

Sent by email to:

 xx/xx2024

Dear Sir/ Madam

**Sevenoaks Local Plan 2040**

1. Thank you for consulting the Home Builders Federation (HBF) on the new local plan for Sevenoaks District. 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.

**General comment**

1. Whilst not a matter of soundness it would be helpful if the council could include clause/ paragraph numbers within all of the policies. This has been included in some policies such as SL1, COM1 and UD1 but not in other policies. Numbering within a policy will aid referencing for those making representations on the local plan as well as for applicants and decision makers following the adoption of the plan.

**Policy ST1 – A Balanced Strategy for growth**

*Housing needs*

1. The consultation document states that the housing needs of the district is 712 dwellings per annum (dpa). Over the proposed plan period of 2025/26 to 2039/40 this is a total of 10,680 homes. This figure is based on the standard method and the HBF would consider 712 dpa is the minimum number of homes the Council should be planning to deliver. However, we are concerned that the Council will not adopt the plan by 2025/26 and as such the plan will not, as required by paragraph 22 of the NPPF, look ahead for a minimum of 15 years. Given that the Council are still to undertake a regulation 19 consultation. Submission of the local plan, which was scheduled for the summer of 2024, is likely to be in 2025 at the earliest. With the examination likely to take minimum of 12 months, this means the plan will be adopted in 2026 and a plan that looks ahead for 14 years. Therefore, in order for the plan to be consistent with national policy the plan period should be extended by a year to 2039/40. Given that the standard method is fixed at the point of submission (paragraph 2a-008 of PPG) the start of the plan period should remain unaltered. As a consequence of this change the minimum number of homes needed in Sevenoaks is 11,392 homes.

*Development options*

1. The Council are proposing three options which build on the baseline level of development on identified sites the Council considers are suitable for development at present. Table 1.2 sets out the options and the approximate number of homes that each option would deliver. This table notes that the baseline figure of 8,500 homes falls well short of meeting housing needs and the HBF would agree with the Council that other development options must be considered in order to boost the supply housing across the district. As the Council note there is a pressing need for both market and affordable housing in the borough which has contributed to affordability in the borough being one of the worst in the Country.
2. The poor affordability in Sevenoaks is a clear indication of the severity of the housing crisis in the Sevenoaks and the south east in general. This is in part due to the lack of development coming forward across the region and a result of many local authorities failing to recognise their responsibility to plan strategically to meet the development needs of their area. In addition, the duty to co-operate has largely failed to deliver strategic agreements to ensure the needs of more constrained areas are met elsewhere. This has led to the situation where an average of 274 homes have been built each across Sevenoaks since 2012/13 well below the number of homes the Council are expected to deliver over that period using either the Objective Assessment of Housing Need[[1]](#footnote-1) or the Standard Method.
3. It is important to recognise that the shortfall of housing is a long-term structural issue, there is just not enough homes in relation to the size of the country’s population. The issue of population size and the size of the housing stock is considered in recent report by the HBF which compares the UK housing market with other European countries. What is notable from this research, is that England has far fewer dwellings relative to its population than other developed nations. For example, Italy and France have around 590 homes per thousand inhabitants compared to just 434 in England, which is also well below the OECD average of 487.
4. This dearth of properties makes England one of the most difficult places in the developed world to find a home, with the rate of available properties per member of the population at less than 1%, the lowest rate of all OECD countries. The relatively low number of homes for the size of population will impact on the cost of housing. The research found, not only that housing is very unaffordable in the UK but that other similar European nations, for example Belgium and France, have seen incomes better keep pace with house prices and in some cases, such as Finland the have fallen slightly as a proportion of income. Whilst this is national data it provides stark evidence as to the shortage of housing across the country and the need for all areas to boost supply if affordability is to improve.
5. The outcomes of this shortage of homes will mean affordability continuing to worsen, more people living in overcrowded/ substandard accommodation or staying with parents far longer than previous generations due to the lack of available and reasonably priced housing. If this issue is to be addressed, it is vital that councils such as Sevenoaks plan for levels of housing that are well above what was delivered in the past. If the Council, and indeed all councils, do not take on its strategic responsibilities with regard to significantly increasing the supply of land for new housing then the issues outlined above will never be addressed.
6. In preparing the final draft of the local plan to be submitted for examination the Council must therefore attach significant weight to the housing crisis facing both residents of Sevenoaks and the SE as a whole. Only through a significant uplift in housing delivery will there be any hope of stabilising house prices over the long term and ensure that there are enough homes to meet everyone’s needs. The HBF recognise the constraints present in Sevenoaks District but the circumstances facing the Council with regard to housing needs and affordability are significant we would consider these to support amendments to Green Belt boundaries and the delivery of development in the AONB where this would have limited impact on the purposes of both these designations.
7. The HBF therefore consider the only appropriate option is for the Council is to plan to meet its development needs in full. As outlined in option 3 this will require a combination of sites from smaller developments that will deliver earlier in the plan period to strategic sites ensuring homes continue to be delivered at the end of the plan period.

*Potential supply*

1. The HBF does not comment on specific allocations. However, it is important to stress that the assumptions made with regard to when sites will come forward and the rates at which they deliver new homes must be robustly justified. Whilst such considerations have always been important they have taken in greater significance now that, as set out in paragraph 76 of the NPPF, LPAs with an up-to-date local plan that has been assessed as having a five-year land supply on adoption will for the first five years of that plan period not be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing supply. This significant change in policy means that the consideration of land supply in the first five years of this plan are more critical and will be even more closely scrutinised by the inspectors examining local plans as should supply not come forward as expected there is no mechanism to address any shortfalls.
2. With regard to other sources of supply set out in table 1.3 the number of homes coming forward from sites with planning permission will clearly change as many of those sites with a planning permission at present will have delivered new homes prior to the start of the proposed plan period in 2025/26. Whilst it is assumed this has figure has been included to provide an indication as to the likely number of units with planning permission at the start of the plan period it will need to be continually updated to ensure an accurate picture of housing supply is provided in the submitted local plan.
3. The Council have also included a small site windfall allowance of 1,185 dwellings over the plan period – an annual supply of 79 dpa across the whole plan period. Whilst the HBF consider the level of annual windfall to be reasonable it is not appropriate to include these in the first two years of the plan period as this will double count those small windfall sites that already have permission and are already included in housing supply.

**Policy H1 – Housing Mix**

1. Alongside requiring applicants to have regard to the mix of homes needed as set out in the latest housing needs evidence the policy also requires all homes to be bult to Part M4(2) of the building regulations and 5% of homes to be built to part M4(3)b and for these homes to be provided as affordable rent.
2. Whilst the policy provides a flexible basis on which to agree the mix of homes to be delivered on each site it is more specific as to the accessible requirements. The HBF note that the Government’s intention is to require M4(2) as the mandatory standard for all new homes and should this be implemented prior to the plan being submitted this requirement should be removed to avoid duplication with national policy. With regard to the part M4(3)b requirment it is necessary for this to be based on the need for such homes. The Targeted Review of Housing Needs arrives at the 5% requirement for Part M4(3) as this is an average of locally assessed needs and three national studies as set out in table 6.15.
3. It is notable that the locally assessed need for wheelchair accessible housing found that there was an additional annual need to 2043 of 1.2% each year or around nine homes per annum with the English Housing Survey indicating annual needs of 0.6% or 3% homes depending on the level of wheelchair use. These all suggest a level of need for such homes that is lower than the 5% requirment set out in policy. In fact, the sole reason the higher need is the inclusion of the Aspire research report from 2015 which was based on a sample size of 40 people and with very little evidence suggest 10% of large developments should be wheelchair accessible. Unless additional evidence is provided the HBF can only conclude that the policy should be amended to reflect the more recent evidence from the English Housing Survey and Council’s Household Survey which indicates needs is more likely to be within the region of 1-3%
4. The final part of the policy refers to self-commissioned homes and requires development of 100 homes or more to provide at least 5% of homes as serviced plots for self-build and custom housebuilding. In general, the HBF does not consider it appropriate for a blanket requirement for self-build homes on large housing sites to be appropriate as the deliverability of self-build plots will vary from site to site. On some sites it will not be possible for the provision of self and custom build plots on new housing developments to 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.
5. However, in addition to these broad concerns as to the effectiveness of the policy the HBF do not consider the policy to be justified. At present there are 278 people on the self-build register however this provide limited justification for the policy itself. No information is provided in the Council’s annual monitoring reports as to the number of self-build plots that have been permitted since the register began and if windfall sites are meeting the needs of self-builders. Similarly, no indication is provided as to whether the council has reviewed the register and ascertained whether those still on the list are still looking to build their own home. Whilst the self-build register provides an indication of demand it must be regularly reviewed in order to ensure that its sufficiently robust to support a policy such as the one the council is proposing.
6. Finally, if the Council are to maintain a requirement for sites of 100 units or more to provide serviced plots then the policy should be a maximum not a minimum to provide the necessary clarity as to what is required of an applicant. The policy should also set out that the plots will return to the applicant to be built out as market housing should the plots remain unsold after a marketing period of 6 months. This will ensure that there is no delay in delivering much needed homes and the potential for empty unfinished plots is minimised.

**H4 – Housing for older people**

1. The final paragraph of policy H4 expects residential development of 50 dwellings or more to provide units for older people. The HBF would considers such an approach to be ineffective in meeting the specialist accommodation needs for older people across Sevenoaks. Firstly, the most effective approach to meeting the housing needs of older people is for the Council to allocate sites within the local plan for retirement housing and other specialist accommodation for older people. Given that the Borough is so constrained, and competition for sustainably located sites will be high, allocation is the most effective way in ensuring such development will come forward over the plan period. Secondly the policy provides no indication as to how many units for older people a development would need to provide. Policies should provide clear indication to the decision maker and applicant as to how they should respond something this policy fails to do in respect of the final paragraph.
2. Finally, no evidence is provided as to whether it is practical and feasible to provide a small number of units for older people of the type set out in table 2.1 on the smaller development sites that will be required to comply with this policy. This type of accommodation will not be provided directly by many house builders and the Council has provided no evidence that there are the necessary providers of older people’s housing that would look to take on a small number of specialist units. The HBF would suggest that a requirment to provide housing for older people is only appropriate on much larger sites where delivery could be of a sufficient scale to be attractive to a specialist provider.

**Policy H6 – Small Sites**

1. The Council note in paragraph 2.24 the requirement in NPPF to ensure at least 10% of the housing requirement is provided on sites no larger than one hectare. The Council go on to state in paragraph 2.26 that the Settlement Capacity Study has identified the potential for approximately 1,000 units to come forward in the districts existing but up areas and that this could be higher if densities are optimised in the most sustainable locations. However, whilst the policy which seeks to maximise delivery form small sites it does not address the primary objective of the NPPF which is the allocation of small sites in the local plan or their identification in the Brownfield Register.
2. The allocation of small sites is a priority for the Government and stems from the Government’s desire to support small house builders by ensuring that they benefit from having their sites identified for development either through the local plan or brownfield register. The effect of an allocation is to take some of the risk out of that development and provide greater certainty that those sites come forward. This in turn will allow the SME sector to grow, deliver homes that will increase the diversity of the new homes that are available as well as bring those homes forward earlier in the plan period.
3. The Council should also recognise that allocating small sites and supporting SME house builders not only ensures a stronger supply in the short term but also improves the diversity of choice within local housing markets, support local and regional supply chains and are often pivotal in bring forward innovation and supporting jobs growth locally, with 1 in 5 of the SME work force comprising of apprentices.
4. A failure to allocate small sites will contribute to the continued decline in small and medium sized house builders. Recent research by the HBF has found that there are 85% fewer small house builders today than there was 20 years ago and that of a survey of 202 SME house builders 87% said they were considering winding up there residential activities in the next three years. Whilst this decline is due to a range of factors more allocations of small sites would ease the burden on many SME developers and provide more certainty that there scheme will be permitted, allowing them to secure the necessary finance that is often unavailable to SMEs until permission is granted.
5. Therefore, in order for the plan to be consistent with national policy the Council should not just seek to maximise delivery from the small sites that do come forward but to actively promote these through allocations in the local plan.
6. As for the policy itself, the Council states in paragraph 2.27 that is aim is encourage small sites to come forward. Such a policy is necessary and ensure the plan is consistent with paragraph 70(d) of the NPPF, however, it is not clear how this policy encourages small sites to come forward. Rather than encourage such sites the policy instead places a range of conditions that such sites should meet, most of which are just repetitions of other policies. If the Council were seeking to support small sites, we would suggest that the policy actually recognises the importance of small sites and SME house builders in general by including an opening statement such as:

 “*In order to recognise the value of SMEs and small-scale sites, the Council will support development of unallocated or windfall small scale housing and approve applications providing they are consistent with other policies in this plan.*

1. The HBF would also suggest that the Council emphasise their willingness to be flexible on small sites that often face more challenging viability (especially where these are being brough forward on previously developed land) and the fact that small scale delivery of affordable homes on smaller sites is sometimes not attractive to many Housing Associations. To take this into account and encourage more small sites the policy could include the following:

 “*A flexible approach will be encouraged to the delivery of Affordable Housing assessed on a site-by-site basis. Where on site provision is demonstrated through evidence to be unviable or unattractive (less than 70% Open Market Value) to recognised Registered Providers, the Council will permit alternative levels of Affordable Housing or alternative forms of tenure, including First Homes, payment in-lieu of on-site provision or another form of recognised Affordable Product as defined in the NPPF*.”

**Policy CC2 – Low Carbon and Climate Resilient Development**

1. With regard to residential development the policy states that all homes should meet current and future building regulations with major development being required to achieve Passivhaus certification or a Home Quality Mark (HQM) rating of four stars. Applicants will also have to demonstrate that they have adopted a fabric first approach in achieving these standards, minimised embodied carbon emissions, with major development being required to demonstrate a predicted embodied carbon of no more than 600kgCO2e/m2 as well as offsetting any remaining regulated carbon emissions through onsite carbon sequestration or offsite credits if onsite solutions are not feasible.
2. Firstly, the Council does not need to reference within the policy the fact that new development must meet building regulations. All buildings are required to meet these standards and they play no part in whether a development should be granted planning permission. As such the reference is unnecessary and potentially confusing and should be deleted from the policy.
3. Secondly, the Council will need to give consideration as to how these requirements are consistent with the written ministerial statement (WMS) published on the 13th of December 2023[[2]](#footnote-2). In this statement the housing minister notes that “*Compared to varied local standards nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes*” and that local standards can “*add further costs to building new homes by adding complexity and undermining economies of scale*”. The 2023 WMS goes on to state that any standard that goes beyond building regulations should be rejected at examination if the LPA does not have a well-reasoned and robustly costed rationale that ensures:
* That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
* The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).
1. Taking the second bullet point from the WMS first. The Council’s policy, which requires development to meet either Passivhaus or a 4-star HQM rating, will need to be reframed as a percentage uplift of a dwelling’s TER rather than requirements to meet alternative standards being put forward by other organisations such as BRE or Passivhaus.
2. Turning to the first bullet point, the Council’s Interim Viability Assessment has not tested the higher standards being proposed in CC2 and as such has no evidence to show that these requirements are viable and deliverable in Sevenoaks from the point at which the plan is adopted. The Future Homes Hub (FHH) has undertaken some work to support and inform the implementation of the Future Homes Standard which is set out in Ready for Zero. This study tests a number of archetypes against a range of specifications from the current standards set out in the 2021 Building Regulations through to standards that will achieve similar standards to those proposed by the Council. The various specifications and costs are summarised in Figure 8 of Ready for Zero. This indicates that in order to deliver standards above the Future Homes Standard on a three bedroomed end of terrace house (specifications CS3, CS4 and CS5 in the FHH report) would be around a 15% to 20% increase in per unit costs compared to the 2021 Building Regulations. Whilst the specifications and assessment methodology may not be directly comparable to those being proposed by the Council it provides an indication as to the costs.
3. In addition, the Council will need to consider the impact of these policies on both delivery rates and when the proposed site allocations will commence. Given that the standards proposed in CC2 are higher than those proposed by Government in the Future Homes Standard, expected to be introduced in 2025, they will likely require higher levels of fabric efficiency which will require new skills and materials that may not be readily available, and which could slow delivery the short to medium term as these are developed. It has been recognised by the FHH that to deliver higher standards will require phased transitional arrangements would be needed to steadily build up the skills and ensure quality. The FHH notes in its report Ready for Zero that even if a short transition period between current standards and those similar to the Council are proposing that this would “*… create a high risk of quality problems, inflated costs and, potentially, stalled build programmes.*” As such consideration will need to be given as to the delivery rates of development in the early years of the plan period with fewer homes potentially coming forward in this period as these much higher standards will take time to embed.
4. Whilst the HBF would agree with the Council that there is a need to act we would disagree that this needs to be undertaken through the local plan given that there is already a national approach to achieving the same goal. Delivering these improvements through building regulations has a distinct advantage over delivering a variety of different approach across the county in that it provides a single approach that all developers understand and can be rolled out at scale. This allows supply chains and skills to be improved prior to implementation and ensure that improvements to building standards are actually deliverable from the point at which they are introduced. However, if the Council chooses to go beyond current or future standards it must be done in a way that is consistent with national policy and fully assesses its consequences.
5. Thirdly, the requirment for major development to demonstrate a predicted embodied carbon of no more than 600kgCO2e/m2 from 2025 and 300kgCO2e/m2 from 2030 has not been justified. No evidence is provided as to whether this level of reduction is feasible or viable. There are also considerable difficulties and uncertainties in this area with inevitable trade-offs between reducing embodied carbon versus place making design and requirements for renewable energy generation such as photovoltaics. The Council will need to ensure that all these other policies are consistent with delivering levels of embodied carbon as set out in CC2.
6. Finally, the Council will need to show that the proposed approach to offsetting carbon is both justified and effective. Again, no evidence is presented as to the viability of the proposed approach, whether it is deliverable and how the need for onsite sequestration interacts with other policies. For example, the provision of the appropriate habitats to meet biodiversity net gain (BNG) requirements may not be compatible with delivering sequestration on site. The Council will allow contributions to deliver offsite provision where onsite sequestration is not possible and note at paragraph 4.12 that they working to identify suitable off-site schemes that could be supported by financial contributions from developers. However, in order for the policy to be effective there must be sufficient capacity to support the levels of development required by the local plan. As such the policy at present is both ineffective and unjustified.

**Policy HW1 – Health and Well Being**

1. HW1 requires all major development undertakes a Health Impact Assessment (HIA). Whilst the HBF would agree that they are an essential part of plan making to ensure the Council understand the health outcomes it is seeking to achieve and creates a plan that seeks to deliver these. This should be achieved through the preparation of a whole plan HIA which will inform the Council that the policies it contains address the key health outcomes for the area. As the plan and the policies, it contains has been prepared to address the key health issues it is therefore unnecessary for future development proposals that accord with this plan to undertake a separate HIA. If a development meets the policies in the plan, then it is by default addressing the health outcomes already identified by the Council. An HIA as part of the application would merely be repetition of the work the council has already undertaken. The only circumstance where an HIA may be appropriate would be for a larger unallocated site where the impacts may not have been fully considered by the council as part of the plan wide HIA.

**Policy BW2 - Biodiversity in New Development**

1. The Council are proposing to require development to deliver a 20% biodiversity net gain. The HBF does not consider it to be justified for the Council to require net gains of more than 10%. There are significant uncertainties as to the cost of delivering 10% net gains let alone requiring development to go beyond that are difficult to assess through the whole plan viability assessment. Rather than seek to place additional burden on new development the Council should instead work with developers and other stakeholders to ensure that the 10% BNG can be delivered within Kent to avoid unnecessary additional costs and delays to development.
2. If the Council maintain this policy, then it will need to be robustly justified. The Interim Viability Assessment produced to support the preparation of this local plan for example uses the costs from the DEFRA Impact Assessment (IA). The HBF welcome the use of the scenario C figures from the IA, which assumes all of BNG is delivered off site. This is to address concerns raised that the Impact Assessment underplays the costs of delivering 10% BNG. However, the IA is based on 2017 costs and as such there is still significant uncertainty as to how much BNG will cost and their remains a risk that even the use of scenario C from the IA will not accurately reflect the cost to the developer.
3. Furthermore, the requirment to go beyond the statutory minimum will need to be delivered offsite and that this would place pressure on what are still in most areas very immature local markets for BNG credits. The lack of local credits would require offsite delivery outside of the area or the use of national credits which would either increase costs to the developer or delay the delivery of a site until credits are available.
4. Therefore, it will be necessary for the Council to undertake further sensitivity testing of higher BNG costs to thoroughly understands the potential impacts of the 20% requirement in combination with the other costs being placed on development by this local plan.
5. If the 20% is to be retained it should also be recognised in the policy that the where the additional 20% BNG is making a development unviable, alongside other policy costs, then this will be reduced to the statutory minimum. This provides some flexibility to respond to situations where a 20% net gain cannot be delivered. Given the challenging viability in some areas and development scenarios it is essential that the Council seeks to maximise flexibility in the local plan and signals where those flexibilities are.
6. Finally, the policy sets out that any offsite delivery must be within Sevenoaks District Council. However, this policy position fails to recognise that offsite mitigation in a National Character Area (NCA) is given the same weight in the Biodiversity Metric as for offsite mitigation within the local authority area and will have the same benefits in terms of net gain. As such the HBF recommends that in order for this policy to be consistent with the metric the policy should give offsite delivery in the relevant NCA the same weight as for delivery within Sevenoaks itself.

**Policy UD1 – Utilities and Digital Infrastructure**

1. Part 1 of this policy requires applicants to demonstrate that there will be sufficient capacity within utilities infrastructure to meet the needs of development. However, the HBF do not consider this to be a planning matter.The question of the supply of utilities to support development (including residential development) is a matter that is dealt with through separate statutory regimes. Plan-makers may assume that utilities will be adequate. Providers (e.g. water companies and energy companies) are governed by their own statutory regimes and are required, among other things, to ensure a supply of services adequate to meet the needs of the plan-led system. As such part 1 should be deleted from this policy.
2. If the Council disagrees with this argument and is of the view that the adequacy of water services and electricity supply is in question, then that is a matter that goes to the heart of the deliverability of the local plan. Clearly, the local plan would be judged undeliverable if there is any question about the ability of allocated sites to connect to necessary services.

**Policy T3 – Vehicle Parking**

1. The final bullet point in the first section requires development proposals to meet minimum standards for bike parking with greater provision being required where feasible. This does not provide the necessary clarity to other the applicant or the decision maker as to what should be provided. It is also unclear as to how it would be determined whether a site could feasible deliver more. The policy as written is therefore unsound and should be amended to read “*Bicycle parking meet minimum standards.*”

**Future Engagement**

1. 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 helpful. The HBF would like to be kept informed of the progress and adoption of the Local Plan. Please use the contact details provided below for future correspondence.

Yours faithfully



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1. 620 dpa for period 2013-2033 (Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (September 2015) [↑](#footnote-ref-1)
2. <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123> [↑](#footnote-ref-2)