



Sent by EMAIL ONLY to [planning.policy@nottsc.gov.uk](mailto:planning.policy@nottsc.gov.uk)

15/12/2023

Dear Sir/ Madam

**Response by the Home Builders Federation to Nottinghamshire County Council Approach to Planning Obligations, Dec 2023.**

HBF have recently been made aware of a document called 'The County Council's Approach to Planning Obligations' which updates the County's policy on this issue. We understand that comments can be made on this document with a closing date of 18<sup>th</sup> Dec 2023, but we appear not to have been formally consulted on this document.

HBF would wish to make some comments on this document, as detailed below. Would you please add our details to your consultation database, so that we are notified and consulted on anything in relation to Developer Contributions policy and practice in the future.

HBF are concerned that the changes to this document will lead to potentially significant additional costs for development that will affect viability. Such costs should be considered during the plan-making process to enable s106 costs to be accounted for Local Plans' viability assessments. Increasing s106 demands on development that are pursued outside of the Local Plan process undermines the plan-making process and can lead to the need for site specific viability appraisals creating additional work for LPAs and delaying much needed housing development in the midst of a housing crisis.

Section 106 requests must not place an undue burden on development that makes it undeliverable and unviable. The phasing of s106 contributions can also impact viability and a flexibility of approach may be needed in some cases.

In relation to Biodiversity Net Gain, HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time and note that it is somewhat unfortunate that the timing of the release of the draft Planning Practice Guidance from DLUHC and the Draft DEFRA BNG Guidance has seen this information released in the middle of your comments period.

HBF note that there is a lot of new information for the Council to work through and consider the implications of, in order to make the necessary changes to the Biodiversity Net Gain policy so that it complies with the latest policy and guidance as it finalised.

It should be noted that the BNG PPG has been published in draft form to allow for "familiarisation" and as such some details may change between now and the implementation date in January 2024. Similarly, HBF understand the DEFRA Guidance is still being refined before the implementation date, and indeed may be further refined once mandatory BNG is working in practice, to reflect any early lessons learnt.

HBF would request that the Council consider if there are any areas of your guidance that need revising and updating. For example, it should be noted that the (draft) PPG is clear that there

is no need for Local Plan policies to repeat national guidance, and the DEFRA guidance includes information about monitoring and management of BNG. It will be important for the Council to fully consider the PPG and DEFRA guidance once it has been formally published, which HBF notes will be in January 2024, after the close of this consultation period. Although no significant changes to the approach to BNG are expected, further clarity may be needed on some of the finer details, and some amendments and additional advice and guidance are anticipated.

It is the HBF's opinion that there are significant additional costs associated with mandatory biodiversity gain, and these need to be fully accounted for in District and Borough Council Local Plan's viability assessments. It is important that BNG does not prevent, delay or reduce housing delivery. This adds further weight to our concerns about increasing s106 demands on development that are pursued outside of the Local Plan process where viability assessments and the plan-making process provide a framework that enables all the competing policy objectives and s106 requests to be properly considered and tested to ensure they do not place an undue burden on development that makes it undeliverable and unviable.

It is the HBF's view that any requests for increasing County Council contribution should be sought through the plan-making process. In two tier authorities this will require effective and ongoing work between the County and its constituent District and Borough Councils.

I trust that the Council will find these comments useful. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry if that would be helpful.

HBF request to be kept informed of all forthcoming policies and/or consultations relating to Developer's Contributions and any associated documents. Please use the contact details provided below for future correspondence.

Yours faithfully

A handwritten signature in blue ink that reads "R. H. Danemann".

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Home Builders Federation

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