

Hinckley and Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

23 March 2022

Dear Sir / Madam

HINCKLEY & BOSWORTH PRE-SUBMISSION LOCAL PLAN 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. The following representations have been submitted using the Council's Response Form.

Policy SS01 - Sustainable Development

Policy SS01 is not necessary. The 2021 National Planning Policy Framework (NPPF) confirms that Local Plans should avoid unnecessary duplication including repetition of policies in the NPPF itself (para 16f). The presumption in favour of sustainable development is clearly set out in the 2021 NPPF (para 11). By attempting to repeat national policy there is a danger that inconsistencies will occur leading to small but critical differences between national and local policy, which will cause difficulties in interpretation and relative weighting. Before the Hinckley & Bosworth Local Plan is submitted for examination, **Policy SS01** should be deleted.

Local Housing Need (LHN) & 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 a LHN assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 61). In Hinckley & Bosworth, there are no exceptional circumstances to justify an alternative approach.



The latest National Planning Practice Guidance (NPPG) sets out the standard methodology for calculating the LHN figure (ID 2a-004-20201216). As set out in the NPPG, the LHN is calculated at the start of the plan-making process, but this number should be kept under review and when appropriate revised until the Local Plan is submitted for examination (ID 2a-008-20190220). The minimum LHN for the Borough may change as inputs are variable. Using the standard methodology, the minimum LHN for Hinckley & Bosworth is 441 dwellings per annum (8,379 dwellings between 2020 - 2039) based on 2014 SNHP, 2022 as the current year and 2020 affordability ratio of 7.05.

The NPPG clearly states that the standard methodology is the minimum starting point in determining the number of homes needed. It is noted that the Council has proposed no uplift from the minimum LHN starting point to support economic growth. 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 (ID 2a-010-20201216). Hinckley & Bosworth Borough is centrally located in the country and well connected to the strategic road network, which makes its location suitable for significant economic growth. The adopted non-statutory Leicester & Leicestershire Strategic Growth Plan identifies A5 as an Improvement Corridor, where infrastructure improvements will deliver housing growth and support major employment developments. These are “*circumstances*” to justify a housing requirement above the minimum LHN.

The Council should be seeking to support the long-term sustainability of the Borough by achieving a sustainable balance between employment and housing growth. In the Housing Needs Study (HNS) dated November 2019 by JG Consulting, the Council has modelled (based on assumptions about economic participation, commuting, double jobbing and unemployment) the number of jobs supported by its projected population growth. Between 2016 – 2036, housing delivery in-line with the standard methodology would support circa 5,900 additional jobs. The report concludes that this level of job growth will support a scenario of “*business as usual*” economic growth and no uplift above the minimum LHN should be applied. However, the impacts of the National Rail Freight Interchange were not taken into consideration in reaching this conclusion. In Hinckley & Bosworth, the National Rail Freight Interchange may impact on jobs, labour supply and the need / demand for housing.

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 Hinckley & Bosworth, 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.

It is also noted that the Council has proposed no uplift from the minimum LHN starting point to deliver affordable housing. The HNS identifies an affordable housing need of 271 dwellings per annum. This is a significant proportion (62%) of the minimum LHN. The NPPG sets out 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. 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.

Furthermore, it is noted that the Council has proposed no uplift from the minimum LHN starting point to accommodate unmet housing needs from Leicester. Unmet housing needs in Leicester are arising now, the Hinckley & Bosworth Local Plan should contribute to meeting a proportion of this unmet housing need (also see HBF representations to **Policy SS03** under Local Plan Review & Duty to Co-operate).

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). In Hinckley & Bosworth, a housing requirement above the minimum LHN would support economic growth above a "*business as usual*" scenario, deliver more affordable housing given the significant identified need and contribute to any unmet housing needs from neighbouring authorities including Leicester (also see HBF representations to **Policy SS03**).

Under **Policy SS02 - Development Strategy**, provision will be made for a minimum of 9,124 dwellings during the period 2020-2039. 9,124 dwellings is a statement of the Council's identified overall Housing Land Supply (HLS) rather than the minimum LHN or housing requirement figure for the Borough. Before the Hinckley & Bosworth Local Plan is submitted for examination, the Council should consider a housing requirement higher than the minimum LHN. **Policy SS02** is unsound because it is not positively prepared, justified, effective and consistent with national policy (2021 NPPF para 35). There should be a clear statement in **Policy SS02** of the housing requirement for Hinckley & Bosworth. There should be a clear distinction between the housing requirement and overall HLS figures.

Local Plan Review (LPR) & Duty to Co-operate (DtoC)

Policy SS03 - LPR sets out a timetable for a review of the Local Plan after the publication of a Statement of Common Ground (SoCG) for the apportionment of unmet housing and employment need. Within 6 months of the publication of the SoCG, the Council will publish a review of the Local Plan. If a full or partial update is triggered, the Council will commence the update (defined as publication of a Regulation 18 consultation) within 12 months of the publication of the review. The Council will submit the Plan update for Examination within a further 36 months of the date of commencement of the update.

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) (also see HBF representations to **Policy SS02**). As set out in the 2021 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, 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 Local Plan 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 postponing of meeting unmet housing needs to a future LPR is inconsistent with the 2021 NPPF, which expects effective joint working as evidenced by a signed SoCG to deal with rather than to defer such cross-boundary matters (para 35c).

Hinckley & Bosworth is part of the Leicester & Leicestershire Housing Market Area (L&LHMA). It is known that City of Leicester has an unmet housing need. The Leicester Draft Local Plan consultation (ended on 7 December 2020) identified a LHN of 29,104 dwellings for Leicester and a HLS of only 21,362 dwellings between 2019 - 2036. The resultant unmet housing need was 7,742 dwellings representing 28.5% of the city's LHN, which was to be redistributed by agreement amongst neighbouring District Councils. However, since December 2020, the revised standard methodology has added 35% City & Urban Centres uplift of 9,712 dwellings (607 dwellings per annum) to Leicester's LHN between 2020 – 2036. Unmet housing need is arising now and should be addressed as a matter of urgency across the L&LHMA.

There is a long history of on-going engagement between the L&LHMA authorities but to date there is no conclusive outcome from this engagement in

relation to the strategic cross-boundary matter of redistribution of unmet housing needs from Leicester, which indicates that this engagement is not a sound basis for plan-making. The L&LHMA authorities have always stated an intention to agree either a Memorandum of Understanding (MoU) or SoCG to address unmet development needs arising across the L&LHMA for the period to 2036. Yet five years after the publication of the 2017 Housing and Economic Development Needs Assessment (HEDNA), which highlighted a significant unmet housing need in Leicester, this intention has not been achieved. The previously signed MoU only committed the L&LHMA authorities to undertake further work and then agree on dealing with any unmet development needs. To date, no MoU or SoCG has included an agreement on how the housing needs of the L&LHMA are going to be met. There is also no indication of a date when an agreed SoCG will be published. In the absence of any commitment to jointly sign the SoCG within a prescribed time period, there is no real commitment. There is every possibility that reaching a consensus on meeting Leicester's unmet housing needs across the remaining L&LHMA authorities will be a lengthy process.

The 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 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).

The HBF expects the L&LHMA authorities to produce a Joint SoCG, which sets out precisely where Leicester's unmet housing needs will be met by neighbouring authorities up to 2036/37. An agreed Joint SoCG should confirm that :-

- each authority will meet its own LHN and a defined amount of Leicester's unmet LHN (except Leicester City itself). This cumulative figure will be the housing requirement figure for each authority respectively ; and
- an acknowledgement by the L&LHMA authorities that additionality in HLS may be required to ensure deliverability and flexibility.

Furthermore, 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 Hinckley & Bosworth pre-submission Local Plan consultation is not accompanied by SoCG.

Policy SS03 is unsound because it is not positively prepared, justified, effective and consistent with national policy (2021 NPPF para 35). Unmet housing needs in Leicester are arising now, the Hinckley & Bosworth Local Plan should

contribute to meeting a proportion of this unmet housing need. Before the Hinckley & Bosworth Local Plan is submitted for examination, a signed Joint SoCG should be published. The HBF may submit further comments on the Council's compliance with the DtoC and the soundness of the Local Plan either in written Examination Hearing Statements or orally during Examination Hearing Sessions.

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 a housing requirement, which meets the Borough's LHN and assists in meeting unmet housing needs from Leicester. 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.

Under **Policy SS02 - Development Strategy**, housing growth is directed to the most sustainable locations based on the Council's Settlement Hierarchy. Most housing growth will be in the Urban Areas of the Borough followed by the identified Key Rural Centres and Rural Villages. In other locations, new housing development will be limited.

Policy HO01 - Provision of New Housing allocates 23 sites for circa 3,852 dwellings. There are :-

- 6 sites (2,770 dwellings) in Urban Area ;
- 7 sites (738 dwellings) in Key Rural Centres ; and
- 10 sites (344 dwellings) in Rural Villages.

The Council's overall HLS for 2020 – 2039 is 9,124 dwellings comprising :-

- 248 completions in 2020/21 ;
- 3,854 dwellings from existing commitments ;
- 990 dwellings at the Barwell Sustainable Urban Expansion (SUE) (**Policy SS04**) ;
- 1,000 dwellings at the Earl Shilton SUE (**Policy SS05**) ;
- 1,862 dwellings at other non-strategic allocations (**Policy HO01**) ; and
- 1,170 dwellings on small site windfalls.

There is a headroom of only 745 dwellings between the overall HLS of 9,124 dwellings and the Borough's minimum LHN (excluding unmet needs from Leicester) of 8,379 dwellings. There is no numerical formula to determine an appropriate amount of headroom 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 Hinckley & Bosworth, housing growth is focussed on the Urban Areas of the Borough and 22% (1,990 dwellings) of overall HLS are allocated on SUEs.

On the SUEs, 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, SUEs should be complimented by smaller non-strategic sites. Housing delivery is maximised by the widest possible range of housing sites by both size and market location, which provides suitable land buying opportunities for small, medium and large housebuilding companies. 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. 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.

The Council's small site windfall allowance of 1,170 dwellings (78 dwellings per annum) is dependant on conversion of existing non-residential buildings, reuse of under-used / vacant land or buildings and infill development. 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 (2021 NPPF para 71). The Council should provide further robust evidence to justify its windfall allowance.

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 Hinckley & Bosworth, 10% of the LHN is approximately 843 dwellings. To be consistent with national policy, the Council should allocate small sites rather than relying on a small site windfall allowance.

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 4 – Housing Trajectory Tables A & B show yearly completions site by site. 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, the Council has provided insufficient detailed background information on each site to allow a rigorous check of the Council's delivery assumptions. 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. To satisfy the 2021 NPPF Glossary definition of deliverable, clearer evidence is needed.

The Council should also provide a 5 YHLS Statement demonstrating a 5 YHLS on adoption of the Local Plan, which is maintainable throughout the plan period. As set out in the 2021 NPPF, if the Council is seeking to formally fix its 5 YHLS through the Local Plan then a 10% buffer should be applied (para 74b).

Before the Hinckley & Bosworth Local Plan is submitted for examination, further supporting evidence on accommodating 10% of the housing requirement on sites of less than one hectare, the small site windfall allowance and delivery assumptions on individual sites in the housing trajectory should be provided. The Council should also confirm if formal fixing of the 5 YHLS is sought and provide an up to date 5 YHLS Statement.

Policy HO03 - Space Standards

Under **Policy HO03**, all new dwellings should comply with the Nationally Described Space Standards (NDSS).

If the Council wishes to apply the optional NDSS to all dwellings, 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 their case.

The Council’s evidence is set out in Internal Space Standards Report 2021. If the Government had intended that not meeting the NDSS justified adoption of the NDSS then the NDSS would have been incorporated as mandatory in Building Regulations, which is not the case. Therefore, the Council’s justification should be based on more than just identifying that NDSS have not been met.

The NDSS sets out technical requirements for the gross internal floor area, built in storage, bedroom floor areas & minimum width dimensions and minimum floor to ceiling heights of dwellings. The impact of NDSS should be fully accounted for in viability assessment testing including recognition that if site coverage (square meterage per acre) is at the site’s capacity, an increase in the size of dwellings will reduce dwelling numbers. It is noted that the Hinckley & Bosworth Local Plan pre-submission consultation is not accompanied by a Viability Assessment. At para 14.9 of the pre-submission Local Plan, the Council states that “*The proposals and policies in the Local Plan will be subject to a whole plan viability assessment to determine whether the proposals within the plan are viable and deliverable whilst meeting all of the policy and infrastructure requirements necessary to support their delivery*”. 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 Hinckley & Bosworth 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). Furthermore, the 2021 NPPF states that 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. 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. 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. Most sites should be deliverable at planning application stage without further viability assessment negotiations. Viability negotiations should occur occasionally rather than routinely. If the viability of sites is overstated, policy requirements will be set at unrealistic levels. Under such circumstances, trade-offs between policy requirements, affordable housing and infrastructure provision will be necessary and the Council will have to accept site specific viability assessments at development management stage. Such uncertainty causes delay to housing delivery and may even result in non-delivery. After publication of the Council's Viability Assessment, the HBF may submit further comments either in written Examination Hearing Statements or orally during Examination Hearing Sessions.

The Council should also assess the impact of NDSS on affordability. 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 new 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. Furthermore, housing delivery rates are 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. Any potential adverse impacts on meeting demand for first-time buyer open market products and other affordable homeownership products such as First Homes may affect

delivery rates of sites, which should be reflected in the Council's housing trajectory.

If the proposed requirement for NDSS is carried forward, the Council should put forward proposals for transitional arrangements. The land deals underpinning SUEs 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. Prior to a specified date, the NDSS should not be applied to any reserved matters applications or any outline or detailed approval.

Policy HO03 is unsound because it is not positively prepared, justified, effective and consistent with national policy (2021 NPPF para 35). Before the Hinckley & Bosworth Local Plan is submitted for examination, **Policy HO03** should be deleted.

Policy HO05 - Accessible Housing

Under **Policy HO05**, all dwellings should meet at least M4(2) standard and 5% to be at least M4(3) standard. M4(3) dwellings should be built to an "adaptable" standard unless the Council will be nominating an occupier, in which case they should be fitted out to be accessible for a wheelchair using occupier. All new build dwellings should meet the M4(2) and M4(3) standards as required unless evidence is provided to demonstrate it is not physically possible or viable to provide level access because of steeply sloping topography or the cost of installing lift access or where it is not possible to mitigate the dangers of flood risk.

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, the Council's proposed policy approach will be unnecessary. In the meantime, if the Council wishes to adopt the optional standards for accessible & adaptable dwellings, 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) & 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 the HNS, which does not justify the Council's proposed policy requirements. The Council's evidence shows that Hinckley & Bosworth has a similar age structure (in terms of older people) and levels of disability compared with other areas. The data shows an age structure

with 21.1% of the population aged over 65 in 2017 compared to 19.1% regionally and 18% nationally (see Figure 6.1). 30.7% of households contain someone with a long-term health problem or disability (LTHPD), which is lower than in other areas and below 32.7% for the whole of England (see Figure 6.7). No local circumstances are identified, which demonstrate that the housing needs of Hinckley & Bosworth differ substantially to those across Leicestershire, East Midlands or England. As the Council is aware not all health issues affect housing needs. 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.

The Council has presented no evidence on the accessibility & adaptability of the existing housing stock, the size, location, type and quality of dwellings needed and variations in needs across different housing tenures in the Borough. 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.

Many older people already live in the Borough (21% existing population are aged 65 or over) 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) 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 is significantly larger than its new build component, therefore adaptation of existing stock will form an important part of the solution.

It is noted that the Hinckley & Bosworth Local Plan pre-submission consultation is not accompanied by a Viability Assessment. At para 14.9 of the pre-submission Local Plan, the Council states that “*The proposals and policies in the Local Plan will be subject to a whole plan viability assessment to determine whether the proposals within the plan are viable and deliverable whilst meeting all of the policy and infrastructure requirements necessary to support their delivery*”. 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 Hinckley & Bosworth 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). Furthermore, the 2021 NPPF states that 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. 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. 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. Most sites should be deliverable at planning application stage without further viability assessment negotiations. Viability negotiations should occur occasionally rather than routinely. If the viability of sites is overstated, policy requirements will be set at unrealistic levels. Under such circumstances, trade-offs between policy requirements, affordable housing and infrastructure provision will be necessary and the Council will have to accept site specific viability assessments at development management stage. Such uncertainty causes delay to housing delivery and may even result in non-delivery.

The Council's policy requirements for M4(2) and M4(3) should not compromise the viability of development. The HNS stipulates that any requirements for M4(2) and M4(3) dwellings should be subject to viability testing (para 6.22). Therefore, all additional costs associated with M4(2) and M4(3) compliant dwellings should be included in the Council's viability assessment. The Government's consultation "Raising Accessibility Standards for New Homes" estimates the additional cost per new dwelling is approximately £1,400 for dwellings, which would not already meet M4(2). The extra costs for M4(3) are much higher. In September 2014 during the Government's Housing Standards Review, EC Harris estimated the cost impact of M4(3) per dwelling as £15,691 for apartments and £26,816 for houses. These costs should be applied plus inflationary cost increases since 2014. 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) and M4(3) and any other input based on square meterage except sales values because enlarged sizes are unlikely to generate additional value. An increase in the size of dwellings to comply with M4(2) & M4(3) requirements will also impact on site coverage. After publication of the Council's Viability Assessment, the HBF may submit further comments either in written Examination Hearing Statements or orally during Examination Hearing Sessions.

Policy HO05 is unsound because it is not positively prepared, justified, effective and consistent with national policy (2021 NPPF para 35). Before the Hinckley & Bosworth Local Plan is submitted for examination, **Policy HO05** should be deleted.

Policy HO06 - Self-build and Custom Housing

Under **Policy HO06**, sites providing 100 or more dwellings must include the provision of 5% of plots for self-build and custom housing. All plots must be fully serviced.

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 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).

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 Hinckley & Bosworth, there is a minimal demand for self & custom build housing. The HNS identified only 60 registered expressions of interest on the Council’s Self Build Register (para 48). 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 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. The Council should ensure that the Local Plan will result in a wide range of different self & custom build housing opportunities. It is unlikely that self & custom build serviced plots on larger residential sites will appeal to those wishing to build their own home. Indeed, the HNS identifies in responses to the Local Agent consultation (para 8.26) “*preferences in strong market value areas across Hinckley & Bosworth including around Market Bosworth and surrounding villages with good views and localised amenities*”.

There is no supporting evidence to justify the qualifying site threshold of 100 or more dwellings. The provision of self & custom build plots adds to the complexity and logistics of development. 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 critical 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. In para 7.23 of the Local Plan, the Council sets out that development of serviced plots must commence within one year from when the plots were made first available and capable of being developed. Adequate marketing, the format of which will be agreed with the Council, must take place from when the plots are made available. Any plots where development has not commenced within one year may revert to conventional housing. This proposed timescale is too long. It is also inappropriate to delay marketing until plots are capable of being developed and demonstrates that the Council is not qualified to determine an adequate marketing strategy.

As well as on-site impracticalities, impacts on viability should be tested. It is noted that the Hinckley & Bosworth Local Plan pre-submission consultation is not accompanied by a Viability Assessment. At para 14.9 of the pre-submission Local Plan, the Council states that “*The proposals and policies in the Local Plan will be subject to a whole plan viability assessment to determine whether the proposals within the plan are viable and deliverable whilst meeting all of the policy and infrastructure requirements necessary to support their delivery*”. 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 Hinckley & Bosworth 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). Furthermore, the 2021 NPPF states that 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. 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. 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. Most sites should be deliverable at planning application stage without further viability assessment negotiations. Viability negotiations should occur occasionally rather than routinely. If the viability of sites is overstated, policy requirements will be set at unrealistic levels. Under such circumstances, trade-offs between policy requirements, affordable housing and infrastructure provision will be necessary and the Council will have to accept site specific viability assessments at development management

stage. Such uncertainty causes delay to housing delivery and may even result in non-delivery.

The HBF consider that the provision of serviced self & custom build plots will have a bearing on the development economics of the scheme. 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. These impacts should be included in the Council's viability testing. After publication of the Council's Viability Assessment, the HBF may submit further comments either in written Examination Hearing Statements or orally during Examination Hearing Sessions.

Policy HO06 is unsound because it is not positively prepared, justified, effective and consistent with national policy (2021 NPPF para 35). Before the Hinckley & Bosworth Local Plan is submitted for examination, **Policy HO06** should be deleted.

Policy HO09 - Affordable Housing

Under **Policy HO09**, on new residential developments of 10 or more dwellings the following minimum level of affordable housing will be required :-

	Total Affordable Housing	% First Homes	% Affordable Homes for Rent	% Affordable Home Ownership
Urban Area (Within or adjacent the settlement boundaries of Hinckley, Barwell, Earl Shilton & Burbage excluding SUEs)	20%	25%	56%	19%
SUEs at Barwell & Earl Shilton	20%	Negotiated on a site-specific basis	Negotiated on a site-specific basis	Negotiated on a site-specific basis
Rural Areas (all sites not in the above categories)	40%	25%	56%	19%

The HBF is supportive of a differentiated policy approach to the provision of affordable housing, which is justified by a Viability Assessment. However, the Hinckley & Bosworth Local Plan pre-submission consultation is not

accompanied by a Viability Assessment. At para 14.9 of the pre-submission Local Plan, the Council states that “*The proposals and policies in the Local Plan will be subject to a whole plan viability assessment to determine whether the proposals within the plan are viable and deliverable whilst meeting all of the policy and infrastructure requirements necessary to support their delivery*”. 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 Hinckley & Bosworth 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). Furthermore, the 2021 NPPF states that 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. 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. 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. Most sites should be deliverable at planning application stage without further viability assessment negotiations. Viability negotiations should occur occasionally rather than routinely. If the viability of sites is overstated, policy requirements will be set at unrealistic levels. Under such circumstances, trade-offs between policy requirements, affordable housing and infrastructure provision will be necessary and the Council will have to accept site specific viability assessments at development management stage. Such uncertainty causes delay to housing delivery and may even result in non-delivery.

The Council’s proposed affordable housing tenure mix complies with the expectation set out in national policy that proposals make provision for at least 10% of the overall number homes is available for affordable home ownership (2021 NPPF para 65) and the 21 May 2021 Written Ministerial Statement requirement that at least 25% of all affordable homes delivered through developer contributions will be First Homes. It is critical that the impacts of this affordable housing tenure mix are subject to viability assessment testing. 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 to obtain a more reliable up front revenue stream. 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 Hinckley & Bosworth Local Plan is submitted for examination, the Council's Viability Assessment should be published. After publication of the Council's Viability Assessment, the HBF may submit further comments on the soundness of **Policy HO09** either in written Examination Hearing Statements or orally during Examination Hearing Sessions.

Policy EP06 - Education and Skills for a Strong Local Workforce

Under **Policy EP06**, proposals for major development will be required to submit a Local Employment & Training Strategy through S106 agreements. Proposals will be supported where it is demonstrated that the individual or cumulative impacts of the development on education provision can be addressed, either on site, or off-site through proportionate financial contribution towards employment and skills initiatives within Hinckley & Bosworth. If there is an identified need to do so, the Council will work with its partners to ensure legal agreements secure any necessary improvements for education provision arising as a result of development. The Local Employment & Training Strategy should also set out how the proposal will support employment opportunities for local people.

The acquisition of construction skills among the workforce is supported by HBF. In collaboration with the Construction Industry Training Board (CITB), the HBF has established the HBF Skills Partnership with the remit of increasing interest in careers in construction and the training requirements of this new construction workforce. The HBF acknowledge that the Council's intentions to provide education and skills to the local workforce are admirable, but the choice of major development as the site threshold will disproportionately impact on local builders developing the smallest sites. Small and medium sized companies may not have the in-house resources to prepare a Local Employment & Training Strategy in accordance with the Council's requirements. It is important that there is a diverse range of companies operating within the house building industry. One of HBF's key messages is reversing the trend in the decline of small house building companies.

It is noted that the Hinckley & Bosworth Local Plan pre-submission consultation is not accompanied by a Viability Assessment. At para 14.9 of the pre-submission Local Plan, the Council states that "*The proposals and policies in the Local Plan will be subject to a whole plan viability assessment to determine whether the proposals within the plan are viable and deliverable whilst meeting all of the policy and infrastructure requirements necessary to support their delivery*". 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 Hinckley & Bosworth 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). Furthermore, the 2021 NPPF states that 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. 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. 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. Most sites should be deliverable at planning application stage without further viability assessment negotiations. Viability negotiations should occur occasionally rather than routinely. If the viability of sites is overstated, policy requirements will be set at unrealistic levels. Under such circumstances, trade-offs between policy requirements, affordable housing and infrastructure provision will be necessary and the Council will have to accept site specific viability assessments at development management stage. Such uncertainty causes delay to housing delivery and may even result in non-delivery. The cost of proposed Local Employment & Training Strategy via S106 Agreements should be included in the Council's viability assessment testing. After publication of the Council's Viability Assessment, the HBF may submit further comments either in written Examination Hearing Statements or orally during Examination Hearing Sessions.

Policy EP06 is unsound because it is not positively prepared, justified, effective and consistent with national policy (2021 NPPF para 35). Before the Hinckley & Bosworth Local Plan is submitted for examination, **Policy EP06** should be modified.

Policy HT03 – Electric Vehicle Charging Infrastructure

Under **Policy HT03**, new major residential development proposals will be required to provide one electric charging point for every new dwelling with parking provision within its curtilage and one charging point for every 10 parking spaces for residential development with unallocated communal off street parking, and passive charging provision to be provided for all remaining spaces.

This policy requirement is unnecessary because it is repetitious of Part S of the Building Regulations, which from June 2022, will require EVCPs in residential developments as set out in the Department of Transport Consultation Response : Electric Vehicle Charging Points (EVCP) in Residential & Non-Residential Buildings dated November 2021.

It is noted that the Hinckley & Bosworth Local Plan pre-submission consultation is not accompanied by a Viability Assessment. At para 14.9 of the pre-submission Local Plan, the Council states that “*The proposals and policies in the Local Plan will be subject to a whole plan viability assessment to determine whether the proposals within the plan are viable and deliverable whilst meeting all of the policy and infrastructure requirements necessary to support their delivery*”. 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 Hinckley & Bosworth 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). Furthermore, the 2021 NPPF states that 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. 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. 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. Most sites should be deliverable at planning application stage without further viability assessment negotiations. Viability negotiations should occur occasionally rather than routinely. If the viability of sites is overstated, policy requirements will be set at unrealistic levels. Under such circumstances, trade-offs between policy requirements, affordable housing and infrastructure provision will be necessary and the Council will have to accept site specific viability assessments at development management stage. Such uncertainty causes delay to housing delivery and may even result in non-delivery.

The HBF and its Members also 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 Department for Transport - Electric Vehicle Charging in Residential & Non-Residential Buildings consultation estimated an installation cost of approximately £976 per EVCP plus any costs for upgrading local electricity networks, which under the Government’s proposal automatically

levies a capped figure of £3,600 on developers. These costs should be incorporated into the Council's viability testing. After publication of the Council's Viability Assessment, the HBF may submit further comments either in written Examination Hearing Statements or orally during Examination Hearing Sessions.

Policy HT03 is unsound because it is not positively prepared, justified, effective and consistent with national policy (2021 NPPF para 35). Before the Hinckley & Bosworth Local Plan is submitted for examination, **Policy HT03** should be deleted. The reference to incorporating EVCPs in Bullet Point (d) of **Policy CC01 - Mitigating & Adapting to Climate Change** should also be amended. It is suggested that the same form of referencing to Building Regulations as seen in Bullet Point (n) of Policy CC01 and Bullet Point (c) of Policy CC05 - Sustainable Design and Construction Measures is used.

Conclusion

It is hoped that these representations are of assistance. To be found sound under the four tests of soundness as defined by the 2021 NPPF, the Hinckley & Bosworth Local Plan should be positively prepared, justified, effective and consistent with national policy (para 35). **Policies SS01, SS02, SS03, HO03, HO05, HO06, HO09, EP06** and **HT03** are unsound. If the Council requires any further assistance or information, please contact the undersigned.

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



Susan E Green MRTPI
Planning Manager – Local Plans