

Sent by EMAIL ONLY to localplanreview@teignbridge.gov.uk

13/3/2023

Dear Sir/ Madam

Response by the Home Builders Federation to the Teignbridge Proposed Submission Local Plan

1. Please find below the Home Builders Federation (HBF) response to the Teignbridge Proposed Submission 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 Cooperate

2. The HBF welcomes the signed statement of Common Ground with Torbay about unmet need and the attempts to be proactive and future proof policies to address the issue of Torbay's unmet need within the Teignbridge Local Plan. The concerns HBF have in relation to housing policies in the Plan relate to the tests of soundness rather than Duty to Cooperate concerns.

GP7 Infrastructure and Transport Networks

Policy GP7 is not considered to be sound as it is not justified

3. The HBF would draw attention to the recent High Court Decision on R (on the application of the University Hospitals of Leicester NHS Trust) versus Harborough District Council. This has drawn into question the legitimacy of asking for develop contributions for acute healthcare that is funded through general taxation. The HBF notes that a signed SoCG with the NHS Devon is yet to be made available on the Local Plan website and is listed as "to be added shortly".

Policy GP8 Viability

Policy GP8 is not considered to be sound as it is not justified or effective

4. Whole Plan viability testing is an important part of the plan-making process. However, as noted in PPG (ID: 10-003-20180724) assessing the viability of



plans does not require individual testing of every site or assurance that individual sites are viable.

5. As Paragraph 3 of the Teignbridge Local Plan Viability Assessment – Jan 2023 by Three Dragons sets out, the methodology of whole plan viability assessments “used a generic typologies approach with a variety of residential typologies of different sizes”. As the whole plan viability methodology uses typologies this means there may be individual sites that are not viable, for example if the costs or values of a specific site fall outside the parameters used of a typology that was tested. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. As such Policy GP8 should include the opportunity for negotiation around policy requirements for site specific reasons, not only because viability has changed since the Plan was adopted. In such situations a viability review mechanism may be disproportionate and/or unnecessary.
6. The policy also assumed that sites that face viability issues will be brought forward in phases. The HBF would question this assumption, for example a brownfield site with high abnormal costs could be brought forward after viability negotiations in a single phase. It is unclear from the policy what would happen in this circumstance.
7. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there may be a “deviation” from the detail of the policy- in this example a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. The HBF comments on the Plan’s Affordable Housing policies are set out in the response to Policy H2. However, some link back into the viability considerations of Policy G8 is needed. So, additional flexibility should be included within this policy.

Policy CC1: Resilience

Policy CC1 is not considered to be sound as it is not effective

8. Criterion 4 of the policy seeks to minimise embodied energy and in-use performance of buildings, including minimising use or contamination of energy, water, soil and materials through the development process. However, it is also unclear from the policy how compliance with the policy could be demonstrated or assessed. Clarification of how the policy could be complied with is needed.

Policy CC2: Carbon Statements

Policy CC2 is not considered to be sound as it is not justified or consistent with national policy

9. The policy states that all new development of new homes must include a Carbon Statement. Criterion 2 sets out the minimum standards for carbon reduction:

- a) Minor Residential scheme (up to 9 homes):
 - i. From Plan adoption to 31 December 2024: Achieve a minimum 31% reduction in carbon emissions against Part L of the Building Regulations 2013 to be achieved through a reduction in energy consumption via a fabric first approach;
 - ii. From 1st January 2025 to 31 December 2027: Achieve a minimum 75% reduction in carbon emissions against Part L of the Building Regulations 2013 to be achieved through a reduction in energy consumption via a fabric first approach
 - iii. From 1st January 2028: Achieve net zero carbon emissions using the approach set out in the energy hierarchy carbon reduction standards that will be sought and the timescales for when it will be sought.
 - b) Major residential scheme (10 or more homes):
 - i. From Plan adoption to 31 December 2024: Achieve net zero carbon development via a minimum 31% reduction in carbon emissions against Part L of the Building Regulations 2013 to be achieved through a reduction in energy consumption via a fabric first approach. The remaining reductions in carbon emissions will be achieved through ‘top-up’ by a combination of fabric improvements, on-site renewable energy generation, or if necessary, through equivalent financial contributions to an agreed Teignbridge approved carbon offsetting fund. This requirement will not apply to extant allocations and pre-existing planning permissions which commence during this period.
 - ii. From 1st January 2025 to 31 December 2027: Achieve net zero carbon development via a minimum 75% reduction in carbon emissions against Part L of the Building Regulations 2013 to be achieved through a reduction in energy consumption via a fabric first approach. The remaining reductions in carbon emissions will be achieved through ‘top-up’ by a combination of fabric improvements, on-site renewable energy generation, or if necessary, through equivalent financial contributions to an agreed Teignbridge approved carbon offsetting fund.
 - iii. From 1st January 2028: Achieve net zero carbon emissions using the approach set out in the energy hierarchy.
10. The Council’s proposed policy approach is unnecessary and repetitious of 2021 Part L Interim Uplift and the Future Homes Standard. It is the Government’s intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council’s specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Council does not need to set local energy efficiency standards to achieve the shared net zero goal because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. The HBF recommends that the policy is deleted.

CC3: Electric Vehicle Infrastructure

Policy CC3 is not considered to be sound as it is not justified or consistent with national policy

11. This policy sets out specific policy requirement for electric vehicle infrastructure including requirements for:
- a. All off highway vehicle parking spaces in new residential developments will be fitted with an electric vehicle charging point (Home Quality Mark or equivalent) in accordance with Building Regulation standards.
 - b. Where residential development includes on highway parking, a plan will be required, setting out how sufficient charging infrastructure is to be provided and maintained;
 - c. Non-residential developments with 10 or more off-highway vehicle parking spaces will include electric vehicle charging points at the point of construction for at least: i. 40% of spaces on employment sites (Use classes B2, B8, C1, C2, C2(a), E and F1) ii. 30% of spaces on retail sites, health & leisure (Use classes F2 and E) iii. Other uses individual case basis
 - d. A three-phase electricity connection and ducted circuit in suitable positions to enable electric vehicle charging points to be added to the remaining spaces; and
 - e. Developers promoting strategic scale development will work with appropriate energy companies, distribution network operators and the district council to ensure the development of relevant and appropriate smart energy infrastructure is planned to provide current and future electric vehicle capacity (for example energy storage and management and renewable generation).

It is unclear from the formatting of the policy what kind of development criteria d) relates to.

12. The HBF is supportive of encouragement for the use of electric and hybrid vehicles via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. Part S of the Building Regulations 'Infrastructure for the charging of electric vehicles' has now been published and took effect from 15th June 2022. This regulations document provides guidance on the installation and location of electric vehicle charge points (EVCPs). It states that a new residential building with associated parking must have access to EVCPs. It states that the total number of EVCPs must be equal to the number of parking spaces if there are fewer parking spaces than dwellings, or the equal to the number of dwellings where there are more parking spaces. The Regulations also set technical requirements for the charging points these include having a nominal output of 7kW and being fitted with a universal socket. The Council therefore does not need to set local specifications in planning policy.

Policy CC4: Sustainable Transport

Policy CC4 is not considered to be sound as it is not justified or effective

13. Criterion 1 of the policy requires that 50% of trips should be made by walking, cycling and public transport on major developments. The target seems somewhat arbitrary and the HBF has been unable to locate the evidence supporting this requirement. It is also unclear from the policy how compliance with the policy could be demonstrated or assessed. This criterion should be deleted. If it is retained clarification of how the policy could be complied with is needed.

Policy DW1: Quality Development

Policy DW1: not considered to be sound as it is not effective

14. The HBF notes that notes the Design Code in Local Plan Appendix 4 states that parcel plans and a site specific codes are expected for sites of 30 dwellings or more. This appears to be different from the expectations in Policy DW1. Clarification is needed. It is important for Design requirements to be proportionate and informed by input from the development industry to ensure it is helpful, viable and deliverable.

Policy H1 Land for New Homes

Policy H1 is not considered to be sound as it is not justified or effective or in compliance with national policy.

Housing Need and Requirement

15. Para 5.1 of the Local Plan states that sets out the

“The NPPF has introduced a standard methodology for assessing housing need and this has set the annual housing target as shown in the trajectory which equates to average annual completions of 741 homes, or 11,856 homes over a 16 year period, enabling a 15 year supply of sites from submission of the plan in mid 2023. This figure is lower than the overall number of homes provided for in the plan which stands at 12,489 homes between 1st April 2022 and 1st April 2038. The overall figure includes a 20% buffer for the first 5 years of the plan period as per national policy requirements, due to recent under-delivery against our housing target.”

16. The HBF notes, the determination of the minimum number of homes needed should be informed by a LHN assessment using the Government’s standard methodology unless exceptional circumstances justify an alternative approach (para 61). The Government’s standard methodology identifies the minimum annual LHN, which is only a minimum starting point. This is not a housing requirement figure.
17. The HBF notes the Statement of Common Ground (SOCG) SoCG Statement 1: General Matters with Neighbouring Authorities particularly Topic 01 Housing Need seems to set out the Council’s reasoning when considering the housing need of the district and using this to arrive at the housing requirement.

18. Para 3.2 of Statement 1 SoCG acknowledges a significant need for affordable housing in the district, comprising around 23 % of the overall target. The Council views this factor as an imperative to fully meet the objectively assessed housing needs in the Plan. The HBF supports the view that the Plan should meet all the housing needs, and the conclusion that there is a no case for setting lower housing targets.
19. However, there are many other reasons why the housing requirement for a district may need to be higher. For example, the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. The need to accommodate a proportion of unmet need from a neighbouring area can also increase the housing requirement for an area (see later comments).
20. Para 3.3 of the SoCG 1 states that given the environmental constraints of Teignbridge and evidence from the Economic Needs Assessment that no more labour supply was needed to meet modelled economic growth, there is no case for a higher housing. The HBF would support ambitious growth aspirations in Teignbridge and would ask the Council to look again at the interaction between employment and housing, and if an increased number of jobs in the District generates a requirement for additional housing.
21. The HBF would also encourage the Council to also consider the role that housebuilding plays in the local economy, both when the houses are under construction and when the houses are occupied as people's homes.

The Need for a Buffer

22. Policy H1 includes reference to the overall housing figure including a 20% buffer for the first 5 years of the plan period as per national policy requirements, due to recent under-delivery against our housing target. However, the housing trajectory in H1 shows a target of 758 for 2020/21 and completion of only 426, and a target of 763 for 2021/22 but completions of only 513. For a plan that covers the period of 2020-2024 this indicates under delivery within the plan period already and would suggest that the higher buffer should be applied for a longer period of time, as a minimum for the first five year from adoption of the Plan.
23. **Appendix 3** sets out the Housing Trajectory on a site by site basis and concludes that 12, 310 projected completion by 37/38. However, the table in Policy H1 reaches a different cumulative total of 12, 339 completions by 37/38. This discrepancy needs resolving or explaining.
24. Para 5.4 explains that no allowance for windfall development is included within the over supply figures. The Council sees windfall schemes as providing additional headroom and flexibility and to help meet the small site requirements. Although small sites may come forward as windfall, the small sites requirements should be met through allocations.

25. The HBF 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. Whilst considering windfalls as additional to the housing requirements may provide some additional housing numbers, it does not provide the same choice and flexibility in the market as additional allocations.
26. The suggestion in para 3.7 e) of SoCG 1 that sites in another planning authority (Dartmoor NPA) can contribute to providing a buffer that provides additional flexibility and choice within the Teignbridge Local Plan area is not reasonable. Providing flexibility and choice of land supply within the Local Plan area requires any buffer to be provided within that local plan area, not elsewhere.

Torbay's Unmet Need

27. One of the other factors that can lead to an increased housing requirement for the district is an unmet need from a neighbouring authority. Ideally where a neighbouring authority has declared an unmet need, the issue of how to meet this unmet needs should be set out in a Statement of Common Ground signed by all respective HMA authorities.
28. The HBF would suggest that such the SoCG on Unmet Housing Need should confirm that:
- Each neighbouring authority will meet its own LHN and a defined amount of the unmet local housing need (LHN).
 - This cumulative figure will be the housing requirement figure for each authority respectively; and
 - The authorities acknowledge that additionality in HLS may be required to ensure deliverability and flexibility
29. Therefore, although the HBF welcomes the SoCG between Teignbridge and Torbay titled SoCG Statement 2: Addressing Torbay's Unmet Needs, this does not fully resolve the issue of unmet need and how much of Torbay's need Teignbridge should be planning for.
30. Although Torbay has notified its neighbouring authorities of an unmet need, the SoCG Statement 2 indicates that the level of this unmet need is, in the Council's view, not yet fully evidenced or quantified, and the approach to redistribute this unmet need is yet to be agreed. Therefore, the Council is arguing, rather than increasing the housing requirement to reflect the unmet need of Torbay, it should instead include a contingency clause in Policy H1 which states that:

“The Local Planning Authority will take action to enable the development of additional dwellings on unallocated ('departure') sites in sustainable locations... to accommodate an agreed proportionate level of unmet

housing need identified in the review of the Torbay Local Plan if this is not already being met through oversupply from windfall development in excess of the trajectory targets and planned windfall allowance. The cumulative development arising from applications of this nature will not exceed the total amount of unmet need required.”

31. Whilst the HBF recognises the pro-active approach the Council is trying to take to future proof their Plan, Torbay Council has already declared an unmet need. In the midst of a housing crisis such housing needs should be addressed as soon as possible. The contingency wording of creation 3 of policy H3, includes no timeframe for the production of the Housing Delivery Plan or its implementation. It includes no timeframe for when additional dwellings on unallocated sites would be brought forward or what the Council would do if this approach failed to deliver the housing required to meet the unmet need.
32. The wording of **Criterion 3** creates a trigger policy for the circumstances in which a Housing Delivery Action Plan would be prepared. However, the preparation of the document does not deliver any more housing, it is the implementation and monitoring of the implementation of the Housing Action that is important. The policy should therefore also set out what would happen if the actions in the Housing Delivery Plan were unsuccessful in increasing the amount of housing to the amount required. For example, what level of under delivery would trigger a review of the Local Plan. It should also set out a timeframe for these interventions, for example within x months of Torbay declaring an unmet need the Council will do y.
33. Para 5.10 explains that discussions about Torbay’s unmet need will continue to take place during Torbay’s Local Plan preparation, with an appropriate solution being agreed through their Examination in Public. This statement perhaps underplays the amount of work that may be required to reach this point. There will also be a need for all the partners to reach agreement about what the level of Torbay’s unmet need is and how it should be redistributed. As this work is ongoing it will be important for the Teignbridge Local Plan Examination to be fully understand the up to date position of Torbay’s unmet need to ensure the Teignbridge Plan is doing all it can to help meet any unmet needs as soon as possible. The HBF suggest the Teignbridge Plan may need updating to reflect this latest position, and this may necessitate the need to increase the housing requirement for Teignbridge.
34. Para 5.9 of the Plan suggests the need to accommodate unmet needs of Torbay would only be triggered by the adoption of the Torbay Plan. The HBF would suggest the need to accommodate unmet from Torbay could also be triggered by the signing of an agreed Statement of Common Ground that redistributes the unmet need of Torbay to neighbouring authorities. This could be agreed in advance of the Torbay Local Plan being adopted. The HBF would draw the Council’s attention to the wording of Policy IMR1 of the adopted Harborough Local Plan, as an example of how the matter of a declared, but as yet, unquantified unmet housing need from a neighbouring authority, could be addressed in policy, see Policy IMR1 Monitoring and

Review of the Local Plan in Harborough Local Plan 2011 to 2031, available to download here:

[https://www.harborough.gov.uk/downloads/file/5714/harborough_local_plan_2011-2031 - adopted april 2019](https://www.harborough.gov.uk/downloads/file/5714/harborough_local_plan_2011-2031_-_adopted_april_2019)

35. There is an also inconsistency in the Policy wording of H1 and the supporting text, that creates confusion and uncertainty for plan users. **Policy H1** refers to the Housing Delivery Action Plan enabling the development of additional dwellings on unallocated (departure) sites. In contrast, para 5.9 of the supporting text refers to a 'Housing Delivery Housing Delivery Action Plan which will set out mechanisms and arrangements to bring forward supply from later in the plan period or encourage the development of additional homes on unallocated sites.' The text therefore suggested one way of addressing under delivery is through the bringing forward of sites allocated for development later within the plan for development sooner, but the policy itself does not include reference to this potential remedy.
36. The HBF would suggest, as a minimum, explicit reference should be made in the policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be released to meet Torbay's unmet need, and/or which sites that would be brought forward sooner to address any under delivery whatever the trigger of under delivery necessitating action. This could be any or all of the elements of **Criteria 3** of the policy- a shortfall in affordable housing completions, failure against the Housing Delivery Test and/or to meet unmet housing needs from elsewhere.

Primary Residence

37. The HBF recognises the impact that too many second homes in a particular geography can have. **Policy H1** includes the policy requirement for all new open-market homes on allocated sites to be occupied as a primary residence. The policy indicates this will be secured by a legally enforceable mechanism, but the Plan does not detail what this mechanism is and how it would work in practice.
38. The HBF would question if the blanket district wide approach is necessary, or if a more tailored approach would be more appropriate. The HBF would question what evidence there is to demonstrate that this is an issue that needs addressing in this way across of the whole of Teignbridge. The HBF was unable to locate any detailed spatial analysis on the distribution and impact of second homes.
39. If any restrictions on primary residence are to be applied, further details of how this will work in practice is needed to ensure the plan is viable and deliverable. Without an understanding the mechanism proposed, and the resources needed to implement it, it is difficult to comment on whether or not the policy is effective and/or justified. It is important that the implementation

of any mechanism to secure primary residence, if they are justified, is not unduly burdensome of developers and/or prospective purchasers and does not cause delay to much needed house-building.

The Need for Small Sites

40. As para 5.3 of the Plan acknowledges the NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.
41. The HBF would wish to see the Plan's policies and evidence base to set out how the plan will deliver 10% of homes on sites of less than one hectare, as required by paragraph 69 of the NPPF. Indeed, the HBF would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

A 15 Year Plan period and 30 Year Vision

42. The HBF do not comment on individual proposed housing allocations and these representations are submitted without prejudice to any comments made by other parties. The Local Plan will need to cover a period of 15 years from adoption. The HBF notes that the new garden community will require significant forward planning. As set out in the NPPF, where a new settlement forms part of the Spatial Strategy, policies should be set within a vision that looks further ahead (at least 30 years) to account for the likely timescale for delivery.

Policy H2 Affordable Housing Targets

Policy H2 is not considered to be sound as it is not justified or effective

43. The HBF questions what grant funding the wording of criteria 2 is referring to. Housing Associations may seek to access a variety of grant funding from national Government, for example a scheme to increase energy efficiency over and above building regulation standards, or to install heat pumps. They may access funding from Local Government, from example to make a

property accessible to a specific end user, or user group. The policy therefore should either remove the reference to grant funding or clarify which funding is being referred to in the policy.

44. To avoid any confusion Criterion 2 of the policy should refer to affordable rented and social rented and shared ownership dwellings. All of these products come under the definition of affordable housing and may be referred to as affordable dwellings.

Policy H3 Affordable Housing Controls

Policy H3 is not considered to be sound as it is not justified or effective or consistent with national policy.

45. The wording of **Policy H3** suggests all affordable housing is required to be subject to a local occupancy restriction. The HBF is concerned the impact of the affordable housing and local occupancy policies when they are considered in tandem. The HBF are concerned that the use of local occupancy conditions on all types of affordable housing is unduly burdensome.
46. Annex 2 of the NPPF lists a wider range of affordable housing options than those which are mentioned in paragraph 5.14 of the Local Plan. Specifically, the NPPF says:
- Affordable housing
 - Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:
 - (a) Affordable housing for rent: meets all of the following conditions:
 - (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
 - (b) Starter homes: is as specified in sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary

legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

- (c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- (d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to government or the relevant authority specified in the funding agreement.

47. The requirement for local occupancy condition is incompatible with some of the affordable housing products and/or mortgage products on the market. For example, eligibility criteria for First Homes is established by the national scheme. This element of the policy would therefore be inconsistent with national policy. The HBF can find no evidence that the Council has given any consideration to the interaction of affordable housing and local occupancy on viability and delivery.

48. The HBF would question the principle of seeking to apply local occupancy conditions in all cases. If this policy approach is pursued there will be a need for an element of flexibility to allow for the consideration of site and/or product specific circumstances. The HBF is of the view that the wording of **Policy H3** needs to be amended. One way to do this could be to make the policy wording more specific about when local occupancy conditions will be sought on affordable housing, recognising it is not appropriate in all cases. Alternatively, the Plan could include a criteria-based policy to enable a decision-maker to consider when a local occupancy restriction is needed.

Policy H4 Inclusive Mix, Design and Layout

Policy H4 is not considered to be sound as it is not justified or effective

49. The policy does not include any indication of the size, type and mix of housing that should be provided. This fails to provide certainty for developers. Whilst the HBF supports a need for flexibility within the policy, some indication of likely mix would be helpful if developers are not going to have to negotiate every site on a case by case basis which could result in repetitive and/or protracted discussions and avoidable delays.

50. Policy H5 Homes Suitable for All

Policy H5 is not considered to be sound as it is not justified or effective

Accessible and Adaptable Dwellings

51. **Criterion 1a** of the policy seeks to require residential developments on sites of 10 dwellings or more to provide 30% of M4(2) (Accessible and adaptable dwellings) or the latest Building Regulations requirements if higher. Criterion 1b of the policy seeks 5% M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.
52. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary.
53. There is also a need to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights.

Nationally Described Space Standards (NDSS)

54. **Criterion 3** of the policy seeks to apply the optional nationally described space standards (NDSS) to all residential developments on sites of 10 dwellings or more. This should only be done in accordance with the NPPF (para 130f & Footnote 49), which states that "*policies may also make use of the NDSS where the need for an internal space standard can be justified*". As set out in the NPPF (para 31), 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.
55. PPG (ID: 56-020-20150327) identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:
- **Need** – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.

- **Viability** – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- **Timing** – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

56. The Council needs robust justifiable evidence to introduce the NDSS, based on the criteria set out above. The HBF has been unable to locate this evidence within the Local Plan supporting documentation or the Local Plan itself. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

57. The HBF would remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

58. An inflexible policy approach imposing NDSS removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

59. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

Policy H6 Custom Build

Policy H6 is not considered to be sound as it is not justified or effective

60. In general, the HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that

Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

61. The HBF notes the Custom and Self Build Topic Paper sets out the Council's experience as being a leader in self and custom-build implementation, the level of interest in self-build in Teignbridge and the number of those on the Self-Build Register. However, paragraph 11 of the Topic Paper says that of the 282 plots that have been permitted only 11 have been commenced.
62. The HBF would suggest the reasons for this need to be understood, in order to have confidence that the Plan is viable and deliverable, and that **Policy H6** is justified and effective. It will be important to monitor the lapse rates of self and custom build permissions to see if this is any mismatch between where and when plots are being permitted, particularly if they are being consented as a small part of a large development site, and where and when self builders actually wish to build or commission them.
63. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. It is not surprising therefore that Para 12 of the Topic Paper suggest that delivery of self build plots on larger development has been put back to the latter phases.
64. The Council's policy approach should be realistic to ensure that where self and custom build plots are provided, they are delivered and do not remain unsold. If demand for plots is not realised, there is a risk of plots remaining permanently vacant effectively removing these undeveloped plots from the Council's HLS. The Council should consider the application of a non-implementation rate to its HLS calculations.
65. It is the HBF's opinion that 5% self build plots should not be required on housing sites of more than 20 dwellings. However, if the policy remains, it needs to be clear what happened where plots are not sold. The requirements **Criterion d)** that plots not sold after 24 months should be marketed for further a period time or converted to affordable housing or open space is not reasonable, evidenced or justified. Any unsold plots should revert to the developer.
66. If **Policy H6** and **Criterion d)** of it are retained, the wording of the policy should be amended to make it clear that any is clear as that unsold plots will revert to the original developer, and how and when this will happen. It is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the

commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. The Council's proposed 24 month marketing period is still considered to be excessive.

Policy EN10 Biodiversity and Geodiversity

Policy EN10 is not considered to be sound as it is not justified or effective

67. It is the HBF's opinion that the Council should not deviate from the Government's requirement for biodiversity net gain as set out in the Environment Act. There are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council's viability assessment. It is important that BNG does not prevent, delay or reduce housing delivery.

Omission- Lack of Monitoring Framework

The Plan is not considered sound as is not effective without a Monitoring Framework

68. The Plan should include a Monitoring Framework which sets out the targets for housing (and other matters) that will be monitored and the triggers for action being taken, and what that action will be.

Appendix 4: District Design Code

The Design Code not considered to be sound as it is not justified or effective

69. The HBF notes the Design Code states that parcel plans and a site specific codes are expected for sites of 30 dwellings or more. This appears to be different from the expectations in Policy DW1. It is important for any design requirements to be proportionate and informed by input from the development industry to ensure it is helpful, viable and deliverable.
70. In light of the HBF policy comments there may also be a need for consequential changes to the District Design Code to reflect suggested changes.
71. The HBF would also question if the Council has the resources available to enable timely meaningful design engagement with developers, as envisaged in the Design Code, for all sites over 30 units, particularly in light of the recent letter indicating to applicants that Development Management decisions are unlikely to be provided within the statutory timeframe of 8 week timeframe for non-major planning applications.

Future Engagement

72. The HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Yours faithfully

A handwritten signature in blue ink that reads "R. H. Danemann". The signature is written in a cursive style with a light blue background behind it.

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