

Planning Policy
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Dear Planning Policy Team,

**HYNDBURN LOCAL PLAN 2037 (STRATEGIC POLICIES AND SITE ALLOCATIONS):
REGULATION 19 (PRE-SUBMISSION) CONSULTATION**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Hyndburn Local Plan 2037 (Strategic Policies and Site Allocations) Regulation 19 (Pre-Submission) 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. These comments build on previous comments provided to consultations in 2018 and 2019 and will hopefully prove useful in taking your plan forward.

Plan Period

4. The Council are proposing a Plan period from 2021 to 2037. The HBF considers that any update should ensure that the Plan covers a period of 15 years from the adoption of the Plan. This is likely to mean the Plan will need to cover the period until at least 2040.

Policy SP1: The Spatial Development Strategy

Policy SP1 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

5. Part 3 of this policy states that 'Sufficient land will be made available in the Borough to meet the identified requirement for housing over the Plan period of at least 3,104 dwellings (equivalent to an average of 194 dwellings per year).
6. The HBF considers that this part of the policy could take a more positive tone, rather than providing 'sufficient' land. An amendment that looks to 'Increase the supply of land within the Borough to meet the identified needs for housing', would be an improvement,



this would better reflect the NPPF requirements for plans to be 'positively prepared' and to 'boost significantly' housing supply.

7. The HBF generally supports the Council in using a housing figure above the local housing need (LHN) identified by the standard method. The Economic Needs Update (September 2021) identifies a need for 194 dwellings per annum (dpa) for Hyndburn based on the economic need, using a job-led scenario and commuting ratios based on the Census.

Policy SP3: Planning Obligations

Policy SP3 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

8. This policy sets out the Council's approach to planning obligations, within Parts 2 and 3 of the policy it states that the Council will identify specific obligations and that the Council may consider the introduction of a separate delivery mechanism for Huncoat Garden Village. The HBF is concerned by the lack of clarity in this policy and is concerned it does not provide sufficient detail or certainty for any developer.

Policy SP10: Housing Provision (including affordable housing)

Policy SP10 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

9. This policy states that over the plan period 2021-2037 the Council will make provision for at least 3,104 dwellings (equivalent to an average of 194dpa). As previously, the HBF generally supports the Council in setting a housing requirement over the local housing need identified by the standard method, and in seeking to meet the economic led housing need.
10. This policy seeks to maximise the opportunities for the delivery of affordable housing where viable. It requires new housing developments of 10 or more dwellings or with a site area of 0.5ha or more to provide 20% affordable housing unless it can be demonstrated that this would not be viable. It also looks for a mix of affordable housing in accordance with the most up to date assessment of need, ensuring that a minimum of 25% of all affordable housing units secured through developer contributions are First Homes.
11. The HBF does not consider that the first sentence of part 2, which seeks '*to maximise the opportunities for the delivery of affordable housing*' is necessary, it is an aspiration rather than a policy and could be interpreted to be more onerous than the remainder of part 2 of the policy.
12. The HBF is concerned that the Council have set a policy that states that all new housing developments of 10 or more dwellings should meet the 20% affordable housing requirement as paragraph 12.85 of the Viability Assessment clearly states that 'residential development on brown field sites is generally shown as being unviable even without affordable housing' and that 'the greenfield sites in lower value area . . . are not shown as viable with 20% affordable housing'. It also goes on to state that 'generally

viability and the scope for additional policy requirements are limited. The Council should be cautious in seeking higher policy requirements as this is likely to impact on delivery'. As such the HBF considers that the Council should amend this affordable housing requirement to better reflect their own evidence, this is likely to mean reducing the requirement or to incorporating a range of requirements dependent on-site type and location. The HBF considers this would be more in line with the NPPF¹ which states that contributions expected from development including the levels and types of affordable housing provision should not undermine the deliverability of the plan.

13. The NPPF² is also clear that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. The HBF is concerned that the proposed policy will not deliver this requirement, if this is to be the case the HBF recommends that the Council provide the appropriate evidence.
14. Part 3 of the policy sets out the density requirements, seeking provision of at least 40 dwellings per hectare (dph) in town centres and other locations well served by public transport or at least 30dph elsewhere unless specific circumstances exist to justify an alternate.
15. The HBF supports the efficient use of land and understands the inclusion of a density policy. The HBF considers that the inclusion of a level of flexibility to take account of specific circumstances is appropriate.
16. Table 2 of the Plan sets out the proposed site allocations. 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 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.
17. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Hyndburn's housing requirement. This sufficiency of housing land supply (HLS) should meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (YHLS), and achieve Housing Delivery Test (HDT) performance measurements. The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible.
18. The Council's overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, therefore strategic

¹ NPPF 2021 Paragraph 34

² Paragraph 65

sites should be complimented by smaller non-strategic sites. 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 diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice / competition in the land market.

19. The Council should identify at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target in line with the NPPF requirements.

Policy SP11: Suitable Range of Housing

Policy SP11 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

20. This policy sets out what the Council consider to be an appropriate mix of dwellings, this includes the size of dwellings and the need to provide housing for older people.
21. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. The HBF considers that the flexibility that appears to be set out in the second sentence of part 1 is appropriate, however, it is not clear how that then sits with the final sentence and the table provided in part a. The HBF considers it is important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to: overly prescriptive requirements; requiring a mix that does not consider the scale of the site; or the need to provide additional evidence. The HBF continues to recommend a flexible approach is taken and that the Council ensure that the table in part a is just an aim and will not be implemented as a range that is required to be met on each site.
22. It is not clear if part 1(b) of this policy is an aim, as set out in the final sentence of part 1 or a requirement. It is recommended that the Council consider the format of the policy and seek to improve the clarity.
23. 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. PPG³ identifies the type of evidence required to introduce such a policy, 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. It is incumbent on the Council to provide a local assessment evidencing the specific case for Hyndburn which justifies the inclusion of optional higher standards for

³ PPG ID: 56-007-20150327

accessible and adaptable homes in its Local Plan policy. The HENA 2018 does provide some limited evidence in relation to the likely future need for housing for older people and disabled people it provides limited information in relation to the size, location, type or quality of dwellings needs and no evidence in relation to the accessibility and adaptability of the existing housing. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommend that an appropriate transition period is included within the policy.

24. It should also be noted that the PPG⁴ also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances; and that policies for wheelchair accessible homes should only be applied to dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.

Policy SP13: Climate Change and Sustainable Development

Policy SP13 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

25. This policy states that all development must mitigate against the likely effects of Climate Change on present and future generations and minimise negative impacts on the environment. Part A of the policy states that this will be achieved by adhering to any national or local policy or guidance on climate change measure or technical standards relating to energy use in place at the time of the proposed development, such as the Future Homes / Building Standard.
26. The HBF has concerns in relation to the reference to ‘adhering to any national or local policy or guidance’, the HBF does not consider it appropriate to require a development to meet any future national or local policy or guidance, as any requirements within these documents will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan. The HBF is also concerned about any unnecessary duplication of requirements and does not consider that this part of the policy is required.
27. 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.
28. 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.

⁴ PPG ID: 56-008-20160519

29. 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.

Policy SP18: High Quality Design

Policy SP13 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

30. This policy looks for high quality design consistent with the principles set out in other relevant policies of the Local Plan, Design Codes and more specific guidance documents.
31. The HBF has concerns in relation to the reference to Design Codes and more specific guidance documents, the HBF does not consider it appropriate to require a development to meet any future Design Code or more specific guidance documents, as any requirements within these documents will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan.

Implementation and Monitoring

32. The HBF would expect the Local Plan to contain a monitoring framework with appropriate targets and triggers and appropriate remedial actions which would be taken if the targets or triggers are not met. In terms of housing such triggers for action could include the lack of a five-year supply or delivery which is below the anticipated housing trajectory, potential actions could include working with developers, producing masterplans, allocating further sites, reducing Local Plan requirements or preparing a new Local Plan.

Future Engagement

33. 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.
34. The HBF wishes to participate in the hearing sessions in order to be able to respond to any issues raised in relation to the home building industry.

35. 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 cursive script, appearing to read 'J. Harding'.

Joanne Harding
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