

Sent by email to: contact@swdevelopmentplan.org

12/12/2022

Dear Sir/ Madam

Response by the Home Builders Federation to the consultation on the South Worcestershire Development Plan.

1. Thank you for consulting the Home Builders Federation (HBF) on the Development 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.

Duty to Cooperate

2. Whilst we recognise that the three authorities are working together in the preparation of the Development Plan, and it would appear that there has been joint working with other areas, it is still necessary for the Council to provide evidence setting out how they have fulfilled their duty to co-operate. However, we could find no evidence as to how the Councils have worked with their neighbours to identify key strategic and cross boundary issues and degree to which these issues have been resolved. As the Councils will be aware the NPPF requires them to prepare one or more statements of common ground (SoCG) setting out these issues. Without these statements, or other evidence, it is not possible to comment on whether the duty to co-operate has been fulfilled. These should be submitted alongside the plan and the HBF reserve the right to comment on these as part of the examination in public of the Development Plan.

SWDPR 02: Employment, Housing, and Retail Requirements

Housing requirement

3. The HBF would agree with the Council's assessment of the minimum number of homes that they need to deliver over the plan period. Whilst not a matter of soundness we would suggest that the table presented in the part B of the policy would be better included in the supporting text with the policy stating the housing requirement for each year and for the whole plan period. This would ensure greater clarity as to the minimum level of housing the Councils are required to deliver. We welcome the additional 500 homes to support Tewkesbury, but the Council will



need to provide evidence on how it has worked with other neighbouring areas with regard to unmet housing needs and in particular any consideration as to unmet needs arising in Birmingham and those areas constrained by the Green Belt in this area.

Housing land supply

4. Firstly, the Councils will need to set out its housing trajectory within the local plan. Paragraph 74 of the NPPF is clear that strategic policies should include a trajectory illustrating the expected rate of delivery over the plan period. This is set out in the evidence base but should be included in the plan itself.
5. The Council outline in table 1 that there is a 20% buffer between housing needs and supply. However, this buffer is only on the basis of the total supply from the new allocations. Against the overall housing requirement across the plan period 2021 to 2041 the buffer between housing needs and supply as set out in Table 1 of the Development Plan is 8.5%. However, on the basis of the Council's housing trajectory published as part of the evidence base the level of supply is lower with the expectation that 27,249 homes will be delivered over the plan period rather than the 28,600 set out in Table 1. This is a buffer of just under 1,000 homes, around 3% more than the minimum required to be delivered. It is therefore unclear as to the supply position and the level of contingency to provide flexibility should there be any delays in the delivery of key sites.
6. If as is suggested by the Housing Trajectory the buffer is around 3% the HBF are concerned that the plan lacks sufficient flexibility. Supply across the plan period is mixed but there is significant reliance on just five sites that will deliver around 10,000 new homes. Delayed or slower than expected delivery on any of these sites would impact not only on the ability of the plan to meet needs in full but also on the five-year land supply which is marginal on adoption and across the whole plan period. Using the Council's housing trajectory, the HBF estimate that the Council will have a 5.5 year housing land supply in 2024/25 – the likely year of adoption even if the plan is submitted early next year. The HBF does not comment on specific allocations but given the number of homes that are expected to come forward on strategic sites within five years of the plans likely adoption the Council will need to provide comprehensive evidence that these sites will come forward as expected.
7. 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. Whilst some of these risks can be addressed through cautious housing trajectories, we would suggest that a higher buffer is necessary to ensure the delivery of the plan across the plan period.

8. The supply of homes delivered by a plan should be flexible and ensure, as set out in the tests of soundness, that the plan is deliverable across the plan period. As such the HBF would recommend that further smaller sites are included in the local plan to provide a more substantial buffer that is more in line with the stated 20% surplus indicated by the Council in Table 1.

Sites of less than one hectare

9. We could not find any evidence setting out the number of homes to be delivered on sites of fewer than one hectare. Prior to submission the Council will need to ensure that sufficient small sites are allocated to meet the requirement of paragraph 69 of the NPPF that 10% of the minimum number of homes required are delivered on sites of less than one hectare. If the Council cannot meet this target, it must allocate further small sites. This is an important policy that support smaller developers and reduces the risk they face in bringing forward speculative applications. In considering this requirement it is important for the Councils to recognise that the allocation of small sites improves the mix of homes being brought forward as well providing greater flexibility in planned delivery early in the plan period.

SWDPR 05: Design and Sustainable Construction

The policy is unsound as it has not been justified

10. Part Bii of this policy requires developers to prioritise the use of sustainable materials and that major development should target less than 500 kgCO₂e/sqm upfront of embodied carbon. Whilst the HBF recognises the need to reduce carbon emissions this must be achieved through nationally applied standards that are delivered and assessed on a consistent basis. Should the government seek to require development to achieve a specific target with regard to embodied carbon then it will do this through the building regulations. In seeking to require development to achieve such a standard where there is no clear indication as to how this can be achieved and whether it is deliverable, as such we do not consider the policy to be justified. We would also question whether the Council has the necessary capacity and skills to effectively assess what is provided with regard to such a policy and then assess whether it has been delivered. We would therefore suggest that the Council encourage development to use sustainable construction methods and low carbon materials but that it does not place targets in relation to such matters.
11. Similarly with regard to part iv the need to provide a statement on the whole lifecycle emissions and demonstrate actions to reduce them has not been justified by the Council. House builders are aware of the need to reduce carbon emissions and the HBF is working with Government through the Future Homes Hub to develop consistent national approaches to this issue. However, all this policy will achieve is additional reporting on planning applications that is unnecessary and ineffective.

12. Part vi requires development to reduce energy demand from new development in line with the principles of the energy hierarchy. The changes to part L of building regulation from June 2022 will already see new homes built to far higher energy standards and with the introduction of the Future Homes Standard in 2025 new homes will be zero carbon ready. This means that these homes will be zero carbon as the grid carbonises. As such there is no need for part vi and it should be deleted.
13. Part xi expects all development to achieve a Home Quality Mark Assessment. However, whilst such assessment tools can be helpful the Council should not be requiring the use of these let alone the requirement to use a specific assessment framework. The Council should amend the policy to encourage the use of such assessment tools but we do not consider it to be justified to require their use.

SWDPR 06: Transport

Policy is unsound as parts are inconsistent with national policy.

14. Part E sets out that all freestanding residential development will be required to provide Electric Vehicle charging infrastructure and for all other development this will be determined by use, scale, and likely impact on the highway network. However, given that the standards for electric vehicle charging points are now set out in part S of the Building Regulations we would suggest that this policy is no longer required and should be deleted.
15. Part L of the policy requires development in urban to meet the parking standards set out in the Worcestershire Street Scape Design Guide. This policy should be amended to state that developer should have regard to the SPD. The Development Plan should not seek to convey to decision makers that guidance set out in an SPD should be accorded the same weight as if they were set out in policy.

SWDPR 10: Health and Well Being

Policy is unsound as it is not justified.

16. Part C of policy SWDPR 10 states that a Health Impact Assessment (HIA) must be undertaken on residential development sites of 10 or more dwellings. The general expectations of the NPPF are that planning will promote healthy communities. PPG confirms at paragraph 53-004 that a HIA can serve a useful purpose at planning application stage and consultation with the Director of Public Health as part of the process can establish whether a HIA would be a useful tool for understanding the potential impacts upon wellbeing that development proposals will have on existing health services and facilities.

17. However, the requirement for a HIA for all residential developments of 10 or more dwellings without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the PPG. Any requirement for a HIA Screening Report and / or a full HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. It is suggested that HIA Screening Report will only be required for applications for large strategic residential developments. If a significant adverse impact on health and wellbeing is identified only then should a full HIA be required, which sets out measures to substantially mitigate the impact.

SWDPR 15: Effective use of land

Part E of this policy is unsound as it is not considered to be justified nor effective

18. Part E refers to an indicative monitoring target of 20% of housing development on brownfield land. This is a statement rather than a policy, which is not providing landowners, developers, or local communities with a clear indication of what will or will not be permitted or how decision makers should react to a development proposal. The Councils should delete part E of this policy.

SWDPR 16: Housing Mix and Standards

Policy is unsound as it has not been adequately justified

19. The Council will need to review prior to submission the situation with regard to part M4(2) of the Building Regulations. The Government have confirmed that these will now be the minimum standard with regard to all homes and as such it will not be necessary to repeat this in national policy.
20. Part D requires 5% of all new homes to be wheelchair adaptable dwellings. The evidence is set out in Table 5.18 of the Strategic Housing Market Assessment it does not provide any consideration as to the number of wheelchair users in the South Worcestershire area who will be in accommodation that meets their needs – for example those moving into full time care or extra care facilities. As the population ages it is likely that many wheelchair users will be in such accommodation and as set out in PG it will be important to take account of the accessibility of the existing stock when setting requirements for the provision of this optional technical standard.
21. Part E of the policy expects provision of 5% of dwelling plots for sale as serviced Self or Custom Build plots on sites of 20 or more dwellings unless demand identified on the Self-Build & Custom Housebuilding Register, or other relevant evidence, demonstrates that there is a lower level of demand for plots.
22. The HBF recognises that under the Self Build & Custom Housebuilding Act 2015, the Councils have a duty to keep a Register of people seeking to acquire self &

custom build plots and to grant enough suitable development permissions to meet identified demand. The approaches to meet these needs is then elaborated on in paragraph 57-025 and 57-014 of PPG sets out ways in which the Councils should consider supporting self & custom build. Whilst this recognises that local authorities should take account of such needs when preparing local plans these paragraphs also identify a wide range of other sources of supply. These sources need to be explored by the Councils as a means of addressing their duty rather than placing the burden on developers to meet the demand for self-build plots which rather than creating additional supply merely changes the way a unit is delivered, and in some cases delay the delivery of new homes. Until evidence is provided of how other sources could support the delivery of self-build plots the HBF consider the policy to be unjustified.

23. All policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The Councils Self & Custom Build Register alone is not a sound basis for setting a specific policy requirement. As set out in the PPG the Councils should provide a robust assessment of demand including an assessment and review of data held on the Councils Register which, as mentioned in paragraph 57-011 of PPG should be supported by additional data from secondary sources to understand and consider future need for this type of housing. It is also possible for individuals and organisations to register with more than one Council so there is a possibility of some double counting. The Register may indicate a level of expression of interest in self & custom build, but it cannot be reliably translated into actual demand should such plots be made available. In our response to the regulation 18 consultation, we also noted that in September 2019 there were 126 individuals on Part 1 of the Register and 78 individuals on Part 2 of the Register – a total of 204 individuals. However, in the latest AMR this has fallen to a total of 151 across both parts of the register. Even if this were an accurate assessment of need it does not justify a requirement for 5% of all homes on sites over 20 units as it is likely to deliver far more homes than appears to be suggested by the self-build register.

SWDPR 18: Meeting Affordable Housing Needs

Parts of the policy are not consistent with national policy

24. The requirement in part Bi.3. for development of less than 5 units in rural areas to provide a financial contribution that is equivalent in value to a 20% affordable housing requirement is not consistent with national policy. Paragraph 64 of the NPPF states that the threshold in designated rural areas is five units or fewer meaning contributions can only be sought on developments of more than 5 units.
25. The HBF would also consider part G to be inconsistent with national policy. The exceptions test applies to any site and to state that it usually only applies to brownfield development should be removed. This statement has the potential to predetermine decision makers as to any abnormal costs or circumstances facing

developers on green field development. We would therefore recommend that this statement is removed from part G.

SWDPR 32 – telecommunications and broadband

Policy is not considered to be justified or consistent with national policy

26. This policy goes beyond the requirements for building regulations and is therefore inconsistent with national policy. Building Regulations Part R “Physical Infrastructure for High Speed Electronic Communications Networks” from 1st January 2017 requires all new dwellings to be equipped with a high speed ready in-building infrastructure from the service providers access point up to the occupiers network termination point for high speed electronic communications networks so future copper or fibre optic cables or wireless devices capable of delivering broadband speeds greater than 30 megabits per second can be installed (NB. A standard copper telephone cable when connected to a service providers fibre network can deliver broadband speeds up to 70 megabits per second). The delivery of broadband services is reliant on a third-party contractor over which a developer is unlikely to have any control which means practical difficulties in implementing this policy.

Conclusions

27. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, in the following key areas:

- No evidence has been provided with regard to the duty to co-operate;
- Insufficient flexibility in land supply to ensure housing needs are met in full;
- Requirements for embodied carbon are not justified or effective;
- Reference to parking standard in the SPD should not be a requirement;
- Policies on self-build and custom housing building have not be adequately justified;
- Affordable housing requirement on rural residential development of less than 5 dwellings is inconsistent with national policy and unjustified.

28. We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and examination. I would also like to express my interest in attending any relevant hearing sessions at the Examination in Public. Should you require any further clarification on the issues raised in this representation 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
Tel: 07867415547