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16/03/2022

Dear Planning Policy Team,

BLACKBURN WITH DARWEN LOCAL PLAN 2021-2037: PUBLICATION DRAFT (REG 19)

1. Thank you for consulting with the Home Builders Federation (HBF) on the Blackburn with Darwen Local Plan 2021-2037: Regulation 19 Publication Plan consultation.
2. 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.
3. The HBF is keen to work with the Council in order to achieve an adopted local plan which enables the delivery of homes across Blackburn with Darwen.

Core Policy 4 (CP4): Housing Development

Core policy 4 (CP4) is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

Housing Requirement, location and delivery

4. This policy states that the Council will seek to deliver a minimum of 447 net new dwellings per annum (dpa) over the Plan period 2021-2037. It states that a range of site sizes and locations will be provided and that a housing trajectory will set out the projected rate of housing delivery.
5. The NPPF¹ states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method set out in the PPG. The PPG sets out the method for calculating the minimum annual local housing need figure². The Standard Method identifies a minimum Local Housing Need (LHN) of 149dpa³. The PPG⁴ also sets out when it might be appropriate to plan for a higher housing need figure than the standard method, these include where there are growth strategies for the area, where there are strategic

¹ NPPF 2021 Paragraph 61

² PPG ID:2a-004-20201216

³ MHCLG Household Projections 2014 2022: 58,418, 2030:59,833, average change 141.5. Adjustment factor 2020: 1.0531.

⁴ PPG ID: 2a-010-20201216



infrastructure improvements, where an authority is taking unmet need from a neighbouring authority, and where previous levels of housing delivery, or previous assessments of need are significantly greater than the outcome from the standard method.

6. The HBF generally supports the Council in utilising a figure over and above the LHN identified by the Standard Method and supported by their own Housing and Economic Needs Assessment (HENA) (2018) evidence.
7. The currently adopted Blackburn with Darwen Local Plan Core Strategy (Part 1) (adopted January 2011) sets a housing requirement of 9,365 dwellings over the period 2011 to 2026, this is set as a stepped requirement for each year, with a figure of 625dpa for the period 2016 to 2021 and 720dpa for the period 2021 to 2026. However, over the last five years (2015/16 to 2019/20) based on the MHCLG net additional dwellings the Council has provided an average of 260dpa. This is significantly below the housing requirement. Therefore, the HBF considers that it will be particularly important for the Council to work closely with the homebuilding industry to ensure that the locations identified for residential development are appropriate and deliverable.

Affordable Housing Needs

8. This policy states that on developments of 10 or more dwellings that at least 20% of homes will be expected to be affordable, it goes on to states that affordable rent or shared ownership products must be retained in perpetuity.
9. The HENA identifies an affordable housing need of 108 affordable homes each year. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF⁵ is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability.
10. The Viability Study (Jan 2022) has included consideration of the affordable housing requirement, this has been based on a tenure split of 50% affordable rent, 25% shared ownership and 25% First Homes. Tables 7.1 to 7.14 of Section 7 of the report provides the Residential Viability Results, these clearly show the viability issues around the provision of the 20% affordable housing requirement. It highlights viability issues on primary sites at 30dph and 35dph on both greenfield and brownfield sites in the typical value and low value areas. These issues continue with increasing numbers of site typologies becoming marginal and unviable for the secondary sites, with the tertiary sites even showing marginal viability in the high value areas.
11. However, it is noted that the previous affordable housing policy has had limited success in delivering affordable housing⁶ and therefore the HBF considers that the Council should consider reducing the requirement. The Council should be mindful that it is unrealistic to negotiate every site on a one-by-one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery. The HBF considers it will be important for the Council to

⁵ NPPF Paragraph 34

⁶ MHCLG Table 1011: additional affordable housing supply, detailed breakdown by local authority

consider all the potential options for delivering affordable housing, not just through market developments.

Housing for Older and Vulnerable People

12. This states that on residential developments of 10 or more dwellings at least 20% of homes should be deemed appropriate for the needs of older and vulnerable people. The policy goes on to state that the nature of this provision will be determine on a site-by-site basis depending on demand and may incorporate bungalow provision, lifetime homes or accessible and adaptable homes in line with Policy DM3⁷.
13. The HBF is concerned about the clarity of this policy, it is not clear if this requirements for 20% of homes to be appropriate for older and vulnerable people is in addition to the requirements of DM3 or whether the need to meet the DM3 requirements would be reduced if bungalows or other homes suitable for older or vulnerable people were provided.
14. The Council should also note that the Lifetime Homes standard is no longer applicable following the Government's Housing Standards review, Lifetime Homes have now been replaced by the optional Building Regulations accessibility standards (M4(2) and M4(3)). Therefore, this reference should be deleted.
15. The PPG⁸ identifies the type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. Section 10 of the HENA (2018) provides some limited evidence highlighting the ageing population, and those with disability, however, this does not cover many of the areas highlight in the PPG in terms of appropriate evidence.
16. The HBF does not consider that the Council have provided sufficient evidence for this policy to be considered justified or consistent with national policy. The HBF also does not consider that the Council has produced sufficient evidence to justify the requirement for developers to provide bungalows, or other homes that are deemed appropriate for the needs of older and vulnerable people.

Core Policy 5 (CP5): Climate Change

Core policy 5 (CP5) is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

17. This policy states that developers will be required to use the Council's Climate Impacts Framework to inform what will be expected from a new development, to identify opportunities for enhancement, and to demonstrate appropriate climate change resilience and adaptation of the proposed scheme.

⁷ Policy DM3 requires residential schemes of 10 dwellings or more to provide at least 20% of homes to be built to the 'accessible and adaptable' standard in Part M4(2), and states that the Council will seek 5% of new homes to be wheelchair accessible (or easily adaptable) in accordance with Part M4(3a).

⁸ ID: 56-007-20150327

18. The HBF is concerned that this Impacts Framework is not part of the Plan that is being examined at this time, and as such it is not clear what the requirements for development will be in relation to climate change resilience and adaptation and whether their impacts on viability have been fully assessed. The HBF does not consider that it is appropriate to refer to the use of this document as a requirement.

Core Policy 6 (CP6): The Natural Environment

Core policy 6 (CP6) is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

19. This policy requires new development to conserve and enhance biodiversity ensuring a measurable biodiversity net gain of no less than 10% is achieved.
20. The Council will know that the Government is already looking at the most appropriate approach to biodiversity net gain. The HBF considers that the Council should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Act and the emerging regulations. This legislation and accompanying regulations will require development to achieve a net gain for biodiversity. This nationally required gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. The mandatory national requirement will not be a cap on the aspirations of developers who want to voluntarily go further. The mandatory requirement offers developers a level playing field nationally and reduced risks of unexpected costs and delays. Therefore, the HBF considers that this element of the policy is not necessary and provides unnecessary duplication.

DM Policy 3 (DM3): Housing Mix, Standards and Densities

DM policy 3 (DM3) is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

21. Part 1 of this policy looks for all new major housing schemes to widen the choice of housing types reflecting the Council's latest evidence of housing need and market demand. Table 4 sets out the required housing mix by tenure and is taken from the 2018 Housing and Economic Needs Assessment (HENA).
22. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. The HBF recommends a flexible approach is taken regarding housing mix which recognises that needs and demand will vary from area to area and site to site; ensures that the scheme is viable; and provides an appropriate mix for the location. The HBF is concerned that the 2018 HENA is already dated, and only provides a snapshot in time, which may no longer be appropriate. The HBF recommends that the policy is amended to include a reference to other sources of evidence, this could include evidence provided by an applicant or by the Council e.g. the Council Housing Waiting List.
23. Part 2 of this policy requires all new dwellings to comply with the nationally described space standards (NDSS) and optional higher water efficiency standards (equivalent to 110 litres/person/day).

24. The NDSS as introduced by Government, are intended to be optional and can only be introduced where there is a clear need and they retain development viability. As such they were introduced on a 'need to have' rather than a 'nice to have' basis.
25. PPG⁹ identifies the type of evidence required to introduce such a policy. It states that *'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:*
- **Need** – *evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
 - **Viability** – *the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
 - **Timing** – *there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.*
26. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional. The HBF is concerned that the Council has not provided the evidence to support this requirement.
27. The Building Regulations require all new dwellings to 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. The Optional Technical Housing Standard is 110 litres per day per person.
28. As set out in the NPPF¹⁰, 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. Therefore, a policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. 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 PPG. PPG¹¹ states that where there is a *'clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day'*. PPG¹² also states the *'it will be for a LPA to establish a clear need based on existing sources of evidence,*

⁹ PPG ID: 56-020-20150327

¹⁰ Paragraph 31

¹¹ ID: 56-014-20150327

¹² ID: 56-015-20150327

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'. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The North West and Blackburn are not considered to be an area of Water Stress as identified by the Environment Agency¹³. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy in relation to need or viability and should be deleted.

29. This policy also requires that in residential schemes of 10 dwellings or more that at least 20% of homes should be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations, unless site specific conditions make this impractical. It goes on to require 5% of new homes to be wheelchair accessible in accordance with Part M4(3a).
30. The PPG¹⁴ identifies the type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. The HBF does not consider that the Council have provided sufficient evidence for this policy to be considered justified or consistent with national policy.
31. The policy states that new housing developments will be expected to achieve minimum density standards of 45 dwellings per hectare (dph) in town centres and other locations that are well served by public transport, it goes on to say that minimum densities between 30-35dph will be considered appropriate in other locations.
32. The flexibility provided by this policy in relation to certain exceptions is noted, this will allow developers to react to some site-specific issues. However, further amendments could be made to create greater flexibility to allow developers to take account of the evidence in relation to market aspirations and demands. The Council will also need to consider its approach to density in relation to other policies in the plan and those set nationally, policies in relation to open space provision, housing design and space standards, SuDs, biodiversity, future homes standard, trees and parking provision can all impact upon the density which can delivered upon site.

DM Policy 5 (DM5): Affordable Housing and Rural Exception Sites

DM policy 5 (DM5) is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

33. This policy states that the type of affordable housing provided should meet the requirement for at least 25% of the affordable units to be First Homes and then seek to meet the needs identified in the latest housing evidence in terms of type, tenure, size and suitability to meet the needs of specific groups.

¹³ 2021 Assessment of Water Stress Areas Update:
<https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

¹⁴ ID: 56-007-20150327

34. The HBF considers that the requirement for at least 25% of affordable homes to be First Homes is appropriate and in line with the requirements of the NPPF. However, the HBF is concerned how this policy sits with the requirement of the NPPF¹⁵ for major development involving the provision of housing to provide at least 10% of the total number of homes as affordable home ownership. This suggests that at least 50% of the 20% affordable housing requirement should be for affordable home ownership, which could include First Homes, unless there is evidence to suggest that this requirement would significantly prejudice the ability to meet the identified housing needs of specific groups.
35. It is noted that the Viability Study (Jan 2022) has included consideration of the affordable housing requirement based on a tenure split of 50% affordable rent, 25% shared ownership and 25% First Homes. However, it may be that alternate mixes are found to be more appropriate based on this policy.

DM Policy 12 (DM12): Clean and Green Energy

DM policy 12 (DM12) is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

36. This policy states that the Council will encourage enhanced emissions reduction from new development through energy efficiency measures above the Building Regulations requirements, connection to a heat network and incorporation of renewable and low carbon energy infrastructure.
37. The Council will be aware that the Government has recently published the new Building Regulations for Part L, F and S in relation to conservation of fuel and power, ventilation and Electric Vehicle Charging and has already consulted on the Future Homes Standard. And as such there are now nationally set standards for domestic dwellings in relation to carbon emissions and for the provision of electric vehicle charging points. The HBF would strongly recommend that the Council looks to work with these nationally defined standards and does not seek to repeat them or amend them within their planning policy. The HBF is also concerned as to how these policies requirements would be monitored. The HBF recommends that these policy requirements are deleted.

DM Policy 15 (DM15): Biodiversity

DM policy 15 (DM15) is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

38. This policy requires that demonstration of a biodiversity net gain as part of all new developments.
39. As stated previously, the HBF considers that the Council should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Act and the emerging regulations. This legislation and accompanying regulations will require development to achieve a net gain for biodiversity. This nationally required gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. The mandatory national requirement will not be a cap on the aspirations

¹⁵ NPPF 2021 paragraph 65

of developers who want to voluntarily go further. The mandatory requirement offers developers a level playing field nationally and reduced risks of unexpected costs and delays. Therefore, the HBF considers that this element of the policy is not necessary and provides unnecessary duplication.

DM Policy 17 (DM17): Trees and Woodland

DM policy 17 (DM17) is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

40. This policy requires at 3:1 tree replacement where trees are removed as part of development. The HBF is not aware of the evidence that the Council has to support the requirement for tree replacement at this level and recommend that this requirement is removed.

DM Policy 29 (DM29): Transport and Accessibility

DM policy 29 (DM29) is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

41. This policy requires appropriate provision should be made for parking and charging for plug-in and other ultra-low emissions vehicles in accordance with the Council's latest standards. Paragraph 4.142 highlights that the Council is commencing a review, it states the review will consider a suitable approach to electric vehicle charging in new developments and whether requirements over and above building regulations are considered necessary.
42. The HBF is concerned around the uncertainty of this policy in relation to the requirements for charging points. The HBF considers that now that the Building Regulations are in place in relation to charging points the Council does not need to introduce their own alternative requirements which are over and above these which may create confusion and unnecessary duplication of requirements.

Housing Growth Site Allocation Policies

43. The HBF does not wish to comment upon the acceptability or otherwise of individual sites. It is, however, important that all the sites contained within the plan are deliverable over the plan period and planned to an appropriate strategy. The HBF would expect the spatial distribution of sites to follow a logical hierarchy, provide an appropriate development pattern and support sustainable development within all market areas.
44. The Council's assumptions on sites in relation to delivery and capacity should be realistic based on evidence supported by the parties responsible for housing delivery and sense checked by the Council based on local knowledge and historical empirical data.
45. The HBF is keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period. 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 mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector. Under the NPPF¹⁶, the Councils should identify at least 10% of the housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target. The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.

46. The Plan should ensure the availability of a sufficient supply of deliverable and developable land to deliver the Council's housing requirement. This sufficiency of housing land supply (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. The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible.

Future Engagement

47. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
48. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



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¹⁶ Paragraph 69 NPPF 2021