

Sent by email to: [planning.policy@chilternandsouthbucks.gov.uk](mailto:planning.policy@chilternandsouthbucks.gov.uk)

1/08/2019

Dear Sir/ Madam

### **Response by the Home Builders Federation to the Draft Chiltern and South Buckinghamshire Local Plan consultation**

Thank you for consulting the Home Builders Federation (HBF) on the latest consultation on the Draft 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.

**We would like to submit the following representations on the Local Plan and we would welcome, in due course, participating in hearings of the Examination in Public.**

#### **Duty to Co-operate**

In discharging its duty to co-operate the Council needs to have consideration to both the relevant legislation and the national policy. The legal requirements are set out in section 110 of the Localism Act which sets out who and broadly how Local Planning Authorities (LPAs) should co-operate on strategic and cross boundary matters with paragraphs 24 to 27 of the National Planning Policy Framework (NPPF) and section 61 of Planning Practice providing amplification on these matters.

In order to demonstrate effective and on-going joint working paragraph 27 of the NPPF requires LPAs to “*prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these*”. Paragraph 61-020 of PPG provides further clarity and notes the importance of these documents in to demonstrate that plans are deliverable over the plan period.

In terms of the cross-boundary issues affecting both these authorities it is evident that the issue of unmet housing needs has been a priority and one that has been central to the Councils co-operation, both bilaterally and with their neighbouring authorities. Both



authorities are constrained by environmental designations such as the AONB and by the metropolitan Green Belt. To this extent the Council has co-operated with both Wycombe BC (WBC) and Aylesbury Vale DC (AVDC) to ensure that any unmet needs found within the housing market area, and by extension their own unmet needs, are addressed. The outcomes of this co-operation are outlined in the memorandum of understanding that establishes AVDC's commitment to meeting the unmet needs of the other authorities. Whilst this commitment is, on face value, welcomed we are concerned that the SHMA commissioned collectively by the Councils in the HMA underestimates needs. In particular the SHMA projects far lower household growth in AVDC compared to household projections and as such when reviewed under the standard methodology, AVDC are likely to have sufficient delivery to meet their own needs but potentially have no additional capacity to meet the needs of other authorities. This position is confirmed in AVDC's latest five-year land supply statement<sup>1</sup>. Appendix C of this statement indicates that AVDC will deliver on average 1,440 dpa homes over the remainder of their plan period to 2032/33 and that if the standard method were to be used to assess housing needs the Council would be required to deliver 1,450 dpa. As such this level of delivery would be insufficient to address the unmet needs of WDC, SBDC and CDC.

It will be necessary for AVDC to undertake an early review given the significant difference between their current assessment of need and that applied using the standard method with the risk that the unmet needs of SBDC and WDC for this plan period will not be met. However, this situation does not seem to have been considered nor addressed by the Councils through the MOU. Given that national policy requires such statements not only to be prepared but to be kept up to date we are concerned that such important issues have not informed the Council's consideration of housing delivery and that the assumption has been made that AVDC will meet WDC needs across the plan period. Such a consideration could have informed the Council's decision regarding the allocation of land for development, their assessment of exceptional circumstances and the potential to safeguard land given the significant risk that unmet needs across the whole plan period will not be met in full by AVDC. Given that paragraph 26 establishes that ongoing co-operation is integral to the production of a positively prepared and justified strategy there are significant concerns regarding the effectiveness of the joint local plan in this respect.

Outside of the Councils in the HMA we note that there are no statements of common ground documenting cross boundary issues with any other neighbouring authorities. This must be addressed by the Councils. Without these statements it is impossible to conclude the plan is effective and the duty to co-operate has been satisfied. Some joint work would appear to be taking place with Slough and Windsor and Maidenhead through the wider growth area study however more detail as to its implications, how any outcomes will be taken forward and implemented are required. This should be set out in a statement of common ground. Finally, we could find no evidence or statement as to how the Councils have considered the cross boundary and strategic issues

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<sup>1</sup>[www.aylesburyvaledc.gov.uk/sites/default/files/page\\_downloads/5yhls%20summary%20APR%202019%20for%20publish.pdf](http://www.aylesburyvaledc.gov.uk/sites/default/files/page_downloads/5yhls%20summary%20APR%202019%20for%20publish.pdf)

arising from their proximity to London and the stated inability of London to meet its own housing needs. Given that the joint planning area borders Hillingdon to the west we would have expected to see an assessment of the cross-border issues and evidence of joint work and co-operation as part of the process of preparing this local plan. IN particular the Councils, and their partners AVDC and WDC, should have engaged with Hillingdon with regard their ability to deliver the targets set out in the London Plan. In their response to the consultation on the New London Plan Hillingdon<sup>2</sup> stated:

*“The Council strongly objects to the proposed housing target as set out in Chapter 4 of the draft plan. The Mayor has not provided any evidence to demonstrate that the proposed target can be delivered ...”*

The failure of outer London Borough’s, such as Hillingdon, to meet housing needs in future will lead to continued pressure on those authorities bordering the capital. Such an issue should have informed the Councils preparation of the Local Pan but without the necessary co-operation we are concerned that the strategic and cross boundary issues arising between the joint planning area and Hillingdon have been ignored.

#### Conclusions on the duty to co-operate

The Council must produce the necessary statements of common ground with neighbouring authorities to show how it has considered cross boundary and strategic matters during the preparation of the local plan. Without the necessary evidence there is insufficient justification to show that their duty to co-operate has been discharged.

#### **Housing need and requirement**

The plan is unsound as it does not express within policy its housing requirement and as such it is ineffective.

The need for and the supply of new homes in joint planning area are considered in section 5.1 of the Local Plan. We would agree that in applying the standard method the combined local housing need for the joint planning area to be 763 dwellings per annum (dpa). This section of the local plan also outlines the degree to which these needs will be met within the joint planning area and the fact that due to constraints 5,687 homes will need to be delivered elsewhere, namely AVDC, in order for both Councils needs over the whole plan period to be met in full.

However, the Council have not set out in policy the minimum number of homes that will be delivered or a trajectory illustrating how the requirement will be met. Both these are a requirement of planning policy (paragraph 73 of the NPPF) to ensure that the plan can be monitored effectively by both Council, Government, and other stakeholders. At present it would appear from Table LPb on page 53 of the Local Plan that the Council consider their constrained housing requirement is 11,099 homes.

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<sup>2</sup>[www.london.gov.uk/sites/default/files/London%20Borough%20of%20Hillingdon%20%28790%29.pdf](http://www.london.gov.uk/sites/default/files/London%20Borough%20of%20Hillingdon%20%28790%29.pdf)

However, the table provides insufficient clarity and the Council's housing requirement must be set out in a strategic policy. We would also suggest that the number of homes to be delivered in AVDC is established and that a commitment is made to monitoring delivery of homes in AVDC to ensure that any unmet needs are being addressed.

### Recommendation

That a strategic policy be included in the local plan setting out the minimum housing requirement for the joint planning area and a trajectory illustrating the expected rate of delivery against this requirement.

### **Housing supply and constraints**

#### The assessment of Green Belt is not consistent with national policy

Throughout the Local Plan the Council outlines the constrained nature of the area covered by the joint local plan with all land outside of the urban area being designated as Green Belt and a significant proportion being covered by environmental designations including the Chilterns AONB, the Burnham Beeches Special Area of Conservation and a variety of SSSIs. On the basis of paragraph 11 footnote 6 of the NPPF there may be reasons as to why the local plan would not be able to meet needs in full. However, as the Council recognise, it is necessary to test whether development in any of these designations could take place without harming their objectives or purposes. In particular the Councils have recognised the need to consider whether there are exceptional circumstances that would allow the amendment of Green Belt boundaries as part of this local plan.

The Councils have taken a three staged approach in reviewing the Green Belt that has resulted in a number of boundary amendments to allow for further development or to address anomalies. Whilst we support the decision made by the Councils to amend Green belt boundaries and agree that there are the exceptional circumstances required for these amendments, we are concerned that aspects of the assessment are not consistent with the NPPF and could have limited the number of sites considered for removal from the Green Belt. When making these comments the HBF is not providing a commentary on any specific site but providing a general overview of the approach taken. Our concerns relate to the:

- approach taken to assessing bullet points b of paragraph 134 of the NPPF; and
- identification of safeguarded land for future housing development.

#### *Assessment of Green Belt*

The approach to assessing each purpose is established in the original report prepared by ARUP. We are concerned that the approach taken with regard to assessing purpose b is inconsistent with national policy.

Part b of paragraph 134 establishes that Green Belt should prevent the merging of neighbouring towns. However, the Council's approach has been to include all

settlements within its consideration of this purposes. This is acknowledged in paragraph 4.4.16 of the Green Belt Assessment: Methodology and Assessment of General Areas, which also states that no definition of what constitutes a town is provided in Government policy. Whilst this statement is true it must be the case that settlements considered by the local authority to constitute a village are, by their own admission, not towns and should not be form part of any consideration with regard to this purpose. Had the Government intended to include all settlements as part of this consideration they would have explicitly stated this in the Framework. No weight should be given to any element of the assessment that relates to the merger of villages with any other urban area as this would not be consistent with national policy.

#### *Safeguarding land for future development*

Part C of paragraph 139 of the NPPF outlines that where necessary Councils should identify safeguarded land between the urban area and the Green Belt in order to meet longer term development needs. The Council have not identified areas for safeguarding in the Local Plan and as such does not accord with the NPPF as it will be necessary to amend boundaries in future to meet needs.

As we outlined above there are already concerns with regard to the ability of AVDC to meet Chiltern and South Bucks needs in future and as such safeguarding would appear to be a necessity rather than an optional requirement. Indeed, the identification of safeguarded land is essential to provide greater flexibility in the delivery of housing across this plan period if AVDC are required to deliver more homes to meet their own needs between now and 2033. Identifying safeguarded land would provide a 'safety net' with safeguarded sites being brought forward for development through a partial review of this local plan if it became clear through monitoring that housing needs were not being met.

Leaving re-consideration of Green Belt boundaries for the longer term to and a future local plan is entirely inappropriate and contrary to the NPPF. Boundaries that will endure for the long term should be defined now and should have been a fundamental part of the Green Belt review and included in the Local Plan. This will provide the flexibility to adapt to rapid change and give certainty to all stakeholders that housing needs will be met.

#### *Conclusions on housing supply and constraints*

We agree that there are the exceptional circumstances required to amend Green Belt boundaries. Whilst there is no guidance as to what constitutes exceptional circumstances the judgement in Calverton Parish Council vs Greater Nottingham Councils provides a helpful steers as to what constitutes exceptional circumstances and which include the acuteness and intensity of housing needs, the nature and extent of any harm and benefits to sustainable development from amending Green Belt boundaries. These circumstances are all evident across the joint planning area which is constrained not only by the Green Belt but also other environmental designations. These constraints that limit opportunities for sustainable development has led to an

acuteness of needs, for both market and affordable housing, and worsening affordability. It is also the case that these circumstances will only deteriorate as London fails to meet its housing needs creating increased pressure on this housing market. We would suggest that these circumstances signal that even land that performs well against the Green Belt purposes could be released for development given. In particular we consider it necessary for the Councils to revisit its assessment with regard to part b of paragraph 134 of the NPPF and consider whether further development sites could be released from the Green Belt or that land should be safeguarded for future needs.

### **Housing trajectory**

The Council have published a trajectory to support the Local Plan, but we note that this has not been included within the local plan itself. Paragraph 73 of the NPPF now requires the inclusion of a trajectory in the strategic policies of a local plan and as such the submitted plan should include a housing trajectory.

When considering the approach to housing trajectory, the latest PPG now makes provision for Councils to adopt stepped trajectories where appropriate. Paragraph 3-034 of PPG outlines that a stepped trajectory can be used where there is a significant change in the housing requirement between emerging and previous policies or where strategic sites have a phased delivery or are likely to deliver later in the plan period. However, it must also be noted that this same paragraph goes on to state that:

*“Strategic policy-makers will need to set out evidence to support using stepped requirement figures, and not seek to unnecessarily delay meeting identified development needs.”*

From the trajectory published in the evidence base it is evident that the Council is proposing to adopt a stepped trajectory in the local plan. This trajectory starts from 2020/21 at 492 dpa, reducing it to 491 dpa in the years 2028/29 to 2032/33 with the final three years at 763 dpa. This would appear to delay delivery unnecessarily and as such is inconsistent with national policy. On the basis of the requirements set out in PPG we do not consider there to be a justification for the stepped trajectory. Firstly, there is no significant change in the housing requirement between current and emerging policies. The trajectory provided indicates that between 2016/17 and 2019/20 delivery has averaged over 600 dpa compared to an annualised delivery against the Councils' constrained housing requirement of 555 dpa. The level of delivery expected is not a step change for the Council but rather a continuation of current levels of delivery and as such cannot be considered a justification for a stepped trajectory. Secondly, the published trajectory indicates that allocations will provide homes from 2023/24 and will deliver relatively consistently across the plan period. The evidence would suggest that the Council has set an unchallenging housing requirement in order to delay meeting development needs. If the Council are to adopt the constrained housing requirement then an annualised housing trajectory of 555 dpa must be used to secure supply earlier the plan period.

## **Viability**

The NPPF 2019 at paragraphs 34 and 57 places significant emphasis on the testing of viability during the preparation of the Local Plan and the expectation that the cumulative impact of policies should not make the plan undeliverable and that decision makers can assume that planning applications that comply with all the policies in the local plan are viable. This position is reinforced by PPG which states at paragraph 10-002 that:

*“The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan.”*

The importance to be placed on Plan stage viability has never been more critical. The Government considers that this emphasis on viability at the plan making stage will inevitably mean the need for negotiation on an application by application basis will be reduced and will only occur where there has been a change in circumstance. Given this focus on viability testing at the plan making stage the Government have set out in PPG have set out a recommended approach, including standardised inputs, that should be undertaken to support plan making. This provides a simple methodology to follow where a series of evidenced inputs steered by general parameters lead us to a residual land value where the range of local policy requirements are considered to be viable. If this is wrong or some of the key inputs are inappropriate it simply undermines the entire plan making process casting doubt on the deliverability of chosen allocations, creating further opportunities for speculative proposals, prolonged debate at EIP, delay and poorer planning. A brief assessment of the approach taken by the Council in considering viability is therefore set out below.

### *Developer engagement*

Paragraph 10-006 PPG requires plan makers to engage with landowners and developers to secure evidence on costs and value to inform viability assessment at the plan making stage. Whilst we note that a survey was undertaken of stakeholders on the inputs into the viability assessment the outcomes of this survey do not appear to have been presented. It would have been helpful to provide a summary in the report of the survey and how this has been informed the inputs into the assessment.

### *Land value and benchmark land values*

PPG sets out that the benchmark to land value should be established on the basis of the existing use value of land plus a premium to the landowner - referred to in PPG as EUV+. The premium should be established on the basis of the minimum return at which a reasonable landowner would be expected to sell their land. The Viability Assessment considers this matter and sets the minimum return for agricultural land at £100,000 per hectare, £1.3m for commercial land £4.5m per ha for land in existing residential use.

The difficulty in assessing what is considered a reasonable return to the landowner is an issue that has been faced by the development industry for a number of years and one that is not helped by the restraints placed on the development of land by successive Governments. The nature of the system itself severely constrains the availability of development land which, as it would in any market, leads to the value of this asset increasing. In such a market the price at which a reasonable landowner is willing to release their land will be high. In an area such as Chiltern and South Buckinghamshire the constraints from Green Belt and AONB mean that the level at which landowners are willing to sell their land will be higher. We would therefore disagree with the viability assessment that even bulk agricultural land could be obtained in many circumstances for £100,000 per hectare or at the upper value of £250,000 per ha. Similarly land in an existing commercial use will have a higher premium given the constraints on land supply and its proximity to the Thames Valley corridor where evidence in Land Values for Property Appraisal<sup>3</sup>, indicates that the value of commercial land is much higher.

As to what the benchmark land value should be this will principally depend on the landowner who have very different reasons as to why they are looking to sell their land. In general, we consider 20 times agricultural land value to be the minimum required in order to obtain such land however this may be higher in different circumstances. We would also suggest a higher land value and premium is considered on commercial land to take account of the proximity of this area to the Berkshire area of the Thames Valley corridor where values are considerably higher<sup>4</sup>. It will be important for the Council to consider viability against higher benchmark land values in order to maintain the supply of development land in the Borough and ensure land comes forward without the need for negotiation. Given the limited scope for negotiation outlined in the NPPF 2019 it is important that a cautious approach is taken with regard to benchmark land values.

*Development costs*

The Viability Assessment has utilised the Building Cost Information Service (BCIS) data in relation to construction costs. It should be noted that the BCIS cost is only the cost of the house itself and the plot (foundation) and is based upon a flat site with standard foundation, it does not account for all of the plot works nor any costs associated with more complex ground / gradient conditions. The Assessment makes an allowance of between 5% and 20% (paragraph 2.7.2 of the Viability Assessment) of build costs to take account of sites costs (e.g. roads, drainage and services, parking, footpaths, and landscaping). Whilst the HBF supports the inclusion of an allowance for total build costs we would suggest that the expectations in the local plan for landscaping, design and amenity could require a higher allowance on all sites than is being suggested.

PPG also requires viability assessments to reflect the implications of abnormal costs to development. The Council's viability assessment recognises the additional costs

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<sup>3</sup> [www.gov.uk/government/publications/land-value-estimates-for-policy-appraisal-2017](http://www.gov.uk/government/publications/land-value-estimates-for-policy-appraisal-2017)



and the problems of including such costs when considering general typologies. However, it is important to acknowledge that such costs will generally occur to some extent on all sites and the Council must be willing to reduce any requirements where such costs are identified.

#### *Fees and finance*

We would suggest fees used are at the upper end of the those suggested in the viability assessment. For example, our members suggest legal fees are general 1.5% and marketing costs are between 3% and 5% depending on the strength of the market.

#### *Profit*

The Assessment proposes that a return of between 15% and 20% of the value of market housing and 6% of the affordable housing is used as an appropriate level for the developers return. Paragraph 10-018 of PPG suggests a return of between 15% and 20%. Allowing for 40% affordable housing major sites will mean that return on Gross Development Value is well below 20%. The HBF continues to recommend that a cautious approach is taken to profit, and that the developer return is increased to ensure that the return is closer to 20% of Gross Development Value which better reflects the long-term risks faced by the development in bringing land forward for development.

#### *Policy requirements*

We note that on page 96 of the viability assessment consideration has been given to those policies that will have a financial impact on development. However, it would appear that no consideration has been given to Policy DM HP3 – Healthy equipped play areas. This requires not only the provision of these play areas but also a contribution to secure their management in perpetuity. This may have been considered as part of the external works/ site costs but given that this policy has a cost implication it should have been specifically mentioned and the associated costs included in the assessment.

#### *Conclusions on viability assessment*

Given the Government's policy to limit site by site negotiation through a more rigorous testing of viability at the local plan stage it is important a cautious approach is taken to viability testing. With a reduced ability to negotiate there is a far greater risk that ambitious policies will lead to stalled development. At present the viability assessment considers it possible for a 40% affordable housing target to be applied across the joint planning area alongside a CIL rate of £150 per sqm. However, we are concerned that the Council has in some instances underestimated the cost of development and we would suggest that the Councils should revisit their viability assessment to ensure that the cumulative impact of the CIL charge and the policies in this local plan are justified and do not undermine its deliverability.

## **Policy DM LP1 – Homes – Providing Choice in Homes Size**

### The policy is unsound as it is not effective

HG9 prescribes the mix of housing to provide on all sites of 20 or more homes and on sites of more than 0.5ha. This mix broadly corresponds to overall mix for the type of homes set out in the 2018 Housing and Economic Development Needs Assessment (HEDNA). However, we consider the approach taken does not provide sufficient flexibility and seeks to impose a Borough wide mix of housing on a significant number of sites. The HBF considers the most effective approach to ensuring a mix of housing is to allocate a wide variety of sites both in terms of size and location. Different sites delivered by a range of house builders will inevitably deliver a better mix of housing and for this reason policies such as H1 should outline the Council's ambition with regard to housing mix rather than state the precise mix for all housing sites. Such an approach, if coupled with the allocation of a range of sites will ensure an appropriate mix of housing comes forward across the Borough whilst also allowing the market to determine the type of housing provided on each site. Whilst it is important to provide an indication of the mix the Council is expecting to achieve across the Borough it is not appropriate to limit the scope of house builders to meet the needs of the market. Those developing sites are best placed to understand the need of the market and ensure the most effective mix is provided for that maximises the viability of site in order to try and meet other policy requirements set by the council.

### Recommendation

We would suggest the Council delete the requirements for mix set out in the policy and provide an indicative mix in the supporting text.

## **DM LP2 Homes – Affordable housing from major developments**

### The policy is unsound as it is not consistent with national policy

As set out above we are concerned that some of the inputs into the viability assessment have been underestimated and the evidence should be reconsidered to ensure the cumulative impacts of the policies in the local plan remain sound. The policy states that non-allocated sites with a "*capacity of ten or more homes or an area of 0.25 hectares*" will be required to provide 40% of the homes as affordable units. Firstly, we would suggest that the policy refer to major development in order to be consistent with national policy defines major development as being 10 or more units or an area of more than 0.5ha. Secondly, we object to the term capacity being used within this policy. We consider the wording of the policy to be ambiguous, contrary to paragraph 16 of the NPPF, and could lead to unnecessary refusals on the basis that the Council considers the capacity of a site to be higher than for the application submitted. Paragraph 63 of the NPPF sets out with clarity that provision for affordable homes should not be sought residential developments that are not major development and does not refer to the capacity of the site. The policy should therefore be amended in order to be consistent with national policy.

### Recommendation

The table in Policy DMLP2 should be amended to read:

*“Non-allocated major development sites (outside of AONB)”*

*“Non-allocated sites of 5 or more homes (inside the AONB)”*

### **DM LP3: Homes – Affordable housing from minor development**

The policy is unsound as it is not consistent with national policy

Paragraph 63 establishes that affordable housing contributions should not be sought on applications not considered to be major development unless they are in a rural area as defined in the Glossary of the NPPF. Policy DMLP2 already sets out that no major development in AONBs will be required to provide affordable housing and as such the DMLP3, which requires the delivery of affordable housing on developments of between 5 and 9 homes, is inconsistent with national policy.

### Recommendation

The policy should be deleted.

### **Policy DM LP6: Homes – Access and Accessibility**

The proportion of new homes required to meet optional technical standards on accessibility is not justified.

The Council expects 25% of market homes and all affordable homes to be built to the higher accessibility standard part M4(2). Given that 40% of all homes on sites classified as major development are expected to be affordable this equates to 55% of homes being built to part M4(2). As the Council will be aware the NPPF at footnote 46 on page 39 notes that these standards should be used to address an identified need with further guidance being set out in PPG.

The Council's evidence on need is set out in 2018 HEDNA and outlines at paragraph 6.57 that the minimum number of adaptable homes required to meet needs is about 24% of the planned housing requirement but also states that this could be as high as 63%. However, it must be noted that this higher figure includes households with a long-term limiting illness or disability which effect their housing needs who currently live in a property that meets their need or whose current home could be adapted to meet their needs. As such the need for a more adaptable home is likely to be much lower.

On the basis of the Council's own evidence in figure 52 of the HEDNA the proportion of households who have limiting long term illness or disability which affects their housing and currently need their home to be adapted or move into a new home is just

over 15% (around 830 households). Whilst we would expect that the number of people with a long-term limiting illness to increase, given that during this period the number of new homes built to part M4(1) will also increase, we would not expect the proportion of such households requiring an adaptable home to increase. This would appear to be supported by the English Housing Survey which found that in 2014-15, 9% of all households in England had one or more people with a long-term limiting disability that required adaptations to their home and that this had not changed since 2011-12. We would therefore suggest, on the basis of the Council's evidence, that the need for a more adaptable home is likely to be closer to 15% of households with a long-term illness or disability that affects their housing needs – 1,448 homes or around 9% of local housing need.

### Recommendation

The proportion of homes required to be built to part M4(2) should be reduced.

### **Policy DM LP7 – Homes – Older person, Specialist and Supported Living**

#### Policy is unsound as it is not effective

Whilst we welcome the support for specialist housing to meet the needs of older people, we consider it important that the Council look to allocate sites in sustainable locations to meet the needs of older people. The Council outline in their policy the need for such development to be provided with good access to local facilities and services and it will be important for the Council to not only identify how much specialist development is required to meet the needs of older people and where these needs will be met. The latest guidance published in the PPG earlier this year notes that allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. Given the constrained land supply within the joint planning area we would suggest that the current policy will not be effective in meeting needs and the Council should, where possible, allocate sites in sustainable locations to specifically meet the needs of older people.

### **DM LP8 – Self-build and Custom-build**

#### The policy is not sound as it has not been justified and without a mechanism to return unsold plots to the developer is ineffective

The latest joint Authorities' Monitoring Report (AMR) states that there are 280 individuals and 1 association on the self-build registers of both Councils. The AMR also states that no self-build plots were permitted during this monitoring period. In order to meet these needs the Council are proposing to require 5% of all homes delivered on sites of 100 or more homes to be provided through self-build plots.

Our key concern relates to the self-build register and whether it provides an effective assessment of the demand for self-build plots. It is easy to register as a self-builder and without in proper assessment as to an individual's ability or commitment to self-

building there is a real risk that self-build plots will remain vacant. There is also a risk that individuals register on more than one list inflating needs across a number of adjacent authorities further inflating needs across a much wider area. As such paragraph 2a-017 requires Councils to assess and review data held on registers to ensure that the evidence remains accurate. In addition, paragraph 57-011 of PPG considers it necessary to additional data to understand the need for this type of housing in future and to make reasonable assumptions to avoid double counting. We would therefore suggest that the Council reviews its self-build register and considers other evidence to confirm whether or not it provides an accurate assessment of demand for such plots.

In addition, the Council has focussed on a top down policy mechanism to meet its duty with regard to the delivery of self-build plots. Whilst PPG suggests using policies in local plans to support the delivery of self-build plots it also proposes in paragraph 57-025 other mechanisms including:

- Councils using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the register;
- engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding and facilitating access to those on the register where the landowner is interested; and
- working with custom build developers to maximise opportunities for self-build and custom housebuilding.

We could find no evidence as to whether the Council has considered any of these other suggested approaches to increasing the provision of self-build plots. In order to justify the requirements, set out in policy LP8 the Council must show how it has examined other opportunities in meeting the demand for self-build plots. We would suggest that a more appropriate approach would be for the Council to state that it will work with landowners to secure the provision of self-build and custom build plots on appropriate sites. In particular we would expect to see the Council seeking bring forward new sites specifically aimed at self and custom-build development that will boost supply.

Finally, it is essential that if self-build plots are required through the local plan that there is a mechanism allowing for their return to the developer should they not be sold within a reasonable time frame. Such clauses ensure that where demand is over inflated self-build plots do not remain vacant to the detriment of other homeowners and to the overall delivery of new homes. We would recommend that the policy should include a provision for such plots to return to the developer if they are not sold within 6 months of being marketed.

### **DM DP17 – Design – Minimum Internal Space Standards**

The policy is unsound as it has not been justified

Footnote 46 on page 39 of the NPPF states that the nationally described space standards (NDSS) can be adopted where the need for internal space standards can

be justified. Whilst the Council outline in paragraph 4.17.2 that the increased pressure for new housing could lead to pressure to deliver smaller homes, we could find no evidence presented by the Councils providing the necessary justification required to support the implementation of the NDSS.

### Recommendation

Unless appropriate justification as required by NPPF and PPG can be provided this policy should be deleted.

## **Policy DM HP3 – Healthy Equipped Play Areas**

### Policy is unsound as it is ineffective

Firstly, this policy does not appear to have been considered as part of the viability assessment. Whilst, as stated above it may be considered as part of the additional site works it is not clear from the assessment whether or not this is the case. Secondly, the thresholds at which provision of play areas is too low. To require a development of more than 5 units to provide a Local Area of Play (LAP) and 10 units or more to provide both a LAP and Locally Equipped Area of Play (LEAP) is too onerous especially where the Council is seeking to maximise development on all sites. Whilst larger sites may have the capacity to provide some degree of equipped play space we would suggest that for smaller development the payment of CIL which can be used to improve existing play areas as well as create new play areas would be a more appropriate response and more consistent with BP SP1 which outlines the such contributions will be used to mitigate the impact of development on local infrastructure from developments of less than 400 homes. We would therefore suggest that for unallocated developments the Council should ensure improvements in provision of play space through CIL receipts and that site-specific agreement are used where necessary on larger allocated sites to deliver any required provision.

### Recommendation

That the policy be rewritten to reflect the Council's proposed approach to developer contributions.

## **Conclusion**

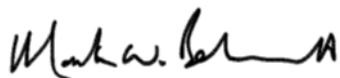
At present we do not consider the plan to be sound and do not consider the Council to have met the tests of soundness on the following areas:

- No statements of common ground have been agreed with Hillingdon, Windsor and Maidenhead or Slough as required by paragraph 27 of the NPPF;
- Housing requirement and delivery trajectory must be set out as a policy in the local plan;
- The assessment of the Green Belt is not consistent with part b of paragraph 134 in the NPPF;

- The plan should identify safeguarded land between urban areas and the Green Belt for future development;
- The viability statement underestimates some of the costs associated with delivering development in this area;
- Housing mix policy is insufficiently flexible;
- Affordable housing policies are not consistent with national policy;
- Insufficient justification to support a proposed requirement on applicants to deliver for self-build plots;
- No justification that the national described space standards are needed; and
- Requirements for equipped play areas are too onerous for smaller developments.

We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and examination. I would also like to express my interest in attending any relevant hearing sessions at the Examination in Public. Should you require any further clarification on the issues raised in this representation please contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Behrendt', with a stylized flourish at the end.

Mark Behrendt MRTPI  
Planning Manager – Local Plans  
Home Builders Federation  
Email: [mark.behrendt@hbf.co.uk](mailto:mark.behrendt@hbf.co.uk)  
Tel: 020 7960 1616

