

SENT BY EMAIL  
15/10/2024

Dear Planning Policy Team,

## **FOREST OF DEAN LOCAL PLAN: REGULATION 18 CONSULTATION**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Forest of Dean Local Plan Reg 18 consultation.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF notes a consultation on the NPPF and the standard method for calculating housing need has commenced part way through the consultation on the Forest of Dean Local Plan, and that this is likely to have implications for the production of the Plan and the policies it contains.
4. The HBF would like to submit the following comments upon selected policies within the consultation document. These responses are provided in order to assist the Council in the preparation of the emerging local plan. The HBF is keen to ensure that the Council produces a sound local plan which addresses the housing needs of the area.

### **Duty to co-operate**

5. The Council will need to ensure that they have, and continue to engage effectively with neighbouring areas with regard to housing needs, infrastructure delivery and other key cross boundary issues.

### **Plan Period**

6. The Plan period identified in the Plan is 2021 to 2041. The NPPF<sup>1</sup> is clear that strategic policies should look ahead over a minimum 15-year period from adoption, and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery. Therefore, the HBF considers that the Council may need to extend the plan period to ensure that the Plan will still provide 15 years on adoption. It will also be important for the evidence base supporting the Plan to cover the relevant period. Extending the Plan period will of course also have a consequential impact through increasing the housing requirement.

---

<sup>1</sup> NPPF Dec 2023 paragraph 22



### **Policy LP. 1 Sustainable Development**

7. HBF supports the Council in seeking to deliver sustainable development and minimise carbon emissions. However, the HBF does not consider would caution the realism and deliverability of seeking a net zero commitment in advance of national policy. HBF does not support individual Councils setting their own standards and question if this is the appropriate method to achieve the desired outcome(s).
8. Whilst the ambitious and aspirational aim to achieve zero carbon is lauded, HBF is concerned that the Council is adding to the complexity of policy, regulations and standards that housebuilders are already expected to comply with. The key to success is standardisation and avoidance of individual Councils specifying their own policy approach, which undermines economies of scale for product manufacturers, suppliers and developers. The impact of these requirements along with others in this Plan may have considerable viability implication and may lead to the non-delivery homes and needs to be fully considered within the Viability Assessment.
9. HBF would highlight the publication 'Future Homes, One Plan Building a generation of high quality, affordable and sustainable homes and communities, together'  
[https://irp.cdn-website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan\\_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf](https://irp.cdn-website.com/bdbb2d99/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.
10. In particular, HBF would 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."
11. The government has also provided further advice for local authorities through the Written Ministerial Statement 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>
12. To be consistent with national policy, HBF request the Council rely on the Building Regulations process as the way to manage improving energy efficiency standards and as such no policy on this issue is needed in the Forest of Dean Local Plan.

### **Policy LP. 2 Construction and Use of Buildings**

13. Although the HBF is very supportive of the role that Local Plans can play in helping to address and mitigate the impact of climate change. HBF is very concerned about the

proliferation of climate change and energy policies that are being suggested in some emerging Local Plans. HBF would caution against policies that seek to go further and faster than national policy changes that result in patchwork of differing local standards.

14. There is simply no need for Local Plans to include policies on matters already adequately addressed through Building Regulations, other consenting regimes and other regulations. Doing so creates confusion, duplication, misunderstandings, misalignments and sometime full out policy conflicts, which do nothing to help secure the environmental benefits that communities and developers are seeking to achieve.

#### **Policy LP. 3 Climate Adaption**

15. Again, HBF question the need for the Forest of Dean Local Plan to include policies on matters already adequately addressed through Building Regulations, other consenting regimes and other regulations.

#### **Policy LP. 4 Settlement Hierarchy**

16. HBF would wish to see the Plan set out a logical settlement hierarchy which meets all the housing needs and addresses all areas of the housing market, with a range of sites proposed for allocation. HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination. The Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full.
17. HBF would suggest that the spatial strategy should recognise that there may be clusters of villages that provide a range of services for that area within reasonable travelling distance of each other, so villages may need to be grouped together. These areas might be able to sustainably support a substantial level of development but may not have all the services within one particular village. The plan should also recognise that settlements that currently do not have services could expand to include those services if new development is allocated in those areas. Any list of village services should not be used as a basis for only locating development close to existing services rather identifying where services could be improved through new development. It is important that any policy criteria are not used negatively to prevent development in certain communities rather than promoting improved villages and neighbourhoods.

#### **Policy LP. 7 Infrastructure**

18. HBF understand the previous government's intended reforms to infrastructure funding are no longer being progressed. As such the Council may need to revisit the wording of this policy to ensure it remains up to date.

#### **Policy LP. 12 Biodiversity and Biodiversity Net Gain**

19. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% 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. Although the national policies requiring 10% BNG cannot be subject to site specific viability discussion, any policy requirements over 10% can be. Any policy seeking more than 10% BNG needs to reflect this position.

20. In light of all the new guidance on BNG that has been published, the Council will need to ensure its approach to BNG to ensure it fully reflects all the new legislation, national policy and guidance.
21. 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 the final version of DEFRA BNG Guidance was published on 12th Feb 2024 and the final version of the PPG published on Feb 14th 2024. It will be important that Local Plans do not introduce policies that undermine BNG delivery or conflict with the national approach. The PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.
22. It is also important to note that large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. The BNG PPG includes additional advice on phased development.
23. HBF also suggest particular care is needed in terminology to ensure the BNG policy reflects the national policy and guidance. For example, on-site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. Similarly, it will be important to differentiate between the mitigation hierarchy, which seeks to avoid harm and then mitigate it in relation to protected habitats and the BNG hierarchy which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits. National BNG policy allows for all three of these options, and therefore the Plan should reference statutory credits.
24. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it was arrived at using the most up to date BNG costs information available.
25. HBF suggest that there will also be a need for the Forest of Dean Local Plan to explain how it links into the emerging Local Nature Recovery Strategies. Although these are new initiative, the LNRS will be an important part of setting a spatial strategy for Nature. As such, as the LNRS emerges it will be important for this Local Plan to be kept under

review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy to reflect the LNRS may be needed.

26. HBF would encourage the Council to ensure the Local Plan fully considers and evidence how BNG has formed part of the site selection process. This should include understanding the BNG requirement, including undertaking an assessment of the baseline to support the allocation. Understanding the BNG costs and viability for the site and considering how this may impact other policy requirements such as affordable housing, other s106 or CIL contributions.
27. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which avoids loss to start with, but then prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Reg 19 Plan should do all it can to explain how the two hierarchies work in different ways and that they seek to achieve different aims. We would suggest the use of the term “BNG spatial hierarchy” may help with this issue.
28. Reference could also usefully be made within the Plan to the small sites metric. This is intended to be a less complex statutory metric that can be used to set out how 10% BNG will be secured on small sites. It can only be used for on-site BNG delivery. The national mandatory 10% BNG policy will apply to small sites from April 2024.

#### **Policy LP. 13 Biodiversity Generally**

29. The title of this policy is confusing and needs to be changed. Again, HBF question the need for the Forest of Dean Local Plan to include policies on matters already adequately addressed through Building Regulations, other consenting regimes and other regulations.

#### **Policy LP. 27 Strategic Sites**

30. HBF suggest that the annual housing requirement needs to be clearly set out in the policy. A clear annual target is needed to enable effective monitoring.
31. As set out in the current NPPF, the determination of the minimum number of homes needed in the Forest of Dean should begin with the Government’s standard methodology. HBF would support higher housing numbers for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for the Forest of Dean. HBF note the proposed revision to the standard method in the current consultation. It will be important for the plan to fully reflect the national policies in place at the time. However, it is HBF’s understanding that the standard method will still be a

minimum housing numbers and Council's with ambitions for growth could plan for additional housing.

32. It will be important to demonstrate the housing land supply in plan, from all sources, is deliverable.
33. 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. 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.
34. The Council should set out in 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%.
35. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of a range of sites including non-strategic allocations could be used to expand the range of choice in the market and be of a scale that can come forward and make a contribution to housing numbers earlier in the plan period.

#### **Policy LP. 29 Housing Delivery**

36. The title, format, layout and content of this policy is confusing, and need to be reconsidered. There is no need for a policy to require development to comply with other policies in the plan, as the plan should be read as a whole.

#### **Policy LP. 31 Affordable Housing Delivery**

37. This policy should include flexibility. 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, and therefore flexibility in the amount of affordable housing sought may be needed to deal with site specific issues.

38. It will therefore be necessary for the affordable housing policy to include flexibility 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 values of a specific site fall outside the parameters used of a typology that was tested.
39. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore suggest that any viability policy 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. Site specific viability considerations may need to be taken into account.

#### **Policy LP. 34 Accessible and Adaptable Homes Policy**

40. HBF note that 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.
41. A distinction also needs to be made between M4(3)a wheelchair adaptable housing and M4(3)b wheelchair accessible housing. The whole plan viability assessment should also be explicit in whether it was applying M4(3)a or M4(3)b as the latter can only be sought on affordable housing where the Council has nominations and is considerably more expensive than the former.

#### **Policy LP. 35 Self and Custom Build**

42. HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where such developments will be supported in principle. 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. HBF does not consider that requiring major developments to provide for self-builders is appropriate.
43. 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
44. Although HBF do not support the requirement for self-build plots on larger allocations, if such a policy were to be introduced it will be important that it is 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 Housing Land Supply S. Therefore, the Council should consider the application of a non-implementation rate to its HLS calculations.

45. Any policy would also need to be clear what happened where plots are not sold. HBF suggest any unsold plots should revert back to the developer. It is important that any 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.
46. HBF considers that a policy which encourages self and custom-build development and sets out where it will be supported in principle would be more appropriate. HBF considers that the 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. HBF does not consider that requiring major developments to provide for self-builders is appropriate.

#### **Policy LP. 36 Proposals For Purpose Built Or Specialist Accommodation**

47. Again, HBF note that 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.
48. Again, a distinction also needs to be made between M4(3)a wheelchair adaptable housing and M4(3)b wheelchair accessible housing. The whole plan viability assessment should also be explicit in whether it was applying M4(3)a or M4(3)b as the latter can only be sought on affordable housing where the Council has nominations and is considerably more expensive than the former.

#### **Policy LP. 38 Nationally Described Space Standard**

49. HBF does not support the introduction of the optional Nationally Described Space Standard through policies in individual Local Plans. If the Councils wish to apply the optional NDSS to all dwellings, then this should only be done in accordance with the NPPF (paragraph 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, 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.

50. PPG (Ref ID: 56-020-20150327) identifies the type of evidence required to introduce a policy on NDSS. 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.
51. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above. 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.
52. HBF would also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The 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 provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.
53. An inflexible policy approach imposing NDSS on all housing 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. HBF suggest that Harborough Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

#### **Policy LP. 103 Monitoring and Review Policy**

54. This policy states that monitoring will be undertaken primarily through the AMR. It is important that any monitoring framework sets out the monitoring indicators along with the relevant policies, the data source and where they will be reported, this should also include the targets that the Plan is hoping to achieve and actions to be taken if the targets are not met. The HBF recommends that the Council provide details as to how

the plan will actually be monitored, and identifies when, why and how actions will be taken to address any issues identified. This is particularly important in the case of the under delivery of housing. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes, and there are other actions that can help to address any under delivery in a more timely manner.

### **Viability**

55. HBF have been unable to locate an up to date Viability Assessment in support of this consultation version of the Local Plan. This will be a key element of the evidence base as the plan progresses and HBF would welcome the opportunity to review and comment on it.

### **Future Engagement**

56. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

57. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



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