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SENT BY EMAIL
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Dear Planning Policy Team,

SOUTH DERBYSHIRE LOCAL PLAN: ISSUES AND OPTIONS

1. Thank you for consulting with the Home Builders Federation (HBF) on the South Derbyshire Local Plan Issues and Options 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 industry is keen to work with the Council to ensure a sound plan is produced which facilitates the delivery of an appropriate number of homes across South Derbyshire. With this in mind we would also welcome further engagement with the industry throughout the production of the plan.

Housing Need and Strategy

4. The Plan states that the Standard Method currently identifies a local housing need of 536 dwellings per annum (dpa), it goes on to recognise that this is a minimum starting point and that there may be circumstances where it is appropriate to consider whether the actual housing need is higher than the standard method indicates. The Plan explains that work has been undertaken to establish that South Derbyshire, Amber Valley and Derby City form one housing market area, known as the Derby HMA. The Council anticipate that Derby City Council will again request that South Derbyshire accommodate some of the City's housing need within the Plan.
5. The Council have identified three potential options: base the housing requirement on meeting the minimum requirement using the standard method; base the housing requirement on ensuring Derby's unmet need is completely accommodated with the Derby HMA; and base the housing requirement on a wider range of evidence, acknowledging it may not be appropriate for all of Derby's unmet need to be accommodated within the Derby HMA.



Key Question 7: Which option for establishing South Derbyshire's housing requirement do you support and why?

6. The HBF considers that the Council should meet all of the local housing need identified by the standard method as a minimum and consider all of the potential circumstances where it is appropriate to consider whether actual housing need is higher than the standard method in line with the PPG. The HBF considers that the Council should seek to meet all of Derby's unmet need in the most sustainable manner, this is likely to mean within the Derby HMA, to help to reduce the need to travel and to create balanced communities.

Key Question 8: Do you have a view on the proportion of Derby City's unmet need that South Derbyshire should take? Please provide comments and justification.

7. The HBF is not in a position to comment on the proportion of the unmet need that should be taken by South Derbyshire at this point, but would support the Council and others in the HMA in gathering an appropriate evidence base to determine how the unmet need should be met.

Housing Strategy and Distribution

Key Question 19: What is your preferred option for housing distribution to meet South Derbyshire's housing need? Please provide comments and justification.

8. 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.

Planning for development beyond the plan period

Key Question 22: Do you agree that the appropriate plan period for the Emerging Local Plan is 2022 – 2039?

9. It is noted that the NPPF¹ states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery. The HBF considers that the Plan period to 2039 is unlikely to be sufficient to provide a 15-year period at the point at which the Plan is adopted and would recommend extending the Plan period, and if larger scale developments are proposed in the Plan, then an even longer period will be required.

Green Belt

10. Two areas of Green Belt partly fall within South Derbyshire, the Nottingham-Derby Green Belt and the Burton-Swadlincote Green Belt.

Key Question 24: Do you think the Council needs to undertake a Green Belt review to accommodate housing need within the District?

¹ NPPF 2021 Paragraph 22

11. The HBF considers that the Council should undertake a Green Belt Review, this will help to provide the evidence in relation to meeting housing needs within the District. The HBF also considers that the Council will need to ensure that they have considered and evidenced all of the exceptional circumstances in relation to the potential to release Green Belt including the housing need.

Smaller scale housing development

Key Question 25: What is your preferred option regarding the percentage of new homes to be built on small sites? Please provide your reasons and justification.

12. 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 NPPF, 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.

Affordable Housing requirement

Key Question 26: What is your preferred option regarding the affordable housing requirement on sites of 10 homes or more? Please provide reasons and justifications.

13. The HBF is not able to confirm a preference in relation to the affordable housing requirement without further evidence in relation to the affordable housing need, the housing requirement, and consideration of the viability of the proposed requirements. The HBF considers that the Council will need update their evidence base in order to make justified affordable housing requirement policy.

Key Question 27: Is there any reason why the threshold for affordable housing provision should not be lowered to 10 homes or more in the Emerging Local Plan?

Key Question 28: Do you have any evidence of affordable housing need in rural areas and/or a view on whether the threshold for contributions should differ?

14. As above, the HBF is not in a position to answer this question as the evidence has not been provided to determine whether the policy requirements would be viable and deliverable at an alternate threshold.

Key Question 29: Should the affordable housing tenure breakdown be specified in Emerging Local Plan policy, or should a degree of flexibility be retained?

15. The HBF considers that a degree of flexibility should be contained with any policy in relation to the affordable housing tenure, however, there are certain elements in the

NPPF and PPG in relation to affordable home ownership and First Homes which will need to be taken in to consideration and included within the policy unless the Council have evidence to justify a departure from these requirements.

Housing to meet specific needs

Key Question 31: How should extra-care and independent living schemes be provided through the Emerging Local Plan?

Key Question 32: How can the Emerging Local Plan provide for those of working age needing other specialist or supported housing?

16. The PPG² is clear that authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies could include setting out how the Council will consider proposals for the different types of housing that these groups are likely to require, identifying potential sites as allocations for these types of development and could also include providing an indicative figure for the number of units of specialist housing to be provided.

Accessible and Adaptable Homes

Key Question 33: Should the Emerging Local Plan ensure that at least a proportion of new homes are accessible and adaptable M4(2) and are wheelchair user dwellings M4(3)?

17. 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 PPG³ 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.
18. The Council should also note that the Government response to the Raising accessibility standards for new homes⁴ 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.

Key Question 34: Do you feel there is a need for more bungalows or single storey dwellings particularly designed to enable the elderly to live independently at home?

² ID: 63-006-20190626

³ ID: 56-007-20150327

⁴ <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>

19. As above, the HBF is generally supportive of providing homes to meet the needs of older people and disabled people. However, the Council will need to collate the appropriate evidence to justify the need for bungalows or single storey homes, over and above the requirements for the M4(2) and M4(3) standards identified above.

Self-Build and Custom Housebuilding

20. The Plan identifies that the Council has a duty to provide plots equivalent to the number of people on the Self Build Register, and states that to date the Council is meeting the demand for plots through windfall developments. However, the Council is proposing three potential options for the future policy these are to: require a proportion of homes on all larger development sites; allocate sites specifically for self-build and custom housebuilding; and to continue current policy.

Key Question 35: What is your preferred option regarding self-build and custom house building and why?

21. The HBF considers that a policy which encourages self and custom-build development and sets out where it will be supported in principle would be appropriate. The HBF also considers that allocating sites specifically for self and custom-build home builders could also be appropriate, however, this would need to be done through discussion and negotiation with landowners. The HBF does not consider that requiring a proportion of large housing sites to be available for self-builders is appropriate. The HBF would be interested to know whether any of the people on the self-build register have identified a preference to living on a large housing site, and whether the Council considers that there would be evidence of a demand for such sites. The HBF would also highlight the practical issues in terms of developing a large site where there are self-build plots on site, with potentially different builders and construction programmes. The Council will also need to consider the viability implications of this provision on larger housing sites.

Space Standards

Key Question 36: Should the Emerging Local Plan require all new homes to meet Nationally Described Space Standards? If not, why not?

22. The HBF notes that the nationally described space standards (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. PPG⁵ 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, Viability and Timing. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above.

Housing Density

⁵ PPG ID: 56-020-20150327

Key Question 37: Should the Emerging Local Plan include a policy on housing density?

23. The setting of residential density standards should be undertaken in accordance with the NPPF⁶ where policies should be set to optimise the use of land. The HBF recommends that any policy is flexible and takes into consideration elements such as identified need, site-specific issues, local character, market aspirations, deliverability and viability.

Key Question 38: If it is determined that a housing density policy is required, should the Emerging Local Plan set different minimum density standards for urban areas (Swadlincote, edge of Derby and Burton on Trent) and Key Service Villages?

24. The Council will need to collate appropriate evidence to determine whether it is appropriate to have different standards in different areas across the area.

Key Question 39: Should the Emerging Local Plan include a specific infill policy and if so, what should it contain – for example should infill be restricted to meeting proven local need or by dwelling size? Please provide reasons and justifications.

25. The HBF considers that it is likely to be appropriate for the Council to include a specific infill policy within the Plan. The HBF would have concerns in relation to any restrictions and the potential implications they could have on the delivery of homes, including the potential to deliver infrastructure and other policy requirements set out in the plan and the impacts on future financing and rights of occupants.

Key Question 40: Should the Emerging Local Plan develop a policy that brings local flexibility to determining road widths on new developments?

26. The HBF considers that bringing flexibility into the Plan can be beneficial and in this case may be appropriate to provide the most efficient layouts and designs of development.

Renewable Energy

Key Question 57: Do you support the development of the following renewable energy/low-carbon technologies in the District?

27. The HBF considers that energy networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies.
28. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price.

⁶ Paragraph 125

Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water, so they are not for example benefitting from the energy price caps. The HBF considers that the Council should ensure that this policy is applied flexibly, and where alternative methods are considered more appropriate, sustainable or viable these should be permitted.

29. The HBF is supportive of encouragement for the use of electric and hybrid vehicles via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. Part S of the Building Regulations 'Infrastructure for the charging of electric vehicles' has now been published and took effect from 15th June 2022. This regulations document provides guidance on the installation and location of electric vehicle charge points (EVCPs). It states that a new residential building with associated parking must have access to EVCPs. It states that the total number of EVCPs must be equal to the number of parking spaces if there are fewer parking spaces than dwellings, or the equal to the number of dwellings where there are more parking spaces. The Regulations also set technical requirements for the charging points these include having a nominal output of 7kW and being fitted with a universal socket.

Key Question 59: Should the Emerging Local Plan require all new development to include small-scale renewable energy generation on site?

30. The HBF does not consider it is necessary for all new developments to include small scale renewable energy generation on site. This may not be the most sustainable approach, it may not be the most effective method and may not be in line with the energy hierarchy.

Building Specifications

Key Question 61: How can the Emerging Local Plan best facilitate energy saving homes by including passive design measures?

EX27: Should the District adopt energy efficiency standards over and above Building Regulations?

EX29: Should the Emerging Local Plan set lower carbon emissions targets for new homes than set out by Building Regulations? If so, what target do you propose and why?

31. 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.
32. Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations were updated in 2021 and took effect from 15th June 2022, with transitional arrangements in place for dwellings started before 15th 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.

33. 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.

Trees

Key Question 62: Do you agree that the Emerging Local Plan set out specific requirements for tree planting in new developments outside of the National Forest? If so, is 10% sufficient and should there be a minimum site size threshold to which the policy applies?

34. The HBF considers that the Council will need to collate the appropriate evidence to justify the need for this policy, and if it is considered necessary to determine the appropriate site size threshold.

Biodiversity Net Gain

Key Question 63: Should the Emerging Local Plan require a greater target than the statutory 10% Biodiversity Net Gain? If yes, what percentage and why?

35. The HBF does not consider that requiring biodiversity net gain (BNG) above 10% meets the tests set out in paragraph 57 of the NPPF and in particular that is not necessary to make the development acceptable in planning terms. As the Government note on page 9 of their response to the consultation on net gain, they considered 10% to deliver the right balance between “ambition, achieving environmental outcomes, and deliverability and cost to developers”. Given Paragraph 174d of the NPPF states that planning policies should “minimise impacts on and provide net gains for biodiversity” if a development delivers the 10% minimum requirement by law it will ensure that paragraphs 174d of the NPPF is addressed as it will ensure a net gain. As such any level above this is not necessary to make a development acceptable in planning terms and cannot be made a requirement in the local plan.
36. We recognise that the 10% is a minimum. However, it should be for the developer to decide whether they go beyond this figure not the Council. This is a position the Government also supports stating on page 9 of their response to the consultation on net gain that the 10% should not be a cap on the aspirations of developers who want to go further “voluntarily”. It is important to remember that that it is impossible to know what the cost of delivering net gain is until the base level of biodiversity on a site is known and consequently what is required to achieve a 10% net gain. On some sites this may be achievable on site with no reduction in developable area, for others it may require a

large proportion of it to be addressed offsite or a significant reduction in the developable area – a far more expensive option that could render a site unviable without a reduction in other policy requirements.

37. Rather than require an increase in the level of BNG achieved on site above legal minimums we would suggest that the Council instead work with developers to ensure they can meet the minimum whilst maximising the number of homes that can be delivered.

Key Question 65: Should a policy be included in the Emerging Local Plan to ensure that Biodiversity Net Gain is delivered on sites within the District?

38. The HBF considers that the Council may want to ensure that any policy in relation to BNG can be applied flexibly, as there may be circumstances where it is not possible to meet the BNG needs on sites within the District.

Electric Vehicle Charging Points

Key Question 68: Should the Emerging Local Plan include an Electric Vehicle Charging Point Policy?

Key Question 69: Do you support the existing requirements for providing Electric Vehicle Charging Points used by the Council? If not, what requirements do you suggest and why?

Key Question 70: Should the provision of charging devices and spaces for ultra-low emission vehicles be required for new developments of a certain size? If so, what should this threshold be?

39. As highlighted previously, the HBF is supportive of encouragement for the use of electric and hybrid vehicles via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. Part S of the Building Regulations 'Infrastructure for the charging of electric vehicles' has now been published and took effect from 15th June 2022. This regulations document provides guidance on the installation and location of electric vehicle charge points (EVCPs). It states that a new residential building with associated parking must have access to EVCPs. It states that the total number of EVCPs must be equal to the number of parking spaces if there are fewer parking spaces than dwellings, or equal to the number of dwellings where there are more parking spaces. The Regulations also set technical requirements for the charging points these include having a nominal output of 7kW and being fitted with a universal socket.

Health Impact Assessments

Key Question 103: Should the Emerging Local Plan require Health Impact Assessment for larger development proposals?

Key Question 104: What should the trigger for the requirement of Health Impact Assessment be?

40. The HBF do not consider it necessary for the Council to require Health Impact Assessment (HIA) on any development. In preparing the local plan the Council should ensure that the policies it contains will support healthy development and as such any

development that is consistent with the policies in the plan will ensure the health and well-being of its residents.

Future Engagement

41. 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.

42. 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,

A handwritten signature in black ink, appearing to read 'J. Harding', written in a cursive style.

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