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Dear Planning Policy Team,

BIRMINGHAM LOCAL PLAN: ISSUES AND OPTIONS

1. Thank you for consulting with the Home Builders Federation (HBF) on the Our Future Birmingham City Plan: Birmingham 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 HBF would like to submit the following comments upon selected questions within the consultation document. These responses are provided in order to assist Birmingham City Council in the preparation of the emerging local plan. The HBF is keen to ensure that the Council produces a sound local plan which provides for the housing needs of the area.

Options for Housing Growth

4. The Plan sets out that Birmingham is a growing city and based on the Government's standard method they need to build 7,136 new homes every year. It highlights that the Birmingham Development Plan (2017) was unable to identify enough land to meet all of Birmingham's housing need. The Plan identifies that the housing challenge remains the biggest the Local Plan will need to address going forward. It provides six potential options to address the housing challenge, these are: to increase housing densities; more active public sector land assembly; further comprehensive housing regeneration; utilise poor quality under-used open space for housing; utilise some employment land for housing; and release Green Belt for housing.

Question 7: Are there any additional housing growth options that we should consider?

5. The HBF considers the Council have identified appropriate housing growth options. Whilst the HBF considers that it is laudable that they Council are looking at the potential options to meet their housing needs, it needs to be recognised that there is likely to be a level of unmet need, which will need to be addressed strategically and in the most sustainable manner. Birmingham is a driver for a wider area and as such, there is likely to be significant opportunities for the Council to work in a strategic manner in order to ensure that these needs are met. The HBF considers there is potential for the Council to



work collaboratively with other local authorities and the home building industry to identify the most sustainable and appropriate way for these potential unmet needs to be met.

Question 8: What is your preferred option or combination of options?

6. The HBF considers that the Council should seek to provide land to meet their housing need, this is likely to mean that all options need to be explored. The HBF would support the Council in considering the Green Belt boundaries and identifying exceptional circumstances to ensure that the housing need is met, and an appropriate spatial strategy is put in place.

Question 9: Do you think the proposed densities are appropriate? Should we build to even higher densities?

7. The consultation document appears to suggest that density could be increased in the city centre to 400 dwellings per hectare (dph) and to 70dph in and around urban centres, the policy would remain at 40dph elsewhere. The HBF considers that supporting increased densities in appropriate locations can be an appropriate method to increase the potential housing supply. However, the Council will need to ensure that these increases in density still allow for other policy requirements to be delivered and that the housing mix provided still meets the local housing needs.

Homes and neighbourhoods

Question 11: What type, size and tenure of homes do you think will be needed in the future?

8. The HBF considers that the type, size and tenure of homes that will be needed in the future may change over time, may be dependent on the location of the development; the site characteristics; the character of the area; site viability; the housing market and community aspirations at the time. The HBF would recommend that if the Council introduce a policy in relation to house type, size and tenure that they ensure that sufficient flexibility is provided in the policy to take each of these elements into account. If the Council intends to use the HEDNA as the evidence to support this policy it is recommended that the Council acknowledge that this is only a snapshot in time and the needs and market demands may change, and that this is only one piece of evidence and there may be others that need to be taken into consideration.

Question 12: How do you think we can increase the supply of affordable housing?

9. The Plan identifies that there is a significant need for affordable housing estimated at 2,997 dwellings per annum. The Council's current affordable housing policy seeks 35% affordable homes as a developer contribution on residential developments of 15 or more dwellings. The Council propose to test the 35% figure to see if a higher contribution is viable, they also consider that a rigid policy for the tenure split of affordable housing is not appropriate and this would be determined on a site-by-site basis.
10. The HBF considers that the Council will need to thoroughly test the viability of any increases in the affordable housing requirement to ensure that it is deliverable alongside the other policy requirements in this Plan.

Question 13: Should we have a policy with a simple split of affordable rent and affordable homeownership or a policy with a more detailed tenure split?

11. The HBF considers that it will be important that any tenure split in relation to affordable housing should be tested in terms of viability and should ensure that it is flexible enough to deal with differing circumstances across the City and the Plan period. The split should also that it is consistent with the requirements of the NPPF and PPG in relation to affordable home ownership and First Homes.

Question 15: Should we have a policy which requires a percentage of older persons housing on residential developments?

12. The Plan states that the older person population is projected to increase by 32% in the future. The current Plan includes a policy requiring developments of 15 or more dwellings to provide 30% at M4(2).
13. 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 PPG¹ 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.
14. The Council should also note that the Government response to the Raising accessibility standards for new homes² 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.
15. The HBF does not consider that requiring a proportion of large housing sites to be available for older person housing is appropriate. If a policy were to be introduced the HBF recommend that it is sufficiently flexible and takes into consideration the location of the site, the topography of the area, the accessibility of the area and the viability of the development.

Question 16: Should we allocate sites specifically for older persons housing? Where should they be?

16. The HBF considers that allocating sites specifically for older people could also be appropriate, however, this would need to be done through discussion and negotiation with landowners.

Question 19: What type and scale of development should Health Impact Assessments apply to?

¹ ID: 56-007-20150327

² <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>

17. The HBF does 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.

Climate Change

18. It is noted that the Council declared a Climate Emergency in 2019 and that they aspire to be net zero by 2030.

Question 20: Do you feel we have missed any policy opportunities to help the city achieve net zero?

Question 21: How should we encourage all developers to deliver net zero carbon development?

19. The Plan proposes policies that set higher energy efficiency standards to reduce the demand for energy and incorporate renewable energy or connect to a heat network.
20. The HBF considers that it would be most appropriate to rely on national standards and building regulations to set the carbon reduction levels for new buildings. 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.
21. 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. These include higher performance targets – CO₂ emissions are reduced by 31% – and a new emphasis on low carbon heating systems, but themselves are only an interim step towards the Future Homes Standard and Future Buildings Standard that will arrive in 2025.
22. 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.
23. Whilst it is the case that a LPA can set higher energy performance standards than the building regulations in their local plan, the PPG presently states that this should only up to the equivalent of Level 4 of the Code for Sustainable Homes. The Planning and

Energy Act 2008 allows LPAs to set energy efficiency standards in their development plan policies that exceed the energy efficiency requirements of the building regulations, but such policies must not be inconsistent with relevant national policies for England. In this context, whilst the aims and objectives of locally ambitious policies are to be commended, such policies need to be wary of adding to the complexity of policy, regulations and standards that housebuilders are already expected to comply with.

Question 23: Should we introduce higher water efficiency standards?

24. Under Building Regulations, all new dwellings must achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. The PPG³ sets out that 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. Therefore, the Council should provide evidence demonstrating a clear local need and if proven, the Council should not set a requirement beyond the optional standard of 110 litres per person per day.

Question 24: Do you agree with introducing a policy to prevent overheating of new buildings?

25. The HBF considers that the Council will need to consider the balance between solar gain and overheating and ensure that any policy has sufficient flexibility to design for that balance.

Question 25: Should the Plan include policy to ensure that rivers within the city provide multi-functional benefits in relation to flood risk, ecology biodiversity and support health and wellbeing?

26. The HBF considers that it may be appropriate to include a policy that recognises the potential multi-functional benefits of blue infrastructure.

The Built and Natural Environment

Question 28: Should we explore a higher than 10% Biodiversity Net Gain for all major developments?

27. The Council state that given that the majority of development sites will be on brownfield land with limited biodiversity value, the Council will explore a higher % of Biodiversity Net Gain (BNG), they go on to state that a key challenge in securing higher net gains through development will be the effect on viability. The HBF considers the Council will need to consider the impact that the need to provide biodiversity net gain can have on the efficient use of land and the density of development, and would suggest that this is taken in to consideration when allocating land, preparing policies related to the efficient use of land and the viability assessment of development. The HBF would also note that the creation of net biodiversity gain is a significant benefit of increased housing

³ ID:56-015-20150327

development and should be considered as such as part of any assessment of the housing requirement and housing allocations.

28. The HBF does not consider that requiring 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 174(d) 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.
29. 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.
30. 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.

Question 29: Should the new Local Plan seek to identify/allocate sites to provide off-site Biodiversity Net Gain?

31. The HBF considers that it is likely to be beneficial if the Council identify sites that could potentially provide opportunities for off-site Biodiversity Net Gain.

Future Engagement

32. 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.
33. 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 'Joanne Harding', with a stylized flourish at the end.

Joanne Harding

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