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Dear Sir/ Madam

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

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

#### **Duty to Co-operate**

2. Whilst the Council have set out their activities with regard to the duty to co-operate within the compliance statement this document also notes that a none of the required Statements of Common Ground have been agreed, with many are still being drafted. Given that paragraph 26 of the NPPF expects these to be in place throughout the plan making process it is concerning that these are not available for this consultation providing clarity between Chichester District Council (CDC) and relevant parties as to the key issues and the co-operation that has taken place to address these issues.
3. What is disappointing is that whilst the West Sussex authorities have established mechanism for joint working through the West Sussex and Greater Brighton Planning Board no progress has been made in actually addressing the unmet needs of this area. The Local Strategic Statement (LSS) includes an objective of meeting housing needs for a growing population, yet little has been achieved with the Council suggesting that these matters will be considered in next LSS for 2030 to 2050. The HBF recognises that the area is constrained by the national park and its coastal location but seemingly nothing has been achieved in seeking to move forward. As such we would question whether the mechanisms established in this area have maximised the effectiveness of the preparation of this local plan in addressing the issue of unmet housing needs. The expectation is that cross boundary issues are not pushed forward to future plans or plan reviews, yet this is clearly what is being done in the West Sussex and Greater Brighton area.



## **Policy NE5 Biodiversity and Biodiversity Net Gain**

Policy is unsound as not consistent with transition requirements being proposed.

4. The Council will need to clearly set out in the policy the extending timetable being given to small sites to ease the burden on small developers and LPAs. The Government's response to the consultation on the regulations for and implementation of BNG outlines that implementation of BNG on small sites will be extended to April 2024.

## **Policy H1 Meeting housing needs**

Policy is unsound as it is not justified or consistent with national policy.

5. Using the standard method, the local housing needs assessment for the whole of CDC is 763 dwellings per annum (dpa). However, given a significant portion of the District falls within the South Downs National Park Authority (SDNPA) the Council have removed the level of need estimated to arise in the national park from their housing needs assessment. This reduces the requirement by 125 dpa, the level of need estimated by the SDNPA to be present within the Chichester portion of the national park. The Council therefore consider the minimum number of homes they should be seeking to meet is 638 dpa.
6. Whilst the HBF is concerned that the approach taken by the Council does not reflect the fact that the SDNPA will not deliver the homes needed in that part of the district, the more pressing concern is the Council's failure to meet housing needs in those areas not covered by the national park. Over the plan period the Council expect to deliver 535 dpa in the southern area and 40 dpa in north leading to total delivery of 575 dpa – a shortfall of 63 dpa. Over the plan period this equates to shortfall of over 1,100 homes.
7. The reason given by the Council for not meeting needs is principally infrastructure capacity – in particular the A27 and the cost of the proposed improvements being beyond what can be provided through development and there being no other sources currently available. The Council state that the 535 is based on detailed discussions with National Highways and the County Council as to what can be delivered within existing highway capacity. Whilst the HBF understands the concerns with regard to the need to improve local transport infrastructure we note that the Council's latest Transport Study published in January 2023 undertook a sensitivity analysis as to whether the core scenario that supports the 535 dpa position in the local plan could accommodate a higher level of growth. The conclusion in paragraph 5.6.5 and 11.2.3 appears to be that 700 dpa could be accommodated (in the southern plan area) by the mitigation proposed for the 535 dpa core test, with some additional, and as yet undesignated and not costed, mitigation being required to the Portfield and Oving roundabout.

8. It would therefore appear that there may be scope for needs to be met in full on the basis of the approach and infrastructure improvements set out in the local plan. As such if the Council are to justify not meeting needs in full, there must be clear evidence to show that the highway infrastructure improvements required to support 535 dpa in the southern area of the District cannot support a further 68 homes being delivered each year. At present this would not appear to be the case and as such the plan is unsound.

#### *Site assessment methodology*

9. Whilst the HBF does not comment on sites we do consider it important land availability assessments are consistent with national policy to ensure sites are considered fairly and properly. As such we are concerned that the Council have seemingly dismissed potential development opportunities on the basis that they are in the Chichester Harbour AONB without assessing whether there would be any significant impact on the that designation. The Council's Housing and Economic Land Availability Assessment (HELAA) screens these sites out in the first instance treating AONB as an absolute constraint. The HELAA Methodology Statement 2021 states in Table 3C that "... AONBs have the highest status of protection in relation to landscape and scenic beauty and major development within the AONB should be restricted". This is incorrect. Paragraph 176 of the NPPF states that "... the scale and extent of development in these areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts ...". As such it is incorrect to consider sites to be unsuitable without further assessment.
10. The Council also refer to paragraph 11 of the NPPF and its reference to designations such as AONB providing a strong reason for restricting the overall scale of development. Whilst we would not disagree that designations such as AONB could be a reason for not meeting needs in full the same paragraph begins by saying needs should be met unless "... the application of policies in this Framework that protect areas ... provide strong reasons for restricting the overall scale ...". Therefore, the Council must apply the policies as written in the NPPF. Whilst there is a much higher bar with regard to development in the AONB it should not be treated as an absolute constraint. We would suggest the Council amends its approach prior to submission and include sites within the AONB in the stage 2 assessment.

#### *Sites of less than 1 hectare*

11. It is not clear from the Council's evidence whether it will meet the requirement in paragraph 69 of the NPPF that at least 10% of homes delivered will be on identified sites of less than one hectare. The delivery of such sites is important in ensuring that SME house builders are able to gain allocations within local plans and the certainty this brings with regard to its future development. The Government have rightly recognised the importance of this sector. A thriving SME sector not only increases choice and competition within the housing market but also enables more

homes to come forward early in any plan period. We note that the Council ensuring needs are met sooner than in areas reliant on larger development or windfall to meet its needs.

#### *Conclusion on policy H1*

12. It would appear from the Council's evidence that there may be highway capacity to meet housing needs in full. Without further evidence to support the position put forward in policy H1 the Council will need to allocate additional sites to ensure that housing needs are met in full, and the plan is sound. The Council will also need to review their approach to sites in the AONB to ensure that proper consideration is given to these sites and provide evidence as to whether or not they will ensure at least 10% of all homes will come forward on small sites.

#### **Policy H6 – Custom and or Self Build**

13. According to the HEDNA over the six base periods 150 people have registered an expression of interest on the Council's Self-Build Register – an average of 25 per annum. However, what is not presented in the Council's evidence is the degree to which these needs are met from windfall development. Before requiring developments of over 200 homes to provide self-build plots the Council must understand the number of windfall plots that are available to meet needs and then if necessary, consider other approaches to meeting the potential demand for self-build plots.
14. Before requiring allocated sites to consider meeting some of these needs the Council must provide evidence as to how it has considered other approaches to meeting demand for self-build plots, as indicated in paragraph 57-025 of PPG. 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.
15. The Council also need to recognise within the policy that it is not always feasible for 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. Therefore, if the Council justifies the requirement for strategic sites to provide plots for self-build housing we would suggest the phrase where feasible is included.

#### **Policy H8 Specialist accommodation for older people**

Policy is unsound as it is not effective.

16. The Council recognise that an increasing elderly population will require the delivery more specialist accommodation in future. As such, the priority should be for the Council to allocate sites promoted for such accommodation in the local plan and ensure need are met in full. Only through site allocations can the Council be certain that the needs of older people be met.
17. However, the HBF recognise that it may not be possible to allocate sufficient sites for specialist accommodation to meet the needs of older people. As such it is important that the policy provides an effective mechanism through which decisions on accommodation can be made on the basis of the need for and supply of such development. It is therefore important that this policy sets out how many specialist homes for older people are required in Chichester and a commitment is made to monitoring supply against this level of need across the plan period. In addition, the HBF would also recommend that a presumption in favour of development be applied if the supply of land for such development falls below identified annual needs.
18. Whilst there is no direct requirement to do so in national policy the HBF would argue that in order for the policy to be effective it needs to be clear as to what is required and how a decision maker should react to ensure those needs are met. By including the level of need in the policy or supporting text, as it has in relation to student accommodation, greater weight will be given to this in decision making, leading to the more positive approach that is required to meet housing the needs of older people.

### **Policy H10 Accessible and adaptable homes**

#### Policy should be amended to reflect changes to Building Regulations

19. Last year the Government published its response to the consultation on the building regulations governing accessibility - Part M<sup>1</sup>. This response states that the Government will make part M4(2) the mandatory standard. Whilst this is still to be introduced, given the likelihood that the Government will make M4(2) the mandatory standard we would recommend that the Council amend its policy accordingly to ensure no unnecessary repetition of building regulations within planning policy.

### **Policy P1 – Design Principles**

20. Part A requires proposals apply sound suitable design including the use of materials that reduce embodied carbon and make use of re-used or recycled materials. The HBF recognises the importance of reducing the embodied carbon in new homes but the extent to which such materials can be used will vary from

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<sup>1</sup> <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response>

development to development. As such we would suggest that the policy is amended to read "... including, where possible, the use of materials ..."

### **Policy P6 – Amenity**

Policy is unsound as it has not been justified.

21. This policy will require all new residential development to meet the nationally described space standards. As the Council will be aware in order to adopt these standards the Council must show that there is a need for such homes within the District, but we could not find the evidence referred to in paragraph 11.105 of the Local Plan. If the Council cannot provide sufficient evidence to support the adoption of these standards, then this policy should be deleted.

### **Policy P15 Open Space Sports and Recreation**

Policy lacks the necessary clarity with regard to indoor sports and recreation facilities.

22. There is a lack of clarity within the supporting text and policy with regard to what is required in terms of indoor sports facilities. On page 165 it states that "*Table 6.4 shows the standards required by development to meet the thresholds for providing on-site facilities set out in hectares per 1,000 population*". However, Table 6.4 does not provide any reference to development thresholds nor hectares per 1,000 population. The requirements appear to be general standards for all communities rather than relating to specific development. As such it is unclear to a decision maker or applicant as to what is required in terms of built sport and recreation facilities. The provision of on-site built sport and recreation facilities will only be relevant in very few circumstances with improvements in provision largely being provided by the Council using the Community Infrastructure Levy or other financial contributions. The HBF would therefore recommend that reference to the provision of indoor facilities is removed from this policy. If onsite facilities are required, this should be agreed with the site promoter and set out in the site allocation.

### **Policy I1 – Infrastructure provision**

Part (iii) of the policy is unsound as it is inconsistent with national policy and is unjustified.

23. The policy requires all residential development to ensure new development benefits from gigabit-capable broadband infrastructure at 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. Paragraph relating to Fibre to the Premises should therefore be deleted.

## **Conclusion**

24. 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:
- Insufficient justification for not meeting housing needs in full;
  - No evidence has been provided as to whether 10% of homes will be delivered on identified small sites;
  - Insufficient evidence to support the approach to self-build plots;
  - Does not set out the level of housing need with regard to specialist accommodation for older people;
  - Lack clarity with regard to developer contributions for onsite indoor sports and recreation facilities; and
  - Requirement for gigabit capable broadband on occupation is inconsistent with national policy and unjustified.
25. As such I can confirm that I wish to participate in the relevant hearing sessions in order to fully represent our concerns which reflect the views of discussions with our membership who account for 80% of the market housing built in England and Wales.

Yours faithfully



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