HBF recognise that new residential development should have infrastructure to facilitate access to high-speed broadband connections.

However, the Council should not impose new electronic communications requirements beyond the provision of infrastructure as set out in statutory Building Regulations. In the Budget (11th March 2020), the Government confirmed future legislation to ensure that new build homes are built with gigabit-capable broadband. The Government will amend Part R “Physical Infrastructure for High-Speed Electronic Communications Networks” of the Building Regulations to place obligations on housing developers to work with network operators to install gigabit broadband, where this can be done within a commercial cost cap. The Department for Culture, Media and Sport (DCMS) has outlined its intentions on the practical workings of this policy, which will apply to all to new builds. Any type of technology may be used, which is able to provide speeds of over 1000 Mbps. All new build developments will be equipped with the physical infrastructure to support gigabit-capable connections from more than one network operator. The Council should also recognise that full fibre broadband connection is reliant on a third-party contractor over which a developer is unlikely to have any control and therefore cannot confirm availability at first occupation. **Policy ST57 (Bullet Points 1 – 3)** are unnecessary and repetitious of Part R of the Building Regulations.

Furthermore, the Council’s Viability Assessment excludes any costs for **Policy ST50 (Bullet Points 1 – 3)** (see HBF detailed comments under Viability & Deliverability). Before the Bassetlaw Local Plan is submitted for examination, further viability sensitivity work should be undertaken.

Policy ST57 (Bullet Points 1 – 3) are unsound and fail the four tests of soundness defined by the 2021 NPPF (para 35). **Policy ST57 (Bullet Points 1 – 3)** are not positively prepared, justified, effective and consistent with national policy. Before the Bassetlaw Local Plan is submitted for examination, **Policy ST57 (Bullet Points 1 – 3)** should be deleted.

Conclusions

For the Bassetlaw Local Plan to be found sound under the four tests of soundness as defined by the 2021 NPPF (para 35) the Plan should be positively prepared, justified, effective and consistent with national policy. The aforementioned Policies are considered unsound, which should be deleted or modified as outlined above. In the meantime, if any further assistance or information is required please contact the undersigned.

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



Susan E Green MRTPI
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