

Sent by EMAIL ONLY to [swlp@stratford-dc.gov.uk](mailto:swlp@stratford-dc.gov.uk) and

[swlp@warwickdc.gov.uk](mailto:swlp@warwickdc.gov.uk)

07/07/2025

Dear Sir/ Madam

**Response by the Home Builders Federation to the South Warwickshire Local Plan Preferred Options consultation**

1. Please find below the Home Builders Federation (HBF) response to the Wiltshire Local Plan Pre-Submission Draft 2020-2038 (Reg 19) consultation. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.
2. HBF have not commented on every policy only those of relevance to our members.

**Compliance with the Transitional Arrangements**

1. HBF note that this consultation is being undertaken against a background of change in relation to planning policy, particularly national house building targets, the new NPPF and change to the standard method calculations. The Government has helpfully provided a flow diagram to assist Council determine how to progress their Plan, perhaps unhelpfully it is located in the response to the NPPF consultation. For ease of reference, it is reproduced below. The diagram is clear that because this Plan will not have been submitted before 12th March 2025, does not deliver a level of development set out in a joint local plan, or other highe- level document, and will not have reached Regulation 19 by 12th March 2025, the Plan must be prepared under the 2024 NPPF. This must include a housing requirement utilising the new standard method.
2. Despite our significant concerns about the approach the Councils are adopting, which lead us to question the validity of this consultation, document we have provided details comments where these are needed. IF the Plan is to continue on its current path, at the very least a further Regulation 18 consultation about proposed locations of strategic new developments would seem to be needed.

**Transitional Arrangements Flow Diagram**

A diagram of a flowchart

AI-generated content may be incorrect.

Taken from <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>

**The Scope of the Preferred Options document**

1. HBF are concerned that this Preferred Options consultation document in fact contains no options and no preferences. Although the document talks about the option of a potential new settlement or settlements it does not indicate where they would be located, or even what process would be undertaken to choose the best location. Similarly, it references hundreds of potential sites, but not which ones may be taken forward or even a clear methodology to do so. As such the first plan-users including local communities will know about the locations of significant new housing development will be at the Regulation 19 Plan. This does seem to be in the spirit of meaningful public engagement where responses to the Local consultation help to share the Plan as it emerges.
2. HBF strongly suggest the Councils need to return to the beginning of the process and start a new Plan with a new Regulation 18 consultation as required by the transitional arrangements. This will need to look at how the new, and significantly higher housing requirements, informed by the new standard method can be delivered in South Warwickshire. A significantly higher level of growth is now required by national policy, and to fail to recognise and embrace and instead try to somehow suggest the Plan as proposed is complying with these new requirements through some kind of ‘flexibility’, is entirely disingenuous.
3. The current consultation document does not comply with the transitional arrangements and appear to be progressing under a misguided attempt to continue plan-making without pause and reconsideration of the shift in housing policy nationally. The result is an artificially suppressed housing numbers which are contrary to national policy, which will do nothing to address the immediate and growing housing crisis. The Councils should instead be embracing the need for all Local Plans to do more to help meet the ambitions of 1.5 million new homes within this Parliament.

**1. Introduction**

**1.10 Duty to Co-operate**

1. It is noted that para 1.10 of the consultation document talks about both Councils being “actively engaged with neighbouring authorities through the representation at various Coventry, Solihull and Warwickshire Association of Planning Officers (CSWAPO) meetings and having continuous engagement with neighbouring authorities on strategic issues and matters.” HBF would suggest that the DTC requirements necessitate the Council taking a wider view of the authorities they need to be working with on strategic issues and matters, noting not all of them may in fact be ‘neighbouring authorities’. This is especially important in light of the long-standing challenges of delivering housing, and the resulting unmet need, in the wider West Midland region in particular Birmingham and the Black Country.
2. These long-standing challenges would suggest that even with the introduction of a new standard method and the requirement to review Green Belt protections, there may still be issues in some places around the capacity to accommodate growth especially where the urban area expands beyond the local authority City Council boundary as is the case in Coventry and Birmingham.
3. The new focus on places accessible by public transport within the green belt further suggest partnership working across these wider geographies may be needed.

**2.3 Call for Sites**

1. HBF is concerned that at the public consultation events undertaken in support of this Preferred Options consultation, the impression was given that the Council was keen to understand what sites may be able to offer over and above the policy requirements. It would be very problematic if the Councils were looking to assess sites on the basis of any offer from some sites to over provide against policy requirements, in order to raise them up the rankings of preference for development. It is essential that sites are considered on their planning merits, and the s106 requirements for each site are those, and only those, required to make the development acceptable in planning terms. It is not reasonable or acceptable for other factors to be given consideration in the site assessment process, and to place weight on such offers would leave the Council, and the Plan, open to legal challenge.

**3. Vision and Strategic Objectives: South Warwickshire 2050**

**3.1 Vision**

1. HBF note the Council’s response to comments received to the suggested Vision in the previous consultation, however we would continue to advocate that clearly establishing that housing need has to be met in full, and not negotiable and can be ignored is essential for an effective plan-making process. Developers are keen to work with communities, enabling them to help shape how best sites can be developed. However, such engagement exercises are often undermined by ongoing arguments about whether or not the development should happen, rather than an acceptance that it is happening, with communities then working with developers to shape the resulting scheme.
2. HBF remains concerned that the vision lacks ambition and will not deliver the growth needed in South Warwickshire. The Vision should include the requirement for the Housing Needs of the area to be met in full. This seems even more important given the new higher figures required by the new standard method calculations.

**3.2 Strategic Objectives**

1. HBF welcome **Strategic Objective 1** Providing sustainable levels of growth in the area. We agree that delivery growth including new housing and jobs is important. The new NPPF and new standard method clearly set out the minimum level of housing that the Plan should be providing HBF would suggest additional housing may be needed for a variety of reasons including delivering affordable housing, supporting growth and jobs, and providing a range and choice of sites. As such we would question if the expression of the objective which referencing an appropriate level of growth is correct. HBF would suggest the minimum level of growth required by the standard method is the minimum starting point.
2. HBF support **Strategic Objective 2** Delivering homes that meet the needs of all our communities. It is essential that South Warwickshire’s current and future housing needs are met in full.
3. HBF also agree with the aims of **Strategic Objective 3** that the right infrastructure will need to be provided in the right place at the right time. However, it need not be remembered that development can however only be required to mitigate its own impact and cannot be expected to address existing deficiencies. It will be important for the whole plan viability assessment to fully consider the implications of all of the proposed policies to ensure that when taken together the policies do not make development, and in particular housing delivery unviable.
4. It is likely that choices will need to be made, for example a requirement for a higher percentage of BNG than the mandatory 10% may lead to a lower percentage of affordable housing being viable, and vice versa. It is therefore essential that viability testing is an integral part of the plan-making process and informs the development of policy options. To be most useful it should be used in an iterative manner to test different policy combinations. The whole plan viability assessment should be produced in tandem with the different stages of plan-making and not relegated to something prepared after the Reg 19 version of the plan has already been consulted on.
5. HBF note the importance of **Strategic Objective 4** Developing opportunities for jobs. We would ask the Council to recognise the role of new housing in supporting growth, both during construction and once occupied.
6. Although HBF recognises the importance of the house-building industry in playing its part in addressing climate change and the journey towards Net Zero, it must be recognised that this issue is being addressed nationally through changes to Building Regulations and the introduction of the Future Homes Standard. Local policies that seek to go further and faster create a patchwork of different local policies and standards which can inadvertently undermine the efforts of the industry in this area in looking to move towards a clear and challenging national standard.
7. Therefore, although we are supportive of the need to make effective use of land and natural resources as required by **Strategic Objective 5** it is important that this objective, and particularly when considered in tandem with Strategic Objective 6 does not lead to unduly burdensome requirements that make development undeliverable or unviable.
8. **Strategic Objective 6: Contributing towards Net Zero Carbon targets**  HBF would question how realistic and deliverable it is at this current time to require all new development not to cause a net increase in carbon emissions. Housebuilding and other sectors are seeking to taking positive action on the journey towards achieving net zero, but the mechanisms and tools for all development in all locations and in all cases to achieve net zero are not available, or are prohibitively expensive. HBF recognises the Councils desire to ensuring that new developments are resilient to climate change and the desire for opportunities to be taken to reduce exiting carbon emissions and mitigating and adapting to reduce the impact of climate change and reduce risk to people, communities, the environment and the economy where possible. However, requiring *every* opportunity to be taken seems unreasonable and unrealistic at this time.
9. We support the need for new development to be well-designed and welcome **Strategic Objective 7**. It is however important that design policies are not subjective or overly prescriptive. There is a need to allow for flexibility and creativity to address issues that may arise during the planning and development process.
10. HBF recognise the importance of **Strategic Objective 12** Protecting and enhancing our environmental assets. The introduction of mandatory 10% Biodiversity Net Gain which came into effect on 12 Feb 2024 and for small sites on 2 April 2024, offers a really opportunity for development to deliver a win-win by providing new homes to help meet the housing crisis, which is current, acute and urgent and delivering gains for nature to help address the ecological crisis which is also current, acute and urgent. HBF would encourage the Council to consider how the emerging Warwickshire Local Nature Recovery Strategy will feed into the South Warwickshire Local Plan and we highlight the recent (Feb 2025) guidance on this issue <https://www.gov.uk/guidance/natural-environment#local-nature-recovery-strategies>
11. It is important that BNG is considered as an integral issue in plan-making, not a stand- alone policy area. The Plan needs to be clear how Mandatory BNG policies will work with the other policies in the Plan, for example policies on protected species, open space, trees, SUDS, SANGS. We are aware, for example, of particular confusion over the long-established “biodiversity hierarchy” for protected species which seeks to require avoidance, mitigation, and then compensation for development impacts on protected species and the new “BNG hierarchy” which prioritises on-site delivery where possible, then off-site, and statutory credits a as a last resort. Care must therefore be taken on how **Strategic Objectives 11 and 12** work together as some BNG may be appropriate for public access whereas other BNG improvements may not be.

**4. Meeting South Warwickshire’s Sustainable Development Requirements**

**4.1 Spatial Growth Strategy**

1. HBF would expect the South Warwickshire Plan to be an ambitious plan for the future development of South Warwickshire detailing where new housing will go, meeting housing needs, providing certainty for the house building industry and setting out a long-term vision for the area, in accordance with the NPPF. Instead, the Councils merely acknowledge the importance of housing, and then fail to use the policy and delivery policy mechanisms available to them to meet that need, including a Green Belt review and additional housing allocations.
2. HBF agree that the primary purpose of the South Warwickshire Local Plan is to meet South Warwickshire’s sustainable development requirements. We agree that this will require the provision of both homes, employment land and the infrastructure needed to support development.
3. HBF do not comment on individual sites. We would however expect the spatial strategy to follow a logical hierarchy that provides an appropriate development pattern and supports sustainable development within all market areas. HBF would requests that the Plan’s approach to the distribution of housing should ensure the availability of a sufficient supply of deliverable and developable land to deliver the housing requirement.
4. HBF also notes that new settlements and large urban extensions can have long lead times. Reliance on one (or more) new settlement(s) and/or urban extension(s) for housing delivery may mean delivery from these sources will occur later on in the Plan period. This increases the importance of the need for a range of other sites to be provided to ensure a Five-Year Land Supply and early delivery of much needed housing. It will be important for policies and allocation in the Plan to provide for a range of housing sites, and as such the site selection methodology needs to reflect this.
5. The Preferred Options Plan says that the Council have chosen Spatial Growth Strategy based on the “Sustainable Travel and Economy” which was presented as Option 4 in the Issues and Options consultation, and is a hybrid option which incorporates Urban land, Sustainable travel where rail stations and bus stops with good travel times to major towns, Enterprise hubs – places where people can earn and spend money, including town centres, employment sites, and neighbouring major settlements, and Socio-economic factors - areas of deprivation where this could be mitigated by new development.
6. The Councils then explain that the “Spatial Growth Strategy will accommodate South Warwickshire’s housing and employment needs for the period to 2050.” However the document then continues that “the 2022 Coventry and Warwickshire Housing and Economic Development Needs Assessment (HEDNA) provides housing figures based on the 2021 Census, which are were considered more robust during the preparation of this Preferred Options document than the 2014-based household growth projections required in the Government’s previous “Standard Method” for calculating local housing need.
7. In December 2024, the Government introduced a proposed new Standard Method formula to calculate local housing need via the 2024 NPPF. As a baseline and given the very recent update to the standard method, the Preferred Options Spatial Growth Strategy accommodates the HEDNA’s Census-based housing figures.” This is not appropriate to proceed as it fails to comply with the transitional requirement of plan-making (see diagram above) set on in the new NPPF. The Councils proposed approach also fails to take the urgent action required to address the housing crisis and contribute to the national requirement for 1.5 million new homes within this Parliament.
8. The explanation of the proposed approach in the document continues “However the draft policy direction below acknowledges the latest local housing need figures for both authorities and incorporates sufficient flexibility to accommodate these higher figures introduced in the new Standard Method.” HBF do not understand why the HEDNA is relevant to this new Plan. The housing requirement for South Warwickshire should be based on an assessment of housing using the standard method. However, once the standard method figure has been established the Council should then consider whether it needs adjusting for other planning reasons. HBF suggest higher housing numbers are needed for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. The issues around setting the housing requirement are therefore not one of “flexibility” to accommodate the standard method but the requirement to accommodate the standard method as the minimum starting point.

**Draft Policy Direction 1 - Meeting South Warwickshire’s Sustainable Development**

1. The emerging policy states that “the South Warwickshire Local Plan will make provision for the delivery of at least 1,679 dwellings per annum, in line with the HEDNA; with sufficient flexibility to accommodate up to 2,188 dwellings per annum, in line with the 2024 NPPF Standard Method”. It continues “this equates to at least 41,975 dwellings over a 25-year plan period from 2025-2050, with sufficient flexibility to accommodate up to 54,700 dwellings.” As mentioned earlier this is not what the Plan should be doing. The new NPPF under which this Plan now needs to prepared is clear that the new standard method calculations should be the starting point for establishing the housing requirement for North Warwickshire. By the Plan’s own statement, it should be planning for a minimum of 54,700 dwellings to 2050.
2. The draft policy continues by saying “after accounting for existing commitments, and an assumed windfall allowance, there remains a “to find” figure of 15,532 dwellings (HEDNA) or 28,257 dwellings (2024 Standard Method).” This means that the Councils are relying, by their own figures, on a substantial windfall allowance of 9,375 dwellings over the plan period or approx. 17.1% of the overall housing supply. HBF would strongly question what evidence is provided to justify such a significant windfall allowance of 375 dpa (both authorities combined) included in every monitoring year of the plan period.
3. HBF note that Oct 2022 Urban Capacity Study (supporting the previous Issues and Options consultation and concluded a windfall allowance of 220 dwellings per annum across the 2028-2050 period, which would equate to 4,840 dwellings (or 5,500 dwellings over 2025-2050). In addition, this included only including windfall allowance beginning in Year 4 of the plan period.
4. HBF remain unconvinced by the evidence about the windfall allowance. We remain of the view that smaller sites should be allocated. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe). We would be supportive of windfall sites being additional to the housing requirements.
5. Furthermore, as in HBF’s view the housing requirement should be significantly higher than currently suggested in the Plan, the “to find” figure would need to be greater for this reason as well. HBF would therefore support additional allocations of small, medium and large-scale sites on the edge of sustainable settlements across South Warwickshire, instead of relying on windfalls to provide greater certainty in meeting the housing requirement over the plan period. The additional sites would ensure the continued vitality and viability of the settlements and identified housing needs are met in full. Critically, the deliverability of the allocations would be tested by an Inspector at examination to ensure they are deliverable over the plan period.
6. HBF also note the national policy requirement around the need for Small Sites. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. 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.
7. The Councils should set out in the Plan’s policies and evidence base to set out how the plan will deliver 10% of homes on sites of less than one hectare, as required by paragraph 73 of the 2024 NPPF. Indeed, the HBF would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.
8. HBF have been unable to find within the evidence base any analysis of how the small site requirement will be delivered within this Plan. This information needs to be provided and HBF may wish to comment on it once it has been. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of 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 making a contribution to housing numbers earlier in the plan period.
9. HBF would also note that in relation to employment needs within the Plan it is important to recognise the interrelationship between homes and jobs, both whilst under construction and once occupied as people’s homes.

**4.2 Potential New Settlements**

1. The NPPF encourages plans to look 30 years into the future when setting a long-term vison for their area. Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger-scale developments such as new settlements or significant extensions to existing villages and towns 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 into account the likely timescale for delivery.
2. In HBF’s view if the Councils intend to develop a new settlement(s) as one of the ways to meet their housing need, this decision should be taken now. It can take many years if not decades for a new settlement to be delivered, and the suggestion that houses would be completed and able to make an early contribution to the housing land supply of this plan is ambitious if the decision to progress a new settlement was made now. Deferring the decision until Reg 19 limits opportunities for engagement and creates uncertainty.
3. If further work shows a new settlement(s) were unable to be delivered or not be able to make a contribution of the land supply early in the Plan period, additional sites in other locations would need to be allocated to meet the increased housing requirement.
4. The Plan must acknowledge that if a new community is needed it will take time for it to be worked up and developed, even after a decision has been made on its location and scale. Securing outline and detailed planning permission takes time, and the development still need to be built out.
5. If the decision is taken that a new community(s) is not the way to meet housing need in North Warwickshire, alternative measures to address this need will be required. In failing to decide on this issue at this reg 18 stage, the Plan is not dealing with this issue, and therefore not making the decision it needs to in relation to housing land supply and housing delivery.
6. **Draft Policy Direction 2 - Potential New Settlements** says “One or more new settlements will be identified and considered for strategic site allocation in the most sustainable location(s) where they can be developed to a suitable minimum size to provide the required infrastructure for substantial internalisation of trips. 12 potential new settlement locations have been identified through the Issues and Options consultation and further evidence gathering, which have been categorised as more or less suitable based on the work undertaken to date. The Sustainability Appraisal undertaken for the Preferred Options includes an assessment and ranking of the potential new settlement locations. The Sustainability Appraisal results, along with further evidence being gathered and responses to this consultation, will inform analysis to further refine site location selection suitability.”
7. This seems to be suggesting that first time public consultation on about a new settlement and where it might be located will not be undertaken before the Regulation 19 stage, with the consultation on the final Submission version of the Plan. This seem inappropriate in light of the strategic nature of the new settlement locations, and how important they would be to the spatial strategy of the Plan, and how housing needs are being addressed. In our view, it is essential that additional public consultation is undertaken on this issue before a final proposal is put into the Reg 19 Plan. This adds further weight to the need for a new Reg 18 consultation version of the Plan that properly both the scale of housing need now required under the new standard method for this Plan, and make some clear choices on how it will be delivered, and where it will go. This is an essential part of plan making and without such decisions this consultation is of very limited value.

**4.3 Small Scale Development, Settlement Boundaries, and Infill Development**

1. HBF agree that the contribution that small scale and windfall development can make to the overall development need for South Warwickshire is important, and that this can support small and medium local businesses. It must be recognised that such builders are not limited to small sites of less than ten but can develop sites of up to 100 units. It is therefore important that the Plan provides for a range of sites in terms of size, type and location if the Plan is to support wider government ambitions to support diversification within the sector.
2. The spatial strategy of the Plan should also recognise that there may be clusters of villages that provide a range of services for that area within reasonable travelling distance of each other, so villages may need to be grouped together. These areas might be able to sustainably support a substantial level of development but may not have all the services within one particular village.
3. Similarly, the Plan should recognise that settlements that currently do not have services could expand to include those services if new development is allocated in those areas. The current range of village services should not be used as a basis for only locating development close to existing services, it could in fact also identify where services could be improved through new development. Allocating housing sites in rural areas can also provide opportunities for small sites which are particularly helpful for SME builders.

**Draft Policy Direction 3 - Small Scale Development, Settlement Boundaries and Infill Development**

1. The policy says that the Plan will identify Built Up Area Boundaries (BUABs) for settlements in South Warwickshire, including reviewing, and where appropriate updating, existing adopted boundaries in the current Stratford District Core Strategy, Warwick District Local Plan, and Neighbourhood Development Plans. It says the Plan will identifying a suitable size threshold above which settlements should have a BUAB and draft boundaries for those settlements above the size threshold which do not currently have an adopted or draft BUAB. However, this work has been undertaken yet, and so yet again developers and communities do not know which areas will be affected by these polices, and which will not.
2. The consultation document continues that the Plan “will review whether a revised settlement hierarchy classification is required to replace the current classifications in the Stratford District Core Strategy and Warwick District Local Plan. “HBF suggests that the review is needed and the conclusion of such a review should be the subject of this Regulation 18 consultation.
3. HBF would also question the assertation that Neighbourhood Development Plans are an appropriate mechanism for making housing and employment allocations in smaller settlements, as their production is entirely voluntary. Any such allocations such be seen as additional housing, and not a component of the housing land supply of the Plan, unless they have already secured planning permission.

**4.4 Accommodating Growth Needs Arising from Outside South Warwickshire**

**Draft Policy Direction 4 - Accommodating Growth Needs Arising from Outside South Warwickshire**

1. This section of the document says that the South Warwickshire Local Plan will be underpinned by a housing need and availability evidence base that considers the Coventry and Warwickshire Housing Market Area as well as the Greater Birmingham and Black Country Housing Market Area. This evidence base will consider a strategic approach that addresses any shortfall of land availability to deliver in full the Housing Market Area’s Objectively Assessed Housing Need or other evidenced housing need arising outside South Warwickshire.
2. The draft policy continued “if evidence and the duty to co-operate process clearly indicates that there is a housing or employment need that cannot be met within the administrative boundaries of the authority in which the need arises and part or all of the need could most appropriately be met within the South Warwickshire Local Plan, reserve sites will be released for this purpose, or when the relevant authority’s 5 year housing land supply calculation falls below the thresholds set out in national planning policy guidance.”
3. HBF question if this is the appropriate way to proceed. If by the time this Plan is at its Regulation 19, the unmet needs of Birmingham and/or the Black Country have been established, the South Warwickshire Councils should be looking to see if they can accommodate some of this unmet need within their areas. HBF would suggest in such circumstance the Councils can, and should, conclude that they are able make a contribution to meeting these needs. In this case additional sites should be allocated to ensure that the housing requirement of South Warwickshire, including a contribution to meeting unmet needs from elsewhere, is met in full.
4. The release of reserve sites is not the only action that can be taken, and HBF would suggest that for the plan to be positively prepared the allocations of sites for these needs is what is required. This should all be set out in the Monitoring Framework including what actions the Councils would undertake if under-delivery of housing was occurring. The actions needed, and locations for those actions, may be different if the housing required is to meet neighbouring authorities unmet need may be different as opposed to a failure to deliver enough homes to meet the needs of South Warwickshire.

**4.5 Infrastructure Requirements and Delivery**

**Draft Policy Direction 5 - Infrastructure Requirements and Delivery**

1. The draft policy says “development proposals should be consistent with and contribute to the implementation of transport strategies set out in relevant strategies, including the West Midlands Rail Executive’s Rail Investment Strategy, The Warwickshire Local Transport Plan, Warwickshire Rail Strategy, Cycling and Walking Infrastructure Plan, Bus Improvement Plan, Stratford-upon-Avon Transport Strategy and updates to these and other policy documents that may be prepared over the course of the lifetime of this Local Plan.”
2. It continues that “All new development must provide appropriate on- and off-site infrastructure. Development proposals of a strategic nature will need to contribute and help deliver infrastructure that is contained within the Local Plan and IDP. In addition to strategic infrastructure requirements, the Local Plan will identify development requirements that will apply to each of the allocated sites. This will include requirements relating to e.g. ecology, flood risk, heritage, active travel, highways, education, healthcare, renewables and utilities.”
3. It will be important for the whole plan viability assessment to fully consider the infrastructure requirements of the Plan and ensure that the total Section 106 ask from development both does not make the policies in the plan when taken as a whole, and/or a specific allocation unviable. It is also essential to ensure that the polices allow for flexibility if and when site specific issues may be encountered. HBF would welcome site specific viability appraisal of strategic sites

**4.7 Viability and Deliverability**

1. The consultation document says “a Viability Assessment will be undertaken of the draft Local Plan, prior to consultation.” It will be important for the whole plan viability assessment to fully consider the implications of all of the proposed policies to ensure that when taken together the policies do not make development, and in particular housing delivery unviable. It is likely that choices will need to be made, for example a requirement for a higher percentage of BNG than the mandatory 10% may lead to a lower percentage of affordable housing being viable, and vice versa. It is therefore essential that viability testing is an integral part of the plan-making process and informs the development of policy options.
2. To be most useful it should be used in an iterative manner to test different policy combinations. HBF suggest that the whole plan viability assessment should be produced in tandem with the different stages of plan-making and not relegated to something prepared after the Reg 19 version of the plan has already been consulted on.
3. Whole Plan viability testing is an important part of the plan-making process. However, as noted in PPG (ID: 10-003-20180724) assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable, and therefore flexibility in the amount of affordable housing sought may be needed to deal with site specific issues.
4. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. This is another reason why flexibility within the Affordable Housing policy is needed. In this situation there may be a change in the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Therefore, HBF request that the policies in the Plan recognise that viability may be an issue for some site-specific reasons and as such site-specific viability appraisals may be needed in some circumstances.
5. It should also be noted that viability issues may not just be limited to the delivery of affordable housing delivery. For example, a lack of BNG credits for a particular kind of habitat in a particular locally and/or a lack of part units could result in a scheme having to purchase a higher grade BNG unit than is needed, being subjected to the spatial multiplier penalty due to lack of availability of local units, and having to purchase a whole unit, all of which would unnecessarily increase cost to the developer, when compared to how the BNG system is intended to work.

**4.9 Green Belt**

1. **Draft Policy Direction 7- Green Belt** says “the SWLP will apply national planning policy to proposals within the Green Belt. Section 4.1 of this document sets out that after utilising suitable urban brownfield sites, there are 24 identified potential strategic growth locations outside of urban areas. These 24 locations include a mixture of Green Belt and non-Green Belt locations. Similarly, the 12 new settlement locations (section 4.2) include a mixture of Green Belt and non-Green Belt locations. “
2. The Government’s recent new advice on Green Belt and Grey Belt needs to be fully reflected in the Plan. The requirement for Green Belt review should be embraced, and it is important to recognise that green belt is a policy and not an environmental constraint. The sustainability appraisal of the location of development should be policy off and then green belt consideration weights into the balance when making policy choices.
3. The document continues “The SWLP will take a sequential approach to allocating strategic areas of growth and new settlements. Further evidence will be gathered on the relative sustainability of each of these areas. Some of this evidence will come from the Stage 2 Green Belt review, regarding the contribution an area makes to Green Belt purposes, and the impact on the wider Green Belt if an area was to be released.”
4. HBF agrees that there is a need for further evidence about the Green Belt to inform the Plan. We would however suggest that this information needs to be informing the spatial strategy and the choices around the location of new developments and as such need to be publicly available to help explain the choices. In HBF’s view this means that a further Regulation 18 is required. As a new Reg 18 is already needed because of the transitional arrangement HBF would encourage the Council to ensure it has all the information and evidence needed to support this Plan completed and available to support this next Reg 18 consultation, and that this evidence is fully utilised to explain the policy and spatial options and choices being considered.
5. HBF would also support the need to “review those villages which are “washed over” by Green Belt designation and consider whether there is justification for “insetting” any of these villages – i.e. removing the built up area of the village from the Green Belt designation.” This exercise should be undertaken in any event, whether Green Belt allocations are being pursued or not. As we said in our response to 4.3 allowing new housing development in rural area can be an important way to help improve their sustainability, support local services and support small and medium house builders.

**4.10 Density**

**Draft Policy Direction 8 - Density**

1. The consultation document states that “appropriate density ranges for different types and locations of development will be indicated in design codes”. HBF disagree that density policies should be deferred into design codes. Developers need to understand the Council’s expectations around density. Similarly density policies will need to inform site allocations, windfall assumptions and the whole plan viability appraisal.
2. The document continues that “the SWLP will identify particular areas that would be more “suited to higher density development through densification. A Design Code will be created which will enable high quality densification development that respects and enhances the existing neighbourhood character.” HBF suggests this should be part of the consideration of the spatial strategy and Sustainability Appraisal process, adding further weight to the need for a further Reg 18 consultation process.
3. It is essential that density assumptions feed into the whole plan viability testing, there are needed to inform considerations of the deliverability and viability of sites. Experience of the delivery of mandatory BNG to date indicates it is reducing densities possible on site as land used for on-site BNG is not then available to build houses on.

**4.11 Using Brownfield Land for Development**

1. The Draft Policy Direction 9 - Using Brownfield Land for Development says that “the SWLP Spatial Growth Strategy will make full use of suitable urban brownfield land before development is considered in other locations. Where available brownfield land is located outside of urban areas, decisions on its use will have reference to the sustainability of the location, with regard to the Spatial Growth Strategy priority areas 1-3; and/or whether its use would increase the sustainability of the area as part of a largescale development such as a new settlement… “where brownfield land is not considered to be in a sustainable location for residential or employment uses, consideration will be given to other potential beneficial uses. For example, environmental, leisure or agricultural uses.” The interaction between this policy approach and the Green Belt assessment will be important. Again, this should be informing the spatial strategy and policy options, and cannot be viewed in isolation.
2. HBF again note that experience of BNG has proven particularly challenging on smaller brownfield site. Therefore, although HBF recognise the priority given to brownfield redevelopment in national policy, we note that some types of sites are better suited to particular types of housing, for example apartment schemes are more likely in brownfield regeneration areas and/or town centres. In order to deliver a range of housing sites a range of type of sites will be needed, including greenfield sites which may be better suited to delivering family housing with gardens.
3. Experience of delivering mandatory BNG to date has also found that the delivery of BNG on brownfield sites may be more difficult that had been anticipated especially where brownfield site containing open mosaic habitat.

**5. Delivering Homes that Meet the Needs of all our communities**

* 1. **Providing the Right Tenure and Type of Homes**

1. **Draft Policy Direction 10 - Providing the Right Tenure and Type of Homes** says that the Councils will have regard to the latest evidence in drafting policies relating to housing tenure and type. HBF agree that the policies on type and tenure of housing need to be informed by up-to-date evidence and would request that this evidence is prepared and kept up to date. It should also made publicly available as soon as possible.
2. It will however also be important for the Plan to include policies on the type and tenure expectations of the Council, so these issues does not have to be revisited every time on every site which would cause unnecessary delay and complications. There should also be recognition in the policy of the need for flexibility where this is required to make a scheme work for site specific reasons.
3. HBF also agree that the housing policies in the Plan will ned reflect the Government’s revisions to the NPPF also directly impact emerging policy on affordable and specialist housing.

**5.2 Providing the Right Size of Homes**

1. HBF are concerned about the requirements in Draft Policy A which appear to seek to go further and faster than Building Regulations. The first part of the policy requires all new housing to meet Nationally Described Space Standard (NDSS) and the second part that at all new homes should meet M4(2) Building Regulations with 10% of market dwellings and 25% of affordable dwellings on schemes of ten units or more meeting M4(3) standards. The third part of the policy sets out very limited circumstances where schemes may be exempted from these policy requirements.
2. HBF does not support the introduction of the optional Nationally Described Space Standard though policies in individual Local Plans. If the Council wanted to do this they would need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF , which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”.
3. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.

Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.

Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

1. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.
2. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.
3. 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. Although many of our members deliver schemes that meet or exceed NDSS, we do not believe this should be requirement set out in a Local Plan policy.
4. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.
5. In relation to the requirements for all new development to meet M4(2), HBF note that the requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to ‘Raising accessibility standards for new homes’ states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. There is therefore no need for this element of the proposed new policy.

HBF also notes that the PPG states:

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

1. Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual’s needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.
2. Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”
3. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.
4. There is also a need to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. This part of the policy needs to be amended to recognise this distinction. The Viability Assessment should also consider the cost implications resulting from any requirements for the provision of M43a and/or M43b requirements. HBF therefore request that the policy is amended so that it is applied flexibly. This issue should also be factored into the whole plan viability assessment as both M4(3)a and M4(3)b impact on viability, with M4(3)b being considerably more expensive, evidence from our members, endorsed by LPA housing officers at the Nuneaton and Bedworth EIP, suggests M4(3) b is ten times more expensive to deliver than M4(3)a.
5. HFb have made detail socmments in relation to Viability in XXX which are not repated here

**5.3 Providing Custom and Self-Building Housing Plots**

1. HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where such developments will be supported in principle. HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils’ own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.
2. HBF does not consider that requiring major developments to provide for self-builders is appropriate. We consider it unlikely that the provision of self and custom build plots on new housing developments can be easily 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.
3. Although HBF do not support the requirement for self-build plots on larger allocations, if such a policy were to be introduced it will be important that it is realistic to ensure that where self and custom build plots are provided, they are delivered and do not remain unsold. If demand for plots is not realised, there is a risk of plots remaining permanently vacant effectively removing these undeveloped plots from the Council’s Housing Land Supply. Therefore, the Council should consider the application of a non-implementation rate to its HLS calculations.
4. Any policy would also need to be clear what happened where plots are not sold. HBF suggest any unsold plots should revert back to the developer. It is important that any plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self and custom builders.
5. HBF considers that a policy which encourages self and custom-build development and sets out where it will be supported in principle would be more appropriate and/or specific sites could be allocated for self-build development. As mentioned previously, HBF considers that the Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils’ own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners. The HBF does not consider that requiring major developments to provide for self-builders is appropriate.
6. HBF are particularly concerned with the deliverability and practicality of the requirement that “For schemes comprising over ten plots, the development should be implemented in two or more phases to ensure that the marketing of plots and the impact of construction are managed in an appropriate manner.” This introduced additional and further complexity and health and safety concerns.

**6. Delivering South Warwickshire’s Economic Needs**

**6.1 Locations for Industrial Employment Growth**

1. HBF do not comment on individual site allocations, but we would wish the Plan to note the interrelationship between housing and employment, both when homes are being constructed and once they are lived in.

**7. A Climate Resilient and Net Zero Carbon South Warwickshire**

1. The impact of the policies in this chapter when taken together, and when considered in addition to the other policies in the Plan, may have considerable viability implication and may lead to the non-delivery homes and needs to be fully considered within the Viability Assessment.
2. HBF does not consider that the Councils have provided the justification for why South Warwickshire require a suite of policies so significantly above the requirements set out nationally in the building regulations requirements. For example, HBF does not consider that the Councils have provided the justification for why there is a need for the home building industry to consider the unregulated emissions in addition to the regulated emissions, as it is generally acknowledged that developers have limited control over future unregulated emissions.
3. It is also not appropriate to refer to SPDs within a Local Plan policy, as this would be in effect be seeking to give SPD Local Plan policy status. Any reference to SPD should only be made in the supporting text.

**7.3 Decentralised Energy Systems**

**Draft Policy F - Decentralised Energy Systems**

1. The draft policy states that the “Council will strongly encourage the use and development of decentralised energy systems, which incorporate either heating (District Heating) or heating, power and cooling (Combined Heat and Power) or power (Micro-grid) into new developments.”
2. HBF are concerned about the practicality and deliverability of policies which require major development in South Warwickshire to demonstrate a thermal masterplanning approach to maximise energy efficiency opportunities for the use of decentralised energy systems. We are concerned around the ability of new decentralised energy networks to be futureproofed for future expansion opportunities.
3. HBF do not support policy also seeks to require development to ensure establish a site-wide local energy network within the site and link into any district or local energy network which is operational close to the site. HBF does not consider it is necessary to make more connections to the heat network. Heat networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government’s climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies.
4. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies. All heat network domestic consumers should have ready access to information about their heat network, a good quality of service, fair and transparently priced heating and a redress option should things go wrong. Research by the Competition and Markets Authority (CMA) found that a significant proportion of suppliers and managing agents do not provide pre-transaction documents, or what is provided contains limited information, particularly on the on-going costs of heat networks and poor transparency regarding heating bills, including their calculation, limits consumers’ ability to challenge their heat suppliers reinforcing a perception that prices are unjustified. The monopolistic nature of heat networks means that future price regulation is required to protect domestic consumers.
5. The CMA have concluded that “a statutory framework should be set up that underpins the regulation of all heat networks.” They recommended that “the regulatory framework should be designed to ensure that all heat network customers are adequately protected. At a minimum, they should be given a comparable level of protection to gas and electricity in the regulated energy sector.” The Government’s latest consultation on heating networks proposes a regulatory framework that would give Ofgem oversight and enforcement powers across quality of service, provision of information and pricing arrangements for all domestic heat network consumers. The policy requirement should therefore be deleted. Therefore, HBF do not believe this policy requirement is justified, and it would not be effective, it should therefore be deleted.

**7.4 Net Zero Carbon Buildings**

**Draft Policy Direction 22 - Net Zero Carbon Buildings**

1. Part A of the policy direction sets out requirements for Residential Buildings that require “all new buildings must be designed and built to be Net Zero Carbon in operation. They must be ultra-low energy buildings, fossil fuel free, and generate renewable energy on-site to at least match annual energy use.”
2. To be consistent with national policy, HBF request the Council rely on the Building Regulations process as the way to manage improving energy efficiency standards and as such no policy on this issue is needed in the Local Plan. HBF considers it would be appropriate to make reference to the Future Homes Standard and the Building Regulations as the appropriate standards for development. The Council will also be aware that the Future Homes and Buildings Standards cover Part L (conservation of fuel and power), Part F (ventilation) and Part O (overheating).
3. HBF is concerned that, despite the recent WMS, the Council is still seeking to move away from the carbon reduction methods set out in Part L of the Building Regulations. HBF supports the Council in seeking to minimise carbon emissions and reduce heat and power demand through energy efficient design. However, the HBF does not consider that the Council setting its own standards is the appropriate method to achieve these outcomes.
4. Whilst the ambitious and aspirational aim to achieve zero carbon is lauded, the HBF is concerned that the Council is adding to the complexity of policy, regulations and standards that housebuilders are already expected to comply with. The key to success is standardisation and avoidance of individual Councils specifying their own policy approach, which undermines economies of scale for product manufacturers, suppliers and developers. The impact of this requirement along with others in this Plan may have considerable viability implication and may lead to the non-delivery homes and needs to be fully considered within the Viability Assessment.
5. HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.
6. HBF would highlight the publication ‘Future Homes, One Plan Building a generation of high quality, affordable and sustainable homes and communities, together’ <https://irp.cdn-website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf>. This was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes.
7. In particular HBF, would highlight ‘Issue 9. The Partnership Imperative’ on page 15 which states in the Local Government section that “Local planning requirements must align with the overall plan for improving performance standards at national level. For example, avoiding divergence of local energy standards that make it harder to accelerate improvement in standards at national level, and avoiding conflict between local planning conditions and new requirements of building regulations.”
8. HBF supports the Council in seeking to meet the challenge of mitigating and adapting to the effects of climate change, however we considers that the Councils should ensure this policy area is addressed in line with the December 2023 Written Ministerial Statement which states that ‘a further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continue to decarbonise.
9. 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.
10. 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’.
11. To be consistent with national policy, HBF request the Council rely on the national Building Regulations process as the way to manage improving energy efficiency standards and as such no policy on this issue is needed in the Local Plan.
12. HBF acknowledges that Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 outlines that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. The NPPF looks for all plans to take a proactive approach to mitigating and adapting to climate change. However, PPG refers to the Planning and Energy Act 2008, the Deregulation Act 2015, and the Written Ministerial Statement (March 2015) and states that policies in relation to energy performance standards should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes.

**Draft Policy Direction 24 - Embodied carbon**

1. The draft policy seeks to require that “all new major developments should demonstrate how the embodied carbon of materials has been considered and reduced where possible. New developments are expected to achieve at least the RIBA Good Practice targets and show consideration of solutions towards the RIBA 2030 Challenge targets. These practice benchmarks will help inform the policy at Regulation 19 stage.”
2. HBF is very concerned that such policies are unachievable and undeliverable at this current time. We suggest that the policy wording should be welcoming schemes that can achieve these higher standards rather than refusing schemes that do not and perhaps cannot achieve them.
3. The draft policy wording includes reference to “Best practice benchmarks” but then seems to be making best practice, mandatory policy requirements, which is not appropriate. This would create confusion as to whether they were best practice- to be supported, or a policy requirement that has to be complied with
4. HBF would wish to see what evidence the Councils have that supports the expectation that the embodied carbon can be assessed in all cases and the policy can be easily complied with and would not become another barrier to the delivery of much needed housing development.
5. HBF considers that if the Council is to introduce a policy in relation to Embodied Carbon 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.
6. HBF is again concerned that the Council is adding to the complexity of policy, regulations and standards that housebuilders are already expected to comply with. The key to success is standardisation and avoidance of individual Councils specifying their own policy approach, which undermines economies of scale for product manufacturers, suppliers and developers. The impact of this requirement along with others in this Plan may have considerable viability implication and may lead to the non-delivery homes and needs to be fully considered within the Viability Assessment.

**7.7 Climate Resilient Design**

**Draft Policy G - Climate Resilient Design**

1. Although HBF support the needs for new development to play its part in helping to address the climate crisis, for the reasons mentioned above we support these issue of standards and targets being set through national Building Regulations and not individually through Local Pans.
2. HBF are concerns that the Councils are moving away from Building Regulations and the Future Homes standard and seeking to go further and faster than the industry is able to deliver. The proposed policy wording suggests that the Council is seeking to move away from the energy and carbon reduction methods set out in Part L of the Building Regulations. HBF supports the Council in seeking to minimise carbon emissions and reduce heat and power demand through energy efficient design. However, the HBF does not consider that the Council setting its own standards is the appropriate method to achieve these outcomes.
3. HBF is concerned that the Council is adding to the complexity of policy, regulations and standards that housebuilders are already expected to comply with. The key to success is standardisation and avoidance of individual Councils specifying their own policy approach, which undermines economies of scale for product manufacturers, suppliers and developers. The impact of these requirements along with others in this Plan may have considerable viability implication and may lead to the non-delivery homes and needs to be fully considered within the Viability Assessment.
4. HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.
5. HBF would again highlight the latest publication ‘Future Homes, One Plan Building a generation of high quality, affordable and sustainable homes and communities, together’ <https://irp.cdn-website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf> This was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes.
6. The government has also recently provided further advice for local authorities through the Written Ministerial Statement which says “the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale.” See <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>
7. To be consistent with national policy, HBF request the Council rely on the Building Regulations process as the way to manage improving energy efficiency standards and as such no policy on this issue is needed in the Local Plan. We are very concerned that this policy as currently written may have unintended consequences of undermining the very objectives the Council is seeking to address.

**7.8 Water Efficiency**

1. HBF would request to see the evidence that reassures the Council that the targets of 100 litres per day is justified and achievable. The current Part G Building Regulations require 125 litres per day, and house builders are frequently delivering 115-110 litres per day which means the house building industry is already improving upon the regulations.
2. There are however issues of getting down to 100 litres per dwelling and below. HBF suggest achieving 85 litres per day would be very difficult and particularly because the level of customer experience starts to get affected at 100 litres per dwelling and below. Furthermore, there are examples of schemes around the country where once water usage begins to get too low there becomes a secondary issue of odour, air quality and human health as the piped systems aren’t getting enough volume to run through and cleanse the system. Pipes need a certain volume of water to flush everything through, otherwise if the effluent is not getting cleared and if ‘solids and matter’ are just sitting dry in pipes this can cause air quality issues and nuisance to residents.
3. HBF would strongly question if a policy limiting water use to 100 litres per day is deliverable, or indeed desirable, and suggest this requirement should be removed. As Building Regulations already address this issue, there is no need for further policy in the Local Plan on this matter.

**7.9 Water Supply and Wastewater Infrastructure**

HBF suggest that matter is dealt with outside of the planning system through licensing and water company legislation and a such there is no need for duplication of these requirements in Local Plan policies.

**7.11 Multi-functional Sustainable Drainage Systems (SuDS)**

1. HBF request that the Plan makes it clearer how these requirements link into the delivery of mandatory 10% BNG

**10. A Well-Connected South Warwickshire**

10.2 Electric Vehicle (EV) Infrastructure Strategy

1. There is no need to require EV charging points in new hosing as this is already a requirement of Building regulations.

**11. A Biodiverse and Environmentally Resilient South Warwickshire**

* 1. Protection of Sites, Habitats and Species

**Draft Policy Direction 36 - Protection of Sites, Habitats and Species**

1. The need for a policy to protect and enhance internationally, nationally, and locally important biodiversity and geodiversity sites and assets, both designated and non-designated, using the evidence-based documents such as the emerging Local Nature Recovery Strategy (LNRS) and the findings of the Habitat Regulations Assessment (HRA) as a guide, is recognised. However, care needs to be taken to avoid any confusion between the long established species based protections that these policy requirements would be seeking to address and the new mandatory 10% Biodiversity Net Gain that was introduced for larger site in Feb 2025 and smaller sites form April 2025.
2. HBF note that the intention is that this policy will cover Nationally Important and Protected Sites, namely Sites of Special Scientific Interest (SSSIs), National Nature Reserves, Ramsar sites, Special Areas of Conservation, Special Protection Areas and Sites identified for formal designation under the above schemes/categories. It will be essential for these sites to be shown on the proposal map.
3. However, the intention is that policy will also apply Locally Important Sites and Assets, namely Ancient woodland, Ancient and Veteran trees, Local Nature Reserves, Local Wildlife Sites, including potential, and in certain instances rejected ones, and sites not yet subject to formal designation but known to make a positive contribution to biodiversity and/or geodiversity. Reference is also made to irreplaceable habitats (as defined in the Biodiversity Gain Requirements 2024) and protected rare, endangered, or priority species, particularly those recognised in local biodiversity action plans). HBF are keen to understand more about how the Councils envisage the suite of natural environment polices working together, including for locally important species and habitats and mandatory BNG. HBF would welcome early and ongoing engagement on these issue in advance of the next Reg 18 and/or Regulation 19 consultation.
4. HBF welcome the Councils commitment to follow the Lawton principles of more, bigger, better, and joined up. We note that the Councils intend to do this through protecting existing important sites and assets, enhancing existing important sites and assets and identifying opportunities to create and enhance habitat connectivity by identifying new sites for designation, and through the creation of new habitats which support Warwickshire target species.
5. It is important to recognise the inherent tension between these objectives and the Biodiversity Net Gain hierarchy which seek to prioritise on-site BNG delivery wherever possible. BNG delivery in accordance with the Lawton principles can and should where appropriate be used to justify swiftly moving down the BNG delivery hierarchy, especially where off-site BNG delivery may deliver bigger, better, and joined-up new habitats, compared to on-site provision. This is more likely to be the case on smaller sites, where on-site delivery could result in isolated small areas of habitat which may be of lesser value to nature recovery than off-site landscape scale projects.
6. The mandatory national BNG system used habitat as a proxy for species, with the creation of additional habitat being deemed as being beneficial for the biodiversity at the ecosystem and species level. Monitoring of delivery of BNG will need to reflect and recognise this.

**11.2 Local Nature Recovery Strategy**

1. HBF welcome the recognition of the NRS are designed to work closely with Biodiversity Net Gain (BNG). LNRS guide the delivery of BNG to support the protection or improved resilience of important habitats. This policy will aim to protect existing areas of importance for nature and require development to enhance, connect and expand these areas in line with the LNRS. It will be important for the Plan to be clear what the LNRS does and equally what it does not do.
2. In general terms, HBF welcomes the efforts to progress Local Nature Strategies there are an important piece of the evidence base for Local Plans. House builders recognise the importance of these documents and the role the industry can play making their contribution to help address the nature crisis. As such we wish to be involved in their preparation at the earliest opportunity. However, HBF note that on 19th Feb, mid-way through your LNRS consultation, the Government published new Planning Practice Guidance (PPG) on how LNRSs and should inform plan-making, see <https://www.gov.uk/guidance/natural-environment#local-nature-recovery-strategies>
3. It will therefore be important for the Leicestershire LNRS to be very clear on the role and function of the document for the purposes of plan-making and planning applications. It needs to be clear what the document does, that identified constraints and opportunities on ecology. The LNRS will form part of the evidence base of the Local Plan and will therefore feed into the local plan making process. It should also be clear what the document is not. It will not determine where growth will be located, it does not allocate sites that have to be protected from development, and it should not be used to prevent development and such decision are, and remain, part of the Local Plan making and planning application processes, which have their own requirements for evidence gathering, decision-making, public consultation and engagement.
4. Delivery of Biodiversity Net again is one example of how new development can provide a win-win delivering improvements for nature as well whilst also addressing the housing crisis. The LNRS provides an opportunity to help identify where efforts and resources to deliver BNG could best be concentrated, but this is in the context of delivering for nature and housing together, not using nature to stop house building. This is very important given the requirements for 10% BNG. It is therefore essential the industry is involved in finalising the strategy and implementing it.
5. We would suggest that the proposed wording of the policy goes beyond the national policy expectations of how LNRS are intended to help inform and shape Local Plan policies. It is not appropriate for LNRSs to be viewed as a means of restricting or controlling development rather they need to be part of the evidence base that is fed into the consideration. HBF would therefore welcome the opportunity the have further discussions with the Councils on how the home building industry can continue to engage with the LNRS and delivery of BNG.
6. The D**raft Policy Direction 37- Local Nature Recovery Strategy** sets out that “Development proposals will be expected to support the principles of LNRS and demonstrate that a positive contribution will be made to the regional nature recovery network by maintaining and enhancing local ecological networks through habitat creation, protection, enhancement, restoration and/or management.”
7. However, the Plan should set out how its allocations and polices have been informed by the LNRS not simply say it’s a material consideration to planning applications. LNRSs are intended to be an opportunity to identify area for investment in BNG not areas where development will not be allowed. BNG should be a win-win delivering both housing for people and nature

**11.3 Biodiversity Net Gain**

1. The **Draft Policy Direction 38 - Biodiversity Net Gain** seeks to require “all development proposals (unless exempt) must achieve a minimum of 10% BNG (or any higher percentage mandated through local or national policy/legislation) over the pre-development site value as measured by the DEFRA Statutory Biodiversity Metric.”
2. The document continues that “as work on the SWLP progresses we will explore evidence to seek a higher percentage of BNG above the statutory 10% requirement to achieve greater biodiversity benefits. HBF have significant concerns about the viability and deliverability of going above the mandatory 10% system especially as that system is still bedding in and to date has proven to be more complex, complicated particularly for smaller sites than was perhaps anticipated.
3. The document continues that “Proposals should:

• Be supported by core biodiversity gain information;

• Be secured for at least a 30 year period from the substantive completion of the development;

• Be delivered in accordance with the approved habitat management and monitoring plan;

• Follow the mitigation hierarchy to avoid, minimise, mitigate, compensate/offset loss;

• Aim to achieve the required net gain on-site within the development boundary.

Where a proposal adequately demonstrates in the biodiversity gain plan that the mitigation hierarchy has been followed and the required net gain cannot be fully achieved on-site within the site boundary, it must secure alternative provision of the required biodiversity units through:

• The purchase of registered off-site biodiversity units using the Local Nature Recovery Strategy as a guide and in line with the below locational hierarchy:

1. Within the Local Planning Authority area where the impact occurs

2. Within a neighbouring Local Planning Authority area

3. Within Warwickshire, Coventry and Solihull

4. Elsewhere in England or as a last resort, The purchase of statutory biodiversity credits from the government.

1. HBF note the introduction of Biodoversty Net Gain which came in for large sites on Feb 12th 2024, and for small sites form 2nd April 2024. It will be important that this policy fully reflects all the new legislation, national policy and the new DLUHC and DEFRA guidance to ensure it fully reflects it. The Government guidance is clear that the is no need for Local Plans to repeat and replicate the national BNG policy and guidance. Similarly policies which seek to change or further restrict BNG delivery in conflict with the national approach cannot be supported. The metric already penalises BNG is delivered further away from the site. This additional test is not justified or complaint with national policy.
2. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance from DLUHC and the DEFRA BNG Guidance. HBF note that this represents a lot of new information that the Council will need work though and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.
3. HBF therefore suggest that significantly more information, assessments and analysis around BNG, and Viability (for BNG and viability more generally) is needed to support the new South Warwickshire Plan.
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. There is not an option of seeking less than 10% BNG so the wording of criteria two which says ‘no more than 10%’ do not in fact reflect the current national policy and should be changed.
5. There are significant additional costs associated with biodiversity gain, which will need to be fully accounted for in the Council’s viability assessment. It is important that BNG does not prevent, delay or reduce housing delivery. Although the national policies requiring 10% BNG cannot be subject to site specific viability discussions, any policy requirements over 10% can be. The Plan should make this position clear.
6. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.
7. The costs of BNG should have been considered as part of the whole plan viability assessment and should be specified as a single specific item, not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council’s viability assessment, some of which are still 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.
8. As this is still a fairly new policy area, the market for off-site provision is still developing . Any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should have 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.
9. HBF would also request that the Local Plan allocation policies fully consider the issue of delivering against the new BNG requirements. This should include undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.
10. 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. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.
11. Reference should also be made within the Plan to the small sites metric. This is intended to be a less complex statutory metric that can be used to set out how 10% BNG will be secured on small sites. It can only be used for on-site BNG delivery. The national mandatory 10% BNG policy has applied to small sites from April 2024.
12. The new DEFRA and DHLUC guidance is clear that going beyond the mandatory 10% requires evidence and there is a need to show that this will not impact viability. HBF agree that there is no evidence to support a higher figure in South Warwickshire. However, the introduction of mandatory BNG is significant new requirement and it will be important for the viability implications of this new policy is considered in the whole plan viability assessment on the Wolverhampton Local Plan. It will be important to understand if this non-negotiable national policy requirement has any knock-on implications for other policy areas ‘asks’, notably the amount of affordable housing that can be delivered.
13. The BNG policy and supporting text therefore needs updating to reflect the new guidance on LNRSs and how the Warwickshire LNRS will inform the new Local Plan. BNG also has impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing.

**11.4 Environmental Net Gain**

**Draft Policy Direction 39 - Environmental Net Gain**

1. HBF is very concerned that in addition to requiring mandatory BNG, and the Councils potentially seeking a higher than 10% figure for BNG, the Councils are also seeking to “aim to have a policy that requires development to contribute positively to the natural environment by providing measurable net improvements in biodiversity and ecosystem services. The initial focus will be on BNG and carbon sequestration, but the policy will be updated to incorporate other ecosystem services as a comprehensive ENG framework is developed.”
2. HBF believes such a policy is inappropriate and unjustified. There is a danger that in seeking to go further and further than national policy in this area, development becomes undeliverable and/or unviable. The mandatory requirement for 10% BNG are already proving more complicated and difficult to implement than was envisaged particularly for SME housebuilders, a part of the sector the government is very keen to support. The introduction of yet another, as yet undefined and uncosted regulatory burden will add further costs- financial, land-take and time, and unnecessarily increase uncertainty and create further delays to much needed new homes.
3. A better approach would be to fully utilise the LNRS in the way that is intended to ensure maximum benefits are derived from the delivery of the mandatory BNG that is already required. The LNRS should be used as evidence to help shape the spatial strategy and policies in the South Warwickshire Plan
4. We note the new PPG on LNRS has been published during the consultation period for this Preferred Options document, but it will be important that’s its provisions are fully reflected in the Plan. Again, HBF would suggest that the Submission Plan (at Reg 19) should not be the first time consultees are made aware of the Councils’ intentions for this policy, its implementation and how these objectives have shaped the spatial strategy and development management policies in this emerging Local Plan.

**11.5 Green and Blue Infrastructure**

1. The **Draft Policy Direction 40 - Green and Blue Infrastructure** says “New development will ensure that existing and new GBI is considered and integrated into the scheme design from the outset. The functionality, accessibility and quality of existing open space should be reviewed and increased wherever this is possible.”
2. It continues “One mechanism to ensure that GBI is delivered in line with the above requirements as well as the Green Infrastructure Framework, is to produce a “Greening Factor” for an area. A Greening Factor is a planning tool used to improve the provision of Green Infrastructure in an area. When applied to a development site, it provides a threshold for the total area of a site which is expected to be covered by an element of GBI. It is proposed that the GBI policy in the SWLP provides a Greening Factor for development across the South Warwickshire region.”
3. The policy, the document says, will provide for different Greening Factors being calculated for major residential development, minor residential development, and commercial development. The delivery of a greening factor on a site must be based on a baseline assessment of existing GBI, demonstrating that high value assets have been retained and enhanced where appropriate. This must be supported by the submission of a long-term maintenance plan for major developments.
4. The document explains “that the following green interventions will count towards a development’s Greening Factor. These include where green features are present on a site and are retained: Trees and hedges, including canopy cover, Areas of open space, including Green Wedge, Green roofs and walls, Multi-functional SuDS, Community designated Local Green Space, the enhancement and/or creation of habitats, allotments and food growing spaces and Carbon Sequestration,”.
5. It continues that “a Site’s BNG contribution will also count towards the overall Greening Factor of a site. Again, HBF is unclear how this policy will fit into the delivery of mandatory BNG and have significant concerns about the greening factor policies duplicating and complicating an already very challenging set of policies form a delivery and viability perspective.
6. We also note that Green Wedge is policy designation and not an environmental consideration.
7. **11.6 Carbon Sinks and Sequestration**
8. In order to be effective, the Plan should be clearer on how the various nature conservation policies are intended to work together.

**11.7 Trees, Hedges, and Woodland**

1. In order to be effective, the Plan should be clearer on how the various nature conservation policies are intended to work together.

**11.8 Parks, Gardens, Food Growing, Open Space and Local Green Space**

1. In order to be effective, the Plan should be clearer on how the various nature conservation policies are intended to work together

**11.9 Outdoor Sports and Leisure**

1. In order to be effective, the Plan should be clearer on how the various nature conservation policies are intended to work together

**Omission of a Monitoring Framework**

1. The final version of the new South Warwickshire Local Plan will need to include a full housing trajectory. This is essential to ensure that the Plan can be effectively monitored and action taken in the case of under-delivery of housing, and other policy matters. The housing trajectory needs to show the expected housing delivery from all sites and sources, otherwise the monitoring of housing delivery will be incomplete.
2. Understanding housing delivery and its various sources it very important as different solutions and actions may be needed, depending on the reason for the under delivery of housing supply. For example, proactive engagement with developers to try and help bring forward allocated sites would be a different type of intervention from actively encouraging speculative applications on new sites, seeking additional funding to help bring forward brownfield windfall sites or engaging in land assembly, or applying affordable housing policies flexibility to enable otherwise unviable development to come forward.
3. The Plan should therefore include a robust Monitoring Framework which sets out the targets for housing (and other matters) that will be monitored and the triggers for action being taken, and what that action will be. A commitment to a plan review does nothing in the short to medium term to address the under-delivery of housing, more proactive steps need to be taken, as would be the case if the HDT was failed.
4. The fact that at this time it would be impossible to produce a Housing Trjectirt and a monitoring framework for the allocations and policies in this version of the Plan because the sites aren’t yet known, and even area of growth are yet to be pinned down, further underlines our request for more evidence and additional further consultation being needed between this Reg 18 and any future Reg 19 consultation.

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

Yours faithfully

**A close-up of a handwritten word

AI-generated content may be incorrect.**

**Rachel Danemann MRTPI CIHCM AssocRICS**

**Planning Manager – Local Plans (Midlands and South West)**

**Home Builders Federation**

**Email: rachel.danemann@hbf.co.uk**

**Phone: 07817865534**