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Dear Planning Policy Team,

### MELTON LOCAL PLAN PARTIAL UPDATE TO 2036: PRE-SUBMISSION (REG 19)

1. Thank you for consulting with the Home Builders Federation (HBF) on the Melton Local Plan Partial Update to 2036: Pre-Submission (Regulation 19) consultation.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC’s, regional developers and small, local builders. In any one year, our members account for over 80% of all new “for sale” market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF notes a new NPPF and new standard method for calculating housing need has been published just prior to this consultation on the Melton 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; [or] the plan includes policies to deliver the level of housing and other development set out in a preceding local plan adopted since 12 March 2020 . . .’*.
4. The HBF considers that as currently proposed the Plan will be expected to comply with the NPPF 2024, whilst the Plan as reached Regulation 19 before 12th March, it has not included a draft housing requirement, and as such the Plan as proposed will not meet the 80% requirement. The HBF considers it is unlikely the Plan will be submitted before the 12th March 2025. The Government Response to the proposed reforms to the NPPF and other changes to the Planning system consultation[[2]](#footnote-2) provides a helpful flow diagram of the transitional arrangements, which is copied below (Figure 1).



**Figure 1: Transitional Arrangements**

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 Melton 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 have highlighted that Melton borough forms part of the Leicester and Leicestershire Housing Market Area and the Functional Economic Market Area, and as such, the local authority will need to work closely with other authorities in this area. 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 that this Local Plan Update covers the same period as the adopted Local plan, this gives a Plan period to 2036. Policy SS6: Local Plan Review states that the Council will commence a new Local Plan immediately upon adoption of this partial update.
2. The Council have prepared a Topic Paper which sets out their justification for the Plan period to 2036. This highlights that the Plan will not be consistent with the NPPF, as it will not provide a minimum of 15 years from adoption.
3. The HBF continues to consider that the Plan should be prepared in line with the NPPF and should ensure that there is a 15-year period covered post adoption, in addition the HBF consider that the Plan should ensure that all strategic policies are updated. The NPPF[[3]](#footnote-3) 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.

**Vision**

1. This states that the Local Plan will work towards delivering the amount and range of quality, low energy homes needed for a growing and varied population and to support economic prosperity. The HBF considers that meeting the current and future housing needs should be a key part of the vision for the Plan.

**Policy SS1: Presumption in Favour of Sustainable Development**

*Policy SS1 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 planning applications that accord with the policies in this Local plan will be approved without delay, unless material considerations indicate otherwise. It goes on to state that where there are no policies relevant to the application or the policies which are most important for determining an application are out of date then the Council will grant permission unless the application of policies in the NPPF provides a clear reason for refusal or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF.
2. The HBF would query how much this policy adds over and above the policy contained within the NPPF, the potential for conflict with the NPPF where there are slight differences and the necessity of the policy. For example, the NPPF states that in the decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. It does not make reference to material considerations. And where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date there are again two criteria for use in the determination. These vary between the 2023 NPPF and the 2024 NPPF and highlight part of the issues within this policy. The HBF considers that this policy should be deleted.

**Policy SS2: Development Strategy**

1. This policy is not covered under the Local Plan Update. However, the adopted Plan states that provision will be made for the development of at least 6,125 homes between 2011 and 2036, it provides a stepped requirement with 170 dwellings per annum (dpa) in the period 2011-2021, 245dpa between 2021 and 2026 and 320dpa between 2026 and 2036. If the total requirement was averaged over the plan period, it would equate to 245dpa. The AMR states that total net additional homes completed 2011 to 2024 was 2,766 dwellings. This would leave 3,359 dwellings for the remainder of the period, and if this was averaged over the period it would equate to 305dpa.
2. The HBF notes that the local housing need (LHN) as identified under the current standard method is 362dpa. This figure does not include any additional housing required to meet unmet needs from other authorities, and therefore, has the potential to be higher. As the work has not been undertaken to update the housing needs across the Housing Market Area and the authorities of Leicester and Leicestershire it is not possible to comment on whether the housing need is likely to be in Melton at present. The HBF considers that this increase in the local housing need is significant and should have been included within the Partial Update of the Local Plan. Whilst the HBF understands that the Council propose to review quickly after the adoption of this Partial Review, this will still be a significant delay in providing homes to meet this identified housing need.

**Policy SS4. Melton South Sustainable Neighbourhood**

*Policy SS4 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. The HBF has no comments on this policy other than to say the proposal must be deliverable, and it is important that housing delivery is effectively monitored so that if housing monitoring shows delays to housing delivery across the Borough action is taken to address this as soon as possible.
2. The HBF notes that the local housing need (LHN) as identified under the current standard method is 362dpa, and that this figure does not include any additional housing required to meet unmet needs from other authorities. The HBF considers that this is a significant increase in identified local housing needs and would query why the Council is not seeking to include other additional housing allocations within this Partial Review.

**Policy SS5. Melton North Sustainable Neighbourhood**

*Policy SS5 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:*

1. The HBF has no comments on this policy other than to say the proposal must be deliverable, and it is important that housing delivery is effectively monitored so that if housing monitoring shows delays to housing delivery across the Borough action is taken to address this as soon as possible.
2. As previously, the HBF notes that the local housing need (LHN) as identified under the current standard method is 362dpa, and that this figure does not include any additional housing required to meet unmet needs from other authorities. The HBF considers that this is a significant increase in identified local housing needs and would query why the Council is not seeking to include other additional housing allocations within this Partial Review.

**Policy SS6: Local Plan Review**

*Policy SS6 is not considered to be sound as it is not positively prepared, not justified, not effective and not consistent with national policy for the following reasons:*

1. This policy states that the Council will commence a new Local Plan immediately upon adoption of this Partial Update. It also states that the Council will consider carrying out an early review taking into account a number of criteria including factors listed in the NPPF, progress towards the Local Plan’s vision, formal agreements and more specifically commitment to collaborative working to meet any unmet need within the housing market. Area. It goes on to state that should the review indicate that the Plan requires an update the Council will seek to commence the update within 6 months.
2. The HBF considers that the Council should not be putting off a review of the Plan until the Partial Update is completed. The HBF considers that a full review of the Plan should be completed now. The HBF considers that this would be much more in line with the Building the Homes we Need WMS which highlights that we in the most acute housing crisis in living memory, seeks to build 1.5 million homes over the next five years and clearly states that decisions should be about how to deliver the homes an area needs, not whether to do so. The WMS also goes on to state that these reforms to planning policy make it more important that every local authority has a development plan in place.
3. The HBF notes that the local housing need (LHN) as identified under the current standard method is 362dpa. This figure does not include any additional housing required to meet unmet needs from other authorities, and therefore, is likely to be higher. As the work has not been undertaken to update the housing needs across the Housing Market Area and the authorities of Leicester and Leicestershire it is not possible to comment on whether the housing need is likely to be in Melton at present. The HBF considers that this increase in the local housing need is significant and should have been included within the Partial Update of the Local Plan. Whilst the HBF understands that the Council propose to review quickly after the adoption of this Partial Review, this will still be a significant delay in providing homes to meet this identified housing need. The NPPF[[4]](#footnote-4) is clear that reviews should be completed no later than five years from the adoption date of the plan and should take into account changing circumstances affecting the area or any relevant changes in national policy. It also states that relevant strategic polices will need updating at least once every five years if their applicable local housing need figure has changed significantly.

**Policy C2: Housing Mix**

*Policy C2 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 residential developments will be required to deliver a mix of house types, tenures and sizes to balance the current housing offer. It states that they are required to provide a housing mix in accordance with Table 5 or any future update of the housing mix evidence, it suggests that site specifics will be considered in exceptional circumstances.
2. The Local Housing Needs Assessment 2024 is the primary evidence base for the housing mix set out in Table 5 which sets a range of 0-10% for 1-bed market homes, 25-35% for 2-bed market homes, 40-50% for 3-bed market homes and 15-25% for 4+bed market homes. It also sets proportions for affordable home ownership, rented affordable homes, and rented affordable homes for older people.
3. 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.
4. The policy also states that they will be required to provide all dwellings in all tenures as accessible and adaptable housing in accordance with M4(2). It also goes on to suggest that proposals are encouraged to provide 5% of market housing as wheelchair adaptable dwellings in accordance with M4(3)(a) and 10% of the total affordable housing as wheelchair accessible dwellings in accordance with Part M4(3)(b).
5. 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[[5]](#footnote-5) 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 Melton 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.
6. The HBF notes the support for both M4(3)(a) and M4(3)(b), and would highlight the significant additional costs that are associated with these standards, and the significant implications they can have on the deliverability of a scheme. The Viability Assessment suggests £25,136 per dwelling for M4(3)(b), and £10,111 per dwelling for M4(3)(a). It is also noted that the Viability Assessment highlights consultation comments which suggest that M4(3)(b) homes are not attractive and inevitably require further adaptations to suit the individual needs.
7. 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.
8. The Council should also note that the Government response to the Raising accessibility standards for new homes[[6]](#footnote-6) 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.
9. The final part of the policy also states that proposals for extra care housing, retirement homes, sheltered homes and care homes are expected to provide these as wheelchair accessible, in accordance with Part M4(3)(b).
10. The HBF is concerned about the significant costs which are related to the provision of Part M4(3)(b) in extra care housing, retirement homes, sheltered homes and care homes. Particularly, as it is unlikely that all residents of these homes would require the M4(3)(b) standards. The HBF considers that these costs could have significant implications in terms of viability and deliverability. The Viability Assessment highlights the viability challenges with older people’s housing, with Appendix 22 clearly showing that no typologies are viable, and that the report itself notes that it is unlikely to be able to bear affordable housing. Therefore, the HBF considers that this requirement should be removed.

**Policy C3: Internal Space Standards**

*Policy C3 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 residential development for open market housing will be particularly supported where the Nationally Described Space Standards (NDSS) is applied. For affordable housing proposals are required to use the NDSS, and the policy goes on to set dwellings sizes.
2. The HBF notes that the sizes quoted in the policy are based solely on two storey dwellings and may not be appropriate in all cases. The HBF recommends that the sizes are removed from the policy as they are not necessary and duplicate information that can already be found in the NDSS. If the Council retains these sizes the HBF considers that needs to be made clear that they are indicative and for 2 storey homes only.
3. 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[[7]](#footnote-7) 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.

**Policy C4: Affordable Housing Provision**

*Policy C4 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 manage the delivery of around 1,150 new affordable homes between 2021 and 2036. It goes on to state that proposals for major residential developments are required to provide affordable housing. A table (copied below) within the policy provide the percentage required and the tenure split. These range from 0% affordable housing in Melton Mowbray to 15% in Melton North West and South East. On residential developments of 4 or more dwellings in designated rural areas 25% affordable housing is required. It goes on to state that proposals for specialist, age-targeted, extra care, sheltered and supported housing, where they fall within C3 use class, will be subject to the affordable housing requirements.



1. 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 HBF notes that the LLHENA identifies an affordable housing need within Melton of 67 affordable home ownership dwellings per annum and 82 rented affordable dwellings per annum. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF[[8]](#footnote-8) is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability.
2. The Viability Assessment base appraisals assume 30% affordable housing with 67% as affordable rent and 33% as affordable home ownership. The viability challenges associated with these appraisals are set out in tables 12.4a-d. Paragraph 12.7 suggests the affordable housing requirements at the proportion set out in the table in the Plan. The HBF generally supports the decision to use a variable requirement based on the geography which is supported by evidence. However, the HBF notes that the viability evidence suggests a 0% affordable housing requirement for all flatted development, and that able 12.6 of the Viability Assessment suggests that even these levels may still be a challenge for some sites.

1. 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.
2. The HBF also notes that the costs relating to BNG and achieving net zero carbon homes may be underestimated and further work is needed to justify the costs used. In addition, the Council will also There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This is expected to be introduced in later this year and is estimated to cost in the region of £2,000 to £3,000 per plot on sites of ten more units. The viability assessment will need to be updated to include this additional cost in order for the Council to consider any potential impact on the deliverability of this policy and the local plan in general.

**Policy C8: Self-Build and Custom Housebuilding**

*Policy C8 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 on sites of 20 dwellings or more at least 5% of dwellings will be made available as serviced plots for sale to self-builders.
2. The LLHNA highlights that the Housing and Planning Act 2016 formally introduced the ‘Right to Build’ and that this Act placed a legal duty on the relevant authority to grant enough planning permissions to meet the demand for self-build housing as identified through its register in each base period. The HBF would be keen to understand the evidence to support the need for custom and self-build housing in Melton, and how it has informed the requirements of Policy C8. The PPG[[9]](#footnote-9) sets out how custom and self-build housing needs can be assessed. The LLHNA sets out that in Melton there were on average 10 individuals on the self and custom build register. It goes on to consider secondary data from the National Custom and Self Build Association (NaCSBA) suggests that in Melton 178 people per 100,000 population are interested in a self or custom build home. The LLHNA compares this to the MYE in 2020 and identifies a demand of 91 homes in Melton. The evidence does not identify how needs are currently being met, and whether this is likely to continue or whether these individuals wish to live on residential developments.
3. The HBF does not consider that the Council has appropriate evidence to support the requirement for developers on sites of 20 dwellings or more to provide 5% of all new homes as service plots for custom or self-build housing. The HBF is concerned that as currently proposed this policy will not assist in boosting the supply of housing and may even limit the deliverability of some sites and homes. The HBF considers that the Council’s own evidence does not show that there is a demand from custom and self-builders to live on sites within a larger residential development scheme.
4. 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.
5. 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 C10: Health Impact Assessment**

*Policy C10 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 Health Impact Assessment (HIA) Screening Statements will be required for all major development proposals, developments located in an identified Area of Concern in the Leicestershire Joint Strategic Needs Assessment, and developments likely to have a potentially significant health impact in relation to its use and / or location.
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[[10]](#footnote-10) 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 EN2B: Designing with Nature**

*Policy EN2B 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 biodiversity net gain (BNG) should be provided on-site wherever possible. It goes on to state that off-site measures will only be considered where it can be demonstrated that, after following the mitigation hierarchy, all reasonable opportunities to achieve measurable net gains on-site have been exhausted; or where greater gains can be delivered off-site where the improvements can be demonstrated to be deliverable and are consistent with the Local Nature Recovery Strategy (LNRS).
2. The HBF notes the introduction of Biodiversity Net Gain (BNG) which came in for large sites on 12th February 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[[11]](#footnote-11) 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[[12]](#footnote-12).
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 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 part (a) of the policy refers 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 also consider the potential for the purchase of off-site units, and the 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.

**Policy EN3: The Melton Green and Blue Infrastructure Network**

*Policy EN3 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 must demonstrate provision of new or enhanced Green and Blue Infrastructure (GBI) to meet a selection of headline standards. These include the Urban Nature Recovery Standard, Urban Greening Factor Standard and Urban Tree Canopy Cover Standard.
2. The Green Infrastructure Standards England Summary[[13]](#footnote-13) include the Green Infrastructure Strategy Standard; Accessible Greenspace Standards; Urban Nature Recovery Standard; and the Urban Tree Canopy Cover Standard. Theses standards are voluntary but are designed to help meet national and local planning policy. If the Council wishes to introduce any of these standards or targets it will need to consider the evidence that it has to justify their inclusion, and how they will be balanced with other policy requirements.
3. The HBF considers it is unclear from the justification how the level of urban nature recovery, urban greening and urban greening factor that would be required through this policy relates to the 10% Biodiversity Net Gain (BNG) required by the Environment Act. There would appear to be the potential for significant overlap with BNG that will need to be explored to ensure that the Council is not creating unnecessary administrative burdens on all applicants.
4. The HBF notes that the Viability Assessment does not appear to have included costs for this policy, it suggests that the policy is not prescriptive. The HBF is concerned that this will not accurately reflect the costs associated with this policy requirement, including the costs of a GBI Plan and the need to meet the GI Frameworks 15 Principles and local GI standards as set out in the policy, and the implications this could have for in terms of efficient land use, site layout and highways considerations.
5. The HBF considers that the Council may need to ensure that this policy is applied flexibly taking into account other considerations such as the density of development, embodied carbon, design, energy efficiency, proximity to open spaces, local character, and other site-specific elements. It may be that in some cases the urban greening target means that other policy requirements can not be met or become significantly more costly. 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.
6. If the Council continues to take forward the use of the GI Standards including the Urban Nature Recovery Strategy, the Urban Greening Factor, and the Urban Tree Canopy Cover, the HBF would suggest that it is not a requirement on all sites. For example, small sites or sites near existing open spaces might be encouraged but not required to use the urban greening factor to inform the design. It would also seem inappropriate to require its use where specific provision has been agreed as part of a site allocation. The Plan will also need to clearly set out how these standards relate to the wider BNG and LNRS objectives.

**Policy EN8: Climate Change**

*Policy EN8 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 proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered and how they support the borough in reaching net zero by no later than 2050. This includes minimising carbon emissions by supporting the transition to low emission vehicles, including EV charging infrastructure, and considering whole life carbon emissions arising not only from the use of a building but those that relate to its construction, building maintenance and end of life decommissioning. And ensuring the appropriate use of land by delivering an appropriate density of development, and supporting the redevelopment of previously developed land.
2. The HBF supports the Council in seeking to mitigate and adapt to climate change, including minimising carbon emissions. However, the HBF considers that the Council should ensure that this policy is only implemented in line with the December 2023 Written Ministerial Statement[[14]](#footnote-14) 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 (a)(3) of the policy supports the transition to low emission vehicles including 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.

**Policy EN9A: Ensuring Sustainable Development**

*Policy EN9A 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 development should be designed, constructure and maintained to minimize operational energy use and carbon emissions. It goes on to state that applications for new residential development must include an Energy and Sustainability Statement which demonstrates: no reliance on fossil fuels to meet energy or heating needs; how it has been designed to be energy efficient, and to use water efficiently; and that it appropriately exploits opportunities for renewable energy; and how it is designed to reduce waste.
2. As above, the HBF considers that the Council should ensure that this policy is only implemented in line with the December 2023 Written Ministerial Statement[[15]](#footnote-15) 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. The policy goes on to state that large scale major residential schemes for 150 homes or more should also calculate whole-life carbon (WLC) emissions through a nationally recognized WLC Assessment, and demonstrate actions to reduce life-cycle carbon emissions.
4. The HBF considers that this policy does not serve a clear purpose and it is not evident how a decision maker should react to development proposals. Whilst it is requiring the calculation of the whole life cycle carbon emissions and actions to reduce life cycle carbon emissions it is not clear from the policy how it will be determined what is an appropriate level of emissions or what would be an appropriate level of reductions.
5. The HBF is also concerned that planning may be too early in the building process to fully assess the carbon impact of a design. It may be that further decisions are made post planning, which do not require further consent which would impact on the carbon emissions.
6. The HBF considers that if the Council is to introduce a policy in relation to WLC it will have to closely consider how it will be monitored and what the implications are for the preparation of any assessment, particularly in relation to how easily accessible any data is, and that it will have to take into consideration that much of the responsibility for emissions will lie in areas outside of the control of the homebuilding industry, including material extraction and transportation, occupation and maintenance, demolition and disposal. The Council will also have to consider how the policy will interact with other policies for example in relation to energy efficiency or resilience to heat, as well as the viability and delivery of development.
7. The HBF considers that if this policy were to be introduced then the Council should provide a transitional period to give the industry time to adjust to the requirements, to upskill the workforce as needed and for the supply chain to be updated or amended as required.
8. The HBF also notes that the Viability Assessment does not appear to have included a cost for undertaking this whole life-cycle carbon assessment, or any costs associated with addressing any issues raised by these assessments.

**Policy EN9B: Water Efficient Development**

*Policy EN9B 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 should demonstrate that it is water efficient, and that new dwellings must be designed to achieve as a minimum the optional higher water efficiency standard of 110 litres per person per day.
2. 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.

**Policy IN4: Communication Infrastructure**

*Policy IN4 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 communication and digital infrastructure will be strongly supported to support sustainable economic growth, health and wellbeing. Proposals will only be permitted where adequate communication infrastructure is available to all dwellings on the development. It goes on to state that developments should provide access to high quality digital infrastructure, providing access from a range of service providers and that it should be capable of being upgraded over time.
2. The HBF considers that a policy that would generally encourage and support the provision of digital connectivity could be appropriate, however, any requirements on developers should not go beyond the provision of infrastructure as set out in the statutory Building Regulations. The HBF considers that the Council should work closely with the providers of digital infrastructure, to ensure that appropriate provision is provided, and that the onus is placed on those who can actually provide the appropriate infrastructure. The HBF does not consider that it is necessary to provide a policy to incentivise the development industry, the industry is already well aware of the benefits of infrastructure and the requirements of those looking to purchase a new homes and can self-police the cost/benefit of this provision with regards to site viability.

**Policy D1: Raising the Standard of Design**

*Policy D1 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 will be supported where they considered regard to a number of factors this includes transport and parking; and trees and hedges. In relation to transport and parking the policy states that proposals should result in safe and effective highways for all users in accordance with the Leicestershire Highways Design Guide or other current Government endorsed documents. Whilst in relation to trees and hedges it suggests that proposals for new streets should be tree lined, and that proposals that involve the loss of trees each tree should be replaced at a ratio of 1:2 for small trees, 1:10 for medium trees and 1:21 for large trees.
2. The HBF is concerned by the potential tree replacement strategy 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.
3. 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.

**Appendix 5: Monitoring Framework**

1. The HBF recommends that the Council include an appropriate monitoring framework, the current framework includes the policy, indicators and targets, however, the HBF considers it should also include the data source and where they will be reported, and the actions to be taken if the targets are not met. The HBF recommends that the Council provide details as to how the plan will actually be monitored, and identifies when, why and how actions will be taken to address any issues identified.

**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 Melton 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 Dec 2023 paragraph 22 / NPPF 2024 paragraph 22 [↑](#footnote-ref-3)
4. NPPF 2024 Paragraph 34 / NPPF December 2023 paragraph 33 [↑](#footnote-ref-4)
5. ID: 56-007-20150327 [↑](#footnote-ref-5)
6. 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-6)
7. PPG ID:56-020-20150327 [↑](#footnote-ref-7)
8. NPPF Dec 2023 Paragraph 34 / NPPF 2024 paragraph 35 [↑](#footnote-ref-8)
9. PPG ID: 67-003-20190722 [↑](#footnote-ref-9)
10. PPG ID:53-005-20190722 [↑](#footnote-ref-10)
11. ID: 74-006-20240214 [↑](#footnote-ref-11)
12. ID: 74-054-20240214 & ID: 74-056-20240214 [↑](#footnote-ref-12)
13. https://designatedsites.naturalengland.org.uk/GreenInfrastructure/downloads/Green%20Infrastructure%20Standards%20for%20England%20Summary%20v1.1.pdf [↑](#footnote-ref-13)
14. https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123 [↑](#footnote-ref-14)
15. https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123 [↑](#footnote-ref-15)