

Sent by EMAIL ONLY contact@gnplan.org.uk

 16/12/2024

Dear Sir/ Madam

**Response by the Home Builders Federation to the Greater Nottingham Plan Reg 19 consultation, December 2024**

1. HBF note that the new NPPF, published on Thursday 12th December changes the transitional arrangements that the Councils have relied on heavily to underpin the approach in the consultation Plan. We have already emailed the Greater Nottingham Planning Partnership and each of the four Councils to request they pause or extend this consultation. They responded that despite the new NPPF they intend to continue the consultation with the end date of Monday 16th 2024. In HBF’s view this has not allowed enough time for us to fully read, consider and respond to the new NPPF and consider its implication for this plan. We have therefore provided a response to the documentation currently out for consultation but would welcome the opportunity to provide additional comments once the implications of the NPPF have been fully understood.
2. Therefore, please find below the Home Builders Federation (HBF) response to the Greater Nottingham Strategic Plan consultation, December 2024. We have significant concerns about the legality, soundness and appropriateness of the policy approach to housing in Greater Nottingham being proposed in this Reg 19 Plan.
3. 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 and include providers of affordable housing and self and custom-build.
4. We note that the new Dec 2024 NPPF has just come out, HBF would encourage the Councils to reflect on the implications of this, and the transitional arrangements, for the Greater Nottingham Plan. We would welcome further discussion and public consultation on this Plan in light of this new Government policy and guidance. We strongly suggest the consultation should be paused or withdrawn, or at the very least extended to enable consultees and responders to fully consider the implications of the new NPPF on the proposed Plan.
5. HBF have not commented on every policy only those of relevance to our members.

**Overarching comments**

**Concerns about the timing of the consultation**

1. As mentioned above, HBF have significant concerns about the timing of this consultation. The Plan as currently out for consultation was seeking to underpin its approach to housing numbers based on transitional arrangements consulted on under the NPPF consultation, which had yet to be confirmed at the time of the consultation. HBF were concerned this was an unwise approach as the transitional arrangements and the content of the NPPF may change between the government consultation on it, and the final published version. Indeed, this has proven to be the case.
2. As you will see from the comments below, HBF were very concerns about the Councils attempted manipulation of the transitional arrangements to enable them to avoid having to plan properly for housing needs in their areas. At a time of such significant uncertainty, HBF were concerned that the timing of the consultation was inappropriate would be ineffective as any resulting responses would need to be so heavily caveated, as to be of limited, if any, value. It would have bene better to wait for the final version of the NPPF to be published, and not seek to undertake the consultation on Plan that relied on the draft NPPF. The current consultation is even more problematic as the draft Plan hinges so deliberately and explicitly on using the provisions of the proposed transitional arrangements (and seemingly no other basis) to arrive at the housing requirement.
3. The publication of the new NPPF on Thursday December 12th 2024, included changes to the transitional arrangements that in the view of the HBF render this Regulation 19 consultation entirely meaningless, and require the production of this plan to be paused, so the implications of the new NPPF can be considered. In the HBF’s view, submission of this version of the Greater Nottingham Plan, using the current Regulation 19 consultation that ends on December 16th 2024 would be completely inappropriate and represent a failure to comply with the rules and procedures of good-making and a failure to properly comply with the Regulation 19 consultation requirements.
4. It was already difficult, if not impossible for our members to meaningful engage with this proposed Reg 19 plan when the basis underpinning it, including transitional arrangements remained unclear. Now that we know for certain that the NPPF has changed the basis for establishing the housing requirement including removing the ‘under 200’ option that the Councils have sought to rely on to reach their housing requirements, at the very least, if this consultation is not to be withdrawn completely the consultation period needs to be extended.

**Significant concerns about Councils’ proposed approach to Transitional Arrangements and the Housing Requirement**

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

1. Generally, HBF would usually welcome the efforts of Council(s) to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority’s role and full national Local Plans coverage is a key objective that HBF supports. However, this Plan appears to be a deliberate and calculated manipulation of the transitional arrangements, picking and choosing whichever elements of the process enable to Councils to plan for the lowest possible number of houses. Such an approach is entirely disingenuous, contrary to the Government’s ambitions to build 1.5 million homes within this parliament and goes against the spirit of positive planning, the new NPPF and the transitional arrangements.
2. Even if the suggested approach was acceptable under the proposed NPPF changes, which HBF strongly do not believe to be the case, the proposed approach is clearly now contrary to the revised and now final transitional arrangements which have removed all references to the ‘under 200’ wording from the transitional arrangements and replaced it with an 80% figure. The justification for the approach the Councils have taken, however wrong in the HBF’s view, is simply now no longer available to them.
3. The Government has clearly signalled its intention to deliver 1.5 million homes over the term of this Parliament. One of their first acts was to begin a consultation on revisions to the NPPF, which include a revision to the Standard Method to ensure housing numbers seek to plan for 370,000 homes per year. This is essential if the Government is to achieve its national target.
4. The draft NPPF included proposed transitional arrangement, which were themselves subject to public consultation as part of the wider NPPF consultation. The Government’s response to the consultation was published alongside the NPPF on Dec 12th 2024 <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/outcome/government-response-to-the-proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system-consultation?pk_campaign=newsletter_7168>
5. This states that “The government’s proposed transitional arrangement for local plans seek to maintain the progress of plans at more advanced stages of preparation, while maximising proactive planning for the homes our communities need.”
6. It continues “we have decided that for plans at Regulation 19, if the draft housing requirement meets less than 80% of local housing need, authorities will be required to update their plan to reflect the revised local housing need figure and the revised National Planning Policy Framework prior to submission. For authorities with plans at examination, where the draft housing requirement meets less than 80% of local housing need the authority will be expected to begin a plan in the new plan-making system as soon as it is brought into force in 2025.”
7. The purpose of transitional arrangements is therefore clearly to enable plans at an advanced stage of preparation to continue to adoption. This supports the plan-led system by enabling Councils to adopt new Plans already in progress, before having to start work on the next Plan that delivers against the new rules and requirements.
8. The transitional arrangements originally consulted on, and the ones now proposed, provide a way of assessing whether or not a Plan was doing enough in terms of planning for housing to continue its journey through to Examination and hopefully adoption, or whether that journey should stop and Council’s be required to rework the Plan to accommodate the new housing requirements. They are not, and never were, intended to be used in the way proposed by the Greater Nottingham Councils. They do not and should not provide a policy basis for establishing a housing requirement for the Plan.
9. It is disingenuous, and in the HBF’s view completely improper, for the Councils to seek to use the transitional arrangement in the way they are proposing in this Regulation 19 consultation. More details of our concerns are provided in our specific policy responses.

**Compliance with the NPPF**

1. If the Councils are going to continue to progress their Plan under the previous version of the NPPF then they must comply with the NPPF in place at the time in full, this includes the full Duty to Cooperate and the standard method, which would at that time of the preparation of this Plan include the requirement for 35% urban uplift. Failure to include this element within the calculation of the baseline for the housing requirement means the Council is picking and choosing which bits of the NPPF it deems to be relevant. This is simply not how the NPPF should be used, and the resulting plan is both unsound and fails the legal requirements for effective plan-making.

**Plan Period**

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

1. Plan-making is a fundamental part of a Local Authority’s role and is essential to support the delivery new homes and jobs. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that ‘strategic policies should look ahead over a minimum 15-year period from adoption’.
2. 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. The supporting evidence would probably need to reflect this longer timeframe too.
3. HBF suggest that 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**

*Insufficient information has bene supplied to demonstrate that the Duty to Cooperate has been met.*

1. HBF have been unable to locate an up-to-date Duty to Cooperate (DTC) Statement on the current consultation documentation website. The DTC statement should list all the work undertaken with neighbouring authorities. As this information is missing, the HBF are unable to come to a view as to whether of not the Duty to Cooperate has been complied with.
2. Whilst the Greater Nottingham Planning Partnership website includes information on how four member Councils of the Greater Nottingham Planning Partnership have worked together which each other on this Plan, HBF have been unable to ascertain if and how the Council have engaged with neighbouring in authorities Leicestershire, and Derbyshire.
3. In particular, HBF note that the hearing sessions of the Erewash Local Plan Examination have recently concluded although the EIP itself remains underway. The Erewash Plan has considered its role in making a contribution to the unmet housing and employment needs of Greater Nottingham through the release of Green Belt sites. It is therefore very surprisingly that the Councils are not seeking to undertake such an exercise for their own areas.
4. The Erewash Examination is still ongoing, and clearly has a relationship to the planning and the delivery of housing in for the Greater Nottingham area. Engagement with neighbouring authorities should be ongoing as the plan progresses. Therefore, the failure of the Greater Nottingham authorities to provide an up to date Duty to Cooperate statement, particularly in light of the ongoing progress of the Erewash Local Plan would currently appear to represent a failure of the Duty to Cooperate.
5. HBF therefore remain unclear if the Duty to Cooperate has been met. Meeting the housing need of Greater Nottingham in full continues to be one of the principal cross-boundary issues to be addressed in the preparation of any Plan affecting the Greater Nottingham area. As such this is one of the main strategic matters that needs to be through the DTC.
6. HBF’s main concerns around Duty to Cooperate continue to relate to ensuring that Greater Nottingham’s required amount of housing is delivered in reality and planned for effectively through the plan-led system, which provides certainty for both developers and new communities on where new development will be acceptable.

**Spatial Vision and Objectives**

*The Vision and Objectives is not considered to be sound as they are not justified or effective or in line with national policy.*

1. HBF would have expected the Greater Nottingham Strategic Plan (GNSP) to include a clear vision for the GNSP, presented along the same as the policies. Whilst recognising the ambitions of the Councils, and the role new development can play in helping to address climate change HBF are concerned by the Councils’ requirements to “be carbon neutral before the Government’s target of 2050”.
2. 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.
3. Although HBF supports an objective for the Plan to deliver “High quality new housing”, HBF are concerned that the spatial vision seeks “a minimum of 52,600 new homes will be delivered”. In HBF’s this is not enough, as detailed further in our comments on Policy 3. This is also not the same figure quoted in Policy 3 which refers to “a minimum of 54,670 new homes (2023 to 2041)”. This inconsistency needs resolving.
4. HBF would also suggest that both the Vision and Objective Two should be more explicit about the need to plan for both open market and affordable housing to meet housing needs in full, and to support the Council’s growth aspirations. HBF also considers that it is appropriate for the Council to identify the maintenance of the five-year supply across the GNSP area as an objective for the Plan.

**The Delivery Strategy**

**Section A: Sustainable Growth**

**Policy 1: Climate Change, Sustainable Design, Construction,**

**Energy and Managing Flood Risk**

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

1. The policy seeks to require “all new residential development (Use Classes C3 and C4, except householder development) and purpose-built student accommodation should demonstrate a minimum 63% improvement on Part L 2021 Building Regulations Target Emissions Rate (or equivalent reduction on future Building Regulations) through energy efficiency measures (including heat pumps).” HBF believes this is unjustified and could actually serve to undermine the environmental objectives the Council are seeking to secure.
2. HBF supports 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 Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for Local Plan policies on matters already addressed in Building Regulations.
3. The Future Homes hub is a key partnership between government and industry has recently published its One Plan: Scaling up delivery Building a generation of high quality, affordable and sustainable homes and communities, together (see <https://irp.cdn-website.com/bdbb2d99/files/uploaded/Delivering_the_Plan.pdf>) This sets out ambitious but achievable plans, actions and timetables to deliver sustainable homes, the challenges the sector face to achieve this and how they can be overcome. HBF would caution against policies that require improvements to the sustainability of new housing faster than the sector can achieve them.
4. The policy continues:

3. For all development covered by part 2 of the Policy above:

a) the use of fossil fuels and connection to the gas grid is strongly discouraged and will require robust justification;

b) provision of on-site annual renewable energy generation capacity is required to at least equal the predicted annual total regulated energy use, to achieve net zero regulated emissions once measures required by part 2 of the Policy have been implemented;

c) where on-site net zero regulated operational emissions are not possible, it should be demonstrated that the amount of on-site renewable energy generation equates to more than 113 kWh/m2 41 building footprint / year. In the case of a multi-building development, any shortfall should be made up across the development where possible. Large scale development (50 dwellings or 5,000 square metres or more) should demonstrate that opportunities for onsite renewable energy infrastructure have been explored and implemented where feasible;

d) only in exceptional circumstances and as a last resort where it is demonstrably unfeasible to achieve an on-site net zero regulated energy balance, any shortfall is to be offset via a S106 contribution, reflecting the cost of solar PV delivered off-site, at a cost of £1.69/ kWh in 2024, revised annually.

1. HBF is concerned that, despite the recent WMS, the Council is still seeking to move away from the carbon reduction methods set out in Part L of the Building Regulations. HBF supports the Council in seeking to minimise carbon emissions and reduce heat and power demand through energy efficient design. However, the HBF does not consider that the Council setting its own standards is the appropriate method to achieve these outcomes.
2. Whilst the ambitious and aspirational aim to achieve zero carbon is lauded, the 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 this requirement 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.
3. 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.
4. HBF would also highlight the Future Homes Hub 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>. This was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes.
5. 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.”
6. HBF supports the Council in seeking to meet the challenge of mitigating and adapting to the effects of climate change. HBF considers that the Council should ensure that this policy is only implemented in line with the December 2023 Written Ministerial Statement which states that ‘a further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continue to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes’. It goes on to state that ‘the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.
7. 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. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale’.
8. 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 Local Plan.
9. HBF considers it would be appropriate to make reference to the Future Homes Standard and the Building Regulations as the appropriate standards for development. The Council will also be aware that the Future Homes and Buildings Standards: 2023 consultation has been released covering Part L (conservation of fuel and power), Part F (ventilation) and Part O (overheating).
10. In conclusion, HBF question the justification and deliverability of the policy currently proposed within the Greater Nottingham Stragic Plan.

**Policy 2: The Spatial Strategy**

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

1. 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 Councils 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. At the moment, the Plan does not do this and as such is unsound.
2. The Greater Nottingham Strategic Plan’s (GNSP) strategy focuses the bulk of delivery through this local plan into the urban area of Nottingham, sites adjacent to Hucknall and the key settlements. Developments in other settlements will be identified in the Part 2 Local Plans. We are concerned that the strategy with regard to Nottingham and its focus on the urban area will impact on the ability of this plan to meet needs and increase the supply of affordable homes. This appears to be a significant oversight given that the vision for the Greater Nottingham is to ensure that people from all sections of society will be provided with better access to homes in order to support improved health and well-being outcomes, address the threats to growth, and ensure a resilient economy.
3. In particular the need for affordable housing in Nottingham is high, as set out below in our comments on housing needs, and whilst it will be important for the GNSP to make the best use of previously developed land it must also be recognised that the higher costs of developing such sites can impact on their ability to deliver affordable housing. This is reflected in the level of delivery in Nottingham, which averages 114 units each year over the last 6 years, just 16.2% of new homes delivered. The GNSP should therefore consider a strategy that allocates additional sites adjacent or close to Nottingham that will be more likely to deliver the affordable housing needed by the city’s residents, including the potential for additional green field and Green Belt sites. It is clear that a strategy focussed on delivery in the urban area will not address the pressing need for affordable housing.
4. The Reg 19 Plan claims to that the GNSP are seeking to adopt a pro-growth strategy, yet it has failed to consider one of the key constraints to securing growth – the Green Belt. By not undertaking a Green Belt review as part of the preparation of this local plan the GNSP has failed to consider the full potential for sustainable sites to come forward on the edge of Nottingham. Whilst we recognise that NPPF has established that amendment of Green Belt boundaries should only be undertaken in exceptional circumstances, in order for these circumstances to be properly considered the GNSP should instigate a review of the Green Belt. This may well identify land that no longer meets the purposes of Green Belt and as such offer opportunities to support the delivery of affordable housing and family homes, both key priorities for the Greater Nottingham area.
5. Whilst significant weight should be given to Green Belt the GNSP must remember that this is a policy designation principally designed to prevent the sprawl of urban areas. Amendments to the Green Belt boundary that are well considered, and part of an adopted plan, are the antithesis of sprawl and can potentially ensure clearer and more defined edges to the urban area. However, without a review of the Green Belt such opportunities will be lost reducing the GNSP’s ability to address the need for affordable housing and support the economic growth of Greater Nottingham. HBF continues to urge the Councils to undertake a full review of the Green Belt as part of the preparation of this local plan. The failure to do so, in our view results in an unsound Plan.
6. 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 and a buffer 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.

**Policy 3: Housing Target**

*The Policy is not considered to be sound as it is not justified or effective or in line with national policy. It is also manipulating the transitional arrangements in a way that in not intended or in line with national policy and aspirations.*

1. The Plan proposes:

A minimum of 54,670 new homes (2023 to 2041) will be provided for, distributed as follows:

Authority Housing Target

(Rounded to nearest 10)

Broxtowe Borough Council 8,250

Gedling Borough Council 8,370

Nottingham City Council 26,690

Rushcliffe Borough Council 11,360

Greater Nottingham 54,670

1. However, the justification for this figure is complex, incoherent, convoluted, inappropriate and disingenuous. As set out in the Housing Topic Paper the Councils have started with by considering what level of housing below what they should be providing is allowed under the proposed draft transitional arrangements. (Transitional arrangement that do not now exist in the same form, following the publication of the new NPPF on Dec 12th 2024). This is simply inappropriate and a clear manipulation and misappropriation of both the transitional arrangements, and the provisions in the previous version of the NPPF.
2. The Publication Draft: Housing Background Paper, September 2024 seeks to explain and justify the approach the Councils’ have adopted in establishing the housing requirement. Para 4.1 of the document says:

“The proposed housing target included in the Strategic Plan is considered to be appropriate: it provides for the housing need identified through the Government’s current 2023 standard method (not including the full 35% unevidenced and unjustified uplift applied to Nottingham City (see paragraphs 4.15- 4.16 below)); the proposed housing growth is compatible with jobs growth anticipated through the Greater Nottingham Employment Land Study (2021); and the need to balance the impact of increasing the housing target on the Green Belt.”

HBF strongly disagree with this statement. In failing include the 35% urban uplift required by the standard method, the Councils’ are not complying with methodology of the standard method as this 35% urban uplift is an integral part of it. If the Councils are intended to progress their Plan under the 2023 NPPF policy framework they cannot pick and choose which parts of the standard method they wish to use, and which ones they do not.

1. In seeking to both set aside the 35% urban uplift whilst still claiming to comply with the standard method the Councils are seeking to have things both ways. Such an approach is entirely disingenuous. The housing requirements should be established before any consideration is given to land supply. This is a key tenant of plan-making. Simply setting it aside as it is being calculated under the policy framework the council is seeking to rely on to justify (the standard method of 2023).
2. Para 61 of the Dec 2023 NPPF says that “to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area”. Para 67 states that “The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas or reflects growth ambitions linked to economic development or infrastructure investment.”
3. HBF strongly support the need for more housing in the Greater Nottingham Strategic Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing, to support small and medium house builders and to support employment growth. HBF would request that the Council considers the proposed housing requirement fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF is happy to share example of other Councils who have taken forward this approach if that would be helpful.
4. The housing requirement should be established before consideration is given to the options for housing land supply consider the requirements deliverability. A such any implications arising from the Green Belt should be irrelevant to the calculation of the standard method and the housing requirement. Only once the standard method has been calculated and used to inform the housing requirements should any consideration be given to any constraints on land supply. If at this point the Councils conclude that they cannot accommodate all of their housing requirement within their areas then they would have to declare an unmet hosing need, and approach nieghbouring authorities to see if they could accommodate this.
5. The NPPF is quite clear that the standard method should be used a starting point unless there are exceptional circumstances that justify a different approach. HBF do not believe there are any such exceptional circumstances exist that would warrant a different approach than the standard method being used for Nottingham. In particular, the urban uplift is an essential part of the standard method and plays a key part of securing housing delivery and helping to meet the previous Government’s ambition of 300,00 per annum across England. If the Council are seeking to progress a Plan in advance of the new Dec 2024 NPPF, this is the policy context in which they must do so.
6. The Council have however not only sought to set aside the 35% uplift that should have been applied to Nottingham City, as one of the 20 largest urban areas, but they have also reached an entirely arbitrary housing needs figure for the other Councils within the Greater Nottingham Plan area- Broxtowe, Gedling and Broxtowe.
7. Para 4.4 of the Publication Draft: Housing Background Paper, September 2024 states:

“The draft NPPF further emphasises the importance of the standard method for assessing local need and includes transitional arrangements for plans at an advanced stage of preparation. Under these transitional arrangements, the Strategic Plan is only able to be completed and adopted if each Council’s annualised housing target is no more than 200 dwellings below its new standard method annual housing need figure

HBF suggest this is a misstating and misunderstanding of the transitional arrangements being proposed at the time. The purpose of the 200 figure was to provide for checks and balances to ensure Plan that continued to progress under the previous NPPF, did not bake in housing figures that were so low they failed to meet their contribution to the national housing target of 1.5 million within the Parliament. Where Plans were proposing housing figures less than 200 below they would have to go back to a Regulation 18 Plan which planned for the new numbers.

1. Para 4.5 of the Topic Paper continues:

“In order to comply with the NPPF transitional arrangements, the Borough Councils have increased their housing targets over the level set by the current 2023 standard method to fall within the 200 dwelling annual threshold of the transitional arrangements.”

This approach is not evidenced based, not justified, not effective and is a manipulation of the transitional arrangements. If they Councils are intending to progress the Plan under the previous NPPF and the transitional arrangements the conclusions that any of the housing requirements for Broxtowe, Gedling and/or Rushcliffe were below the new standard method, means that the Plan should not proceed under the transitional arrangements.

1. Although the HBF would normally be support of the need for plan-making to progress, as we fully support the need for full local Plans coverage, and the Councils attempt to ‘fix’ the fact they are not planning for enough homes, is entirely disingenuous and should not be allowed to proceed. To do so would set a dangerous precent whereby any Council could look at the transitional arrangements pick a figure 200 below (or as would be the case now 20% below) and continue their Local Plan. The cumulative impact of such an approach on both the plan-led system and the Government’s ambitions for housing growth would be disastrous.
2. In discounting their figures by 200 each, in this arbitrary way, results in Broxtowe, Gedling and Rushcliffe are not planning to meet the standard method calculation for their areas. This is just not appropriate. HBF would also observe that in the Councils are not even proposing to increase the housing requirement of these areas to the full standard method, but somewhat conveniently and inexplicability conclude that a target which is exactly 200 below per Council is simply not an appropriate way to proceed. It fails to comply with the process for plan-making and the result is the Councils aiming to provide 600 home less than they should be doing in these area, even without consideration of the 35% uplift that should be accompted within Nottingham, and if this is not possible, within the neighbouring authorities of Broxtowe, Gedling, Rushcliffe (and others such as Erewash) through an explicit consideration of Nottingham’s unmet need.
3. Para 4.10 of the Housing Topic Paper states that

“Whilst Nottingham is anticipated to meet its full 2023 standard method derived housing need (including the 35% uplift) in the medium term, it cannot meet the entirety of its need for the full Plan period to 2041.”

This statement clearly indicates an unmet need to Nottingham which should be considered in standard method calculations and the setting of the housing requirement for the other Nottinghamshire authorities in this Plan. To avoid this issue is yet another example of how the Councils seem to be deliberately seeking to Plan for the fewest numbers of houses they can get away with. As such this is not a positively prepared plan, and as such is unsound.

1. The new Government has reinforced the need for Local Plans to proactively plan for housing. The Council has proposed a new way of calculating the Standard Method. If the Councils wanting to rely on the new approach to calculating their hosing requirements utilising the new standard method then they should prepare a new Plan, under the new regulations

**Policy 4- Green Belt**

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

1. The Draft Plan says:

“The Nottingham Derby Green Belt will be retained as set out on the Key

Diagram and on individual authorities’ Policies Maps. The boundary of the

Green Belt has been recast to accommodate the allocated former Bennerley

Coal Disposal Point and allocated land at Ratcliffe on Soar Power Station,

as shown on the Policies Maps. The boundary of the Green Belt at Toton

and Chetwynd Barracks has also been recast to accommodate key transport

infrastructure. Green Belt boundaries will be reviewed through future plan

preparation to meet the other development land requirements of the Strategic

Plan.”

1. HBF are strongly of the view that a full review of the Green Belt is needed. This is essential for the Plan to include the new additional site allocations necessary to enable them to properly and proactively plan to accommodate an appropriate housing requirement informed by the correct calculations using the standard method in its entirety and an uplift to support economic growth and to deliver affordable housing. planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.
2. HBF would argue that the current housing crisis and the inability of Nottingham City meet its own needs provide the exceptional circumstances to necessitate a Green Belt review, which must include the consideration of both employment and housing sites.
3. Assuming the Plan is continuing under the pre-Dec 2024 NPPF. Policy (para 20) is clear that “Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision housing (including affordable housing), employment, retail, leisure and other commercial development”. Para 11 of the NPPF states that “all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”.
4. HBF cannot see how a plan that provides for the majority of its housing requirement on sites that are already committed (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long-term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that “to support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”
5. HBF believes that any pf the Councils’ inability to meet their own housing need in the midst of a housing crisis, as is the case for Nottingham, constitutes the exception circumstances that justify Gren Belt review and additional green belt release.
6. The requirement to undertake a Green Belt review, would also be an essential component, if the Councils decide to pause and continue the Greater Nottingham Strategic Plan under the new Dec 2024 NPPF.
7. HBF support the Councils stated of ambitious growth aspirations for Greater Nottingham, although this does not seem to have filtered into the Councils’ approach to the housing requirement. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can it itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.
8. The Plan need to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also effect the spatial strategy for the Local Plan.
9. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

**Policy 8: Housing Size, Mix and Choice**

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

Concern about the Viability

1. HBF are concerned about the viability of affordable housing within the Greater Nottingham area. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerned about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. 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. These costs appear to have not been considered in the viability appraisal.
2. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which 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 needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be includes within the viability assessment of the Local Plan.
3. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific 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 arrived at the most up to date BNG costs information available to use.
4. 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. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.
5. The geographical distribution of development may impact on the Plan’s ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.
6. It will also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weigh to the need to consider Green Belt release(s).
7. The policy also seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations. 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. The requirement to address this issue is planning policy is therefore unnecessary.
8. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.
9. 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 – see paragraph 011 below.

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.”

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

1. 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 16: Blue and Green Infrastructure, Parks and Open Space**

*The Policy is not considered to be sound as it is not effective.*

1. HBF are keen to more fully understand how the Blue and Green Infrastructure, Parks and Open Space will interact with the Local Nature Recovery Strategy and the delivery of mandatory Biodiversity Net Gain and the proposals for 20% BNG in Rushcliffe. Further information on how the different elements of the environmental policies in the greater Nottingham Strategic Plan (and the constituent Part 2 Local Plans) this is essential to ensure that the Plan is effective, and the suite of nature policies do not inadvertently become a block, or cause of unnecessary delay, for much needed housing development.

**Policy 17: Biodiversity**

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

1. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodoversty Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.
2. 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 and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.
3. HBF note that this represents a lot of new information that the Council will need work though 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.
4. 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.
5. HBF do not support the suggestion of a 20% BNG in Rushcliffe. The higher figure has not been justified and would be ineffective. HBF strongly supports the need to ensure the mandatory BNG system of 10% is established and working well before Plans look to go further and faster. We have yet to reach this point.
6. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.
7. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.
8. HBF suggest particular care is needed in terminology to ensure the Greater Nottingham Strategic Plan 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. It is important for the wording of the policy to accurately reflect the legalisation and guidance.
9. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. 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.
10. 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.
11. 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, and 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 remain 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.
12. As this is still a new 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 must clearly set out how it considered the implications of mandatory BNG and how it as arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.
13. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. 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 and/or its implementation, to reflect the LNRS may be needed.
14. 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.
15. 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 prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits).
16. There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims. This is currently not clear in policies 16 or 17 and how they are intended to work together. A such the Plan is ineffective and unsound.
17. 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.
18. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

**Policy 18: Developer Contributions for Infrastructure**

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

1. HBF suggest any SPD should only be mentioned in the supporting text, not the policy, as this would give SPD Local Plan policy status which is not appropriate. However, HBF would request that the policies on developer contributions and infrastructure are included within the Greater Nottingham Strategic Plan and subject to viability testing.

**Lack of Policy on Delivery, Monitoring, and Implementation**

1. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing the Greater Nottingham area. To address the housing crisis the Councils need to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Councils must ensure the delivery of new housing to meet both open market and affordable housing needs.
2. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Greater Nottingham. This must include full consideration of the current Housing Crisis and if it results in the ‘exceptional circumstances’ that would require the need for a Green Belt review. A plan that seeks to manipulate the standard method to arrive at a housing requirement deliberately informed by a decision to aim at 200 homes below the standard method in three of the four areas and that also fails to recognise and plan for the 35% urban uplift required for Nottingham City is simply not good enough and does represent an effective use of the plan-led system.
3. HBF are concerned that the Councils continue with their proposed approach they will fail to plan to meet the needs of Greater Nottingham and hold back economic growth. If this Plan were to proceed under transitional arrangement with a housing figure that was under 80% of the standard method calculations would be required to undertake an immediate review if the newly adopted Local Plan, in order to address the housing shortfall, under the current Dec 20024 transitional arrangements.
4. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. 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.
5. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan’s policy to the potential to permit additional sites. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Councils could also specifically identify other actions the Council could and would take to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(s) will be taken when if monitoring shows under delivery of housing.
6. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Greater Nottingham’s housing need, as currently being proposed in the Erewash Local Plan which is in its Examination phase, Greater Nottingham will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Greater Nottingham should be doing more to address its own needs, including Green Belt release.
7. The HBF would encourage the Councils to fully consider the housing needs of the whole area and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Greater Nottingham area, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Nottingham City region and not be restricted by any capacity considerations, which should be considered after the housing requirement has been set.
8. HBF suggest that the monitoring framework is needed at the end of the Plan. The Councils will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.
9. HBF note that as we are in the midst of a housing crisis, it is very important that the Councils ensures that the Local Plan delivers all the housing that is being planned for. Greater Nottingham Strategic Plan should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

**Appearance at the EIP and Future Engagement**

1. 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.
2. 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



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