

Sent by email to:

 xx/xx/2025

Dear Sir/ Madam

**City Plan 2041 – Key issues consultation**

Thank you for consulting the Home Builders Federation (HBF) on the key issues for the City Plan 2041. 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.

***Question 5: Are there any other means of increasing housing supply that we should consider?***

The HBF’s primary concern is that the council take a positive approach to meeting housing needs in recognition of the housing crisis and the particular pressure faced by coastal authorities such as Brighton and Hove City Council (BHCC) in meeting housing needs. HBF recognises this will be challenging given the constraints it faces and will mean the council is likely to meet it housing needs in full. The Council have identified the need to identify as many sites as possible consider increased densities across the city. However, these are unlikely to deliver the level of growth necessary to meet needs in full and will require the Council and its partners to co-operate far more effectively than it has to present to date. Whilst statements have been produced and commitments made, we are not aware of any positive outcomes that have facilitated any of Brighton’s current unmet needs form being addressed. This is one area in which significant improvement is needed and BHCC should be at the forefront of this.

In particular the Council will need to work closely with the South Downs National Park Authority (SDNPA) to identify land on the edge of the urban area but inside the national park that could be allocated for development. While the NPPF states in paragraph 189 that the scale and extent of development in these areas should be limited it must also be recognised that there will be opportunities for development in the national park where these are sensitively located and where adverse impacts can be minimised.

Given that there is a current shortfall of over 30,000 homes in Brighton and West Sussex area and that this will continue to grow there would appear to be an overwhelming public interest in securing additional growth through the release of some land in the national park that is on the edge of the urban area. HBF therefore suggests that BHCC, the SDNPA and other LPAs affected by the SDNPA undertake a review of land on the edge of their urban areas but within the National Park to identify development opportunities which could be delivered with minimal impact on the landscape and scenic beauty of the national park. Given that the SDNPA are currently in the early stages of reviewing their local plan this would ensure a joined up approach to meeting development needs in those areas abutting the national park. If the SDNPA are unwilling to undertake such a review it will be necessary for the BHCC and others to commission this work and challenge SDNPA throughout the preparation and examination of national park’s local plan.

**Q6: Do you think we should prioritise larger family homes on suitable sites?**

The Council must not abandon the delivery of family homes in the drive to meet development needs. Whilst higher density flatted development will be needed to increase supply the Council still has a duty, as set out in paragraph 63 of the NPPF, to plan for a range of different groups including families with children.

**Question 7: Do you agree we should prioritise affordable homes to rent (social rent and affordable rent)?**

The Council must set out a policy that looks to deliver a mix of affordable tenures. While the need for affordable homes for rent may be a priority there continues to be demand for shared ownership and other low costs homer ownership models that must not be dismissed by the Council. It is also important to recognise that the development in BHCC is likely to come from previously developed sites with higher land values compared to green field sites and higher costs of delivery and that requiring high levels of affordable rent my impact on viability and potentially reduce the overall number of affordable homes that can be delivered.

**Question 8: Do you support the approach of asking for financial contributions to affordable** **housing from smaller housing sites?**

No. Paragraph 65 of the National Planning Policy Framework (NPPF) establishes that provision of affordable housing should not be sought on residential development that are not major development. The policy is not only aimed at ensuring more small sites come forward but also in supporting small developers who face higher costs than large house builders and find the policy costs placed on them through local plans disproportionately high.

**Question 11: Should we be seeking more wheelchair adapted or adaptable housing as part of new housing developments?**

Any policy on wheelchair adapted or adaptable housing must be based on evidence. The Council’s consultation highlights that there is an ageing population, but this does not necessarily mean that there is a greater demand for wheelchair accessible housing and for the vast majority of people homes built to part M4(2) will meet their needs throughout their life. If the council has the evidence to show a greater need for wheelchair accessible housing it will also need to consider the much higher costs of delivering such homes within the viability study.

**Question 14: How important is it to you that we require new development to reduce the risk of overheating?**

HBF recognises that the risk of hotter weather in the summer means that new development will need to take into account over heating through building form and orientation of new development. However, any policy must be sure that it does not seek to stray into part O of the building regulations which already outlines how new buildings should respond to the issue of overheating by limiting solar gains and ensuring appropriate ventilation.

**Question 17: How important is it to you that we encourage new development to incorporate Circular Economy principles?**

The HBF recognises that it is impart that all sectors of the economy seek to minimise the waste arising from their activities and where possible seeks to reuse materials, however any policy must be proportionate. The Council is suggesting that any policy on the circular economy is seeking to encourage reduce, reuse and recycle and HBF and this would appear to be a reasonable approach that supports development to do more.

**Question 18: How important is it to you that we encourage buildings to be designed and built with lower embodied carbon?**

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.

**Question 19: Would you support us setting specific targets to limit whole life cycle emissions for larger developments?**

No. See response to question 18.

**Question 20: How important is it to you that we set carbon emission reduction standards that go further than the national Future Homes and Building Standard for new development?**

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.

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.

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.””*

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.

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.

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).

**Question 21: Should we set a water efficiency target higher than the current optional national standard?**

No. HBF does not consider there to be justification for going below the current minimum standard of 110 l/p/d that is allowed for through the optional technical standards set out in Planning Practice Guidance. The Council have outlined that the borough is in an area of water stress, but it does not appear that water scarcity is inhibiting the council from granting planning permissions or bringing its local plan forward – the reason why lower standards have been brought in elsewhere. As such the 110 l/p/d remains the appropriate requirement for new homes and there is no justification for going below this standard.

**Question 46: Should we be more ambitious with developments that provide mandatory BNG by requiring more than the 10% minimum requirement? What target would you support? 10%, 15% or 20%**

HBF considers 10% to be sufficient to ensure the impact of development is not only mitigated against but that it leaves a positive impact on biodiversity. The latest guidance published by Government supports this position stating in paragraph 74-006 of PPG:

 “*… plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented*”.

It is important to note that PPG clearly outlines that the local plan should not seek a higher requirement. This is different to a permissive policy allowing local plans to seek a higher level of BNG where justified, and the HBF would argue that it should be considered a high bar with regard to the evidence required to justify such a policy. There must be very robust evidence that the area is significantly worse than the country as whole and that this decline is directly related to the new development being rather than for example changes in agricultural practices or industrial pollution. It is not sufficiently robust to highlight declines in species that whilst important are not necessarily as a result of new homes being built.

**Question 47: Please indicate whether you support providing off-site BNG on a Registered Site that is:**

* **as close as possible to the development site itself**
* **away from the site but still within the Brighton & Hove area**
* **away from the site in a location where wider ecological benefits can be achieved**
* **across a wider area, for example within the Sussex Living Coast Biosphere area**
* **Improving the natural environment**

HBF do not consider it necessary to state where offsite gains should be delivered given that this is already accounted for as part of BNNG Metric through the Spatial Risk Multiplier. This imposes unit penalties the farther the purchased units are from the original development site in order to encourage the delivery of net gains closer to the site. Given that there are already financial incentives to deliver offsite gains as close as possible to the development it is not necessary to set this out in the local plan.

HBF would instead encourage the council to ensure that the delivery of BNG is co-ordinated through the Local Nature Recovery Strategy to allow offsite gains to be delivered in locations that will maximise the effectiveness of any contributions for nature recovery where it is most needed.

**Question 48: Do you think we should use a target to increase the amount of green infrastructure provided by larger developments?**

HBF does not consider it necessary to set a specific target using the Urban Greening Factor. The requirement to green infrastructure as part of the design of any development insufficient and ensure that there is flexibility to take account of site specific circumstances.

**Question 49: Do you support reviewing parking standards for new developments**

HBF is not opposed to review of parking standard on new developments. However, any policy in the local plan on parking should not set standards for electric vehicle charging points for residential development as these are already set out in Part S of the Building Regulations.

**Conclusion**

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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