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Dear Planning Policy Team,

### OADBY AND WIGSTON LOCAL PLAN: PRE-SUBMISSION CONSULTATION DRAFT REGULATION 19

1. Thank you for consulting with the Home Builders Federation (HBF) on the Oadby and Wigston Local Plan (2020-2041) Regulation 19 Pre-Submission Consultation Draft.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC’s, regional developers and small, local builders. In any one year, our members account for over 80% of all new “for sale” market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF notes a new NPPF and new standard method for calculating housing need has been published just prior to this consultation on the Oadby and Wigston Local Plan, and that this may have implications for the production of the Plan and the policies it contains. The transitional arrangements set out in the NPPF[[1]](#footnote-1) state that *‘for the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply: the plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025 and its draft housing requirement meets at least 80% of local housing need; [or] the plan has been submitted for examination under Regulation 22 on or before 12 March 2025 . . .’*.
4. With the Government response[[2]](#footnote-2) to the NPPF 2024 consultation being clear that *‘In order to strike a similar balance to the previous 200dpa threshold in terms of which plans continue and which need to be revised 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’*. This is further followed up in the NPPF with a time frame for this to take place, with NPPF[[3]](#footnote-3) looking for Plans that reach Regulation 19 on or before 12 March 2025 and whose draft housing requirement meets less than 80% of local housing need to proceed to examination within a maximum of 18 months from 12 December 2024, or 24 months from of that date if they return to Regulation 18 stage. The Government Response to the proposed reforms to the NPPF and other changes to the Planning system consultation[[4]](#footnote-4) provides a helpful flow diagram of the transitional arrangements, which is copied below.



1. The HBF also notes that the ‘Building the homes we need’ the Written Ministerial Statement (WMS) from Angela Raynor on 30th July 2024 highlights the importance of everyone local authority having a development plan in place, and states that for plans at an advanced stage of preparation (Regulation 19), allowing them to continue to examination unless there is a significant gap between the Plan and the new local housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure.
2. The HBF is keen to ensure that Oadby and Wigston prepares a sound Local Plan that can be taken through to adoption and offers the following comments on certain aspects of the Plan, which could help to create the most appropriate Plan.

**Duty to co-operate**

1. The Council will need to ensure that they engage effectively with neighbouring areas with regard to housing needs. In particular the council will need engage with its partners in the Leicester and Leicestershire Statement of Common Ground to ensure that it is kept up to date and reflects the latest evidence available to the Council.

**Plan Period**

1. The Council proposes a plan period of 2020 to 2041. The start date of the Plan is consistent with the dates set out within the Leicester and Leicestershire Authorities Statement of Common Ground relating to Housing and Employment Land Needs (June 2022). The NPPF[[5]](#footnote-5) is clear that strategic policies should look ahead over a minimum 15-year period from adoption, and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery. Therefore, the HBF considers that the Council may need to keep the end date of the plan period under review to ensure that the Plan will still provide 15 years on adoption.

**Vision and Spatial Objectives**

1. The HBF notes that Spatial Objective 8: A balanced housing market states that a mix of housing opportunities will be provided to positively meet the housing needs of the entire local community across their lifetime. It goes on to states that a mix of type, tenure and affordability will be provided to ensure that all residents of the Borough have access to quality homes.

**Policy 1: Spatial Strategy for Development within the Borough (Strategic)**

*Policy 1 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. Policy 1 states that throughout the Plan period 2020 to 2041, the Council will seek the reuse of previously developed land and will encourage development within the Borough’s key centres and urban areas. The required level of housing growth over the Plan period (2020 to 2041) is 5,040 new homes. The policy also sets out the new site allocation areas.
2. The justification text highlights that the Plan takes the figure of 240 homes per annum agreed via the Leicester and Leicestershire Statement of Common Ground (2022) and uses this as the basis for the 21 year Plan period, to give the total of 5,040 homes. The Plan suggests that this amount of housing therefore not only addresses the needs of Oadby and Wigston but also contributes a modest proportion towards meeting Leicester City’s housing need. Table 1 of the Plan set out the current housing position, setting out the housing need, the completions, the committed development, a lapse rate, a buffer and the number of dwellings to be allocated (3,481 dwellings). Figure 1 sets out the proposed Housing Trajectory for the period 2020-2041. Table 2 sets out the proposed site allocations, totalling 8 sites and 3,524 dwellings.
3. To establish the local housing need the nine local authorities in Leicester and Leicestershire commissioned the Leicester and Leicestershire Housing & Economic Needs Assessment (LLHENA) from June 2022. The Council set out that the proportion of Leicester City’s unmet housing need attributed to the Borough is 52 dwellings per annum (dpa). They also set out that the Council’s standard method identified local housing need (LHN) is 188dpa. It is noted that this is now out of date and that the (previous) Standard Method identified a minimum Local Housing Need (LHN) of 198dpa[[6]](#footnote-6). The LLHENA Housing Distribution Paper suggests that difference between Leicester’s LHN and their supply generates an unmet need for Leicester of around 18,700 dwellings to 2036, equivalent to 1,169dpa. The paper considers redistribution based on the functional relationship to Leicester, adjustments to support future economic growth, implied stock growth, adjustments to support deliverability and to manage commuting and adjustments based on the current plan provision and land supply. This has led to the paper proposing a housing requirement 240dpa for Oadby and Wigston. The Council have stated that they will make provision for 240dpa or 5,040 new homes over the 21-year plan period.
4. The NPPF[[7]](#footnote-7) states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method set out in the PPG. The NPPF[[8]](#footnote-8) also states that the requirement may be higher than the identified housing need, if for example, it includes provision for neighbouring area, or reflects growth ambitions linked to economic development or infrastructure investment. This would include the Council ensuring that they have included the unmet need from Leicester as set out above. The PPG sets out the method for calculating the minimum annual local housing need figure[[9]](#footnote-9). The current Standard Method identifies a LHN of 382dpa for Oadby and Wigston, the HBF notes that this should be minimum requirement and that this should be the starting point for the Council to determine their housing requirements, and how they will address any unmet need from Leicester or other Leicestershire authorities.
5. The HBF also notes that the LLHENA identifies an affordable housing need within Oadby and Wigston of 69 affordable home ownership dwellings per annum and 139 rented affordable dwellings per annum. This would be a significant proportion of the proposed housing requirement. It is noted that the PPG[[10]](#footnote-10) states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. Therefore, the HBF considers that the Council should also be taking this affordable housing requirement into consideration as part of their housing requirement.
6. The HBF notes that under the previous standard method the local housing need was identified as 198 dwellings per annum (dpa). However, under the 2024 Standard Method, the identified local housing need is 382dpa. As set out previously, the transitional arrangements set out in the NPPF[[11]](#footnote-11) states that for the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply: the plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025 and its draft housing requirement meets at least 80% of local housing need. The HBF notes that 240dpa is only 63% of the 382dpa local housing need as identified by the current standard method, and therefore, does not meet this 80% requirement.
7. Paragraph 4.2.6 of the Plan highlights that the Council will seek to actively encourage the reused of previously developed land, however, it is aware that prioritising this over sustainable growth areas would not be positive planning and would be at odds with national policy and guidance. The Council proposes a three-pronged approach that will see delivery in the town centre Wigston and the district centres of Oadby and South Wigston, encourage and enable the provision of new homes on smaller sites within or directly adjacent to the urban area and the allocation of sites for residential development. The HBF considers that it is important that the spatial distribution of sites follows a logical hierarchy, provides an appropriate development pattern and supports sustainable development within all market areas.
8. The HBF is keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period. The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.
9. It is important that housing delivery is effectively monitored so that if housing monitoring shows delays to housing delivery across Oadby and Wigston action is taken to address this as soon as possible. The HBF suggests additional sites should be allocated so they that can be easily and quickly brought forward to address any under-delivery of housing supply. The Council 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 included within the Plan.
10. The HBF also notes that the NPPF[[12]](#footnote-12) 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. The 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. The HBF would therefore wish to see the 10% small sites allowance delivered through allocations (and not windfall). 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 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%. The HBF also notes that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and make a contribution to housing numbers earlier in the plan period.
11. The Plan’s policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Oadby and Wigston’s housing requirement. This sufficiency of housing land supply should ensure that the Council can meet the housing requirement, ensure the maintenance of a 5 year housing land supply and achieve the Housing Delivery Test. The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared.
12. The HBF believes that the Plan should provide for a wide range of deliverable and developable sites, including a buffer and small site allocations in Oadby and Wigston in order to provide competition and choice to ensure that housing needs are met in full.

**Policy 2: Regeneration Schemes and Large Scale Change (Strategic)**

*Policy 2 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that when large scale change of either 100 homes or more or 5 hectares or more is proposed the Council will require applicants to show how they complied with or preferably exceeded the requirements of the Council’s Design Code. The policy also lists all of the elements that the submitted documentation must contain, including illustrating how the proposal is helping to combat climate change and on-site measures for the integration of biodiversity net gain.
2. The HBF is concerned by the suggestion that developments should preferably exceed the requirements of the Council’s Design Code. The HBF considers that this is not appropriate expectation. The HBF is also concerned by the significant list of documentation that the Council are expecting these sites to provide, the HBF would question if all of these elements are required for every site, and the potential impact this could have on the deliverability of these sites, particularly if the evidence required is overly onerous.

**Policy 3: Infrastructure and Developer Contributions (Strategic)**

*Policy 3 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that developer contributions secured from new development will be used by the Council to deliver the infrastructure required to facilitate sustainable growth. It goes on to state that the Council will only consider any variation to the requirements set out in this policy in exceptional circumstances, and in such cases, it must be robustly demonstrated to the Council by the applicant that this would be unviable based on a PPG-compliant developer funded viability assessment agreed with the Council (through an open book approach).
2. The HBF considers that the Council should reflect on the wording of this policy, much of the proposed text appears to be a statement of intent rather than a policy. Development can only be required to mitigate its own impact and cannot be required to address existing deficiencies in infrastructure or services. It is therefore essential for the Infrastructure Development Plan (IDP) to clearly show the existing and known deficiencies in the current infrastructure, before reaching any conclusion on the cumulative effects of new development, and any contribution that is needed from new development to mitigate any additional individual and/or cumulative impacts.
3. The Whole Plan Viability Assessment (November 2024) clearly highlights the viability challenges in Oadby and Wigston, paragraph 12.66 suggests that it would be necessary to be cautious in relying on brownfield sites in the five-year land supply and overall housing trajectory, as the delivery of these is likely to be challenging. The Assessment also highlights the limited amount monies that may be available for planning obligations. The HBF is concerned that the policy states that the Council will only consider any variation to the requirements of this or any other policy in this Plan in exceptional circumstances when the Viability Assessment clearly identifies challenges with viability. The HBF considers that due to these challenges that it is likely a number of development proposals will not be viable, and that as the Viability Assessment already evidences these viability challenges this should not be considered as exceptional circumstances. The HBF considers that these exceptional circumstances should only need to be demonstrated where the proposal is in line with the development typology from the Viability Assessment and where the Assessment considers it to be viable. The HBF would also generally recommend that a policy includes the opportunity for negotiation around policy requirements for site specific reasons, to reflect viability challenges identified in the Viability Assessment or to reflect changes in viability since the undertaking of the Viability Assessment.

**Policy 4: Sustainable Development (Strategic)**

*Policy 4 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that for development to be deemed ‘sustainable’ it must contribute towards the Spatial Strategy, the Council’s Vision and Objectives, and must be in conformity with the local planning policies contained in the Plan. It also states that should there ever be a time when the Plan is deemed absent, silent or out of date, the Council will not look upon development proposals positively, where the proposal is deemed unsustainable, and / or the adverse impacts associated with the proposal significantly and demonstrably outweigh the benefits, when assessed against the policies set out within the National Planning Policy Framework, when taken as a whole.
2. The HBF is concerned by the definition of ‘sustainable’ as provided by this policy, and do not consider that this is in line with the definition of sustainable as set out in the NPPF, which suggests that at a high level sustainability can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The HBF is also concerned how the definition of sustainability set out in Part 3 of the policy works with Part 4 of the policy where the Plan is deemed absent, silent or out of date. The HBF is also concerned that this policy is a poor duplication of what is set out in the NPPF, and therefore is at best unnecessary and at worst is a cause for confusion, when comparing the two. The HBF would strongly recommend that this policy is deleted.

**Policy 5: Climate Change (Strategic)**

*Policy 5 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This proposed policy starts by stating that a comprehensive and integrated approach to addressing climate change in accordance with the most up to date Building Regulations and / or the Future Homes Standard, will be taken by the Council. It goes on to suggest that it will consist of the following elements: including that development proposals are expected to reduce the amount of energy used in construction and operation of buildings and improve energy efficiency to contribute to achieving net zero; that development must seek to create buildings and land that produce sustainable energy and allow for the integration of modern methods of powering vehicles; that development must maintain the current level of tree canopy cover across the Borough, that development must be designed to adapt to and mitigate the impacts of climate change and reduce vulnerability.
2. The HBF supports the Council in seeking to reduce the amount of energy used and to improve energy efficiency. However, the HBF considers that the Council should ensure that this policy is only implemented in line with the December 2023 Written Ministerial Statement[[13]](#footnote-13) 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. 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’. The HBF considers as such it is appropriate to make reference to the Future Homes Standard and the Building Regulations as the appropriate standards for development, and to seek to use these standards to reduce energy use and improve energy efficiency.
3. Part e of the policy looks for integration of modern methods of powering vehicles, which appears to relate to the provision of EV Charging Points. The HBF considers that the provision of electric vehicle charging capability is unnecessary as Part S of the Building Regulations now provides the requirements for Electric Vehicle charging in residential developments, including where exceptions may apply.
4. Part f of the policy goes on to state that development must incorporate green infrastructure into the public realm, whilst part h states that development must maintain (or increase where necessary) the current level of tree canopy. The HBF is concerned about the need to incorporate green infrastructure into the public realm, and consider that the Council may want to include more flexibility in this policy around the location of the green infrastructure. The HBF is also concerned about the need to increase the tree canopy where necessary, and what the evidence is to support this requirement. The HBF is also concerned how both of these requirements will be applied alongside the requirements for biodiversity net gain (BNG).
5. Part i) of the policy also states that development must be designed to adapt to and mitigate the impacts of climate change and reduce vulnerability, particularly in terms of overheating, flood risk and water supply.
6. The HBF considers that the Council may need to provide more detail as to how this will be determined in order for more detailed comments to be provided. But for example, the HBF would suggest that as there is already building regulations in relation to overheating and water supply and it is not necessary for this to be considered within planning policy for an individual dwelling, although there may be potential for it to be a consideration in relation to the potential layout of the development.

**Policy 6: Flood Risk and Sustainable Water Management (Strategic)**

*Policy 6 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that all development must be able to robustly demonstrate that water is readily available to support the proposed scale of growth, and that clear management arrangements and funding for ongoing maintenance of water availability and quality over the lifetime of the development is known. It also states that all development proposals must be able to robustly demonstrate that they are water efficient by incorporating innovative water efficiency and water re-use measures, demonstrating that the estimated consumption of wholesome water per dwelling is calculated in accordance with the methodology in the water efficiency calculator and should not exceed 110 litre per day per person.
2. The HBF opposes the requirement for all development proposals to demonstrate that water is readily available to support the proposed scale of growth, that clear management arrangements and funding for ongoing maintenance of water availability and quality over the lifetime of the development is known, and that mains foul water treatment is already in existence or can be provided in time to serve the new development. The legal responsibility for the supply of water services falls to the water company. These are not land use planning matters. They are matters 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.
3. The ability of the water companies to support the development requirements of the Local Plan is, however, a legitimate matter for the local authority to assess as part of preparing the local plan. The local authority is required to do so through the preparation of the evidence to support the local plan, including a statutory Sustainability Appraisal and an Infrastructure Delivery Plan. The purpose of this preparatory work is to ensure that the local plan is deliverable by taking into account constraints, such as those defined in NPPF[[14]](#footnote-14).
4. As competent authorities, water companies, are told under the Water Industry Strategic Environmental Requirements technical document (WISER) that, in order to comply with their obligations under the Habitats Regulations, they must take account of predicted growth in housing development in their business plans and maintain and upgrade their wastewater systems in that light. As statutory consultees to the local plan process, water companies have more than sufficient time to predict, plan and provide the requisite infrastructure.
5. Housebuilders are required contribute financially towards the construction of infrastructure for water services through the payment of connection charges to water companies. There is no need for a Local Plan to put any further requirements on to the developer in relation to water management.
6. The 110 litres per person per day is an optional water standard, the Building Regulations already requires all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard already represents an effective demand management measure, and the 110 litres per person per day would take this further again. The HBF would caution against policies that seek to go further and faster than national policy changes that result in patchwork of differing local standards. The HBF considers that this patchwork of standards has the potential to create challenges to development viability and delivery and potential for unintended consequences, rather than a standardised national approach to address these important issues. The HBF would also recommend that the statement that ‘Severn Trent Water is now classified as an area of serious water stress’ should be removed from the policy, as this is only based on a snapshot in time, and could be subject to change, which would then date the policy. It is also a statement that adds nothing to the policy or its requirements.

**Policy 8: Renewable and Low Carbon Energy (Non-Strategic)**

*Policy 8 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that all new homes must incorporate renewable and low carbon energy production equipment into its building fabric to meet at least 10% of the predicted total annual energy requirements of the building and its occupants.
2. The HBF considers that this requirement is unnecessary and should be deleted. The HBF recognises that there may be potential for renewable energy generation on-site, however, it may be more sustainable and efficient to use larger scale sources rather than small-scale, it is also noted this policy also takes no account of the fact that over time energy supply from the national grid will be decarbonised.

**Policy 9: Affordable Housing (Strategic)**

*Policy 9 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that the Council requires the provision of affordable homes on all major developments, in conformity with table 3. Table 3 states that greenfield sites should provide a minimum of 20% affordable homes and brownfield sites should provide 10%. It goes on to state that the type, tenure and mix of affordable homes will be negotiated at the time of the proposal being determine. It also states that the housing split is expected to be 33% affordable home ownership, 33% social rent and 34% affordable rent.
2. The HBF notes that the LLHENA identifies an affordable housing need within Oadby and Wigston of 69 affordable home ownership dwellings per annum and 139 rented affordable dwellings per annum. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF[[15]](#footnote-15) is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability.
3. Section 10 of the Viability Assessment sets out the residential appraisal process, the base appraisals are based on the full policy requirement but with 30% affordable housing. Table 10.2a and 10.2b set out the viability challenges in these base appraisals. Table 10.9a and 10.9b set out the maximum level of developer contributions in a variety of scenarios including alternate affordable housing provision, including the policy requirements for 20% for greenfield sites and 10% for brownfield sites. However, Table 10.9a and 10.9b still show that there are viability issues for greenfield and brownfield sites at these proportions and even with the lower policy requirements for some greenfield typologies and all the brownfield, central and flats typologies. It is noted that the mid-requirements most closely reflect the tenure split proposed in the policy.
4. The Viability Assessment includes further appraisals which align with the December 2023 consultation on the Future Homes Standard and which update the affordable housing requirements to the brownfield 10% and greenfield 20% as per the policy and include a tenure split of social rent 33%, affordable rent 34% and Affordable home ownership 33%. The results of this appraisal are set out in Appendix 15, where the 0% column reflects the current position without changes to the costs or values. Again, these tables clearly identify the viability challenges in the area.
5. Paragraph 12.66 of the Viability Assessment states that if the Council were to include policy requirements as set out in paragraph 12.65 (including the 10% and 20% affordable housing requirements) ‘*it would be necessary to be cautious in relying on brownfield sites in the five year land supply and overall housing trajectory, as the delivery of these is likely to continue to be challenging’*.
6. The Council should be mindful that it is unrealistic to negotiate every site on a one-by-one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery. The HBF notes the significant impact that the proportion of affordable housing required can have on the viability of development and the significant challenges identified by the Viability Assessment, and recommends that the Council may want to further review this policy to ensure that it is viable and deliverable.

**Policy 10: Housing Density (Strategic)**

*Policy 10 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy looks for development to be provided at a density of at least 50 dwellings per hectare (dph) where they are located within the town centre boundary of Wigston or the district centre boundaries of Oadby and South Wigston; at a density of at least 40dph on sites that are located outside of the town centre boundary of Wigston and the district centre boundaries of Oadby and South Wigston; and at least 30 dph at proposed development sites that are located on peripheral urban areas and / or emerging countryside sites.
2. The HBF supports the efficient use of land and understands the inclusion of a density policy. The HBF considers that the inclusion of a level of flexibility to take account of site specific circumstances is appropriate.
3. The HBF considers that it is important to ensure that the density requirements do not compromise the delivery of homes in sustainable locations to meet local needs. The Council will need to ensure that consideration is given to the full range of policy requirements as well as the density of development, this will include the provision of M4(2) and M4(3) standards, the NDSS, the provision of cycle and bin storage, the mix of homes provided, the availability of EV Charging and parking, any implications of design coding and the provision of trees and canopy proportions, highways requirements, Biodiversity Net Gain, and Building Regulations requirements in relation to heating and energy and the Future Homes Standard.

**Policy 12: Housing Choices (Non-Strategic)**

*Policy 12 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that the Council expects all applications for new residential development to contribute towards delivering a mix of dwelling types, tenures and sizes to meet the identified needs of the Borough. It suggests that all new residential development proposals must demonstrate how they contribute to achieving the identified needs as set out in this Plan. Table 4 within the policy sets out housing mix as identified in the LLHENA and the Council’s Housing Team, this is expected to be the starting points for discussions. The policy also states that the Council will require all large development schemes to include bungalows and / or ground floor accommodation, and will support the development of specialist care accommodation, elderly care accommodation and retirement accommodation that meets an identified need and is proposed in appropriate sustainable locations.

Housing Mix

1. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. It is, however, important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to overly prescriptive requirements, requiring a mix that does not consider the scale of the site or the need to provide significant amounts of additional evidence. The HBF would expect the Council to ensure that the policy is applied flexibly, and makes allowance for home builders to provide alternative housing mixes as is required by the market.
2. The HBF is concerned that the requirement for all large schemes to include bungalows or ground floor accommodation will not be appropriate for all developments. For example, the council will be aware some homes, such as terrace houses and flats, are more intrinsically energy efficient and emit less carbon compared to bungalows. The HBF has concerns about the requirement for bungalows and the evidence for this need, and the potential impact it will have on site viability and deliverability. Therefore, the HBF considers that this should not be a requirement, and could instead be something that is encouraged.
3. The PPG[[16]](#footnote-16) acknowledges that many older people may wish to stay or move to general housing that is already suitable such as bungalows. The PPG also acknowledges that plan makers will need to consider the size, location and quality of dwellings needed in the future to allow them to live independently and safely in their own home for as long as possible. The HBF notes that the PPG does not stipulate bungalows should be single storey only, and that if the Council brings this policy forward, this should be taken into consideration during implementation of this policy. Buyers wishing to purchase a bungalow may not necessarily suffer with mobility issues at the point of purchase and may just want to future-proof their property for later years. The incorporation of stairs does not, in itself, mean the bungalow is not level access (as all key facilities would remain available on the ground floor and as such still be a feasible, workable level access bungalow.

Requirements of Specific Groups

1. The policy goes on to state that 100% of new build homes will be expected to comply with M4(2) standards, and 5% of these should comply with M4(3)(2a) Wheelchair Adaptable standards. The policy also states that the Council will expect the specialist M4(3)(2a) homes to be close proximity to the existing and proposed LTN 1/20 compliant walking, cycle and wheeling infrastructure to enable people with limited mobility to access the safest and most wheel friendly routes.
2. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG. The PPG[[17]](#footnote-17) identifies the type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for Oadby and Wigston which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommends that an appropriate transition period is included within the policy.
3. The PPG also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances, and the ability to provide step-free access. If the policy is to be retained it will need to be amended to include these considerations.
4. The Council should also note that the Government response to the Raising accessibility standards for new homes[[18]](#footnote-18) 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. M4(3) would continue to apply as now where there is a local planning policy is in place and where a need has been identified and evidenced.

Internal and External Space Standards

1. This policy states that new dwellings across all tenures will be expected to meet as a minimum the Government’s Nationally Described Space Standards (NDSS).
2. The NDSS as introduced by Government, are intended to be optional and can only be introduced where there is a clear need and they retain development viability. As such they were introduced on a ‘need to have’ rather than a ‘nice to have’ basis. PPG[[19]](#footnote-19) 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, Viability and Timing. 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.

Self-Build and Custom Housebuilding

1. This policy states that the Council will support the provision of Self Build and Custom Housebuilding serviced plots on all sites.
2. The HBF generally advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The 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. The HBF considers it is unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. The HBF also questions if 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.

**Policy 19: Improving Health and Wellbeing (Strategic)**

*Policy 19 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that proposals for major development or development located in an identified area of concern in the Leicestershire Joint Strategic Needs Assessment (latest edition) or other development likely to have a potentially significant health impact in relation to its use and/or location will be required to submit a Health Impact Assessment (HIA) Screening Statement.
2. The HBF generally supports plans that set out how the Council will achieve improvements in health and well-being. In preparing its local plan the Council should normally consider the health impacts with regard to the level and location of development. Collectively the policies in the plan should ensure health benefits and limit any negative impacts and as such any development that is in accordance with that plan should already be contributing positively to the overall healthy objectives of that area.
3. The PPG[[20]](#footnote-20) sets out that HIAs are ‘a useful tool to use where there are expected to be significant impacts’ but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the local plan a HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring a HIA. In addition, the HBF considers that any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA for all major developments or those located in a particular area without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the PPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to substantially mitigate the impact.

**Policy 20: Car Parking and Electric Vehicle Charging (Non-Strategic)**

*Policy 20 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that all new development must ensure that there is suitable provision of car parking spaces and Electric Vehicle charging facilities. It goes on to state that all new residential development must demonstrate that it has addressed suitable access to electric vehicle charging infrastructure for on-plot private and communal parking spaces and anticipated on street parking.
2. The HBF considers that the provision of electric vehicle charging capability is unnecessary as Part S of the Building Regulations now provides the requirements for Electric Vehicle charging in residential developments, including where exceptions may apply.
3. The policy goes on to state that car parking provision and associated facilities in all new developments must accord with the standards set out in the Leicestershire Highway Design Guide (or equivalent) and the latest edition of the Building Regulations. The HBF does not consider it appropriate to require a development to accord with the standards set out in the Leicestershire Highway Design Guide (or equivalent), as any requirements within these documents will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan. The policy also does not need to require development to accord with the latest edition of the Building Regulations, these are a statutory instrument in their own right.

**Policy 23: Public Realm (Strategic)**

*Policy 23 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that all public realm redevelopment or improvements must follow the principles and guidance set out in the Council’s latest Public Realm Strategy Supplementary Planning Document (SPD). The HBF considers that it is inappropriate to require development to follow the principles and guidance within an SPD, it is not appropriate to give increased weight to an SPD through the Development Plan.

**Policy 31: Protecting Biodiversity and Geodiversity (Strategic)**

*Policy 31 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that in line with national legislation, all new development should make provision for net biodiversity gain on site, or where it can be robustly demonstrated after following the mitigation hierarchy that this is not practicable, off-site provision will be considered. It states that management for a minimum of 30 years in accordance with a maintenance scheme will be sought.
2. The HBF notes the introduction of Biodiversity Net Gain (BNG) which came in for large sites on February 12th 2024, and for small sites form 2nd April 2024.  It is therefore important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.
3. The 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. The HBF notes 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[[21]](#footnote-21) 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.
5. 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 BNG PPG[[22]](#footnote-22).
6. The Viability Assessment includes a cost assumption in relation to BNG of 0.1% of build costs. The HBF notes the viability challenges set out within the Viability Assessment. The HBF considers that 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.
7. 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 was arrived at using the most up to date BNG costs information available.
8. The HBF notes that the policy does not refer to the Local Nature Recovery Strategy (LNRS), the HBF considers it is appropriate for the policy to consider the relationship between the plan and the LNRS. However, the LNRS should not be used to restrict development or to limit the requirements of the BNG and metric being met. 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.
9. The 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). There seems to be significant potential for confusion between the two difference hierarchies. The HBF therefore suggests 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.
10. The HBF notes that the lack of flexibility in the policy, particularly in relation to off-site provision, and considers that the Council may want to review this. The HBF also considers that it would be appropriate to differentiate between the purchase of off-site units, and purchase of national credits as per the biodiversity gain hierarchy.
11. The HBF recommends that that Council work closely with the HBF, PAS, DEFRA and others with expertise in BNG to ensure that the policy is amended appropriately to reflect the latest position.
12. On 19th Feb 2025 the Government published additional Guidance on how Local Nature Recovery Strategies should be integrated with/feed into Local Plan Making. This guidance adds further weight to the comments we have made in relation to BNG policies in this Plan. We would encourage the Council to review the new guidance and fully consider its implications for this Plan. (see <https://www.gov.uk/guidance/plan-making> and <https://www.gov.uk/guidance/natural-environment#local-nature-recovery-strategies>)

**Policy 35: Trees, Woodlands and Hedgerows (Non-Strategic)**

*Policy 35 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that for all new developments there should be no net loss of trees or hedgerows. It goes on to state that any trees or hedgerows removed should, where practical and appropriate, be replaced on a greater than 1:1 basis to retain and enhance levels of canopy coverage and contribute to on-site biodiversity net gain. It goes on to state that all major developments in LSOAs with a canopy coverage score of under 16.5% will be required to provide a minimum on site canopy coverage of at least 16.5%.
2. The HBF is concerned by the potential tree replacement strategy and tree canopy policy provided, this could have significant potential implications in terms of viability of the development, not only due to the tree provision costs but also in terms of efficient land use, site layout and highways considerations. The HBF considers that it will be important for the Council to gather appropriate evidence in relation to this policy that considers its practical implementation, and how it sits alongside other plan requirements.

**Monitoring Policy 1: Monitoring and Implementation (Strategic)**

*Monitoring Policy 1 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that the Council will monitor progress towards the achievement of indicators and targets set out in the Monitoring Framework. It suggests that where policy specific targets have not been met contingency measures and actions listed in the Framework will apply. It also sets out that the Council will review whether the Plan needs updating at least once every five years taking account of changing circumstances and relevant changes in national policy.
2. The HBF considers this is more of a statement of intent rather than a policy and does not appear to serve a clear purpose, and whilst it is useful to have the information set out, the HBF does not consider it is necessary for this to be policy.

**Appearance at the EIP and Future Engagement**

1. 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.
2. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.
3. At present the HBF does not consider that the Plan is sound, as measured against the tests of soundness set out in the NPPF, and as set out in our representations above. The HBF would therefore like to participate in any hearing sessions associated with the examination of the Oadby and Wigston Local Plan and related to our representations, as this will allow the HBF to represent the industry and to address any relevant points raised at the examination. The HBF would like to be kept informed of the submission and examination of the Local Plan.

Yours faithfully



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1. NPPF 2024 paragraph 234 [↑](#footnote-ref-1)
2. 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#the-future-of-planning-policy-and-plan-making [↑](#footnote-ref-2)
3. NPPF 2024 paragraph 237 [↑](#footnote-ref-3)
4. 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#the-future-of-planning-policy-and-plan-making [↑](#footnote-ref-4)
5. NPPF Dec 2023 paragraph 22 / NPPF 2024 paragraph 22 [↑](#footnote-ref-5)
6. MHCLG Household Projections 2014 2024: 22,279, 2034: 23,638, average change 135.9. Median workplace-based affordability ratio 11.3 (2023, release 25 March 2024). Adjustment factor: ((11.3-4)/4)x0.25+1 = 1.45625. [↑](#footnote-ref-6)
7. NPPF December 2023 Paragraph 61 / NPPF 2024 Paragraph 61 [↑](#footnote-ref-7)
8. NPPF December 2023 Paragraph 67 / NPPF 2024 Paragraph 69 [↑](#footnote-ref-8)
9. PPG ID: 2a-004-20241212 [↑](#footnote-ref-9)
10. PPG ID: 2a-024-20190220 [↑](#footnote-ref-10)
11. NPPF 2024 paragraph 234 [↑](#footnote-ref-11)
12. NPPF December 2023 Paragraph 70 / NPPF 2024 Paragraph 73 [↑](#footnote-ref-12)
13. https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123 [↑](#footnote-ref-13)
14. NPPF Dec 2023 Paragraph 20(b) / NPPF 2024 Paragraph 20(b) [↑](#footnote-ref-14)
15. NPPF Dec 2023 Paragraph 34 / NPPF 2024 paragraph 35 [↑](#footnote-ref-15)
16. ID: 63-012-20190626 [↑](#footnote-ref-16)
17. ID: 56-007-20150327 [↑](#footnote-ref-17)
18. https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response [↑](#footnote-ref-18)
19. PPG ID:56-020-20150327 [↑](#footnote-ref-19)
20. PPG ID:53-005-20190722 [↑](#footnote-ref-20)
21. ID: 74-006-20240214 [↑](#footnote-ref-21)
22. ID: 74-054-20240214 & ID: 74-056-20240214 [↑](#footnote-ref-22)