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10/01/2025

Dear Sir/ Madam

## **Basildon Local Plan**

1. Thank you for consulting the Home Builders Federation (HBF) on the Basildon Local Plan. 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.

## **Policy SG1: Housing Growth**

### *Housing needs*

2. The policy sets out that the Council intend to make provision for a minimum of 27,111 dwellings in order to meet assessed housing needs as calculated using the standard method. Firstly, it is not clear if this is housing requirement or minimum level of supply. A 20 year plan period would require the Council, based on the 1,291 homes initially set out by the Government the amended standard method, to deliver at least 25,820 homes over a 20 year plan period. A 27,111 home requirement would be for a 21 year plan period. The Council must provide clarity on this position and amend the plan period or housing requirement accordingly.
3. As the Council will also be aware the latest version of the standard method adopted in December 2024 will require Basildon to deliver 1,287 dwellings per annum (dpa) slightly less than the 1,291 dpa expected when the consultation commenced in November. This will require the policy to be revised to reflect national policy. HBF would suggest that alongside

the overall number of homes that are required to be delivered the annual requirement is also set out in the policy.

4. As well as considering the housing needs of Basildon the Council must also, in accordance with paragraphs 11b, 27b and 61 of the National Planning Policy Framework (NPPF), take into account any unmet needs arising in neighbouring areas when establishing the number of homes to be planned for. The Duty to Cooperate Statement notes that the Council has approached other authorities with regard to their unmet needs but does not appear to mention whether it has been approached with regard to the unmet housing needs of other areas. For example, the local housing needs assessment for the coastal planning authorities of Castle Point and Southend on Sea have increased from 349 to 701 dpa and 1,173 to 1,405 dpa respectively. As such it is a possibility that both these authorities may struggle to meet their own needs in full and consideration must be given as to whether there is potential in Basildon to meet some of these needs. HBF recognises that this would require additional Green Belt release, but this should not be a barrier to the allocation of such sites where they would not fundamentally undermine the purposes of the Green Belt.
5. Given that there is potential for some unmet needs arising in neighbouring areas the HBF consider that such a scenario is a reasonable alternative that must be considered by the Council in its Integrated Impact Assessment (IIA). To date the Council has tested strategies that broadly meet housing needs in full, with only broad considerations as to the impact of providing more or fewer homes being considered. The HBF consider this to be insufficient and the Council must consider an alternative strategy or strategies that would deliver beyond local housing needs. If the Council chooses to move forward without considering reasonable alternatives that go beyond the minimum development required, the HBF would question the validity of the IIA as a robust and fair assessment of the local plan and the alternatives to the plan. In addition, without any consideration as to a higher growth the HBF would question whether the Council has actively and constructively engaged with the strategic issue of unmet housing needs as part of the duty to co-operate.

### *Housing Supply*

6. The Council expects that the number of homes that will be delivered through this plan over the plan period is 27,111 homes. However, as the Council have not published the Housing and Economic Land Availability Assessment, a housing trajectory, the Urban Capacity Review or any evidence supporting its windfall assessment it is not possible for the HBF to

comment on whether this figure is justified. For example, the Council note further work is required to establish whether the number of homes expected to come forward in the urban areas following the Urban Capacity Review is justified with further work required to consider the cumulative impact of these sites. Clearly the Council will need to ensure that it publishes all the evidence supporting its housing supply estimates.

7. As part of this evidence the HBF would recommend that a detailed trajectory is included for each site that is required to meet housing needs in full to ensure that interested parties can clearly see when sites will come forward and the rate at which they will deliver new homes and if these are reasonable and justified. It is our experience that if this level of detailed is not provided on submission that inspectors will ask for it as part of the examination. As such it is good practice to ensure a detailed trajectory, or all sources of development is provided as part of the regulation 19 consultation. This evidence will also form the basis for the housing trajectory that must, in line with paragraph 78 of the NPPF, be included in the local plan.
8. If housing supply is expected to be 27,111 homes over a 20 year plan period, then this would provide a headroom of 1,371 homes, around 5% of the required number to be planned for. As such there is limited headroom and should, as the plan as it goes through regulation 19 consultation, submission and examination in public, delivery estimates change the plan may no longer meet housing needs in full. To avoid this the HBF recommends that plans include a reasonable headroom between needs and supply of at least 10% in recognition that estimates of delivery are likely to change over the course of plan preparation in order to ensure the strategy set out in the plan meets housing needs in full as required by paragraph 36a of the NPPF.

### **SG3: Spatial Distribution of Growth**

9. HBF supports the decision to amend Green Belt boundaries in order to meet development needs in full, and agree with the Council's assessment that there are exceptional circumstances to support this decision. However, as set out above the Council will need to consider any unmet needs in neighbouring areas prior to submitting this plan and whether this local plan could do more to support any neighbouring areas that are unable to meet their own needs in full.

10. The HBF does not comment on the spatial distribution of growth within local plans other than to encourage council to provide a broad range of deliverable and developable sites both in terms of size and location in order to ensure choice and competition within the housing market. In particular HBF considers it essential that the Council, as required by paragraph 73 of the NPPF, identify in the local plan or brownfield register at least 10% of the housing requirement on sites that are no larger than one hectare. However, HBF could not find any evidence to show that this requirement of national policy had been met, and if it has not been met why not. In meeting this requirement, the Council will need to ensure that these are identified with as an allocation in the local plan or in the Brownfield Register and does not consider small site windfalls as contributing to the 10% requirement.
11. Whilst it will be important to promote more small sites to come forward over the plan period as windfall, as mentioned in part d of paragraph 70 of the NPPF, this is distinct from the 10% requirement set out in part a of paragraph 70 of the NPPF. Further clarification that the 10% should not include windfall development is in the glossary where windfall is defined as “Sites *not specifically identified in the development plan*”. (our emphasis)
12. It is important to recognise that the allocation of small sites is a priority and stems from the need to support small house builders by ensuring that they benefit from having their sites identified for development either through the local plan or brownfield register. The effect of an allocation is to take some of the risk out of that development and provide greater certainty that those sites come forward. This in turn will allow the SME sector to grow, deliver homes that will increase the diversity of the new homes that are available as well as bring those homes forward earlier in the plan period.
13. The Council should also recognise that allocating small sites and supporting SME house builders not only ensures a stronger supply in the short term but also improves the diversity of choice within local housing markets, support local and regional supply chains and are often pivotal in bring forward innovation and supporting jobs growth locally, with 1 in 5 of the SME work force comprising of apprentices. A failure to allocate small sites will contribute to the continued decline in small and medium sized house builders. Recent research by the HBF has found that there are 85% fewer small house builders today than there was 20 years ago and that of a survey of SME house builders 93% said that planning was a major barrier to SME growth. Whilst this decline is due to a range of factors more allocations of small sites would ease the burden on many SME developers and provide more certainty

that their scheme will be permitted, allowing them to secure the necessary finance that is often unavailable to SMEs until permission is granted.

14. Therefore, in order for the plan to be consistent with national policy the Council should not just seek to maximise delivery from the small sites that do come forward but to actively promote these through allocations in the local plan.
15. With regard to plotland HBF have two comments. Firstly, it is not clear whether or not the 663 homes on plotlands have been included in the overall supply of homes set out in SG1. Secondly, paragraph 4.27 refers to Grey Belt land as not performing strongly against any Green Belt purposes. As the Council will be aware this definition has now changed with the Grey Belt being defined as land that does not contribute strongly to any of purposes a, b or d in paragraph 143 of the NPPF. This change in definition may impact on the potential growth opportunities in Plotland areas and will need to be taken into account as part of the further work the council say in paragraph 4.31 is required to support this policy.

#### **HOU1: Size, Type and Quality of New Housing**

16. Clause 2 requires all major residential development to meet a specific mix of housing based on the evidence in the South Essex Housing Needs Assessment 2022. HBF is concerned that in requiring development to meet very specific percentages the policy lack flexibility for development to adjust to changing needs or more localised needs not captured by the evidence. Rather than have very specific percentages the Council could use a range for each size or require development to have regard to the evidence on needs. This later approach also has the benefit of allowing new evidence on what is needed to be considered by decision makers.
17. Clause 3 requires all development to be build to part M4(2) and all strategic allocations to be built to part M4(3). These requirements will need to be justified on the basis of both need and viability. While some evidence on need has been provided without the viability study it is not possible to comment on the how these requirements in combination with other policy requirements will impact on development viability.

#### **HOU2: Affordable housing**

18. This policy requires major development on sites released from the Green Belt to deliver 50% affordable housing and all other major residential development to provide 24% of their homes as affordable housing. However, without a whole plan viability assessment, it is not possible to comment on the whether the level of affordable housing required by this policy is justified. With regard to the 50% requirement the HBF recognise that the Golden Rule set out in paragraph 67 and 156 requires major residential development released from the Green Belt to deliver at least 50% of homes as affordable. However, this is caveated with “*unless this would make development of these sites unviable*” and as such still need to be justified through a viability assessment.
19. The policy also states in clause 10 that viability assessments will not be accepted on for schemes on strategic housing allocations H1 to H32. Whilst paragraph 10-029 of PPG does state that under the golden rules site specific assessment should not be taken into account it also states that the Government intends to review this guidance and consider whether there are circumstances in which site specific viability assessment may be taken into account. As such HBF do not consider it appropriate to include this in HOU2 and suggest it is deleted.

## **INF2: Securing Infrastructure Contributions**

20. HBF have some concerns with the second and third paragraph of this policy. The second *paragraph* states that contributions will be sought in line with advice or policy guidance from relevant authorities. Whilst the Council should take account of these it cannot establish national policy that it will require contributions to be in line with these. This is in effect giving the weight of a local plan policy to a document that is not given the same level of public scrutiny. HBF consider that the paragraph should be amended to “*Where new development necessitates a highways, transport, education, or healthcare contribution, these will take account of ~~be sought in line with~~ the latest advice or policy guidance from the relevant authorities*”.
21. HBF are concerned that the third paragraph of this policy, which states that planning permission will only be granted where it can be demonstrated that there is or will be sufficient infrastructure capacity to meet all the necessary requirement arising from the proposed development. This is too broad and could lead to decision makers requiring development to show that there is sufficient capacity with regard to infrastructure where there is a statutory duty to provide connections – such as water, sewage and electricity. Where there is a lack of capacity in infrastructure these must be identified in the local plan

itself with clear evidence showing how these will be addressed over the plan period rather than requiring developers to assess capacity on a development by development basis. HBF would therefore suggest that this paragraph is amended to state: *“Planning permission will only be granted where it can be demonstrated that there is, or will be, sufficient infrastructure to meet the identified requirements arising from the proposed development.”*

#### **Policy CC4: Net Zero Carbon Development in Operation**

22. The proposed policy position would require all new development to fossil fuel free and demonstrate net zero operational carbon onsite by ensuring energy use standard for all new dwellings of 35kwh/m<sup>2</sup>/year and space heating demand of less than 15 kwh/m<sup>2</sup>/year (20 kwh/m<sup>2</sup>/year for bungalows). This would be demonstrated through an Energy Assessment, which for major applications must be a full energy strategy utilising accurate methods for operational
23. Whilst the HBF would agree with the Councils that there is a need to act to reduce carbon emissions we would disagree that this needs to be undertaken through the local plan given that there is already a national approach, the Future Homes Standard (FHS), being taken forward to achieve the same goal. Delivering these improvements through building regulations has a distinct advantage over delivering a variety of different approaches across the county, in that it provides a single approach that all developers understand and can be rolled out at scale. This allows supply chains and skills to be improved prior to implementation and ensure that improvements to building standards are actually deliverable from the point at which they are introduced.
24. However, if the Councils chooses to go beyond current or future standards it must be done in a way that is consistent with national policy and robustly assesses its consequences and gives consideration as to how the requirements are consistent with the written ministerial statement (WMS) published on the 13th of December 2023. Before considering the content of the WMS itself it is important to note the High Court judgement from the 2nd of July 2024 ([2024]EWHC 1693 Admin). This judgement was on the challenge to the WMS made by Rights Community Action on three grounds, including that the WMS restricted exercise by local authorities of powers conferred on them.
25. The judgment made by Justice Lieven was that the claim failed on all three grounds. In coming to these judgements Justice Lieven importantly notes the intention of the

Government at the time with respect to section 1(1)c of the Planning and Energy Act 2008, which allowed Local Authorities to set standards above those in building regulations. Paragraph 65 states:

*“With respect to the current section 1(1)(c) specifically, the Minister confirmed councils “can go further and faster than building regulations, but within the national framework”. The Minister also addressed the overall intention of clause 1(2) in the following terms:*

*“The intention was for local authorities, in setting energy efficiency standards, to choose only those standards that have been set out or referred to in regulations made by the Secretary of State, or which are set out or endorsed in national policies or guidance issued by the Secretary of State. That approach was taken with a view to avoiding the fragmentation of building standards, which could lead to different standards applying in different areas of the country. Although supportive of the hon. Gentleman’s Bill, that was not an outcome that we wanted to achieve.””*

26. It is therefore clear that the intention of the original legislation was to ensure that energy efficiency standards within local plans were to be set within the scope of building regulation to avoid a multiplicity of standard coming forward. The judgment goes on to note in paragraph 66 that the WMS does not stray from this purpose.
27. It is therefore clear that that not only is the WMS compliant with legislation but also the intention of Planning and Environment Act 2008 was to ensure that any policies seeking improved standards on those set out in Building Regulations must be set within the framework of those regulations. Local plan policies which seek to apply an alternative standard would not only be inconsistent with the WMS but also with the intentions of the legislation.
28. Moving to the WMS itself, the housing minister notes that “Compared to varied local standards nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes” and that local standards can “add further costs to building new homes by adding complexity and undermining economies of scale”. After noting these concerns, the 2023 WMS goes on to state that any standard that goes beyond building regulations should be rejected at

examination if the LPA does not have a well-reasoned and robustly costed rationale that ensures:

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
- The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).

29. HBF do not consider the approach set out in CC4 to be consistent with the WMS nor that the implications of such a policy have been properly assessed in the supporting evidence base. Our detailed points are set out below.

30. The approach proposed by the Councils based on energy use is inconsistent with the approach set out in the WMS and as such is unsound. It should be noted that the Government have considered whether it was appropriate to use a delivered energy metric such as the one being proposed in the policy position paper and have concluded that these do not offer any additional benefits to those being taken forward by Government. Therefore, if the Council are to require standards above those set out in building regulations they must be expressed as a percentage of the target emission rate and not as an energy use target in order to avoid fragmentation of the standards with different requirements being set in different areas which it must be recognised was not only an expectation of the WMS but also of the legislation that permits council to adopt higher standards in local plan in the first place. As such the HBF do not consider the council to be justified in departing from either the WMS or the Planning and Energy Act (2008) and the section of the policy under the heading "All New Residential Development" and paragraph 4.27 and 4.28 should be deleted.

31. While HBF do not consider the policy to be consistent with national policy we are also concerned that the Councils has not properly considered the impact on viability or the deliverability of development. The Council will need to ensure the costs and deliverability of this policy are fully and robustly tested. In preparing its viability assessment HBF suggest the Council consider costs published by the Future Homes Hub (FHH) as part of their work to support and inform the implementation of the Future Homes Standard. The costs for similar standards to those being proposed can be found in the FHH report 'Ready for Zero'. This study tests a number of archetypes against a range of specifications from the current

standards set out in the 2021 Building Regulations through to standards that will achieve similar standards to those proposed by the Councils.

32. The various specifications and costs considered are summarised in Figure 8 of Ready for Zero and indicates that in order to deliver standards above the FHS on a three bedroomed end of terrace house (specifications CS3, CS4 and CS5 in the FHH report) would be around 15-19% higher than the 2021 Building Regs, around £17,000 to £22,000 more per unit. The costs assessment in the Essex Net Zero Policy Technical Evidence Base (July 2023) suggests the costs of achieving its proposed policy for a similar typology to be about 3% to 7% above current regulations. HBF recognise that the specifications are not direct comparison, but it does give an indication as to the potential cost and that the increase in build costs proposed by the Council appears low. Given that there is still significant uncertainty as to the cost of delivering the standards being proposed the Council will need ensure that if it chooses to move forward with this policy the costs will need to be higher than is being suggested by the evidence supporting the Essex Net Zero Policy.
33. With regard to deliverability of zero carbon homes HBF would not disagree that the proposed standards are technically feasible. However, HBF are concerned as to the impact these requirements will have on the rates at which sites can deliver new homes on all types of sites. Given that the standards proposed are higher than those proposed by Government in the Future Homes Standard and will require higher levels of fabric efficiency, which in turn will require new skills and materials that may not be readily available, HBF are concerned this could slow delivery in the short to medium term as supply chains are developed.
34. It has been recognised by the FHH that to deliver higher standards will require phased transitional arrangements to enable a steady build-up of skills and ensure quality. The FHH also notes in its report Ready for Zero that even if a short transition period between current standards and those similar to the Councils are proposing that this would “... *create a high risk of quality problems, inflated costs and, potentially, stalled build programmes.*” However, HBF could find no evidence that the Council has considered whether its proposed standard will impact on the rate at which new homes can be built. The Council will need to speak directly to a range of housebuilders operating in Basildon to understand the impact of its policy on the rate at which homes will be delivered on its allocated sites. Without any consideration of delivery then the Council's decision to go beyond what is required by building regulations is clearly unjustified

35. While HBF understands the desire for LPAs to go further current policy recognises that even where development can viably implement higher standards this must be within a consistent technical framework and approach to assessing building performance against those technical standards. Indeed, this has long been the case in planning policy with paragraph 159b of the NPPF stating that “*Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards*”.
36. If the Councils have the evidence to show that the policy is deliverable, they will need to ensure that all other policies in the local plan are consistent with delivering the levels of embodied carbon being proposed. The most energy efficient design will inevitably lead to less variety in the built form in order to reduce the surface area of the building. This will need to be reflected in design policies and any design codes that are produced to ensure that development is not refused for seeking to meet energy efficiency standards but, for example, not being designed in the character of the local area.
37. To conclude the Council will need to fundamentally revise this policy and ensure that it is consistent with the approach to reducing carbon established through building regulations. Any assessment will need to be based on SAP to avoid unnecessary additional assessments of building performance. HBF would also recommend that if a net zero policy is to be included in the local plan it should require a development to be net zero rather than for individual homes. As the council will be aware some homes, such as terrace houses and flats, are more intrinsically energy efficient and emit less carbon compared to detached homes and bungalows. As such it may be difficult for some individual homes to be net zero but where there is a mix of development the site as a whole to achieve the required standard.

#### **CC5: Net Zero Carbon Development – Embodied Carbon**

38. HBF do not consider this requirement to be consistent with national policy. The Planning and Energy Act 2008 permits council to set energy efficiency standards to exceed to set out in building regulations, but it does not state that LPAs can set specific standards with regard to the embodied carbon in new buildings. Nor is it included as one of the optional technical standards set out in PPG that local authorities can choose to implement where there is supporting evidence. This is a new technical standard, and such standard should not be established on an ad-hoc basis through local plans. In addition, HBF is concerned that the

requirement to undertake an accurate whole life carbon assessment is compromised by the lack of data across building material as to their embodied carbon. Until there is greater accuracy, we question whether the whole life carbon assessments can be sufficiently robust at present to be part of decision making.

39. As with reducing carbon emissions from operational energy use HBF considers it best that such matters addressed at a national level to avoid different approaches and standard being set in different areas. The housebuilding industry is working with the Future Homes Hub it to develop a roadmap to reducing embodied carbon and whilst Councils may want to go further faster HBF have concerns that this will impact on the deliverability of development with a disproportionate impact on SME developers.

40. Therefore, HBF consider the policy to be unsound and it should be deleted.

#### **GB2: Grey Belt**

41. As set out above the definition of Grey Belt has changed between the consultation and the final document published in December 2024. As such the definition set out in paragraphs 11.9 and 11.10 of the draft local plan will need to be amended to be consistent with national policy. The Council also intend to set out the extent of the Grey Belt on the policies map. Given the change in definition the Council will need to consider whether this impacts on the extent the Grey Belt in Basildon to be included on the policies map.

#### **Conclusion**

42. We hope these representations are of assistance in taking the plan forward. Should you require any further clarification on the issues raised in our comments please contact me.

Yours faithfully



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