

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

22/12/2023

Dear Sir/ Madam

Response by the Home Builders Federation to the Teignbridge Local Plan 2020-2040 Proposed Submission (Regulation 19) Addendum

1. Thank you for consulting the Home Builders Federation (HBF) on the proposed changes to the Local Plan being put forward in the Addendum consultation. Please find below the (HBF) response to this consultation which relate only to these new proposed changes. Our previous objections and concerns, as detailed in our response to the original Reg 19, remain outstanding.
2. 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.
3. Our comments in relation to the original Reg 19 noted that the signed SoCG with the NHS Devon had yet to be made available on the Local Plan website and was listed as “to be added shortly” during the previous consultation. HBF have still be unable to locate this document. When will it be published?

Policy GP8 Viability

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

4. HBF raised concerns about viability in our representation to the original Reg 19 consultation. The changes proposed in the Addendum do nothing to address the points the HBF raised, indeed if anything the changes would make the situation worse. HBF requested additional flexibility should be included within this policy. This was needed because whole plan viability assessments use methodologies that test typologies of sites, and not the detailed circumstances of individual sites. As such there may be individual sites that are already not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. Therefore, additional flexibility is



needed in the policy, and without this flexibility the plan is unsound because it was neither justified nor effective.

5. HBF remain of the view that Policy GP8 should include the opportunity for negotiation around policy requirements for site specific reasons, as any sites whose circumstances fall outside the parameters of the typologies tested could already be unviable under the proposed Local Plan policies. Instead of introducing the flexibility requested the Council have added 'in exceptional circumstances' which seems to decrease, rather than increase, the opportunities for negotiation to find a way forward and make a scheme viable in order to deliver much needed housing.
6. The Council has also introduced additional wording to Criteria 4 which allow alternative triggers, not just every three years, to be used to review viability. Even with this change, HBF remain of the view that in some circumstances a viability review mechanism may be disproportionate and/or unnecessary. Policy should therefore include flexibility, so such a clause is not required in all cases.
7. The Council has also introduced some additional wording to the text in paragraph 1.30 and 1.31. This wording introduces a number of technical terms and planning jargon which are not defined or explained. For example: benchmark land value, existing use value and premium over existing use value, undevelopable land premium. A clearer link between these statements and the whole plan viability assessment is needed for this additional wording to be justified and more explanation of these term is needed for the Plan to be effective.

Policy CC1: Resilience

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

8. Although the Council has introduced additional supporting text at para 2.7 to explain that balance will be needed in applying the different criteria of the policy to a particular application, this does nothing to address HBF previous concerns. It is still unclear from the policy, and text, how compliance with the policy could be demonstrated or assessed.

Policy CC2: Carbon Statements

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

9. HBF remain of the view that the Council's proposed policy approach to Carbon Statements is unnecessary and repetitious of 2021 Part L Interim Uplift and the Future Homes Standard and should be deleted. HBF understand that the Government's consultation on the Future Homes Standard is due imminently.
10. HBF further object to the expansion of this policy to include Energy Statements as although HBF supports the need for new building to be sustainable and help address the impact of climate change, 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 HBF continues to recommend that the policy is deleted, and do not support the expansion of the policy into Carbon Statements.

11. HBF and its members are working towards the Future Homes Standard and it is not justified to include policies that move ahead of this standard. To do so would create uncertainty and ambiguity in planning policy which depart from, or set different timescales or levels, to national guidance, as this is delivered.
12. Presently, HBF would question whether there is the capacity, skills and experience to undertake such assessments for every application. How will they be assessed? HBF note that much of the energy performance of a home relates to the user behaviour and question how this would be measured and monitored. What would happen in user behaviour if energy use was too high? What powers do planning have to intervene once homes are occupied? Would occupants be willing to share their data on energy use? HBF would also observe that the energy use of a three-bedroom home occupied by a single person would be different from the energy use of a three-bedroom house occupied by a family of five. HBF would therefore also question the practicality and deliverability of a policy that seeks to go further and faster than national legislation and Building Regulations. HBF is supportive of addressing this issue through those means, and not a plethora of individual Local Plan policies.
13. HBF would also highlight the latest publication 'Future Homes, One Plan Building a generation of high quality, affordable and sustainable homes and communities, together' https://irp.cdn-website.com/bddb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf this was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes.
14. HBF would highlight in particular highlight Issue 9. The Partnership Imperative on page 15 which states in the Local Government section that "Local planning requirements must align with the overall plan for improving performance standards at national level. For example, avoiding divergence of local energy standards that make it harder to accelerate improvement in standards at national level, and avoiding conflict between local planning conditions and new requirements of building regulations."
15. It is important to note that Part L Building Regulations is an entirely separate to Whole Life Carbon, and Part L will introduce improved fabric and building performance in 2025. HBF would also request to see the evidence, analysis and advice that has, and will be used to inform any Energy and Carbon Assessments. In particular HBF wish to understand the requirement and assumptions on embodied carbon that have been used by the Council. HBF would also question how the Council will make judgements on accepting

or rejecting carbon assessments as the baseline and measures therein have not been established, and who is qualified to do this.

16. HBF also draws the Council's attention to the recent Ministerial Statement on this issue which says "the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale." See <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>
17. The Council should also note that that the long awaited consultation on the Future Homes standard was published on Dec 13th 2023 and consultation closes in 6 March 2024. The consultation documents can be found online at <https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation>

Policy H1 Land for New Homes

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

Housing Need and Requirement

18. The Addendum seeks to reduce the annual housing requirement from 741 to 720 dwellings per year. HBF objected to the 741 as being too low, so any further reduction in numbers is not supported. HBF remain of the view that the Government's standard methodology identifies the minimum annual LHN, which is only a minimum starting point which is not the housing requirement figure. HBF are still supportive of a higher number of houses being plans for in this plan for the reasons set out in our original Reg 19 reps.
19. The plan period has also been extended to 2040. Although HBF are supportive of this, new or updated evidence may be needed to support this extension. It should also be noted that a lower number of houses over an extended plan period will have a compounding effect on the housing requirement. HBF continue to advocate for higher housing numbers in Teignbridge to address the housing crisis, provide a range and choice of sites, provide opportunities for small and medium housebuilders and deliver higher amounts of affordable housing.
20. HBF would also question the statement in para 5.2 that says "the target for this plan is therefore 11,700 homes to be delivered between 1 April 2023 and 31 March 2039", when the plan period is stated on the Front Cover as 2020-2040, and Policy H1 says the housing requirement for 2020-2040 is a minimum of 14,400 homes.
21. New wording has been added at para 5.4 referencing the Housing Topic Paper. HBF do not support this new wording, any explanation of the policies in the Plan should be included within the Plan and not delegate to some other

document, particularly when it relates to an issue as important as housing. Although the Plan should be read as a whole, the policies in it should be supported by the text in the supporting text within the Plan. Although the Housing Topic Paper and other supporting evidence can provide useful background information this is not a substitute for the proper explanation of policies within the Plan.

22. The Council's policy approach to housing should be clearly set out and understanding to a person reading the Plan. Indeed, highlighting this particular Topic Paper in the supporting text of the policies, and not doing this elsewhere for any other supporting evidence and Topic Papers could be seen as seeking to give Local weight to this, and no other Topic Paper. Is the Council trying to give greater weight to this particular evidence than other supporting evidence that is not specifically referred to in a specific part of the policy?
23. As it would not be appropriate to refer to every Topic Paper every time a topic Paper forms part of the evidence base to particular policy, the new sentence in a new para 5.4 should be deleted and replaced with additional text that properly explains and set out the Council's approach to Housing Policy for Teignbridge. This must include a clear explanation of the housing requirement, housing target, housing land supply and all of its' component, how housing delivery will achieved, monitored and managed and what would happen in the case of under delivery of housing.
24. In our earlier reps HBF highlighted discrepancies between the figures in the Housing Trajectory in Appendix 3, and the in Policy H1 requesting that the discrepancy was resolved or explained. Having reviewed the new Appendix 3 Housing Trajectory, we are even more confused as the cumulative totals of the total yield column are different from the cumulative totals for the plan period. Appendix 3 says the total yield from allocations is 4450 in the total yield column but only 4125 over the plan period. Extant allocations total 7796 in both places, but the total projected completion from allocated sites is 12,246 in the yield column but 11921 in the total plan period column. This need reviewing and resolving to make sure it makes sense.

Local Occupancy Conditions

25. In our original Reg 19 representation HBF objected to local occupancy conditions being sought on all new housing. Changes have also been made to reduce the requirements for local occupancy from all new build housing to only those located in the Parishes identified on the Proposals Map. Whilst HBF welcome the removal of the requirements for local occupancy restrictions on all new homes our concerns about how those that remain would be implemented remain (see our original Reg 19 reps).

The "Dartmoor Allowance", Windfalls, Buffers and Small Sites

26. HBF also previously objected to the principle that any sites within the Dartmoor National Park, and therefore not within the scope of Teignbridge

Local Planning Authority, could count towards housing in Teignbridge in any way at all. Any sites within the Dartmoor NPA area should not count towards the housing land supply and/or windfall allowance of Teignbridge. However, the new table on housing land supply in paragraph 5.3 now includes a 288 unit "Dartmoor allowance".

27. HBF strongly objected to the suggestion that housing delivered on sites within another planning authority (Dartmoor NPA) can contribute to providing a buffer that provides additional flexibility and choice within the Teignbridge Local Plan area as being completely 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. The 288 Dartmoor allowance should therefore be deleted and replaced with additional local plan allocations to make up the shortfall.
28. The previous para 5.4 is now numbered 5.5. HBF previously objected to the original para 5.4 explains that no allowance for windfall development is included within the over supply figures. Although the wording of this paragraph has been changed and additional wording has been added to the supporting text in new paragraphs 5.6 and 5.7, the Council still 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, HBF remain of the view that the small sites requirements should be met through allocations.
29. HBF continues to recommend that the plan should 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. Such an approach must not include any reliance on sites of windfalls (or neighbourhood plan allocates, or any other kind of housing provision) brought forward within the Dartmoor National Park area.

Contingency

30. HBF remains concerned about the inconsistency in the Policy wording of H1 and the supporting text, that creates confusion and uncertainty for plan users. Policy H1 still refers to the Housing Delivery Action Plan enabling the development of additional dwellings on unallocated (departure) sites. This remains in conflict with the supporting text in the newly renumbered 5.11 which still 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 still itself does not include reference to this potential remedy. Indeed, the only change that has been made to the newly numbered para 5.11 is a change the wording from 'under-delivery of housing' with 'under delivery of permitted sites'. HBF object to this change. The previous wording should be retained.

31. We are in the midst of a housing crisis. As such the Council needs to ensure that the Local Plan delivers all the housing that it is planning, however it is being delivered. As such the Council should be monitoring and reacting to any under delivery of housing, whatever the reason for the under supply. If, as the Table in 5.3 suggests the Council is relying on 2,160 homes to come forward as windfall of the total housing requirement of 11,644 this represents 18.5% of supply being delivered as windfalls, not including the 288 'Dartmoor allowance'. Windfalls are therefore a major part of the housing land supply for Teignbridge which must be monitored and kept under review. If monitoring shows housing was not coming forward on windfall (not allocations) at the expected rate action would still need to be taken to address the under delivery of housing, even if the reason was not the under delivery of existing commitments or new allocations. To suggest otherwise seems preserve.
32. NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. By including windfalls within the Plan's housing land supply requirement, the opportunity for windfalls to provide some additional housing numbers is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.
33. It is not possible to see from the Housing Trajectory in Appendix C to clearly see how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply.
34. HBF continues to request that the housing trajectory in Appendix C should be amended to includes all housing from all sources, as these other sources form part of the housing supply and therefore part of the housing trajectory.
35. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe). This should be reflected on the Housing Trajectory. As currently written, it is not possible to understand when the windfall are expected to come forward and when, and it should be.
36. In relation to policy H1, HBF continues to suggest that as a minimum, explicit reference should be made in the policy to the potential to bring forward sites earlier. In addition, reference should also be made to the Housing Action Plan identifying any opportunities to grant permission to additional windfall applications as well. 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.

37. HBF remains concerned that a policy that triggers the preparation of a Housing Delivery Action Plan 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 and unmet need the Council will do y.

Primary Residence

38. The HBF recognises the impact that too many second homes in a particular geography can have. Policy H1 has now been changed to remove the requirement for all new open-market homes on allocated sites to be occupied as a primary residence, and this has been limited geographically. However HBF remain concerned that the policy still indicates that local occupancy conditions 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.
39. HBF are supportive of a more tailored approach to local occupancy conditions but remain concerned that where any restrictions on primary residence are to be applied, they must not be unduly burdensome of developers and/or prospective purchasers and does not cause delay to much needed house building.

The Need for Small Sites

40. HBF raised concerns in our Reg 19 response that the issue of small sites had not been properly considered. HBF therefore welcome the attempt now being made in the Plan 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.
41. HBF remain of the view that small sites should be allocated, and not be left to windfall or even, as now suggested, self or custom build sites. As mentioned in our Reg 19 response 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. 'Small sites' for self or custom build do nothing to address this issue.

42. HBF continues to advocate that a higher percentage of small sites are allocated because they 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.
43. The additional paragraphs that have been added to the supporting text suggest that there is a balance to be struck between meeting the requirement for 10% of sites to be allocated on small sites and other policy considerations. HBF disagree. The government is very keen to diversify and market and encourage and support small and medium builders. The requirement for 10% of housing to be delivered on small sites is clearly set out in the NPPF and should have been considered and fed into the plan-making process from the outset. HBF remain of the view that small sites should be allocated and whilst the additional text in new paragraph 5.7 lists 16 sites which are less than 1 Ha, this is not enough and more should be allocated.

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.

44. In our Reg 19 response HBF flagged our concern that the use of local occupancy conditions on all types of affordable housing is unduly burdensome. The Addendum seeks to remove First Homes from this requirement, something which HBF support. However, we remain concerned that the requirement for local occupancy condition is incompatible with some other affordable housing products and would result in a lack of availability or choice of mortgage products on the market, for example rural shared ownership. HBF still can find no evidence that the Council has given any consideration to the interaction of affordable housing and local occupancy on viability and delivery.
45. HBF still believe that if this policy approach is pursued there needs to be an element of flexibility to allow for the consideration of site and/or product specific circumstances. HBF remain of the view that the wording of Policy H3 should be amended to be explicit that seeking local occupancy conditions on other (non-First Homes) is not appropriate in all cases. Or, as HBF previously suggested 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

46. HBF previously objected to this policy because it did not include any indication of the size, type and mix of housing that should be provided. This fails to provide certainty for developers and avoid the need for have to negotiate every site on a case-by-case basis which could result in repetitive and/or protracted discussions and avoidable delays.
47. No changes have been made to the policy, but additional wording has been added to the supporting text which seems to suggest a proposal could be refused if it resulted in an 'unacceptable' disparity between the size of market and affordable homes. If this is a policy requirement, it should be in the policy, and not the text, but in any regard HBF object to the proposed wording as it does nothing to address our previous concerns. If the policy is unable to give an indication of the type of affordable housing required, then some wording along the lines of early discussion with the housing team are encouraged should be added to ensure that the Plan is effective.

48. 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

49. HBF continues to object to this policy and our previous comments on Policy H5 still stand. In relation to the changes proposed in this addendum HBF observe that para 5.31 seeks to limit housing for older people to those over 65. However, such schemes usually have a minimum age requirement of 55 and the market for such schemes has developed according. Para 5.31 therefore needs changing from 65 to 55.

Policy H6 Custom Build

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

50. HBF continues to consider that requiring major developments to provide for self-builders is not appropriate, and our previous comments on Policy H6 still stand. In relation to the change proposed in the Addendum the Council is now proposing that any unsold plots should be sold to an affordable housing provider at an affordable housing value. Although HBF strongly object to this approach, if it were to be pursued the Council would need to be clearer about which affordable housing it was referring to as there can be a considerable differential in price between a First Homes (which is affordable housing) and social rented house (which is also affordable housing). This approach would also need to be subject to viability testing.

Omission: Changes needed to Policy EN10 Biodiversity and Geodiversity to reflect National Policy and guidance Changes.

Policy EN10 is not considered to be sound as it is not justified or effective or consistent with national policy

51. The Council will need to update the BNG policy and supporting text to reflect the new Planning Practice Guidance on BNG and DEFRA BNG Guidance that was published on 30 Nov 2023. The Plan will need to reflect the

implementation of national mandatory BNG include the new statutory metric and the small sites metric.

Appendix 3: Housing Trajectory

52. The Housing Trajectory still needs expanding and linking into a Monitoring Framework for the Plan (see Reg 19 objections). This needs to 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.
53. HBF have also highlighted some areas of confusion or possibly potential errors in the data in the trajectory have been highlighted in our response to Policy H1 above.

Design Code

54. HBF still think 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, and would question if the Council have the resources available to support the working of these policies in practice without impacting in the timely determination of planning applications or resulting in the introduction of policies and procedures that result in any non-negotiation on submitted schemes, which is at best unhelpful, and at worst obstructive resulting in unnecessary delays and planning appeals.

Future Engagement

55. 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



Rachel Danemann MRTPI CIHCM AssocRICS
Planning Manager – Local Plans (Midlands and South West)
Home Builders Federation
Email: rachel.danemann@hbf.co.uk
Phone: 07817865534