

Sent by EMAIL ONLY to planningpolicy@newcastle-staffs.gov.uk

7/10/2024

Dear Sir/ Madam

Response by the Home Builders Federation to the Newcastle-under-Lyme Reg 19 Local Plan consultation, October 2024

1. Please find below the Home Builders Federation (HBF) response to the Newcastle-under-Lyme Reg 19 Local Plan consultation, October 2024.
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. HBF have not commented on every policy only those of relevance to our members.

Overarching comments

Layout and Format

The Plan is not considered to be sound as it is not effective

4. The layout and the format of the plan are not sufficiently clear in differentiating between the text of the policy and the supporting text. This need to be resolved to ensure the plan is usable. This issue is typically addressed in other plans but putting policy text in boxes, behind a grey background and/or indifferent text. HBF do not have a preference but there are many simple ways that could address our concern.
5. Similar presentational issues affect the Vision and Strategic Objectives. Is the Vision all three paras in the vision section 4.1- 4.3, or just 4.1? We would also expect to see the Strategic Objectives in some kind of differentiated presentation and form them to be supported with some explanatory text. It is unclear where the Vision and Objectives come from, for example have they



been informed by the Council's Corporate Strategy, Climate Change Plan, Housing Strategy etc? Or have they been created for this Local Plan specifically. Clarity is needed so the justification is clear so the Plan can be effective.

Plan Period

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

6. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Newcastle-under-Lyme. However, HBF note that the Plan Period runs only to 2040. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.
7. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue.
8. For this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

9. HBF are unclear if the duty to cooperate has been met
10. From the information available we do not know if there has been discussion about any requirement to meet unmet need of a neighbour, or if indeed the housing standard method calculation includes any allowance for this. We therefore cannot tell if the Duty to Cooperate has been met. It is surprising there is no mention of the Duty to Cooperate, unmet housing need or neighbouring authorities within the Plan itself. More information is needed for the plan to be effective and fully justified. Compliance with the Duty to Cooperate is also an essential part of effective plan-making and national policy.

Sustainability Appraisal

11. We note the SA supporting the Reg 18 consultation plan included three options for the number of new homes the plan should provide. Firstly, the

(then) Standard Method of a minimum of 358 new homes per annum, 7,160 over the plan period. Secondly a 'midpoint of employment forecast' of 301 per annum, 6,020 in total, and thirdly the 'highest employment forecast' of 369 per annum, 7,380 over the plan period. We were supportive of the highest figure.

12. We note that that the housing requirement figure of 8,000 homes over the plan period has been assessed through the Reg 19 Sustainability Appraisal. We support the principle of an increased housing requirement to support economic growth and indeed have asked if it should be higher, elsewhere within this Reg 19 response. In our view a further increase in the housing requirement may be needed to respond to our concerns about the need to account for other factors that would justify than increased housing requirement and/or to extend the plan period. We note that as a higher housing requirement than the 8,000 has not been tested through any of the option in the Reg 18 SA, or the current Reg 19 SA, this may result in the need for additional SA work.
13. In terms of the SA itself, HBF would question if new development always has a 'significant negative' impact on climate change, as new development can be more energy efficient and help mitigate the impacts of climate change more effectively than most existing stock.

Planning for Sustainable Development

Policy PSD1: Overall Development Strategy

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

Housing Requirement- dpa and total

14. Although HBF supports the principle of the Council planning for a higher housing number than is required by the standard method, we do not believe sufficient explanation has been provided in the plan as to how the proposed housing requirement in the Plan has been arrived at.
15. We note that the supporting text states that the standard method calculation for Newcastle-under Lyme results in 6,490, an annual requirement of 347 dwellings per annum. However, further explanation and clarity on the standard method calculation is needed to explain and justify the figure that has been used. For example, setting out the date of the standard method being used and which affordability ratio has been applied. Similarly, it is unclear from the Plan whether the standard method calculation included any element of meeting the unmet needs of a neighbouring authority, or not. HBF believes this information should be clearly set out within the Plan in

supporting text and not relegated to a different document (topic paper, background document etc.).

16. HBF support the Council's view that as the HEDNA identifies a need to deliver 8,000 homes to 2040 this justifies going above the standard method figure, but we would suggest there may be other reasons that justify going further still.
17. In our Reg 18 response HBF requested that the Council plan for a higher number of houses for a variety of reasons including supporting economic growth, the need to provide for a range and choice of sites, the need for a non-delivery buffer, the need to plan for small sites to ensure delivery across the plan period and a robust five-year housing land supply and housing trajectory. We therefore support the principle of the higher figure but ask for more information on how it has been arrived at, what other factors were considered, and if and why they were discounted.
18. HBF notes that Paragraphs 9 and 10 of the HNA (2020) concluded that a higher growth scenario of 410-445 dwellings per annum is 'robust and justified'. This is less than is currently being planned for.
19. HBF agree that Government's standard methodology identifies the minimum annual LHN, which is only a minimum starting point, and not the housing requirement figure, and support the Council's efforts to deliver more housing than the minimum LHN. We in particular welcome the clarification that the housing requirement in the policy is a minimum figure, a change we requested at Reg 18 stage. The wording for this part of the policy is now in line with national guidance.
20. We therefore welcome the increase to 8,000 new homes over the Plan period, and the consequential increase in annual housing requirement to 400 dwelling per hectare, but without understanding how the figures have been arrived it is difficult to conclude if this uplift is sufficient or not to deliver the objectives of economic growth which the Council is seeking to achieve, and the HBF supports.
21. As mentioned above, HBF would request the Plan period is extended to ensure a 15-year post-adoption period. This would further increase the housing requirement.

Buffer and Windfall

22. As the NPPF sets out the supply of specific deliverable sites should include a buffer of 5% to ensure choice and competition in the market. HBF support the delivery of this 5% through allocations in the Local Plan because this is the best way to provide certainty for developers whilst also enabling choice and

competition within the land market. Indeed, where there has been significant under-delivery a buffer of 20% is required.

23. Para 5.4 of this draft plan explains that “It is important that there is resilience in housing supply taking account of factors that may affect delivery and to ensure the overall housing requirement is delivered during the plan period. To address this, the Plan makes provision for a supply buffer of circa 8.3% above the housing requirement set out in this policy”. Whilst HBF fully supports the inclusion of a buffer, we are unclear why the Council has chosen a buffer of 8.3% and therefore question if this is effective and justified.
24. Table 2 sets out calculations that arrives at a figure of 8,663 homes which is called in the table “Total Supply of Housing plus buffer”. It is therefore unclear of the level of buffer being planned for is a ‘policy choice’ or the result of residual calculation of housing supply compared to requirement.
25. HBF remain of the view than any allowance for windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market.
26. The Government has made it clear that it still supports the national target of 300,000 new homes per year. In the midst of a housing crisis and in light in the level of high housing need in HBF are pleased to see that the Council is following the requirements of the NPPF and setting their housing requirement using the standard method as minimum starting point, and planning for an increased number of homes to support economic growth. However, but for the Plan to be sound the Council needs to demonstrate it has considered the other factors which may further increase the housing requirements, including any factors raised under the Duty to Cooperate and/or unmet needs of neighbouring authorities and the wider West Midlands region.

Policy PSD2 Settlement Hierarchy

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

27. Although HBF do not comment on individual site allocations, we would expect that the spatial distribution of sites follows a logical hierarchy, provides an appropriate development pattern and supports sustainable development within all market areas. HBF considers that the Council’s proposed approach to the distribution of housing should ensure the availability of a sufficient supply of deliverable and developable land to deliver the housing requirement.
28. However, the spatial strategy of the Plan should also 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.

29. The Plan should recognise that settlements that currently do not have services could expand to include those services if new development is allocated in those areas. The current range of village services should not be used as a basis for only locating development close to existing services, it could in fact also identify where services could be improved through new development. Allocating housing sites in rural areas can also provide opportunities for small sites which are particularly helpful for SME builders.
30. The NPPF also 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.
31. In order to be effective and justified the Plan's policies and evidence base should set out how the plan will deliver 10% of homes on sites of less than one hectare, as required by the NPPF. Indeed, 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%.

Policy PSD3: Distribution of Development

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

32. As mentioned previously HBF do not comment on individual site allocations, we would expect that the spatial distribution of sites follows a logical hierarchy, provides an appropriate development pattern and supports sustainable development within all market areas. HBF notes that the location of windfall sites, is by definition, currently unknown as such question if there is a potential tension between relying on windfall sites as part of the Housing

Land Supply and restricting development in rural areas. Similarly, brownfield sites within the Green Belt (and potentially new grey belt sites) are another example of sites that may be brought forward that the Council may wish to support being redeveloped.

33. It is therefore essential that the statement in the supporting text of the Plan as para 5.12 that the spatial distribution figures are not a ceiling is applied in practice. However, that sentence continues to explain that the spatial distribution is not a target either. We are therefore unclear how this would be monitored and what actions would be taken if development was not coming forward in line with the spatial distribution expected.

Policy PSD4: Development Boundaries and the Open Countryside

The Policy is not considered to be sound as it is not in line with national policy.

34. HBF note the Government's intention to move away from First Homes as a type of affordable housing. HBF question if the policy needs updating to reflect this new national policy.

Policy PSD5: Green Belt

The Policy is not considered to be sound as it is not in line with national policy.

35. In HBF's view an increased housing requirement (for the reasons listed elsewhere), and the current housing crisis create the exceptional circumstances that justify a full Green Belt review as part of the Newcastle under Lyme Plan.

Policy PSD6: Health and Wellbeing

The Policy is not considered to be sound as it is not in line with national policy.

36. It is important for the difference between a Health Impact Assessment screening and a full Health Impact Assessment is explained in the Plan.

Policy PSD7: Design

The Policy is not considered to be sound as it is not justified, effective or in line with national policy.

37. The policy seems to require every single new house to meet the Building for a Healthy Life standard. It would seem unjustified and ineffective, unreasonable and disproportionate for a planning application for individual dwelling to have to undertake a full Building for a Healthy Life assessment and indeed it is not designed for such use.

38. Although HBF is supportive of use of Building for a Healthy Life toolkit but note that it is not really a 'standard' to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places. The Local Plan needs to be clear about what 'meeting the standard' would entail, and what information would be needed to show that a development would achieve it. The policy is currently ineffective as it is unclear how a developer would show compliance with the policy as it is not really possible to 'achieve Building for a Healthy Life standard'.
39. In order to be effective it is important for the difference between a Health Impact Assessment screening and a full Health Impact Assessment is explained in the Plan.

Climate and Renewable Energy

Policy CRE1: Climate Change

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

40. The first policy criteria sets a requirement to follow the energy hierarchy, but this is not defined in the policy, supporting text, or the Glossary of the Plan .
41. Criteria 3 of this policy seeks to require development to ensure an estimated water consumption of no more than 110 litres/person/day. HBF do not believe such a policy is needed in the Local Plan because current Part G Building Regulations require 125 litres per day, and house builders are frequently delivering 115-110 litres per day which means the house building industry is already improving upon the regulations. There is no need for Local Plan policies to repeat Building Regulations and it is in fact unhelpful to do so as Building Regulations may change during the course of the plan period.
42. HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.
43. HBF would caution against Criteria 8 and whether it will deliver the climate change benefits the Council are seeking. Heat networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the

up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies.

44. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies. All heat network domestic consumers should have ready access to information about their heat network, a good quality of service, fair and transparently priced heating and a redress option should things go wrong. Research by the Competition and Markets Authority (CMA) found that a significant proportion of suppliers and managing agents do not provide pre-transaction documents, or what is provided contains limited information, particularly on the on-going costs of heat networks and poor transparency regarding heating bills, including their calculation, limits consumers' ability to challenge their heat suppliers reinforcing a perception that prices are unjustified. The monopolistic nature of heat networks means that future price regulation is required to protect domestic consumers.
45. The CMA have concluded that "a statutory framework should be set up that underpins the regulation of all heat networks." They recommended that "the regulatory framework should be designed to ensure that all heat network customers are adequately protected. At a minimum, they should be given a comparable level of protection to gas and electricity in the regulated energy sector." The Government's latest consultation on heating networks proposes a regulatory framework that would give Ofgem oversight and enforcement powers across quality of service, provision of information and pricing arrangements for all domestic heat network consumers.

Policy CRE2: Renewable Energy

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

46. Again, HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.
47. HBF note that 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 policy requirements to provide an energy statement which demonstrates the maximum feasible and viable use of onsite renewable energy generation for

at least 10% of their energy needs from renewable or low carbon energy generation, is unified and may be ineffective.

48. The development industry is working to address this matter at a national level through Building Regulations and the Future Home Standard. A Local Plan policy on this issue may therefore be unintentionally counterproductive, and undermine climate change adaptations and mitigations.

Housing

Policy HOU1

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

49. The policy seeks 30% affordable housing on greenfield sites, 15% on low value brownfield and 25% on high value brownfield. HBF would question if this policy is deliverable and viable.
50. A Whole Plan Viability Assessment has been undertaken by Porter Pe. The report dated July 2024 is document reference ED004 of the supporting evidence of the Plan.
51. HBF question whether the viability assessment has fully considered all the relevant costs that will impact on development viability. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot.
52. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the fact that the cost of living crisis has also impacted the housing market making borrowing more expensive for potential future purchasers. HBF suggest these changes may not be limited to only the short term but are likely to also mid to longer term impacts.
53. Another key cost relates to BNG. The costs of mandatory BNG are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needed to rely on statutory credits would become unviable.
54. 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.

55. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. Greater flexibility within the Affordable Housing policy is needed.
56. HBF would again question if any reference to Frist Homes is appropriate, justified or effective as this is no longer a kind of affordable housing supported by the Government.

Policy HOU3: Housing Standards

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

57. The wording of criteria one of this policy could be open to misinterpretation. HBF are assuming the Council means residential development of homes and not 'residential homes' which many would take to mean specialist housing for the elderly. As such the policy wording should either say all new residential development, or all new homes.
58. HBF do not support the need for Local Plan to include policies to deal with issues that already adequately addressed through Building Regulations. We also do not support the introduction of the optional Nationally Described Space Standard though policies in individual Local Plans.
59. 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.
60. Any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF (para 130f & Footnote 49), which states that "policies may also make use of the NDSS where the need for an internal space standard can be justified". As set out in the NPPF (para 31), all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned.
61. The PPG identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:
- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space

standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.

- Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
 - Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.
62. HBF 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 Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.
63. 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. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.
64. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.
65. HBF welcomes the fact that the Council have sought to differentiate between Part a) and part b) of M4(3) technical standards. M4(3)a sets out standards for wheelchair adaptable housing, where M4(3)b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. We would also question whether the viability implications of this policy have been fully considered.
66. HBF is unclear if this matter has been accurately and fully considered in the Whole Plan Viability Assessment. There are cost implications resulting from any requirements for the provision of M43a and/or M43b requirements as both M4(3) and M4(3)b impact on viability, with M4(3)b being considerably more expensive. HBF information suggests M4(3)b is at least ten time more expensive than M4(3)a.

67. HBF also 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. There is therefore no need for this element of the proposed new policy.

68. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement'.

69. Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

70. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

Policy HOU5: Specialist Needs Housing

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

71. HBF comments in relation to accessibility requirement set out in HOU3 are set out in response to that policy. They are not repeated here. HBF would request the removal of criteria 3 from this policy. Particularly in relation to

specialist housing, this issue is already fully addressed through Building Regulations.

Policy HOU6: Self-Build & Custom Build Dwellings

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

72. HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. 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.
73. HBF consider it is unlikely that the provision of self and custom build plots on major residential development schemes 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. HBF also question is there is a mismatch between the kind of plots and locations that self-builders are looking for, and the kind of plots that would result from this policy. The issue of self and custom build plots is therefore not only one of viability but also deliverability and desirability to the self build and custom build plot market.
74. Although HBF does not support the requirement for self build plots on allocated sites if they are to be required then HBF welcomes the Council's realistic policy approach to ensure that where self and custom build plots are provided, they are delivered and do not remain unsold. HBF agree that it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site.
75. 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 and custom builders. HBF therefore strongly support a self-build policy that does make it clear that unsold plots remaining after a certain period would revert back to becoming open market housing but HBF suggest this should be after six months, not one year.

Infrastructure and Transport

Policy IN1: Infrastructure

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

76. Section 106 contributions can only be sought to ensure a development mitigates its own impact. They cannot be required to address existing shortfalls. It will therefore be essential for the Council to have robust and up-to-date evidence and calculate any developer contributions arising at the time a planning application is made. It will be important that the CIL tests for s106 requests are considered at the decision-making stage, and the policy should make this clear.

Policy IN7 Utilities

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

77. HBF objects to any requirement for applicants to have to assess or demonstrate the capacity of the water company to connect a development with water services (e.g. the supply of fresh water and the treatment of wastewater).
78. This is not a land use planning matter. This matter is managed under a separate statutory regime. Matters relating to water and sewerage infrastructure and its availability and/or network capacity are both controlled by separate, dedicated legislation, i.e., s37 (water) and s94 (sewerage) of the Water Industry Act 1991. Second, the planning process should not be used as a route to subjugate established primary legislation.

Sustainable Environment

Policy SE7 Biodiversity Net Gains

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

79. HBF note the introduction of Biodiversity Net Gain which came in for large sites on Feb 12th 2024, and for small sites from 2nd April 2024. In order for the plan to be sound it will be important for this policy to fully reflect all the new legislation, national policy and DLUHC and DEFRA guidance.
80. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance from DLUHC and the DEFRA BNG Guidance. HBF note that this represents a lot of new information that the Council will need work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest

policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

81. 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. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase "at least 10%" would help to provide this.
82. It is also important to note that for 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. Additional advice on phased development has been provided in the new BNG PPG.
83. The wording of the first criteria of the policy is inaccurate as there are some exemptions to BNG requirements that could mean for example a new self-build house is not required to provide BNG.
84. The characterisation of the BNG hierarchy is criteria 3 is also not quite right. The hierarchy in on-site units, then off-site units, then statutory credits (not onsite, then onsite and offsite and then statutory credits).
85. There may also be circumstances where off-site BNG provision is preferred. This could include for example, whether the site is suitable for the type of BNG to be provided, what the priorities of the Local Nature Recovery Strategy are and/or the opportunity to coordinate contributions from a range of sites to provide for large landscape scale BNG schemes. The metric already compensates for off-site BNG provided when this is provided further away from the site, by requiring more of it to be provided.
86. Our comments about the costs and viability implications of BNG are set out in our response to the Housing Chapter, and not repeated here, other than to highlight that 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. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.
87. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be

allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks. The Plan should include reference to this within the supporting text.

88. 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 has applied to small sites since April 2024.
89. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy Omission: Monitoring and Review

The Plan is not considered to be sound as it is not justified or effective or in line with national policy

90. The Plan is unsound because HBF as it does not contain a clear plan for monitoring its delivery and taking effective action if under delivery of housing is observed. Monitoring is an essential part of the plan monitor manage approach.
91. However, 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. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.
92. HBF recommends that the Council include an appropriate monitoring framework which 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. HBF recommends that the Council provide more 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.

Appendix 6: Housing Trajectory

93. Although HBF welcomes the inclusion of a Housing Trajectory in the Plan, as one was not included at Reg 18, we would request further detail is provided to

ensure that the Plan is effective and fully justified. A site by site breakdown should be provided.

94. To be both justified and effective the Housing Trajectory should also include break down the housing numbers into different sources of supply. This is essential to enable effective monitoring.

Appearance at the EIP and Future Engagement

95. 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.

96. 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.

Yours faithfully

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

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