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16/01/2023

Dear Sir/ Madam

## **Response by the Home Builders Federation to the consultation on the Draft Canterbury Local Plan**

1. Please find below the Home Builders Federation (HBF) response to the consultation on the Draft Canterbury 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.

### **SS1 – Environmental Strategy for the district**

2. The HBF does not consider the requirement in part 4 of this policy for all development to provide a 20% net gain in biodiversity to be sound and should be deleted from SS1. Our concerns are set out in more detail in our response to policy DS21.

### **SS2 – Sustainable design strategy for the district**

3. The HBF does not consider the requirement in part 2 of this policy to achieve net zero operational carbon emissions to be justified or consistent with national policy and consider it necessary for this requirement to be deleted. Our more detailed comments on this requirement are set out in our response to policy DS6.

### **SS3 – Development strategy for the district**

#### ***Housing needs***

4. The HBF would agree with the Council's assessment that the minimum number of homes it should be planning to deliver is 1,252 dwellings per annum and a total of 31,300 homes across the plan period 2020-2045. Given that the NPPF states that this a minimum requirement we would suggest that part 1a is amended removing "An average" and replace with "A minimum". Whilst this is only a minor change it



does ensure clarity as to the housing requirement and maintains consistency with the NPPF.

5. It is also the case that the local housing needs assessment (LHNA) is the starting point and that there may be circumstances where the Council must plan for a higher level of housing needs. One such circumstance, as highlighted in paragraph 2a-024 of PPG, is where increased housing delivery would help deliver the required number of affordable homes. The Council's evidence indicates that there is a need for 464 new affordable homes each year, around 37% of the LHNA. Therefore, based on the Council's housing policy which requires 30% of homes on major residential development to be affordable there will be a shortfall in meeting these needs. Given that the principle mechanism for the delivery of affordable homes is through the allocation of market housing the Council must consider whether a higher housing requirement is necessary to ensure affordable housing needs are met.
6. The Council has considered and tested higher growth targets. The Sustainability Appraisal appraises two growth options beyond the LHNA and summarises the outcomes in table 5.2. What is notable is that a 10% increase performs similarly to the preferred approach in the draft plan, though with greater uncertainties as to the impacts of health and sustainable communities. However, ranged against these uncertainties should be the recognition that additional affordable housing resulting from a higher housing requirement would provide improvements to health and create more sustainable communities over the plan period. In fact, the only reason for the rejection of the high options, as set out in paragraph 5.3.22 of the SA, is that there is no robust justification to support an alternative method for assessing housing needs. The HBF would agree that there is no justification for using an alternate method but an increase in the housing number to better meet the need for affordable housing would not be an alternate method. Such an approach would still use the standard method as the starting point but make an increase to support the delivery of affordable housing in line with paragraph 2a-024 of PPG.
7. Given the likely impacts arising from a 10% increase in the housing requirement is similar to the LHNA there is clearly scope for the Council to include further allocations in order to improve the delivery of affordable housing in Canterbury.

### ***Housing supply***

8. The Council have not provided a trajectory as to the expected land supply across the plan period. The Development Topic Paper states that a five year housing land supply assessment will be provided for the next iteration of the local plan. We would recommend that the Council provides a detailed trajectory setting out the delivery expectation on each site over the plan period. This will ensure that interested parties have clarity as to the Council's expectations and will enable the necessary scrutiny of this key part of the evidence supporting the local plan. It is also worth noting that it is our experience that where such information is not

provided it is one of the key pieces of information that Inspector's ask for as part of their initial enquiries.

9. With regard to the housing supply expectations set out in the Development Topic Paper we note that that present there is surplus of 37 homes (just 0.1% of the housing requirement) with regard to overall supply. This is a very small buffer in terms of overall supply and as such the ability of the plan to show that needs can be met in full across the whole plan period will be at risk from changes in delivery rates on any sites that deliver towards the end of the plan period. The degree of risk will depend on the nature of supply and without a trajectory we cannot provide any detailed comments. However, if the Council expects significant delivery to occur towards the end of the plan period the HBF recommends the Council identifies additional supply earlier in the plan period to provide a more substantial buffer in overall supply and ensure a consistent supply of homes across the plan period. This will ensure that should there be any changes in delivery expectations prior to submission or during the examination the Council will still be able to show that local housing needs will be met in full.
10. With regard to the housing trajectory the HBF supports Councils that seek to delivery homes consistently across the plan period. Whilst the Government indicates that stepped trajectories may be appropriate their preferred approach is for needs to be met as they arise and not to push these back unnecessarily. If there are shortfalls in the early years of the plan, then these should be addressed through additional allocations of smaller sites rather than pushing back delivery to later on in the plan period to be addressed through strategic sites. Timely delivery of new homes is key in an area such as Canterbury which is one of the least affordable parts of Kent with median house price to income ratio of 12.86 and a median house price of £360,000. To limit further increases in house prices the Council must ensure the delivery of new homes are not pushed back to later in the plan period.

#### *Windfall*

11. The Council is proposing a windfall allowance of 170 dpa based on the rates of delivery on brownfield sites in the last four years. We would agree that the Council should only examine brownfield residential windfall sites in its future estimates. Other windfalls sites such as student accommodation cannot be relied on to form a consistent supply in future and there is no compelling evidence that such supply will come forward consistently across the plan period. The Council also note that the last two year of windfall supply have been lower than previous years and attribute this to the impact of nutrient neutrality. However, it should also be noted that the current local plan was adopted in 2017 and as such the fall in the number of larger windfall sites must be expected compared to previous years given the number of non-strategic sites that were allocated that in previous years may have come forward as windfall. As such further evidence is required to support the increase in the windfall allowance from 138 to 170.

### *Small sites*

12. The NPPF requires at least 10% of all homes to come forward on small sites identified either in the local plan or the brownfield register. As such it is wholly inconsistent with national policy to include the windfall allowance when assessing how many homes will come forward on small sites as indicated in Table 6.5 of the Development Topic paper. Windfall sites by their very definition are sites that have not been specifically identified by the Council and cannot be included. The Council's position fails to understand the fundamental principle of the Government's policy which is to provide greater certainty for small housebuilders that arise from the allocation of a site and the benefits accruing from this certainty.
13. Removing windfall sites from the Council estimates would see just 1,584 homes delivered on identified sites of less than one hectare, a little over 5% of total supply. As such the Council will need to allocate additional small sites if it is to meet the requirement in paragraph 68 of the NPPF.

### **DS1 – Affordable housing**

14. This policy requires all major residential development to provide at least 30% of the homes built to be delivered as affordable housing. Whilst the Council's evidence suggests that this level of affordable housing will not impact on the deliverability of the Local Plan, we are concerned that not all costs have been fully considered and that further evidence will be needed to show that this policy and others are deliverable.
15. The Council's evidence states the most significant impact on the viability of development are the affordable housing contributions. As such we are concerned that the Council has not reflected the evidence from the viability study in its policy in relation to brownfield sites. What is evident in tables 10.2a, b and c is that across the Borough brownfield development is unviable with many delivering negative residual values. These concerns are largely dismissed in the viability study, for example at paragraph 10.40, on the basis that planned development on brownfield sites are unlikely to make up a significant element of land supply. However, this is not the case with 3,446 units expected to come forward as windfall on brownfields sites. If these sites do not come forward, then given the lack of a buffer in supply the Council would not be able to show that housing needs are met in full and certainly draws questions as to the deliverability of the local plan.
16. The evidence therefore suggests that the Council will need to adopt a differential rate between brownfield and green field sites if it is to ensure that windfall sites come forward in a timely manner without the need for a negotiation on each site. In fact, the approach taken by the Council could see a fall in such sites if developers view these as unviable and do not look for such opportunities in future.
17. Finally, under section 2 the Council state that proposals should accord with the Council's most up to date Housing Strategy. This should be amended to state that

development proposal should have regard to the most up to date housing strategy. The Council must not seek to bestow the weight of a local plan policy onto a strategy that has not been through the same level of consultation and public scrutiny as the local plan.

## **DS2 – Housing Mix**

18. The table in section 2 of the policy sets out the required mix on all residential development. These are very specific requirements and whilst some flexibility is set out in subsections a, b and c these are limited and do not allow for the consideration of new and updated evidence. When setting policies on housing mix it is important to recognise that the evidence is a snapshot in time as to what is needed. These needs can change and will also be affected by what is delivered.
19. The evidence on the mix of housing needed should therefore be a starting point for any considerations, but the policy should also allow decision makers to have regard to the any updated or new evidence on local housing needs, monitoring data on the homes delivered or an identified need for homes within a specific settlement. This would ensure that the local plan is responsive to changes in need within local markets as well as the type of homes that have been delivered. Given that the policy does not appear to apply to developments of ten or fewer homes we would also suggest that this is clarified in the opening sentence by stating “*The housing mix requirements for new market housing development of 11 or more homes are set out below*”.
20. Section 2b provides a wider range of flexibility for smaller sites recognising that they are more likely to face constraints with regard to the mixes that they can provide. We would therefore suggest a 10% buffer for each dwelling type might be a more appropriate starting point for such sites.
21. As set out above in relation to policy DS1 the Council state in section 2 of this policy that proposals should accord with the Council’s most up to date Housing Strategy. This should be amended to state that development proposal should have regard to the most up to date housing strategy. The Council must not seek to bestow the weight of a local plan policy onto a strategy that has not been through the same level of consultation and public scrutiny as the local plan.
22. Our comments on section 2 also relate to the approach set out in section 3 with similar flexibilities required to reflect changes in the evidence and the type of homes being delivered. In addition, the HBF is concerned that the requirement to deliver a significant proportion the Affordable Home Ownership tenure as 3 and 4+ bedroomed homes. This has a particular impact with regard to the deliverability of First Homes which could be difficult due to the level of discount required to meet the £250,000 price cap.

23. With this in mind the Council will need to have regard to the Viability Study which notes at paragraph 10.31 that there is a significant impact on residual values from these higher discounts outlining that:

*“discount from 30% to 40% is likely to reduce the Residual Value by about £26,000/ha on greenfield sites and by about £70,000/ha on brownfield sites. Increasing the First Homes discount from 30% to 50% has a greater impact and is likely to reduce the Residual Value by about £52,000/ha on greenfield sites and by about £142,000/ha on brownfield sites.”*

There are clearly significant viability impacts arising from higher discounts. As such these higher discounts will need to be fully tested alongside all the other policy costs if they are to be retained. Alternatively, the Council could amend section 3 to remove the requirement to deliver larger homes as First Homes to ensure that the 30% minimum discount can be achieved or provide greater flexibility with regard to the mix of affordable homes.

24. Section 5 sets out the Council’s requirements with regard to the provision of older persons housing. Firstly, it should be noted by the Council that sub section a relates improved accessibility does not relate to the needs of older people but to all those with mobility difficulties. Whilst older people may form the majority of this group it should be remembered that many older people do not, and never will, need a home built to higher accessibility standards.
25. The Council will require all major residential development to deliver 5% of homes as part M4(3) of the Building regulations. Firstly, the Council will need to make the distinction between a wheelchair adaptable home and a wheelchair accessible home given that PPG states at paragraph 56-009 that the wheelchair accessible homes can only be required where the Council has responsibility for nominating the person who lives in that dwelling. Secondly the Council will need to set out how many homes will be built to part M4(3) and whether this is consistent with the Council’s evidence that the number of households with a wheelchair user will increase by around 3.5% over the plan period. The HBF would also question whether it is appropriate to use the 2.5% figure, which is based on the English Housing Survey rather than the evidence from the Disability Living Allowance in Canterbury which suggest there fewer wheelchair users in Canterbury compared to the national average.
26. The Council are proposing that 10% of homes on sites of more than 100 units should be built as bungalows. Whilst such homes have traditionally been seen as being appropriate for older people it must be remembered that single storey accessible accommodation can be achieved effectively through flatted development and avoids delivering homes at what are often very low densities which must be considered an inefficient and unsustainable use of land. We also note that no consideration has been given to this policy in the viability assessment.

As such there is no justification for this policy and it should be deleted. The needs of older people can be met without requiring the delivery of bungalows.

#### *Self-build*

27. Section 4 sets out that developments of 300 dwellings or more must consider whether there is an identified need for self-build homes. Whilst the HBF is supportive of Council's in promoting self-build housing and custom housebuilding the requirements set out in local plans must not seek the place the burden for meeting needs on the house builders especially given that the Council's self-build register indicates that there are just 31 entries on the list and in 2020 to 2021 the Council identified that 22 plots were delivered through windfall development. This does not indicate the need for larger sites to deliver self-build plots.
28. Before requiring allocated sites to consider meeting some of these needs the Council should instead consider whether there other approaches, as indicated in paragraph 57-025 of PPG, to meet what is a relatively small demand for such homes. In particular the Council should examine whether there are opportunities to meet the demand for self build plots through the disposal of its own sites or by working with landowners to bring forward specific sites that will be able to provide plots.
29. The Council will also 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, and the development of single plots by individuals operating on such a site poses both practical and health & safety concerns. In addition, there are also concerns that plots could be left empty or unfinished which would be to the detriment to other homeowners on a site. The HBF recognises that some sites may be able to locate self-build plots to reduce these risks, however on others it will not be possible, and this should be a key consideration as to whether a site can deliver self-build plots.

#### **DS5 – specialist housing provision**

30. The priority for the Council should be to allocate specific sites that will deliver housing to meet the specific needs of older people. Whilst the Council are looking to identify provision on sites of more than 300 homes there will be opportunities for sustainable allocations in existing settlements close to key services that should not be ignored in favour of delivery on large allocations. In addition, we would recommend setting out in the policy the number of homes for older people that are required to meet their needs. Whilst we recognise that national policy does not require this, the HBF does consider that for the policy to be effective it must ensure decision makers are aware of the needs, that they can be measured and that where there is a shortfall in meeting these needs this should be taken into account in any decision making. We would therefore recommend that the identified need for such accommodation is included in section 1(a) of DS5.

## **DS6 – Sustainable design**

### ***Net zero operational carbon***

31. The Council are proposing that all new residential dwellings must be able to demonstrate net zero operational carbon on site and that these should be demonstrated through the use of assessment framework such as Passivhaus, SAP or BREEAM. It must be noted that this policy goes beyond the expectations set out in the recently amended part L of the Building Regulations as well as those expected in the Future Homes Standard – which from 2025 would require homes to be zero carbon ready in anticipation of the decarbonising of the national grid.
32. Whilst the HBF recognises the need to improve the energy efficiency of new homes we consider that the most effective way of achieving these improvements is through nationally applied standards and not through a variety of different approaches adopted in local plans. The approach being put forward by the Council will in effect require developers to deliver homes to a variety of different standards in different LPAs increasing costs and reducing the economies of scale that come from building homes to consistently applied national regulations. The house building industry is not resistant to improving the energy efficiency of new homes and reducing carbon emissions it merely wants these improvements to be consistent across the country as a whole rather than face different standards in each local planning authority.
33. We would also suggest that this is the approach that is supported by Government policy. Firstly, the Council must consider section 5 of Planning and Energy Act 2008 which states that energy policies in local plans “... *must not be inconsistent with relevant national policy*”. Secondly consideration must be given to current Government policy which was first established in the Written Ministerial Statement and then reiterated in paragraph 6-012 of PPG. These two statements set out that Council’s should not go beyond a 20% improvement on the 2013 building regulations (an improvement equivalent to the long-abolished level 4 of the Code for Sustainable Homes). Given that this has now been exceeded by Building Regulations it is evident that the Government’s intention is to use building regulations as the main focus for change on this matter and this is further reinforced by paragraph 154b of the NPPF states in relation to greenhouse gas emissions that “... *any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards*”.
34. This would suggest that whilst the Government have accepted some uplifts to technical standard can be made through local plans, they are seeking to deliver major changes to energy efficiency standards through building regulations and not through local plans. Certainly, it cannot be argued that they are expecting Council’s to set standards in excess of the Future Homes Standard which will deliver homes that are zero carbon ready from 2025. As such the Council must follow the Government’s position which is that improvements to technical



standards moving forward will be addressed through building regulations and not through planning policy and alternative standards.

35. It is important to recognise that the development of the Future Homes Standard has included and been supported by the house building industry, energy and water providers, bodies such as RSPB and three Government departments. The framework developed will ensure that the transition to zero carbon homes is feasible whilst maintaining house building levels that can address the current housing crisis facing the country. To then place additional requirements with regard to such matters is unnecessary and unjustified. It is also unclear as to how the assessment frameworks the Council require as part of this policy will relate to the Future Homes Standard and whether there are sufficient resources in the Council or independent assessors to monitor the delivery of these standards. Without an adequate means of assessing and monitoring the delivery this policy it cannot be considered to be effective. The HBF therefore recommends the requirement to achieve net zero carbon emissions is removed from this policy.
36. Whilst we do not consider the policy to be sound if the Council are to continue with this approach, we would recommend that flexibility is included in the policy where this would result in a development becoming unviable. At present flexibility relates solely to the harm to a setting or character of the area and this is insufficient given the uncertainty as to the deliverability of this policy across all development types. Such considerations are important and also reflect the approach set out in paragraph 157 of the NPPF which, in relation to decentralised energy requirements, is that both feasibility and viability should be considerations when determining planning applications.
37. The HBF are also concerned that the Council has underestimated the costs of this policy. The HBF estimates that the additional cost of meeting the higher part L standard could add between £5,335 to £5,580 to the cost of a new build home. Further cost likely to be felt by housebuilders and developers as a result of the changes in building regulations is the introduction of the heat metering regulation, as set out in a separate consultation by the Department for Business, Energy, and Industrial Strategy. These new regulations, which go in line with the new Part L regulations, could add an additional £400 - £800 per plot, meaning the total cost per new home for the package of changes to underpin the reformed Part L introduced this year amount to between £5,700 and £6,400 per new home. This will deliver a 30% improvement and as such the additional cost of building a home that will deliver zero regulated carbon set out in table 8.9 appears to us to be too low. Further, more up to date, evidence on these costs must be provided by the Council.

#### *Conclusion on net zero operational carbon*

38. In brief the HBF are concerned that the higher level of energy efficiency standards being proposed by the Council go well beyond what is being proposed by the Government and we say beyond the intention of its stated position in PPG. The

Government have set out its intentions with regard to the Future Homes Standard from 2025 which will provide a significant improvement to the energy efficiency of new homes, a process that allows for the decarbonisation of the grid to transition homes net zero. Given that the Future Homes Standard will be challenging for the industry to deliver nationally there will be difficulties at the same time in achieving the Council's more stringent requirements. As such the HBF consider the policy to be unsound as it is unjustified to push for a more stringent target than that set out by a careful dialogue between Government and a range of stakeholders.

### ***Whole life carbon assessments***

39. The policy states that all major development must demonstrate through a whole-life carbon assessment how the embodied carbon of the proposed materials to be used in the development has been considered and reduced where possible. The HBF considers that this policy does not serve a clear purpose and it is not evident how a decision maker should react to development proposals. Whilst it is requiring the calculation of the whole life cycle carbon emissions and actions to reduce life cycle carbon emissions it is not clear from the policy how it will be determined what is an appropriate level of emissions or what would be an appropriate level of reductions.
40. The HBF also has significant concerns about the elements of this policy in relation to performance and monitoring. It is not clear what the Council would do with the information in relation to performance information or the monitoring information once the development is completed and is a home. The HBF recommends that the policy is deleted.

### ***Water efficiency***

41. This policy requires residential development to achieve a maximum water capacity use of 90 litres per person per day (lppd). The technical standards that can be introduced within local plans are set out in PPG and include higher standards with regard to water use. Where there is evidence to support their introduction, the Government allow local planning authorities to require a higher standard of 110 lppd in their local plans. Therefore, in order to be consistent with national policy the Council should amend this policy to require maximum of 110 lppd.
42. We also note that some estimates have been made as to the cost of this policy in the viability study but not included into the base assumptions. In order to justify this policy, the Council must provide detailed estimates as to these costs and test them in the viability study. Without such evidence the policy cannot be considered to be justified.

### ***Health Impact Assessments***

43. The HBF does not consider it necessary for all major housing development to undertake a Health Impact Assessment (HIA). Paragraph 53-005 of PPG outlines

that these may be helpful where there may be significant impacts from a development. As such, for the majority of major residential development there is no need for an HIA. In particular there is no need for an HIA for development required to deliver the local plan as the Council should have identified and addressed any health impacts as part of the plan's development. Therefore, any residential development that is consistent with the policies in the local plan should not have any significant unexpected health impacts on the area should not need an HIA and the requirement should be deleted.

### ***Fibre to the Premises***

44. Part 8 requires development proposals for residential and mixed use development in urban areas and major residential and mixed use development elsewhere to deliver Fibre to the Premises prior to first occupation. However, the delivery of super-fast broadband connections is often not in the gift of the developer. The HBF agrees that such infrastructure is important, however, its provision is not essential and should not be considered a barrier to the occupation of new homes as indicated in this policy. Whilst the HBF supports the Council's desire for such infrastructure it is their responsibility to work with the infrastructure provider to ensure its delivery and enable developments to be connected. Given that the type of connection required of development is also set out in Part R of the Building Regulations we consider it unnecessary to set this out in local plan policy. Part 8 should be deleted.

### **DS7 – Infrastructure Delivery.**

45. Section 6 of this policy outlines that CIL will be used alongside S106 contributions to help fund strategic infrastructure. Further clarity is provided the Infrastructure Delivery Plan which outlines at paragraph 8.2 that CIL will act as a top up fund where infrastructure cannot be fully funded through S106. At present the strategic sites allocated in the previous local plan are zero rated when it comes to CIL however it would appear from the Council's Viability Study that the Council are expecting strategic sites to provide not only a £30,000 per unit contribution through S106 agreements for transport, education, community facilities and health facilities but also pay CIL. For example, an 85 sqm house in Whitstable would result in an additional £19,500 payment based on the current Charging Schedule, alongside expected S106 costs would be nearly £50,000 per unit.
46. This is a significant contribution, and no account appears to have been taken as to the total funding required to deliver the infrastructure that is necessary to make development acceptable in planning terms and the sources of that funding. Whilst there are no restrictions on using CIL and S106 to fund the same infrastructure the level of CIL being charged will need to reflect not only the cost of infrastructure but also the level of funding that will be available from other sources, including S106 contributions<sup>1</sup>. Further clarity on the expected costs being placed on

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<sup>1</sup> See paragraph 25-016 of Planning Practice Guidance

development locally and in particular whether new strategic allocations will be zero rated for CIL. However, it would seem necessary to us that the Council will need to revisit the evidence supporting its Charging Schedule as part of this local plan to ensure that it is not overcharging development with regard to the infrastructure required to make development acceptable in planning terms.

47. In addition, that the policy does not provide sufficient flexibility with regard to viability considerations especially given that brownfield development appears to be broadly unviable in many areas and the Council is relying on windfall development on brownfield sites to ensure housing needs are met in full. The Council needs to remove the specific consideration set out in section 8 and replace these with a more flexible approach that allows decision makers, in line with paragraph 58 of the NPPF, to have regard to all circumstances relevant to each case.

### **DS17 – Habitats of international importance**

48. The HBF welcomes the work the Council has done to try and address the issue of nutrient neutrality in the Canterbury area which has meant that the Council has been unable to determine applications for development that may have an impact on the Stodmarsh protected area. The Council's approach to mitigation has been developed through the draft Canterbury District Nutrient Mitigation strategy which requires development to embed mitigation on site where possible whilst also developing wetlands to offset the impacts of development unable to mitigate their impacts on site.
49. A key part of this approach is set out in part 7 and requires developments of more than 300 homes to provide high-quality on-site waste water treatment facilities and schemes of between 150 and 300 to examine opportunities for the provision of on-site waste water treatment. All development will need to provide SUDS that remove 50% of nutrients from surface water.
50. Firstly, the Council will need to provide robust evidence as to the potential cost of this policy. At present it is not set out in the Viability Study and as such it will need to be revised prior to the publication of the local plan. These costs are likely to be significant either in terms of on-site provision of waste water treatment works and SUDS or through the purchase of offsite mitigation measures. These are all significant additional costs to development in Canterbury and will have an impact on the ability of development to meet all the policies being proposed in the local plan. The Council will need to give careful consideration as to the impact of the requirements on viability and how it can amend other policies in the local plan to ensure it remains deliverable.
51. Secondly, the approach set out by the Council lacks any long term flexibility with regard to future improvements in waste water treatment infrastructure or indeed reductions in nutrient levels on protected sites. The Council will be aware that the Government is proposing a variety of measures in order to reduce nutrient

pollution from existing sources such as agriculture as well as proposing to require water companies to upgrading of waste water treatments works all of which could result in some or all of the requirements in section 7 no longer being required later on in the plan period.

52. In particular the Council will need to take account of the legal duties that the Government are proposing to place on water companies to upgrade waste water treatment works by 2030<sup>2</sup>. The Council have not provided a detailed trajectory as to the delivery expectations for allocated sites but on the basis that this plan is adopted in 2024 it must be expected that the majority of the homes delivered in the years post adoption will not be occupied until after 2030. The Council will therefore need amending this policy, and relevant allocations, to ensure that decision making takes account the fact that from 2030 all new homes will benefit from improvements to waste water treatment works and as such the scale of mitigation measures required both on- and off-site may be significantly reduced.
53. Finally, Council needs to consider occupancy rates. Paragraph 3.8 of the Nutrient Mitigation Strategy sets an occupancy rate per dwelling of 2.37, however work commission by the HBF from Lichfields indicates that this level of occupancy rate may be a significant overestimate and does not reflect levels of population growth. analysis of the application of the Natural England (NE) figure of 2.4 persons per household to the Standard Methodology assessment of local housing need shows that if applied across the seven catchment areas, it would suggest an annual increase in population that is over double the change in household population indicted by the official population and household projections (c.73,500p.a. compared to 35,250p.a.).
54. The explanation in the report for this difference is that the nutrient calculators take account of the total population that would live in new homes, irrespective of where they might have moved from. Taking account of the typical housing transaction chain, around a third of households moved less than ten miles from their old home and a half moved less than 20 miles. In many cases, this means that they would remain living within the same catchment and would therefore not have any impact in terms of additional nutrient discharge into the designated sites.
55. In other areas affected by Nutrient Neutrality work has also been undertaken to better understand the population projections. In Norfolk for example affected authorities challenged assumptions regarding household size in new homes. The study they commission and accepted by NE found that there was an occupancy rate of 1.876 per home<sup>3</sup>, significantly lower than the average used by NE of 2.4.
56. This evidence suggests that the Council may be overestimating the number of new people coming into Canterbury from housebuilding within its nutrient mitigation strategy. Given that the occupancy rate will affect the degree and type of mitigation

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<sup>2</sup> <https://deframedia.blog.gov.uk/2022/07/22/plan-to-tackle-nutrient-pollution-announced/>

<sup>3</sup> <https://www.north-norfolk.gov.uk/media/8154/norfolk-nutrient-budget-calculator-technical-reference-report.pdf>

required the Council should reconsider the occupancy rates it has used and the mitigation being required within the local plan.

### **Policy DS21 – Supporting biodiversity recovery**

57. The HBF does not agree with the proposal for a 20% biodiversity net gain (BNG) requirement on new development in Canterbury. The Government in its response to the consultation on mandatory net gain targets recognised that 10% provided the right balance between ambition and certainty in achieving environmental outcomes whilst also ensuring the deliverability of new development.
58. If the Council do continue with this policy the impact on the viability of development will need to be thoroughly contemplated and tested. In particular, the Council will need to recognise that the cost of delivering BNG will vary considerably between sites and the costs will not be known until the baseline level of biodiversity has been assessed. In some case 20% may be relatively simple to achieve at minimal additional cost; on other sites it may well require a significant level of offsite delivery that could have a significant impact on the viability of development. Therefore, any considerations on viability of BNG will need to ensure there is significant headroom to take account of the site by site uncertainties regarding the cost of delivering BNG.
59. The Council will also need to provide evidence as to why Canterbury should require development to deliver beyond the national minimum. The Government considers 10% to be sufficient to ensure that net gains in biodiversity are achieved. In other words, 10% is considered sufficient to address the requirement set out in paragraph 174(d) for development to ensure net gains in biodiversity. It could therefore be argued that a requirement to go beyond the 10% minimum set out in legislation is unjustified and inconsistent with national policy as it is not required to make the development acceptable in planning terms.
60. 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 mandatory required by the Environment Act whilst still delivering the number of homes the Council requires. Any decision to go beyond the minimum 10% should instead be done in agreement with the developer rather than as a requirement through the local plan.

### **DM7 – Health and Crime Impact Assessments**

61. See response to DS6. HIAs and Crime Impact Assessments are unnecessary and provide limited benefit. These issues can be adequately addressed in a planning statement.

### **Conclusions**

62. With regard to housing delivery, it will be important that the Council considers whether further housing allocations could be included with the local plan to better meet the needs for affordable housing in the Borough and to provide certainty that housing needs will be met in full. In particular we would urge the Council to consider the level of delivery in the early years of the plan and ensure that it does not push back provision of new homes expected to come forward in the next five years to the end of the plan period.
63. The Council will also need to consider the level of contributions that are being placed on new development. Additional requirements around nutrient neutrality, 20% BNG and net zero homes will impact on the deliverability of all sites and potentially mean that the Council cannot show that needs will be met across the plan period. These higher standards go beyond the expectations of national policy and ultimately will impact on the level of affordable housing that can be delivered. Given the need for such homes we would suggest that the Council reconsiders its approach to these policies.
64. 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



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