

Sent by email to: strategy@watford.gov.uk

07/11/2019

Dear Sir/ Madam

Response by the Home Builders Federation to the consultation on the Watford First Draft Local Plan

Thank you for consulting the Home Builders Federation (HBF) on the this first 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. Outlined below are our comments on the approach taken by the Council to increasing the supply of land for residential development and the policies being proposed with regard to the management of new development in future.

Strategic Policies

Policy SD2.1 Planning for Growth

The Council set out in policy SD2.1 that the Council make provision for the delivery of 5,736 new homes and expect a further 1,680 new homes to be delivered through windfall sites. The expectation would appear to be that the Council is expecting to deliver in the region of 7,500 homes over the plan period, around 463 dwellings per annum. If this is the case, then this should be stated in policy as a singular housing requirement against which delivery can be effectively monitored.

As the Council will fully appreciate this is substantially below the Local Housing Needs Assessment for Watford which requires the Council to deliver a minimum of 798 homes per annum. However, whilst the local housing needs assessment is a fundamental part of national policy, we could find no reference in the plan as to the amount of homes that the Government is expecting to be delivered in Watford and the level of shortfall arising as a result of this plan. Given that a fundamental part of the national policy is that housing needs are met in full it would seem essential that where these needs are not being met the shortfall is identified.



We recognise that in Boroughs such as Watford where Boundaries are tightly drawn to the urban area it will be difficult to meet needs without the co-operation of its neighbours. As such it is essential that the Council to identify how many homes must be provided elsewhere and where these homes will be delivered. The Council and its neighbours would appear to have started to examine how needs can be met in full across South West Hertfordshire. This nascent collaboration needs to be able to show by the submission of this local plan sufficient agreement that the unmet needs arising in Watford will be addressed. At present there is no compelling evidence to suggest that the unmet need for housing in Watford will be delivered by its neighbours and as such should be a priority for the Council if it expects its local plan to found sound. We would expect to see clear agreements between Watford and its neighbours in South West Hertfordshire stating that they will deliver sufficient homes to address the both their own needs and the shortfall arising in Watford.

We are concerned that over a fifth of the housing delivery expected over the plan period will come from windfall sites. Whilst the Council have identified that a reasonable proportion of homes have been delivered on windfall sites this must be considered against the backdrop of:

- a Council not having made any allocations since the 2001 Local Plan was adopted; and
- the inevitably finite supply of smaller windfall opportunities.

Given that the Council's last allocations were made in 2001 it is an unavoidable fact that windfall development in Watford will have formed a significant proportion of the new homes delivered. Without the Council allocating new sites the demand for new homes will have been driven by developers bring forward sites that would most likely have been allocated in the site allocations plan that was proposed to support the Core Strategy. This position is also supported by the Council's evidence which indicates that post adoption of the 2001 plan windfall levels on large sites dropped significantly, presumably as a result of the sites allocated in that plan being delivered. We would therefore suggest that no account is given to the level of supply arising from larger sites within the Council's assessment of windfall supply. There is a risk that the evidence is inflated by the lack of allocations in recent years rather than this forming a consistent supply once a plan is in place.

We are also concerned that the level of supply from smaller windfall sites will not be sufficiently consistent to deliver the level suggested in the local plan. The level of delivery of such sites is set out in table 3.2 of the Housing and Economic Land Availability Assessment and indicates that supply from such sites has averaged 73 dwelling per annum over the last 17 years. We recognise that this average has increased since the publication the Core Strategy in 2013 but remain concerned that this level of delivery will not be sustainable across the plan period. There are only a finite number of small sites and they cannot be relied on to provide a consistent supply at recent levels for the next 16 years. We, therefore, do not consider the Council to have the compelling evidence required by paragraph 63 of the NPPF that windfall

levels will be delivered at 105 dwellings per annum across the plan period. We would suggest that this is reduced.

Finally, part (i) of SD2.1 that states that education facilities will be required on all sites larger than 350 units to be unsound as it is ineffective. There is no need to place a blanket requirement on all development over a certain size to deliver education facilities as the Council have already indicated that where new infrastructure is required it will be identified through the site allocation set out later in the local plan. This is a more appropriate approach than making such a general commitment which may not be applicable in all circumstances. Identifying the infrastructure requirements for specific sites also provide greater certainty as to the costs of developing specific sites and allow the Council, landowner and developer to better understand the cumulative impact on site viability arising from the infrastructure and policy requirements set out in the local plan.

Recommendation

The Council should:

- Identify in policy a single housing requirement for the plan period;
- Be able to show on submission of the plan where the unmet needs for housing arising in Watford will be delivered;
- Reduce the level of delivery from windfall sites; and
- Delete part (i) of the policy.

Housing trajectory and housing delivery

As the Council are no doubt aware, they will need to include a housing trajectory within the local plan as required by paragraph 73 of the NPPF. This trajectory should ensure that the Council have sufficient sites to show that on adoption the Council will have a five years' worth of deliverable sites. However, on reading the Council's latest Housing and Employment Land Availability Assessment (HELAA) we noted that the Council at footnote 12 to paragraph 4.2 refers to the definition of deliverable contained within the 2012 NPPF. This definition is different to the one contained in the Glossary to the 2019 NPPF. One significant difference with the new definition is that allocated sites or sites with an outline planning permission should only be considered deliverable where there is "*clear evidence that housing completions will begin within 5 years*". This change places the burden of proof that the sites will be delivered on to the Council. Paragraph 68-007 of Planning Practice Guidance provides further detail as to the type of evidence required to prove deliverability and we would recommend that the Council revisits its HELAA prior to submission to ensure it has the relevant evidence to support any assessment of Watford's five-year housing land supply.

Policy SD2.2 Achieving Sustainable Development

This policy is unnecessary. Development that accords with the policies in the plan should, if the plan has been prepared properly, be sustainable. However, this policy

inserts an element of ambiguity within the local plan as to what the Council considers to be sustainable development by providing a non-exclusive list of issues that developments should be able to demonstrate. This policy has the potential to create confusion for decision makers as to what they should be considering with regard to the sustainability of an individual scheme. We would therefore consider this policy not to be in accordance with paragraph 16(d) of the NPPF which requires the local plan to contain policies that are “*clearly written and unambiguous*”.

Recommendation

The policy should be deleted.

Policy SD2.5 Protecting Green Belt

All this policy does is state that the Council will apply national policy. As such it is not consistent with paragraph 16(f) of the NPPF which requires of policies in local plans that they should “*serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area*”. There is no clear purpose to this policy which adds nothing to the approach to Green Belt already established in national policy.

Recommendation

The policy should be deleted.

Local Planning Policies

Viability testing of local planning policies

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 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.

We could not find a viability study in the evidence base published alongside the draft local plan. The Council will be fully aware of the need for such a study but it is important that the viability considerations are made early in the preparation of the local plan is that they can inform policy development and ensure that the policy requirements in the plan do not undermine the deliverability of the plan. To assist authorities in understanding the inputs used by the housebuilding industry when considering development viability, the HBF has produced a short briefing paper which is attached to this response.

ST3.2 Car parking, car clubs and electric vehicles

If the use of electric and hybrid vehicles is to be encouraged, the HBF support a national standardised approach which should be implemented through the Building Regulations. Any Option for the inclusion of a policy requirement for electric vehicle charging should be clearly written and specify the quantum and type of provision sought at either AC Level 1 (a slow or trickle plug connected to a standard outlet) or AC Level 2 (delivering more power to charge the vehicle faster in only a few hours) Electric Vehicle Charging Point (EVCP) or other alternatives. The requirement should be supported by evidence demonstrating technical feasibility and financial viability. There may be practical difficulties associated with provision to apartment developments or housing developments with communal shared parking rather than houses with individual on plot parking. Any requirement should be fully justified by the Council including confirmation of engagement with the main energy suppliers to determine network capacity to accommodate any adverse impacts if all or a proportion of dwellings have EVCPs. If re-charging demand became excessive there may be constraints to increasing the electric loading in an area because of the limited size and capacity of existing cables and new sub-station infrastructure may be necessary

Recommendation

That the Council ensure the appropriate consideration is given to the provision of electric vehicle charging points in the Infrastructure Delivery Plan and Viability Study

Policy H4.2 Housing Mix

We recognise and appreciate the need to deliver a mix of new homes to meet the varied needs of an area's population. However, the approach to considering mix is

undertaken on an Borough wide basis and as such it is inappropriate to require all sites to deliver that mix regardless of size, location and the more localised need for housing in different sub markets. We would suggest that most effective approach to delivering a mix of homes is the allocation of a wide variety of sites in terms of both size and location. The Council should therefore not seek to require all sites to provide a mix of housing types and sizes that is in line with those set out in table 4.7. Such an approach is too prescriptive and does not provide the necessary flexibility to ensure that sites can come forward with the appropriate types of housing for that specific location.

Recommendation

That the opening paragraph is amended to read:

Major proposals for residential development ~~All proposals~~ are required to provide a proportionate mix of home types and size having regard to the type of homes needed in the Borough. Proposals that achieve a well-balanced and proportionate mix of housing ~~in line with the following mix requirements (total housing market and affordable housing)~~ will be supported where they also comply with other relevant policies.

Policy H4.3 Affordable Housing

As outlined above without the necessary viability assessment, we cannot comment in detail as to the soundness of this policy. It will be important for this work to be undertaken prior to the preparation of the submission local plan to ensure that the policy is informed by the evidence. In particular the Council may need to consider whether a more nuanced approach is required to its affordable housing policy to ensure that it is consistent with paragraph 57 of the NPPF which states that it should be expected that development that complies with these policies that can be assumed to be viable. This in effect limits the opportunities for negotiation on individual planning applications and may require the Council to set variable policies on the basis of where a development is located or the nature of the site. We would also recommend that more flexibility is provided within the policy for changes in the tenure mix where this would ensure the viability of a site or allow it to provide an improved mix of homes within a site that better meets the needs of the area.

The second paragraph outlines that the Council will assess the provision of affordable units on the number of habitable rooms. We disagree with this approach which causes confusion regarding the number of affordable units that are required and as such is inconsistent with paragraph 16 of the NPPF. The Council should state in H4.3 the proportion of affordable units required in this policy not habitable rooms. The mix of homes can be considered through policy H4.2.

Recommendation

We would recommend that the following amendments:

- Amend wording of the fourth paragraph to read:

“Consideration will be given to alternative tenure mix for affordable housing where this will ensure the viability of a development or provide a more appropriate mix of homes with a development.”

- Delete second paragraph

Policy H4.5 Accessible and adaptable homes

The HBF recognises the need for some homes to be built to part M4(2) and M4(3) however it is important that the Council has the necessary evidence to support its policies requirements as required in footnote 46 to paragraph 127 of the NPPF. The Council should also amend part 2 regarding the provision of M4(3) homes. Only homes that are wheelchair adaptable under M4(3) can be required in market housing as paragraph 56-009 of PPG states that wheelchair accessible homes as defined in part M4(3) can only be required where the local authority is responsible for nominating the person to live in that property.

However, in addition to requiring Council’s to only use the optional technical standard where there is a need for such homes the Written Ministerial Statement of March 2015 also emphasises that no other technical standards should be introduced through local planning policies. As such the requirement for 4% of homes to be designed to dementia friendly principles cannot be considered sound and this aspect of H4.5 should be deleted.

Recommendation

- Amend part 2 to reflect Planning Practice Guidance
- Delete part 3

Policy NE8.4 Biodiversity Net Gain

The Council will need to ensure the full costs of delivering such improvements are factored into the viability assessment. Our members are concerned that the cost of achieving a 10% improvement on some sites will be prohibitive and when considered against the cumulative costs arising from other policies such as affordable housing, electric vehicle charging points and improved energy standards could have an impact on the deliverability of the plan. As highlighted earlier the Council must ensure that the full costs of this policy, and all the others in the local plan, are included in the viability study. Given that the Government’s proposals will require the delivery of bio-diversity net gain from all developments the Council may need to consider whether to reduce other policy requirements to ensure that developments can be considered viable without the need for further negotiation.

Policy V9.5 Infrastructure provision

Whilst we have no objection to public art being provided in agreement with the developer such projects as stated in the last bullet point of policy V9.5 cannot be considered to be consistent with regulation 122 of the CIL regulations 2010 or paragraph 56 of the NPPF. They may be nice to have but they are not required to make a development acceptable in planning terms.

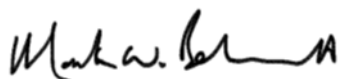
Recommendation

The final bullet point should be deleted as the provision of public arts projects does not confirm with

Conclusion

The primary aim of the Council prior to submission should be securing the necessary agreement as to where the unmet needs of Watford will be delivered. Whilst we recognise that there are constraints across South West Hertfordshire these are not unsurmountable and sufficient sites should be identified to support Watford. Unless such agreements are in place there will be significant concerns as to the soundness of this plan. Given the emphasis on viability testing of local plans within the 2019 NPPF it will also be important for the Council to thoroughly test the cumulative impact of the infrastructure and policy requirements in this plan. We would therefore like to be informed and involved where possible in development of the viability assessment. We hope these comments are helpful and if you would like to discuss these issues further please contact me.

Yours faithfully



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

