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Amber Valley Borough Council  
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SENT BY EMAIL  
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01/09/2022

Dear Planning Policy Team,

### **AMBER VALLEY LOCAL PLAN: PREFERRED SPATIAL STRATEGY**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Amber Valley Local Plan Preferred Spatial Strategy for Housing and Economic Growth and Draft Policies.
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 Amber Valley. The following comments identify some areas where the HBF considers that the document would benefit from further evidence or modifications.

#### **Plan Period**

4. The Council are proposing a Plan period from April 1<sup>st</sup> 2022 to 31<sup>st</sup> March 2039. The HBF considers that any update should ensure that the Plan covers a period of 15 years from the adoption of the Plan. This is likely to mean the Plan will need to cover the period until at least 2040.

#### **Proposed Spatial Strategy Policy**

5. This policy states that the Council will make provision for a minimum of 7,885 additional homes between 2022-2039, this equates to around 464 dwellings per annum.
6. The NPPF<sup>1</sup> 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

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<sup>1</sup> NPPF 2021 Paragraph 61



minimum annual local housing need figure<sup>2</sup>. The PPG<sup>3</sup> 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 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.

7. The Local Housing Need Assessment (LHNA) (April 2022) states that the standard method identifies a minimum housing need figure of 376 homes per annum. The Local Plan highlights that this equates to a minimum of 6,392 dwellings between 1 April 2022 and 31 March 2039.
8. The Local Plan states that it has received requests from other local planning authorities to contribute to their unmet housing need including Erewash Borough Council and Ashfield District Council. The Council also anticipate that Derby, who are currently assessing the capacity for further housing growth in the City, will not be able to fully meet their housing need and will also request the Council to consider whether they can make a contribution.
9. The Local Plan also highlights that the average annual rate of net completions of additional dwellings in Amber Valley over the period 2011-2022 was 423 dwellings per annum. The Council states that they consider that it would be reasonable to take this into account.
10. The HBF supports the Council in using the standard method as the starting point for the calculation of the housing requirement. The HBF also supports the Council in including an uplift, although we consider that the uplift is likely to need to be above that currently proposed.

### **Proposed Housing Growth Sites Policy**

11. This policy sets out the Council's proposed housing allocations. 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 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.
12. 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 Council should identify at least 10% of its

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<sup>2</sup> PPG ID:2a-004-20201216

<sup>3</sup> PPG ID: 2a-010-20201216

housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target in line with the NPPF requirements.

13. 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.
14. The Council state that their latest annual update of the housing land supply, shows that as at the 1 April 2022 that there are 4,767 dwellings with planning permissions (excluding those on small brownfield sites) and 1,224 dwellings on small brownfield sites (sites under 10 dwellings). This leaves a remaining requirement of 401 dwellings to meet the minimum requirement of 6,392 dwellings. However, the Council proposes that the Local Plan should make provision for 7,885 dwellings between 2022 and 2039. The Council suggests that this scale of housing growth would however more closely reflect the rate of housing completions within the Borough over the period 2011-2022, as well as recognising the need to give further consideration to any unmet housing need arising within adjoining authorities.

#### **Proposed Housing Types, Mix & Choice Policy**

15. This policy states that the Council will seek to secure a mix of new housing on development sites which reflect the most up to date evidence on local housing needs, having regard to any imbalance in the existing mix, the needs of elderly and disabled people, and the local circumstances relating to the site and the viability of the development.
16. 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. It is, however, important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to overly prescriptive requirements, requiring a mix that does not consider the scale of the site or the need to provide significant amounts of additional evidence.
17. 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 also recommends that the evidence required to support the housing mix is proportionate to the development and is not overly onerous.

#### **Proposed Affordable Housing Policy**

18. This policy states that proposals for 10 or more dwellings will be expected to provide up to 40% of the gross number of dwellings in the form of affordable housing, subject to considerations of viability. The LHNA identifies a need for 247 affordable dwellings per annum.

19. The HBF has significant concerns how the Council intend to deliver the 247 affordable dwellings needed each year to meet local need if the housing requirement is only 464dpa. The affordable need equates to more than 50% of the housing requirement. It is noted that the PPG<sup>4</sup> states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. Therefore, the HBF considers that the Council should also be taking this affordable housing requirement into consideration as part of their housing requirement.
20. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF<sup>5</sup> is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability. 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.
21. The HBF considers that the Council will also need to ensure that they are giving consideration to the requirement for at least 25% of affordable homes to be First Homes and for 10% of homes to be for affordable home ownership in line with the requirements of the NPPF<sup>6</sup> and PPG<sup>7</sup>.

#### **Proposed Climate Change Policy**

22. This policy looks for all development proposals to maximise opportunities to reduce emissions and meet the Government's net zero target. The policy identifies ways in which this could be done, including by following the Energy Hierarchy, using energy from renewables or decentralised energy sources, retaining existing trees and hedges, reducing energy consumption, minimising the need to travel and reducing embodied carbon.
23. The HBF generally supports sustainable development and considers that the homebuilding industry can help to address some of the climate change emergency challenges identified by the Council. However, the HBF recognises the need to move towards greater energy efficiency via a nationally consistent set of standards and timetable, which is universally understood and technically implementable.
24. Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations were updated in 2021 and took effect from 15<sup>th</sup> June 2022, with transitional arrangements in place for dwellings started before 15<sup>th</sup> June 2023. To ensure as many homes as possible are built in line with new energy efficiency standards, these transitional arrangements will apply to individual homes rather than an entire development.

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<sup>4</sup> PPG ID: 2a-024-20190220

<sup>5</sup> 4 NPPF Paragraph 34

<sup>6</sup> Paragraph 65 of NPPF 2021

<sup>7</sup> PPG ID: 70-012-20210524 & ID: 70-013-20210524

25. The Government Response to The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings dated January 2021 provided an implementation roadmap. The 2021 Building Regulations interim uplift will deliver homes that are expected to produce 31% less CO2 emissions compared to current standards. The implementation of the Future Homes Standard 2025 will ensure that new homes will produce at least 75% lower CO2 emissions than one built to previous 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.
26. Part 4 of the policy states that all proposals for new dwellings will need to be constructed to Accessible and Adaptable Dwellings Standard M4(2) and meet the water efficiency standards of 110 litres/person/day.
27. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG. The PPG<sup>8</sup> 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 PPG also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances, and the ability to provide step-free access.
28. However, the Council should note that the Government response to the Raising accessibility standards for new homes<sup>9</sup> states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.
29. 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.

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<sup>8</sup> ID: 56-007-20150327

<sup>9</sup> <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>

30. 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. PPG<sup>10</sup> 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'*. PPG<sup>11</sup> 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'*.

### **Future Engagement**

31. 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.
32. 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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<sup>10</sup> ID: 56-014-20150327

<sup>11</sup> ID: 56-015-20150327