

Sent by email to: [LocalPlan@tmbc.gov.uk](mailto:LocalPlan@tmbc.gov.uk)

02/11/2022

Dear Sir/ Madam

**Response by the Home Builders Federation to the consultation on the Tonbridge and Malling Local Plan.**

1. Thank you for consulting the Home Builders Federation (HBF) on the Tonbridge and Malling Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

**Q3. Which spatial strategy option do you prefer?**

2. HBF cannot comment on which spatial option is preferable. However, it will be necessary for the Council to ensure that whichever strategy is taken forward it is deliverable. Therefore, those strategies that are more reliant on strategic sites to meet needs will need to ensure that there is a sufficient buffer to take account of the higher risk of not meeting housing needs and not being able to show a five-year land supply from such a strategy.
3. The strategy should also ensure that it provides a consistent supply of homes across the plan period in order to avoid the use of a stepped trajectory. This can only be achieved effectively by allocating a variety of sites both in terms of size and location. Planning Practice Guidance (PPG) outlines at paragraph 68-021 the circumstances where a stepped trajectory may be appropriate, but the inference is that this should be the exception and that local planning authorities should be looking to establish flat trajectories that do not unnecessarily push back the delivery of new housing. Therefore, if the Council allocates larger sites that deliver towards the end of the plan period it must balance this with the allocation of smaller sites that will meet needs earlier in the plan period.
4. This balanced approach is also consistent with a plan that includes a buffer as we advocate in below. It is an inevitable part of bringing forward sites for development that there can be delays at any point. Such delays can lead to shortages in supply on adoption of the local plan or in the early years as timetables are pushed back. However, a reasonable buffer in supply resulting from the allocation of small and



medium sized sites will ensure that the plan has sufficient flexibility to address any delays in strategic allocations. This does not mean that the Council should avoid the identification of, for example, a new settlement just that the strategy should not be overly reliant on the delivery from one or two large allocations at the cost of smaller sites that will come forward earlier in the plan period.

**Q.5. Which quantum option for the spatial strategy do you prefer? And Q6 What are your reasons for selecting this particular quantum option for the Local Plan?**

5. The Council propose two options with regards to the number of homes it should plan for – meeting assessed needs or meeting assessed needs plus 10%. Whilst we would support the inclusion of additional homes in supply to address flexibility, at present it is not clear whether or not this is the Council's intention, but the Council must ensure a distinction between what is required and the level of supply that is needed to meet that requirement – in essence the buffer between what is required and the expected level of supply. Both these issues are considered further below.

***The housing requirement***

6. The HBF would agree with the Council's calculation of the local housing needs assessment (LHNA) using the standard method as being 839 dwellings per annum (dpa). As the council is aware this is the minimum number of homes it should deliver and, in line with national policy and guidance consideration needs to be given as whether there are any circumstances that indicate that the level of housing need is higher than that calculated using the standard method. In order to ensure the plan is sound the Council will need to take into account:
  - Whether it is appropriate to cap the housing requirement given the poor affordability of housing and levels of past under delivery.
  - Affordable housing needs; and
  - Any unmet needs in neighbouring areas.

**Uncapped housing needs**

7. Paragraph 2a-007 of PPG outlines that the application of the cap relates to delivery and does not reduce the level of need itself. The same paragraph goes on to outline that where the LHNA is subject to cap consideration can still be given by the local planning authority as to whether a higher level of housing need could be delivered. Without the cap the level of housing need in Tonbridge and Malling is 947 dpa – roughly 13% higher than the capped figure.
8. When considering the application of the cap it must be recognised that the affordability uplift in the standard method is included to take account of any past level of under delivery that has in turn led to worsening affordability in an area. As such the capped LHNA does not reflect the full impact of under supply in an area and as a consequence the capped LHNA is unlikely to have positive impact on

housing affordability in the borough. The most that can be hoped for is that the rate at which affordability is worsening is slowed.

9. As the Council will be aware the affordability of housing in Tonbridge and Malling has worsened significantly since 2009. During this period, the median housing price to income ratio increased from 7.79 to 13.39 and the lower quartile house price to income ratio from 8.77 to 13.17. What is also apparent is that this rapid worsening in affordability coincides with significant shortfalls in housing delivery against assessed needs. The table below shows that since 2009 delivery of new homes has fallen short of meeting the minimum required for the area and has been well below the circa 840 homes what has been the Council's housing requirement since the introduction of the standard method in 2018.

Table 1: Housing delivery and requirement 2009/10 to 2020/21

| Year         | Completions  | Requirement  | Shortfall     |
|--------------|--------------|--------------|---------------|
| 2009/10      | 372          | 450          | -78           |
| 2010/11      | 351          | 450          | -99           |
| 2011/12      | 444          | 450          | -6            |
| 2012/13      | 394          | 450          | -62           |
| 2013/14      | 608          | 696          | -88           |
| 2014/15      | 487          | 696          | -209          |
| 2015/16      | 912          | 696          | 216           |
| 2016/17      | 830          | 696          | 134           |
| 2017/18      | 1,166        | 696          | 470           |
| 2018/19      | 455          | 696          | -241          |
| 2019/20      | 477          | 696          | -219          |
| 2020/21      | 447          | 843          | -396          |
| <b>Total</b> | <b>6,943</b> | <b>8,007</b> | <b>-1,064</b> |

Source: TMBC

10. It is apparent that the situation in Tonbridge and Malling, and indeed across West Kent, that a lack of supply has been a key factor behind the worsening in affordability. We recognise that it is not the only factor but without a strong supply of homes in future there will not be an improvement in affordability. Therefore, as a minimum the Council needs to address the uncapped level of need in the area as anything less would be unable to slow the rapid worsening in affordability let alone see an improvement in this situation. In order to actually improve the affordability of housing in Tonbridge and Malling the Council will probably need to deliver significantly beyond even the uncapped level of housing needs established using the standard method.

#### Affordable housing

11. Table 4 of the consultation document states that there is an affordable housing need of 283 dpa across the plan period. This is circa 33% of the minimum housing needs. Without knowing the spatial strategy or having an up-to-date viability

evidence for the plan it is not possible to know how affordable homes will be delivered. However, PPG establishes in paragraph 2a-024 that consideration should be given to increasing the total number of homes provided in the plan if it could help deliver the number of affordable homes required. Such considerations are made more important for Tonbridge and Malling given that affordable housing delivery has been so poor. Evidence on the net additional homes produced by Department of Levelling Up Communities and Housing<sup>1</sup> shows that between 2011/12 and 2020/21 circa 20% of the homes delivered were affordable homes. This suggests that the council should be delivering well above the minimum requirement in order to improve the supply of affordable homes. In addition, the delivery of affordable homes will need to be given due consideration when deciding on the spatial strategy and the development management policies it takes forward and the ability of sites to deliver both affordable and market housing.

### Unmet housing needs in other areas

12. Paragraph 11 and 61 of the NPPF requires local planning authorities to take account of the unmet needs of neighbouring areas when establishing the number of homes to be planned for. Such consideration will not only need to examine whether its neighbouring authorities such as Sevenoaks and Gravesend can meet their needs but also whether it needs to uplift its housing requirement response to London's unmet needs given the significant influence of the capital on both the housing markets within which Tonbridge and Malling falls. As the Council will be fully aware a failure to co-operate effectively with neighbouring areas on unmet needs will lead to the Council failing the duty to co-operate.
13. Whilst the will need to work closely with Sevenoaks, Gravesham, and Medway with regard to housing needs they will also need to consider unmet needs in London. With regard to neighbouring authorities in Kent the Council will no doubt have been contacted by Sevenoaks and Gravesham with regard to meeting some of their housing needs given that they are wholly within the Metropolitan Green Belt and will not be able to meet their needs wholly within their urban areas. The Council will need to give due consideration as to whether it can support such requests and properly test these options as part of the process of preparing this local plan. The Council will be acutely aware of the need for effective co-operation on this matter and we would recommend that the Councils work together to develop local plans that ensure that housing needs in this part of Kent are met.
14. In relation to London, the area's excellent rail links to the capital has seen increasing levels of positive net in-migration from London in recent years as well as maintaining strong commuting links. For example, between 2012 and 2019 annual net migration from the capital increased from 1,017 to 1,408 people per annum, with the 2011 census indicating that 20% of the 47,958 working age population living in Tonbridge and Malling worked in London. This clearly indicates that TMBC is part of a wider London housing market and could offer a viable

---

<sup>1</sup> DLUH Live Table 1011c Total Additional Affordable Housing Supply

alternative for many of those households who are unable to meet their housing needs in London. As such it is important that the Council must not only consider the unmet needs for housing in those Council areas bordering the Borough but also those present in London.

15. Over the next ten years there is projected to be a shortfall of 14,000 homes per annum in the capital that resulted from the over assessment of delivery from small sites and the subsequent amendments by the Panel examining the London Plan. Whilst the mayor intends to produce a revised London Plan before the termination date of the new London Plan with revised targets, the constraints on the capital will continue to make it very difficult for the city's needs to be met in full and it will be important for areas that are easily accessible to London, such as Tonbridge and Malling, to consider how it could increase its own housing supply to address some of these unmet needs.
16. One of the key issues arising from the examination of the London Plan was the difficulty in reaching any form of agreement with regard to the potential redistribution of unmet housing needs from the capital given the lack of regional co-ordination. The Mayor of London was looking for willing partners but without any strategic planning bodies at a higher spatial level these requests were ignored by the rest of the wider south east. The Mayor of London cannot force others to address the capital's unmet housing needs, it is therefore the responsibility of Councils in the wider south east, such as Tonbridge and Malling, to give proper consideration as to how they may assist in addressing this strategic matter.

### ***Buffer in housing supply***

17. In addition, we would also suggest that 10% may be insufficient to provide the necessary flexibility to ensure the plan is deliverable over the plan period as required by paragraph 35c) of the NPPF. The level of flexibility needed in a plan will depend greatly on the type of spatial strategy being proposed. A strategy that allocates a wide variety of sites, both in terms of size and location, and which meets needs consistently across a plan period will need less flexibility than one which relies on a small number of strategic sites that meets needs later on in the plan period. Whilst in the first scenario a 10% buffer between needs and supply may be sufficient in the second scenario the buffer will need to be closer to 20%. The reason for this is that there is more risk to the plan meeting its needs in full if it relies on fewer sites to meet those needs. Should there be a delay in the delivery of those sites then there is a greater risk of needs not being met.
18. The uncertainty over the length of time large development takes to come forward can be found in the Lichfields Report Start to Finish which outlines that large sites can take between 5 and 8 years to come forward and recognises that there are significant variations reflected in these averages and it will be important that the Council plans for the risks associated with the strategy it chooses. This same report also shows that delivery rates on large sites vary substantially on larger sites. Sites of between 1,500 and 1,999 homes average delivery rates were

between 50 dpa and 200 dpa. Whilst some of these risks can be addressed through cautious housing trajectories, we would suggest that a higher buffer in such scenarios is necessary to ensure the delivery of the plan across the plan period.

### ***Conclusions on the housing requirement***

19. Given the poor affordability of housing in the area and the need for affordable housing it is apparent that the minimum number of homes the Council should be planning for is the uncapped housing requirement of 947 dpa. Any level of delivery below this would not provide the necessary boost to housing supply to have a positive effect on affordability in the Borough.
20. In addition, the Council will need to consider whether they can deliver homes above this level in order to support other areas meet their identified needs. As we highlight above London has an identified shortfall up to 2029 and we are aware that both Sevenoaks and Gravesend have written to other authorities with regard to their own housing needs. It is important to take account of any unmet needs as a failure of neighbouring areas in meeting their needs will make it more difficult for Tonbridge and Malling to address the poor affordability seen across West Kent.
21. With regard to the supply needed to meet minimum needs the Council will need to include a buffer in supply of between 10% and 20% depending on the spatial strategy taken forward. This is required to ensure that the plan is deliverable over the plan period and, as such, an effective and ultimately sound approach to meeting housing needs in full.

### **Q7. Do you agree with the findings of the strategic policy options assessments in Chapter 4 of the Interim Sustainability Appraisal Report?**

22. It is difficult to assess a spatial strategy without knowing how much development it will deliver and where that development will be. This can be seen in the findings in chapter 4 where there are a number of uncertain outcomes in appraisals of the various options.
23. Our first observation of the Sustainability Appraisal (SA) is with regard to the quantum of development that has been tested as a reasonable alternative. The Council has tested an option that meets needs and one that meets needs plus 10%. We would suggest that the Council needs to test a higher figure in relation to the uncapped need for housing and an option that includes meeting some of the unmet needs from London or the need of another neighbouring areas. These are real scenarios facing the Council and should be tested in the SA to ensure it is robust in its consideration of reasonable alternatives. A failure to test higher levels of delivery could have, in particular, significant consequences with regard to the duty to co-operate. A failure to consider a higher level of delivery would show that such matters have not been properly considered meaning not only that the SA lacked the necessary robustness but also that the Council's consideration

of cross boundary issues had not maximised the effectiveness of the local plan as required by section 33A of the Planning and Compulsory Purchase Act 2004.

24. Secondly, we are concerned with the assessment of the options related to quantum and the statement in paragraph 4.9 that there is uncertainty as to whether the 10%+ option is deliverable given that it would be in excess of what has been delivered in the last decade. This assumption is based on the Housing Market Delivery Study (HMDS) which examines past delivery rates and uses these to make assumptions as to the capacity of the area to deliver homes in future. Whilst helpful to understand the rate at which homes have been delivered in the past, we would caution whether this indicates any uncertainty as to whether the 10%+ option is deliverable. The ability of an area to support housing growth will relate principally to the range of sites allocated through the chosen spatial strategy rather than an innate capacity in the market as to the amount of growth that can be achieved. It is also questionable as to whether the SA should even comment on deliverability of the requirement at such an early of plan preparation given that there is no indication as to how many homes each option would deliver. The Council should not be seeking to limit growth on the basis of what has been achieved in the past.
25. Thirdly, we note that the SA assumes a more negative outlook for the 10%+ option with regard to objectives 1, 2 and 3 broadly on the basis of the capacity of local infrastructure and services to cope with the additional growth. We would suggest that until clarity is known as to where growth will occur and the availability of services in those areas it is not possible to state whether or not services will be sufficient with regard to either option. In fact, a larger quantum of housing could ensure that some services are retained or expanded through the additional council tax, S106 contributions and per capita funding as a result of the additional homes provided.
26. Finally, the SA makes the assumption with regard to objective 10 that the delivery of more homes is broadly similar, but the negative effect is more significant with regard to option 2. When considering these options, it is important to remember that the issue of climate change is global. Whilst an increased number of homes may increase the population in Tonbridge and Malling it doesn't increase the country's overall population. Building additional homes however may allow more people to live in newer more sustainable homes that will reduce energy consumption and CO<sub>2</sub> emissions. Each new build home produces just a third of the carbon emitted by older homes, a saving of 2.2 tonnes of CO<sub>2</sub> every year by using on average 100 kWh of energy per m<sup>2</sup> of house space compared to 259 kWh per m<sup>2</sup> for an older property. It is important that the SA recognises this positive contribution moving forward.

**Q.10. Which strategic matters should be priorities in the Local Plan?**

27. Given the under supply of housing in previous years the HBF would consider housing to be one of the most important issues for the Council. A failure to meet

needs will mean that the housing affordability crisis faced by households in Tonbridge and Malling will worsen with significant social and economic consequences. The severity of the of the housing crisis across the south east also means that the Council should not just be looking at meeting its own needs but considering how it can increase supply to help other areas who are unable to meet their own needs in full.

**Q12. With reference to your answers to questions 3 and 4, do you agree that the housing requirement for the Local Plan should involve meeting the identified housing needs in full, as a minimum?**

28. The local plan should meet housing needs in full. As set out above the Council has under delivered in the past and has seen affordability worsen rapidly in recent years and anything below minimum needs will see this trend continue. In addition, the Council will need to consider whether there are any unmet needs from other areas that need to be taken into account. Any discussion between Council's will need to be evidenced and properly tested through the SA.
29. What is also clearly apparent from the Council's evidence is that housing needs cannot be met from the development of previously developed sites in the urban area. The Council's urban capacity study shows that there is potential to bring forward just 1,946 new homes from 75 sites in the urban area, therefore, in order to meet housing needs the Council will have to bring forward green field sites. Given the Council's assessment of a spatial strategy that excludes sites in the Green Belt or AONB (option 1) is that this would be unlikely to meet housing and employment needs in full it is evident is that the Council will need to amend Green belt boundaries if its to meet development needs in full. As set out in our response to questions 40 and 41 the HBF would agree with the Council's assessment that there are exceptional circumstances present to amend Green Belt boundaries.

**Q.13. Do you agree that the Local Plan should allocate a mix of sites (small, medium, and large) to help maintain supply throughout the plan period?**

30. As set out in our comments on the spatial strategy it is essential that the Council ensures a wide variety of sites comes forward. This is not just in terms of size but also in terms of their location. By increasing variety of sites allocated the Council will be able to ensure a consistent supply of homes across the plan period as well as increase the choice of housing being offered in Tonbridge and Malling. In particular we would encourage the Council to allocate more smaller sites. Whilst we acknowledge that the NPPF requires at least 10% of homes to be on sites of less than one hectare this should be seen as a minimum not a maximum. Up until the 1980s, small developers accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80% following the introduction of the plan-led system in 1990.



31. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure with a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or else the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.
32. If the Council are to ensure there is a wide variety of SME house builders operating in its administrative area, and the benefits it brings to the speed of delivery and variety of homes, it must ensure that more homes are delivered on smaller sites. We would suggest that the Council actively works with smaller developers to ensure such sites are allocated recognising the importance of this element of the house building industry.

**Q14. Do you agree that the Local Plan should require a specified mix of dwelling types (e.g., flatted, terraced, semi-detached, detached) on large development sites to meet the range of households' needs?**

33. The HBF does not consider it appropriate to require developments to achieve a specific mix that is set out in policy as this lacks the necessary flexibility to respond to changing circumstances and viability matters. The Council should set out in policy a more general requirement provides a range of homes, both in terms of size, type and tenure that support the creation and maintenance of balanced communities. In establishing the mix of homes applicants and decision makers can therefore have regard to the most up to date evidence such as the housing needs assessment, monitoring data on the homes delivered, and any specific needs in the local housing market within which a site is located without having to slavishly follow what is a snap shot in time.

**Q15. Do you agree that the Local Plan should require a proportion of plots on large developments to be made available for self-build and custom house building?**

34. Before seeking to require large developments to provide a proportion of the homes delivered as self-build plots the Council will need to examine other opportunities for meeting the needs of those who want to self-build. Under the Self Build & Custom Housebuilding Act 2015 and 2021 NPPF (para 62), it is the Council's responsibility to ensure that sufficient permissions are given to meet demand. Further detail is provided in paragraph 57-014 of PPG with regard to the Council's duties and whilst this recognises that it should take account of self-build registers when preparing planning policies, it also outlines that consideration needs to be given to the disposal of their own assets in order to meet the need for self-build plots or whether self-build could support the regeneration of brownfield sites. A

need for self-build plots should not automatically lead to a policy requiring their provision on larger sites. PPG also notes at paragraph 57-025 that local authorities should be encouraging developers and land owners to consider providing plots for self-build and custom house building but makes no reference to requiring their provision. The Government clearly sees the role of the local authority as working to identify opportunities with developers rather than offloading this responsibility on to the development industry.

35. The Council will also need to ensure that it has a robust understanding of the demand for self-build homes in the area. Too often Councils rely solely on self-build registers that have never been reviewed or the ability of those on the list to build their own home tested. Without a robust evidence base Councils can overestimate the demand for such plots leaving unsold plots. Whilst policies can, and should, be included that allow unsold plots to revert to the developer this can take time and mean that, on some sites, much needed homes are delivered much later than expected. The Council will also need to have a robust understanding of the supply of sites coming forward for self-build. In some areas sufficient plots come forward on windfall sites and as such a policy that is supportive of self-build development may be the most appropriate way forward.
36. Finally, the Council will need to consider whether it is feasible that all large sites deliver self-build plots. 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 and occupied dwellings resulting in consumer dissatisfaction. Whilst some sites may be able to locate self-build plots in a manner that reduces these potential risks in other this will be impossible with developers unable to co-ordinate the provision of self & custom build plots with the development of the wider site. Such concerns must be given full consideration by the Council when preparing any policies on self-build to be included in the local plan.

**Q16. Do you agree that the Local Plan should require a proportion of homes on large development sites to be Build-to-Rent products?**

37. In the first instance Council's should seek to identify landowners that are looking to bring forward build for rent sites rather than seek to impose a requirement on all large developments. Paragraph 60-001 outlines that where plan policies are required the Council should be set policies that set out the circumstances and locations where build to rent developments will be encouraged which suggests that a blanket policy is not an appropriate way forward.

**Q.17. Do you agree with the windfall allowance methodology?**

38. The Council expect 3,102 units to come from both large and small windfall sites – a little over 19% of housing needs over the plan period. However, whilst it is evident that windfalls have formed a significant part of housing in supply in Tonbridge and Malling over the last decade there can be no certainty that this will continue in future at the same rate. It is also the case that windfall sites have formed a large part of the Borough's housing supply for many years and in area where housing needs are high it is inevitable that this will be a diminishing land supply in future and certainly one that cannot be relied on to be this high in ten-year time. Indeed, the Council note in paragraph 4.19 of the Sustainability Appraisal that as the Council has endeavoured to make best use of previously developed land in built up areas these types of sites are, as a consequence, becoming less common. The HBF therefore does not consider past delivery rates to be robust justification as to future supply.
39. Whilst we agree with the decision to not include any small site windfalls prior to 2025/25 and any large sites prior to 2027/28 to avoid double counting with existing permission and allocations further discounts are necessary to ensure the Council does not overestimate windfalls in future given that it is inevitably a diminishing source of supply. The HBF would therefore suggest that in addition to the discounts to avoid double counting the Council must apply a significant discount to the average rates of delivery both small and large sites. This approach recognises that windfalls will come forward but also that it is a diminishing supply and cannot be relied on to deliver 19% of the areas housing needs.

**Q35: Should the council be seeking more than 10% Biodiversity Net Gain, if viable?**

40. The Council should not seek to set out a higher biodiversity net gain (BNG) requirement for development in Tonbridge and Malling than that set out in the Environment Act 2021. Firstly, 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.
41. 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 one 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.

42. 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 still delivering the number of homes the Council requires.

**Q.40. Do you agree that there are exceptional circumstances, at the strategic level, for altering Green Belt boundaries (in principle) to help address assessed development needs? and Q.41. Do you agree with that the set of factors listed in para. 5.11.7 should be used to determine if exceptional circumstances exist to justify alterations to Green Belt boundaries?**

43. Given the level of housing need in the Borough it would appear that the Council will need to amend Green Belt boundaries in order to meet needs. Therefore, in line with paragraph 140 and 141 of the NPPF, the Council has considered whether there are exceptional circumstances supporting Green Belt boundary amendments in Tonbridge and Malling. The Council's conclusion is that there is a strategic case for green belt boundary amendments on the basis of high demand, acute affordability issues, under supply of housing exacerbated by existing constraints and a limited opportunity to meet needs in built up areas. The HBF would agree with the Council's assessment.
44. As to where Green Belt boundary amendments should be made the HBF would agree that the Council needs to take into account the issues raised in paragraph 5.11.7 of the consultation document. However, whilst these issues are important the overarching drive of the Council should be to ensure that housing needs are met.

**Q42: Area beyond outer Green Belt boundary – strategic options**

45. The HBF do not agree that the outer boundary should be amended to extend between Kings Hill and Medway Gap. Neither do we consider it necessary to introduce a strategic gap or anti-coalescence policy. If the Council is meeting its housing needs and has sufficient flexibility in its supply, then those policies limiting development of open land in the countryside should be sufficient to manage development at this location. The area subject to the proposed extension is already defined as countryside with the associated presumption against most forms of development, added to which, significant parts of the area are designated as Conservation Areas within which development is subject to more stringent control. There is no evidence presented as to why the application of such development management policies would not be sufficient to ensure only

appropriate development occurs at the location being proposed for Green belt designation.

**Q44. Do you agree that the Local Plan should set requirements for a certain proportion of development on major sites to be built using MMC?**

46. The HBF is generally supportive of the use of modern methods of construction (MMC). The home building industry is a progressive industry that has, for many years, adopted a range of innovative methods to improve the sustainability, efficiency, and reliability of materials and processes in the lifecycle of a construction. This ranges from the use of digitally enabled house type designs delivered through partnerships with offsite manufacturers and the wider supply chain, to the use of new building methods or assemblies. Due to this variety of methods encompassed under the broad umbrella of MMC there can be confusion as to the true extent that it is already taking place in the homebuilding industry. Research published by the National Housebuilding Council (NHBC) Foundation back in 2016 found that the majority of house builders and housing associations are using, or have considered, at least one MMC approach within their recent build programmes.
47. However, it is also important to note that the ability to scale up the delivery of MMC is determined by external factors rather than the appetite of home builders to take forward alternative approaches to construction. In particular it will be more difficult for smaller house builders to deliver MMC given the supply side constraints in the market. These supply side issue need to be a clear consideration in the approach to MMC and would suggest that whilst it should be encouraged there should be no specification as to how new homes should be built.
48. The Council will also need to consider how the promotion of MMC would sit alongside other policies particularly those in relation to design or housing mix. As the need to create variety of individually designed homes for each authority or area within an authority, along with the appropriate mix of homes to meet the local need is often at odds with the volumetric construction required by MMC which requires repetitive or standardised designs in order to be effective.

**Climate change measures – Q47. Which climate change measures are most important to you? And Q.48. What are your reasons for selecting these particular climate change measures as priorities for the Local Plan**

49. All the measures set out in the table at Q47 will have varying degrees of impact on development and on climate change. Some will be relatively low cost whilst others could require significant additional costs or a loss of developable land on a site. All these factors will need to be taken into account when developing the policies to be included in the local plan ensuring that they are viable and sufficiently flexible to ensure the plan is deliverable

50. With regard to the energy efficiency standards for new homes the HBF supports the Government's approach set out in the Future Homes Standard. The HBF recognises the need for new development to reduce its carbon emissions and to help the industry achieve the Government's already challenging targets set out in the Future Homes Standard established the Future Homes Hub ([www.futurehomes.org.uk/](http://www.futurehomes.org.uk/)). The Future Homes Hub will allow the house building industry to work with partners in other sectors to develop the necessary supply chains and skills required to meet the Future Homes Standard.
51. The Government have set out a clear roadmap to low carbon homes that will alongside the decarbonisation of the national grid ensure that the Government can meet its commitments to net zero by 2050. The way forward be taken by the Government recognises that the improvements in energy efficiency of new homes should be a transition which ensures that new homes continue to come forward to meet housing needs whilst still be sufficiently challenging to significantly reduce the carbon emissions of new homes from 2025. As such there is no need for additional standards to be placed on development through local plans.

#### **Other matters - Viability**

52. The Council are still to undertake a viability assessment. As the Council note in paragraph 6.1.8 this will need to take account of all the policy costs, both national and local, that will impact on development in Tonbridge and Malling. Whilst we will comment in more detail on the study when it is published, we would like to make some broad comments on viability in relation to the approach established in the NPPF and its supporting guidance to help inform the viability assessment. To support local planning authorities in preparing their viability evidence the HBF has prepared a briefing note, attached to this response, which sets out some common concerns with viability testing of local plans under the latest guidance and how these should be addressed. Whilst this note focuses on all aspects of the viability testing of the residential development and should be taken into account, we would like to highlight four particular issues with whole plan viability assessments.
53. The first issue is with regard to the approach taken to abnormal infrastructure costs. These are the costs above base construction and external costs that are required to ensure the site is deliverable. Prior to the 2019 iteration of the NPPF viability assessments have taken the approach that these cannot be quantified and were addressed through the site-by-site negotiation. However, this option is now significantly restricted by paragraph 58 of the NPPF. As such these abnormal costs must be factored into whole plan viability assessments. We recognise that the very nature of an abnormal costs means that it is impossible to quantify them accurately, but it is a fact that they are often substantial and can have a significant impact on viability. Where and how these costs arise is also variable. They can occur in site preparation but can also arise with regard to the increasing costs of delivering infrastructure, such as upgrades to increase the capacity of utilities. It is also the case that abnormal costs are higher on brownfield sites where there can

be a higher degree of uncertainty as to the nature of the site and the work required to make it developable.

54. Whilst we recognise that national policy expects abnormal costs to come off the land value, we are concerned that if abnormal costs are high then it can result in sites not being developed as the land value will be insufficient to incentivise the landowner to sell. It is therefore important that a significant buffer is included within the viability assessment to take account of these costs if the Council are to state with certainty that those sites allocated in the plan will come forward without negotiation.
55. Secondly, we would encourage the Council to use the upper end of any of the ranges suggested with regards to fees and profit margins. Again, these will vary from developer to developer but given that the Government want to minimise negotiation on planning obligations it would make sense to use the highest point of any range. The changing landscape with regard to viability assessment could lead to development slowing significantly if the correct variables are not taken into account.
56. Thirdly, the councils must ensure that all the policy costs associated arising from the local plan are considered alongside the likely costs that will be imposed on development through local plans. It will be essential that the strategic policies and aspirations of the local plan leave sufficient headroom to deliver the policies in the local plan in order to take account of the uncertainties over some costs that will be faced by development in future. One example highlighted above is BNG where there is considerable uncertainty as to how much it will cost each site. However, increasing prices and labour costs will also impact on the delivery of the higher technical standards related to, for example, the Future Homes Standard.
57. Finally, the approach to land values needs to be a balanced approach and one that recognises that there will be a point at which land will just not come forward if values are too low to take account of policy and infrastructure costs. There are a variety of reasons why a landowner is looking to sell their land and it cannot be assumed that they will absorb significant reductions in land values to meet policy costs. Land is a long-term investment and the returns being offered must take account of this.

## **Conclusions**

58. We hope these representations are of assistance in taking the plan forward. Should you require any further clarification on the issues raised in our comments please contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Behrendt'.

Mark Behrendt MRTPI  
Planning Manager – Local Plans  
Home Builders Federation  
Email: [mark.behrendt@hbf.co.uk](mailto:mark.behrendt@hbf.co.uk)  
Tel: 07867415547