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Dear Sir / Madam

## **NORTHAMPTON LOCAL PLAN PART 2 (LPP2) PRE-SUBMISSION CONSULTATION**

### **Introduction**

Thank you for consulting with the Home Builders Federation (HBF) on the above-mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes national, regional and small local housebuilders. In any one year, our members account for over 80% of all new “for sale” market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations to the Northampton LPP2 pre-submission consultation and in due course appear at the Examination Hearing Sessions to discuss these matters in greater detail.

### **Strategic Context of the LPP2**

The Northampton LPP2 covers the entire Borough of Northampton. The Council states that the LPP2 will be in conformity with the adopted West Northamptonshire Joint Core Strategy (WNJCS). The LPP2 will include Development Management Policies for housing delivery and housing site allocations. A Statement of Common Ground (SoCG) signed by the West Northamptonshire (WN) authorities highlights that the LPP2 sets out a series of locally derived policies and contains no strategic policies, which as a consequence does not raise significant cross-border planning issues.

It is the HBF’s opinion that the Northampton LPP2 makes inadequate reference to its strategic context. The adopted WNJCS established an objectively assessed housing need (OAHN) of 25,758 dwellings for Northampton. For the plan period 2011 – 2029, the adopted WNJCS sets out in Policy S3 a housing requirement of about 18,870 dwellings for Northampton. As set out in Policy 4 of the adopted WNJCS the remainder of Northampton’s housing need is met by Sustainable Urban Extensions (SUEs) in the Northampton Related Development Area (NRDA) for 5,750 dwellings in Daventry and 3,850 dwellings



in South Northamptonshire. The housing requirement set out in the adopted WNJCS is a minimum.

The WNJCS was found sound on the basis that a review should be undertaken and adopted by 2020. It is proposed that the adopted WNJCS will be replaced by West Northamptonshire Strategic Plan (WNSP). The Joint Local Development Scheme (LDS) programmes Regulation 18 consultation in April 2019, Regulation 19 consultation in December 2020, submission for examination in April 2021, examination from September 2021 onwards and adoption by January 2022. The programmed adoption of the WNSP by January 2022 is 2 years later than the adoption date of 2020 for the review of the WNJCS on which the WNJCS was found sound. It is also noted that the Regulation 18 consultation was delayed until October rather than April 2019 so the preparation of the WNSP is already behind schedule.

From December 2019 (5 years after adoption), the strategic policies including the OAHN / housing requirement in the adopted WNJCS should be considered out of date. There is potentially a gap of at least 2 years before adoption of the WNSP whilst strategic policies of the adopted WNJCS should be considered out of date. Under the 2019 NPPF, the Council should have a 5 YHLS against either a housing requirement set out in an adopted Plan (2,367 dwellings per annum in adopted WNJCS) or an LHN (2,139 dwellings per annum) where strategic policies are more than 5 years old (para 73). If the Government's proposals for a revised standard methodology for the calculation of LHN are implemented, then the LHN for WN will increase to 2,645 dwellings per annum.

WN is also now included within the Oxford – Milton Keynes – Cambridge Growth Arc, where a significant uplift in the delivery of new homes is envisaged by 2050. The Council should recognise economic benefits of such growth. The Economic Footprint of House Building in England & Wales Report commissioned by HBF estimates for every one additional house built, the benefits for the local community include creation of 3 jobs (direct & indirect employment), financial contributions of £27,754 towards affordable housing, £806 towards education, £297 towards open space / leisure, £1,129 extra in Council tax and £26,339 spent in local shops.

The WNJCS Inspector's Final Report sets out that each individual Council is responsible for its own HLS measured against the housing trajectory of the WNJCS. As of 2021, Northampton Borough Council will become part of a WN unitary authority together with Daventry District Council and South Northampton District Council. The future LHN figure and 5 YHLS will be calculated singularly for the unitary authority rather than separately and individually for each authority.

The Council acknowledges that housing delivery from SUEs has been weak resulting in significant housing shortfalls. Since 2011, the NRDA SUEs have not delivered as expected. The latest WNJCS joint monitoring framework demonstrates no 5 YHLS in the NRDA. A large proportion of housing land supply (HLS) in the Borough of Northampton is also located on five SUEs, which

have not come forward as expected. The Northampton LPP2 deals only with housing shortfalls from the five SUEs located in the Borough. There are no proposed compensatory housing allocations for shortfalls across the NRDA even though the WNJCS Inspector's Final Report sets out that other sites may be part of the response to under-delivery on SUEs (see paras 198 – 200) and the monitoring provisions of adopted WNJCS Policy S6 are engaged. In this context the LPP2 is not complementary to the adopted WNJCS. The LPP2 is not a positive policy response to assisting delivery of the WNJCS and national policy.

The WN LPP2s are not meeting housing needs nor significantly boosting housing supply. All WN authorities should be making maximum effort to allocate more housing land. The deferral of meeting housing needs to the WNSP as a review of the adopted WNJCS is unacceptable when LPP2s are capable of meeting identified housing need within the plan period to 2029. The WNSP provides no solution to the immediate and pressing need for housing. The LPP2s cannot abandon their function of delivering the WNJCS to the WNSP, which is already behind schedule. The meeting of shortfalls in delivery of identified housing needs for Northampton should be achieved through the LPP2s by the allocation of housing sites in and / or adjacent to the NRDA and / or in sustainable settlements within close proximity of the NRDA. The LPP2s should be based on effect joint working to deal with unmet needs rather than postponing resolution to a review of the WNJCS. The LPP2 is inconsistent with national policy by failing to meet the minimum housing requirements set out in the adopted WNJCS.

## **Housing Land Supply (HLS)**

### **Policy 13 : Residential Allocations**

The LPP2 should ensure the availability of a sufficient supply of deliverable and developable land to deliver the Borough's housing requirement. This sufficiency of HLS should meet the housing requirement, ensure the maintenance of a 5 Years Housing Land Supply (YHLS) and achieve Housing Delivery Test (HDT) performance measurements.

As set out in the LPP2 and the Council's Housing Technical Paper dated July 2020, 7,073 dwellings (37%) of Northampton's housing requirement of 18,870 dwellings are located on five SUEs namely N5, N6, N7, N9 and N9A. The delivery of these SUEs has been slow contributing only 80 completions between 2011/12 – 2018/19. It is no longer expected that all dwellings on SUEs will be completed before the end of plan period in 2029. It is now anticipated that completions from SUEs will total only 5,959 dwellings as opposed to circa 8,000 dwellings anticipated in the adopted WNJCS.

The Northampton LPP2 deals only with housing shortfalls from the five SUEs located in the Borough by proposing additional housing land allocations. The LPP2 allocates 71 housing / housing led sites for circa 3,804 dwellings as set out in **Policies 13 & 38**. Housing delivery is maximised, where a wide mix of

sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector. The LPP2 allocations include a wide range of sites by both size and market locations, which should provide access to suitable land for small local, medium regional and large national housebuilding companies as well as providing opportunities for a wide range of different types of dwellings to meet the housing needs of all households.

Under the 2019 NPPF, the Council should identify at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 68). The Council should confirm compliance with this aspect of national policy.

The HBF would not wish to comment on the merits or otherwise of individual sites selected for allocation but it is critical that the Council's assumptions on lapse rates, non-implementation allowances, lead in times and delivery rates contained within its overall HLS, 5 YHLS and housing trajectory are correct and realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council. The Council has provided limited information / supporting evidence on a site by site analysis of the deliverability of individual site allocations.

At the plan-making stage, deliverability of development is very closely linked to viability. The viability of individual developments and plan policies should be tested at the plan making stage. Viability testing should assess the cumulative impact of affordable housing provision, policy compliant standards, infrastructure and other contributions so that there is sufficient incentive for a landowner to bring forward their land for development (2019 NPPF para 34). As stated in the 2019 NPPF, development should not be subject to such a scale of obligations that the deliverability of the Local Plan is threatened (para 34). The Council's viability assessment should take full account of compliance with the requirements of **Policies 4, 5, 14, 29, 32, 35, 36 and 37** (see HBF representations below). Viability assessment should not be conducted on the margins of viability. As stated by the Council's viability consultants, the full economic consequences of the Covid-19 pandemic are not yet known and such uncertainty means that a larger viability buffer is necessary (ES13 & ES14). If the resultant Benchmark Land Value (BLV) is lower than the market value at which land will trade, then the delivery of housing targets will not be met. Without a robust approach to viability assessment land will be withheld from the market and housing delivery will be threatened, leading to an unsound LPP2 and housing delivery targets not being met. Viability assessment is an iterative process, in low / middle value areas "trade-offs" between affordable housing provision, CIL, S106 contributions and compliance with policy requirements may be necessary. At Examination, viability will be a key issue in determining the soundness of the Northampton LPP2.

It is noted that the Plan Viability Study by Aspinall Verdi dated June 2020 identifies that brownfield sites in higher value area zone are less viable than greenfield sites (para 5.39), brownfield sites in the lower value zone are on the

margins of viability (para 5.42), all apartment developments on brownfield sites (5.44) and specialist housing developments for the over 55's (para 6.8) are unviable on a full policy compliant basis. The Council has not provided any detailed information on the split between brownfield / greenfield site allocations, the location of brownfield / greenfield sites in lower / higher value areas zones or the quantum of development on brownfield / greenfield site allocations. There is reference to a large number of allocations around the town centre in the lower value area (para 5.2). Of the typologies tested circa 50% of sites are brownfield (para 5.8 – 5.13). If viability negotiations are required, this could impact on the timely delivery of housing.

The Council's overall HLS should provide some flexibility to respond to changing circumstances, to treat the housing requirement as a minimum rather than a maximum and to provide choice and competition in the land market. The Council's overall proposed HLS is 22,267 dwellings comprising 5,727 completions (between 2011/12 – 2018/19), existing commitments for 4,377 dwellings, a windfall allowance of 2,400 dwellings (300 dwellings per annum), 5,959 dwellings delivered on SUEs and LPP2 housing allocations for 3,804 dwellings (see Table 6). There is an anticipated surplus of 3,394 dwellings (17.9%) between the overall HLS and the housing requirement of 18,870 dwellings. There can be no numerical formula to determine the appropriate quantum for a flexibility contingency but the Council's high dependency on five SUEs means that greater numerical flexibility is necessary than in cases where HLS is more diversified. There are also other contextual matters to consider including the outdatedness of the strategic policies of the adopted WNJCS, the behind schedule progress of the WNSP, slower than anticipated housing delivery against Northampton's housing requirement on SUEs in the Borough & the NRDA and worsening housing affordability (median household income to median house price ratio of 5.1 in 2009 increasing to 7.02 in 2019). The HBF always suggests as large a contingency as possible (at least 20%), the Council's anticipated surplus is less than 20%. If during the LPP2 Examination, any of the Council's assumptions on lapse rates, windfall allowances and delivery rates are adjusted downwards or any proposed housing site allocations are found unsound then the surplus and any built in flexibility is reduced.

National policy only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. The Council should re-consider the continuing likelihood of 300 dwelling per annum from windfalls where 71 sites for housing development are allocated in the LPP2 and **Policy 17** safeguards all existing employment sites.

By 1<sup>st</sup> April 2019, 5,727 dwellings had been delivered against 8,157 dwellings in the housing trajectory of the adopted WNJCS resulting in an under-delivery of 2,430 dwellings (see Table 1). The Council cannot demonstrate a 5 YHLS between 2019/20 – 2023/24 against the housing trajectory set out in Appendix 3 of the adopted WNJCS, a 20% buffer for persistent under-delivery and a Sedgefield approach to recouping shortfalls. The 5 YHLS is calculated as only 3.13 years.

The Council is proposing the application of a 5% buffer to the 5 YHLS calculation because of its 2019 Housing Delivery Test (HDT) results. The 5 YHLS between 2019/20 – 2023/24 using a 5% buffer and Sedgefield is calculated as 4.5 years. However, the Council should not be complacent in using a 5% buffer because the HDT is measured against the lowest denominator of either household projections or housing requirement.

As the Council can still not demonstrate a 5 YHLS (only 4.5 years), a different housing trajectory to that set out in the adopted WNJCS is proposed. The Council proposes using Liverpool rather than Sedgefield approach to recouping shortfalls combined with a stepped trajectory. The stepped trajectory uses actual completions for 2011/12 – 2018/19, baseline of 981 dwellings between 2019/20 – 2023/24 and 1,609 dwellings between 2024/25 – 2028/29. This stepped trajectory backloads the meeting of housing needs. A Liverpool approach without any stepping is 1,295 dwellings per annum. This proposed change of housing trajectory irrespective of the Council's legal opinion is inconsistent with the adopted WNJCS. The use of a Liverpool approach and a stepped housing trajectory represents a double deferral to the delivery of housing needs. This is not just a theoretical mathematical numbers exercise but households in need of homes, it is unacceptable to expect them to be continuously waiting until later in the plan period before their current housing needs are addressed. If the Council cannot demonstrate a 5 YHLS on adoption of the LPP2 and maintain a 5 YHLS throughout the remainder of the plan period then the LPP2 is unsound.

The LPP2 is unsound because it is inconsistency with the adopted WNJCS by allocating insufficient land and changing the housing trajectory so that housing needs identified in the adopted WNJCS will not be met.

## **Housing Policies**

### **Policy 14 : Type & Mix of Housing**

As set out in 2019 NPPF, the housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing including a need for affordable housing (paras 61 & 62). All households should have access to different types of dwellings to meet their housing needs. Market signals are important in determining the size and type of homes needed. When planning for an acceptable mix of dwellings types to meet people's housing needs, the Council should focus on ensuring that there are appropriate sites allocated to meet the needs of specifically identified groups of households such as self & custom builders and the elderly without seeking a specific housing mix on individual sites. The LPP2 should ensure that suitable sites are available for a wide range of developments across a wide choice of appropriate locations.

**Policy 14** supports serviced plots of land for self & custom build housing on other allocated sites or permitted windfall sites provided this would not result in an over-provision of this type of housebuilding when compared to the Council's

supply / demand balance. The Council also supports proposals for self & custom build housing, which include the creation of low cost and affordable housing. The HBF is supportive of the Council's policy approach.

**Policy 14** also requires that on sites of more than 100 dwellings provision should be made for a proportion of serviced plots of land to contribute towards meeting the evidenced demand for self & custom build housing. After 3 years self & custom build plots remaining vacant can revert to other forms of housing provision. There are 19 site allocations for circa 4,329 dwellings (and presumably the SUEs too) potentially impacted by this policy requirement. The HBF object to this policy requirement.

The 2019 NPPF states that policies should be clearly written and unambiguous (para 16). A policy requirement for a proportion of serviced plots for self & custom build housing is unclear and ambiguous, which causes uncertainty for both applicants and decision makers. This is inconsistent with national policy.

Under the Self Build & Custom Housebuilding Act 2015 the Council has a duty to keep a Register of people seeking to acquire self & custom build plots and to grant enough suitable development permissions to meet identified demand. The NPPG (ID: 57-025-201760728) sets out ways in which the Council should consider supporting self & custom build. These are :-

- developing policies in the LPP2 for self & custom build ;
- using Council owned land if available and suitable for self & custom build and marketing such opportunities to entrants on the Register ;
- engaging with landowners, who own housing sites and encouraging them to consider self & custom build and where the landowner is interested facilitating access to entrants on the Register ; and
- working with custom build developers to maximise opportunities for self & custom housebuilding.

The Council should not move beyond encouraging provision of self & custom build plots on residential development sites of more than 100 dwellings. The Council should not seek to place the burden for delivery of self & custom build plots onto developers of sites of more than 100 dwellings contrary to national guidance, which outlines that the Council should engage with landowners and encourage them to consider self & custom build. Furthermore, the Council has provided no justification for the selection of 100 or more dwellings as the threshold for qualifying development proposals.

As set out in the 2019 NPPF, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The Council's Self & Custom Build Register alone is not a sound basis for setting a specific policy requirement. As set out in the NPPG, the Council should provide a robust assessment of demand including an assessment and review of data held on the Council's Register (ID 2a-017-20192020), which should be supported by additional data from secondary sources to understand and

consider future need for this type of housing (ID 57-0011-20160401). The Council should analyse the preferences of entries as often only individual plots in rural locations are sought as opposed to plots on housing sites of 100 or more dwellings. It is also possible for individuals and organisations to register with more than one Council so there is a possibility of some double counting. The Register may indicate a level of expression of interest in self & custom build but it cannot be reliably translated into actual demand should such plots be made available. The number of entries on the Council's Register has not been disclosed.

The Council's policy approach should be realistic to ensure that where self & custom build plots are provided, they are delivered and do not remain unsold. Without disclosure of expressions of interest on the Council's Self Build Register, there is a risk of over supply against demand. If demand for plots is not realised, there is a risk of plots remaining permanently vacant effectively removing these undeveloped plots from the Council's HLS. If consents are granted but not implemented, then this policy cannot be considered effective. The Council should consider the application of a non-implementation rate to its HLS calculations.

The co-ordination of self & custom build plots on housing sites of more than 100 dwellings with the development of the wider site will be challenging. At any one time, there are often multiple contractors and large machinery operating on a housing site. From a practical and health & safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. It is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. Where plots are not sold, it is important that the Council's policy is clear as to when these revert to the original developer. The timescale for reversion of these plots to the original housebuilder should be as short as possible because the consequential delay presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. The Council's proposed 3 years vacancy period is too long creating even greater logistical problems if the original housebuilder has completed the development and is forced to return to site to build out plots, which have not been sold to self & custom builders.

As well as on-site practicalities, any adverse impacts on viability should be tested. The Council's Plan Viability Study does not consider this policy requirement. The Council expects serviced plots to be provided therefore the financial impacts from delayed delivery or non-delivery of self & custom build should be assessed. There may also be a detrimental impact upon the level of affordable housing provision achieved from sites of 100 or more dwellings because self & custom build dwellings are exempt from infrastructure contributions and affordable home ownership provision as set out in national policy hence a greater burden falls onto fewer market sale dwellings. The Council may wish to adopt an aspirational approach to delivering self & custom build housing, but this should not be pursued at the expense of delivering affordable housing.



The requirement for provision of self & custom build plots on sites of 100 or more dwellings should be deleted.

**Policy 14** also requires that an appropriate proportion of residential development must be designed to meet the requirements of Building Regulations Part M4(2) (accessible & adaptable dwellings) or its successor standard. 4% of all new market dwellings and 8% of affordable dwellings should be constructed to Building Regulations Part M4(3) (wheelchair user dwellings) standards, or their successor, to enable wheelchair accessibility.

The 2019 NPPF states that policies should be clearly written and unambiguous (para 16). A policy requirement for an appropriate proportion of residential development to be designed to meet M4(2) standards is unclear and ambiguous, which causes uncertainty for both applicants and decision makers. This is inconsistent with national policy.

If the Council wishes to adopt the optional standards for accessible & adaptable dwellings, then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46) and the latest NPPG Footnote 46 states “*that planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing where this would address an identified need for such properties*”. As set out in the 2019 NPPF, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The NPPG sets out the evidence necessary to justify a policy requirement for optional standards. The Council should apply the criteria set out in the NPPG (ID 56-005-20150327 to 56-011-20150327) to ensure that an appropriate evidence base is available to support any proposed policy requirements. The NPPG sets out that evidence should include identification of :-

- the likely future need ;
- the size, location, type and quality of dwellings needed ;
- the accessibility and adaptability of the existing stock ;
- variations in needs across different housing tenures : and
- viability.

In determining the quantum of M4(2) and M4(3) homes the Council should focus on the ageing population living in the Borough compared to national / regional figures and the proportion of older households choosing to live in newly built homes. It is noted that Office for National Statistics (ONS) Overview of the UK Population dated November 2018 estimated that 18.2% of the UK population were aged 65 years or over in 2017 compared with only 15% in Northampton. Optional M4(2) and M4(3) standards should only be introduced on a “need to have” rather than a “nice to have” basis. Need is generally defined as “*requiring something because it is essential or very important rather than just desirable*”.

Many older households already live in the Borough. Many older households will not move from their current home but will make adaptations as required to meet their needs, some will choose to move to another dwelling in the existing stock rather than a new build property and some will want to live in specialist older person housing. The existing housing stock is considerably larger than the new build sector (circa 97,226 dwellings as at 2019) so adapting the existing stock is likely to form part of the solution. It is also important to note that not all health problems affect a household's housing needs therefore not all health problems require adaptations to homes.

All new homes are built to Building Regulation Part M4(1) standards, which include level approach routes, accessible front door thresholds, wider internal doorway and corridor widths, switches and sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. These standards are not usually available in the older existing housing stock and benefit less able-bodied occupants. If the Government had intended that evidence of an ageing population alone justified adoption of optional standards then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case. M4(1) standards are likely to be suitable for most residents.

It is noted that Policy H4 of the adopted WNJCS already requires Lifetime Homes standards (para 5.15).

Detailed evidence should be gathered to determine whether there is a need for optional standards in Northampton and to justify setting appropriate policy requirements in the LPP2. The West Northamptonshire Housing Market - Northampton Summary by ORS (September 2017) and the Study of Housing & Supporting Needs of Older People across Northamptonshire 2017 by Three Dragons (March 2017) do not provide an evidential basis to justify the Council's proposed policy requirement. Furthermore, this data is now somewhat dated. The recently published Planning Inspectorate Guidance for Local Plan Examination (para 1.11) sets out that evidence base documents dating from two or more years before the submission date for examination of a Local Plan may be at risk of having been overtaken by new data. Such documents should be updated as necessary to incorporate the most recent available information.

It is noted that the Council acknowledges that further work needs to be carried out to establish the proportion of M4(2) dwellings that would be most appropriate (para 7.20 of LPP2) and the Housing & Support Older People in Northamptonshire Report confirms that adopting M4(2) requires evidence of need (para 4.15).

The policy provides no flexibility for site specific factors (including topography, risk of flooding, etc), which may justify a departure from these proposed policy requirements.

As set out in the NPPG (ID 56-008) the requirement for M4(3) should only be required for dwellings over which the Council has housing nomination rights.

The Council's viability testing should take full account of additional costs for any policy requirements for optional M4(2) and M4(3) standards. The costs of both M4(2) and M4(3) should be included in viability testing. The Council's Plan Viability Study only includes a cost of £521 per dwellings for M4(2) on a baseline assessment of 10% provision and £10,307 per dwelling for M4(3). In September 2014, the Government's Housing Standards Review included cost estimates by EC Harris, which for M4(3) were £15,691 per apartment and £26,816 per house respectively, which are higher than the costs used by the Council. Furthermore, any inflationary cost increases since 2014 should be included and M4(3) compliant dwellings are larger than NDSS therefore larger sizes should be used when calculating additional build costs for M4(3) and any other input based on square meterage.

The requirements for optional M4(2) and M4(3) should be deleted.

## **Other Policies**

### **Policy 1 : Presumption in favour of sustainable development**

**Policy 1** sets out the presumption in favour of sustainable development. The 2019 NPPF confirms that Local Plans should avoid unnecessary duplication including repetition of policies in the NPPF itself (para 16f). The presumption in favour of sustainable development is clearly set out in the 2019 NPPF (para 11). In attempting to repeat national policy there is a danger that some inconsistencies creep in and lead to small but critical differences between national and local policy causing difficulties in interpretation and relative weighting.

This policy is unnecessary therefore it should be deleted.

### **Policy 3 : Design**

Under **Policy 3** new developments should be designed to achieve the Building for Life certification.

The Council's policy approach to good placemaking should accord with the 2019 NPPF, the latest NPPG and the National Design Guide. The Building for Life 12 (edition 2018) has been replaced by Building for a Healthy Life (edition 2020). The HBF is supportive of the use of best practice guidance, however the use of such guidance should remain voluntary rather than becoming a mandatory policy requirement, which developers are obliged to use as a pre-condition for the Council's support.

The requirement to achieve Building for Life certification should be deleted.

### **Policy 4 : Amenity & Layout**

**Policy 4 : Amenity & Layout** requires that new development should ensure provision of at least the minimum internal space standards and storage areas

as set out in the Nationally Described Space Standards (NDSS) or successor guidance.

If the Council wishes to apply the optional NDSS to new build dwellings, then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46). Footnote 46 states that “*policies may also make use of the NDSS where the need for an internal space standard can be justified*”. As set out in the 2019 NPPF, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The NPPG sets out that “*where a need for internal space standards is identified, the authority should provide justification for requiring internal space policies. Authorities should take account of the following areas need, viability and timing*” (ID: 56-020-20150327). Before adopting the NDSS, the Council should provide a local assessment evidencing the case for Northampton.

The Council has not demonstrated via its desktop research (para 5.9) any evidence of need for the NDSS. The Council undertook a desktop study of circa 100 developments granted consent between 2015 – 2018, which concluded that 50% met NDSS, therefore there is no systemic problem to resolve. This correlates with the HBF’s own evidence. The HBF is not aware of any evidence that market dwellings not meeting the NDSS have not sold or that those living in these dwellings consider that their housing needs are not met. There is no evidence that the size of houses built are considered inappropriate by purchasers or dwellings that do not meet the NDSS are selling less well in comparison with other dwellings. The HBF in partnership with National House Building Council (NHBC) undertake an annual independently verified National New Homes Customer Satisfaction Survey. The 2019 Survey demonstrates that 91% of new home buyers would purchase a new build home again and 89% would recommend their housebuilder to a friend. The results also conclude that 93% of respondents were happy with the internal design of their new home, which does not suggest that significant numbers of new home buyers are looking for different layouts or house sizes to that currently built.

The NDSS should only be introduced on a “need to have” rather than a “nice to have” basis. Need is generally defined as “*requiring something because it is essential or very important rather than just desirable*”. The identification of a need for the NDSS should identify the harm caused or may be caused in the future. If it had been the Government’s intention that generic statements simply stating in some cases the NDSS had not been met justified adoption of the NDSS then the standard would have been incorporated as mandatory in Building Regulations, which is not the case.

To test the cumulative impact of policy requirement compliancy, the Council’s viability assessment should be based on NDSS. The Council’s Plan Viability Study by Aspinall Verdi has not properly tested the impacts of introducing the NDSS. The average house sizes tested are not NDSS compliant (see Tables 5-11, 5-12 & 5-13). The Council’s viability assessment should recognise that the requirement for NDSS reduces the number of dwellings per site, therefore

the amount of land needed to achieve the same number of dwellings must be increased. The efficient use of land is less because development densities have been decreased. At the same time, infrastructure and other contributions fall on fewer dwellings per site, which may challenge viability, delivery of affordable housing and release of land for development by landowners especially in lower / middle value areas and on brownfield sites.

The impact of adopting NDSS on affordability should also be assessed. There is a direct relationship between unit size, cost per square metre, selling price per metre and affordability. Over the last two decades housing affordability in the Borough has worsened. In 1997, the median affordability ratio was 3.1, which has more than doubled by increasing to 7.02 in 2019. The Council should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all dwellings will impact on affordability and effect customer choice. The introduction of the NDSS for all dwellings may lead to customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs. A future purchaser needing a 2 bedroomed home may only be able to afford a 2 bed / 3 person dwelling of 70 square metres with one double bedroom and one single bedroom rather than 2 bed / 4 person dwelling of 79 square metres with two double bedrooms. This may lead to the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. Non-NDSS compliant dwellings may be required to ensure that those on lower incomes can afford a property, which meets their bedroom requirements.

The Council should assess any potential adverse impacts on meeting demand for starter homes / first-time buyers because the greatest impacts are on smaller dwellings, which may affect delivery rates of sites included in the housing trajectory. The delivery rates on many sites will be determined by market affordability at relevant price points of dwellings and maximising absorption rates. An adverse impact on the affordability of starter home / first time buyer products may translate into reduced or slower delivery rates.

The Council should also consider if additional families, who can no longer afford to buy a NDSS compliant home, will be pushed into affordable housing need. An unintended consequence of the Council's policy approach may be an increased need for affordable housing at the same time as the cumulative impact of compliancy with policy requirements reduces the viability of development and lessens delivery of affordable housing.

If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

The requirement for NDSS should be deleted. If the NDSS is adopted then the Council should put forward appropriate proposals for transitional arrangements.

### **Policy 5 : Carbon Reduction, Community Energy Networks, Sustainable Design & Construction and Water Use**

Under **Policy 5** planning applications for major development must include a Sustainability Statement setting out their approach to adaptation to climate change and carbon reduction. All development proposals should, where possible, incorporate decentralised energy networks and actively promote energy efficiency and use of renewable energy sources where there is opportunity to do so.

The 2019 NPPF states that policies should be clearly written and unambiguous (para 16). The policy does not provide a clear indication as to how an applicant should prepare a planning application nor how a decision-maker should react to a development proposal.

The Council has declared a Climate Emergency and is committed to a target of making Northampton carbon neutral by 2030 (paras 2.48 & 5.11). It is the HBF's opinion that the Council's policy approach should reflect the Government's proposals as set out in the Future Homes Standard consultation, which ended on 7<sup>th</sup> February 2020. The UK has set in law a target to bring all its greenhouse gas emission to net zero by 2050. New and existing homes account for 20% of emissions. It is the Government's intention to future proof new homes with low carbon heating and world-leading levels of energy efficiency. The Government's consultation addressed :-

- options to uplift standards for Part L (Conservation of Fuel & Power) and changes to Part F (Ventilation) Building Regulations ;
- transitional arrangements to encourage quicker implementation ; and
- clarifying the role of Councils in setting energy efficiency standards.

The HBF's response recognises and supports the need to move to The Future Homes Standard but the Government's preferred Option 2 for a 31% reduction in carbon emissions compared to the current Part L 2013 requirements in 2020 would be difficult and risky to deliver given the immaturity of the supply chain for the production / installation of heat pumps, and the additional load that would be placed on local electricity networks when coupled with Government proposals for the installation of electric vehicle charging points (EVCP) in new homes. The HBF and its Members favour the Government's Option 1 for a 20% reduction in emissions in 2020 (involving higher fabric efficiency standards than Option 2) and then a further step to Option 2 standards by 2023, which would allow more time for the supply chain to gear up for the scale of demand entailed. The HBF submission argues that *"a stepped and incremental approach should be adopted given, in particular, the large requirement for supply chain and infrastructure investment and skills training to support this ambition. The consensus is that Option 1 should be implemented within 2020, with Option 2 being implemented within two to three years in approximately 2023. Our*

*membership sees that transitional arrangements around this implementation should be 18 – 24 months”.*

It is also noted that the Council proposes incorporation of decentralised energy networks. The Council is referred to the Department for Business, Energy and Industrial Strategy consultation on Heat Networks : Building A Market Framework (ended on 1<sup>st</sup> June 2020). Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. Some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies. All heat network domestic consumers should have ready access to information about their heat network, a good quality of service, fair and transparently priced heating and a redress option should things go wrong. These concerns should be considered by the Council.

The Council’s viability assessment excludes any costs for Future Homes Standard or the cost of connection to decentralised energy scheme. The Government’s consultation estimated Future Homes Standard costs between £2,557 - £4,847 per dwelling.

**Policy 5** also states that residential development proposals should demonstrate that dwellings meet the Building Regulation optional higher water efficiency standard of 110 litres per person per day, as set out in Building Regulations Part G2. Water reuse & recycling, rainwater & stormwater harvesting and other suitable measures should be incorporated wherever feasible to reduce demand on mains water supply.

All new dwellings achieve a mandatory level of water efficiency of 125 litres per day per person under Building Regulations, which is higher than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. The WMS dated 25<sup>th</sup> March 2015 confirmed that *“the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”*. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the NPPG (ID 56-013 to 56-017). The NPPG refers to *“helping to use natural resources prudently ... to adopt proactive strategies to ... take full account of water supply and demand considerations ... whether a tighter water efficiency requirement for new homes is justified to help manage demand”* however the Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The Anglian Water company area may be considered an area of water stress but Northampton Borough is only part of this wide area, the Council has provided no evidence that the Borough itself is a water stressed area.

The requirement for the optional water efficiency standard is unjustified by supporting evidence. This policy requirement should be deleted.

### **Policy 29 : Supporting & Enhancing Biodiversity**

**Policy 29** requires all major development proposals to offset the loss and secure a net gain in biodiversity through the strengthening, management and / or creation of new habitats. This should be measured through the use of a recognised biodiversity calculator. Proposals will be expected to incorporate measures to enhance biodiversity within or around a development site, and to contribute to the consolidation and development of local ecological networks, including beyond the Borough's boundary.

The 2019 NPPF states that policies should be clearly written and unambiguous (para 16) so that both applicants and decision makers know how to react. The Council's policy approach should reflect the Government's proposals on biodiversity gain set out the Environment Bill. The Government will use the DEFRA Biodiversity Metric to measure changes to biodiversity under net gain requirements established in the Environment Bill. The mandatory requirement offers developers a level playing field nationally and reduced risks of unexpected costs and delays.

The Government is committed to continued engagement with the housebuilding industry to address concerns and risks. The Government has confirmed that more work needs to be undertaken to address viability concerns raised by the housebuilding industry in order that net gain does not prevent, delay or reduce housing delivery. The significant additional costs for biodiversity gain should be fully accounted for in the Council's viability assessment. The DEFRA Biodiversity Net Gain & Local Nature Recovery Strategies : Impact Assessment Table 14 : Net Gain Delivery Costs (Residential) sets out regional costs (based on 2017 prices) in East Midlands of £19,951 per hectare of development based on a central estimate but there are significant increases in costs to £69,522 per hectare for off-site delivery under Scenario C. These costs are not included in the Council's viability assessment. There may also be an impact on gross / net site acreage ratio.

The Government will make provision in the Environment Bill to set a transition period of two years. The Government will work with stakeholders on the specifics of this transition period, including accounting for sites with outline planning permission, and will provide clear and timely guidance on understanding what will be required and when.

### **Policy 32 : Designing Sustainable Transport & Travel**

Under **Policy 32** developments should be designed to provide electric vehicle re-charging points (EVCPs) in line with **Policy 35**.

### **Policy 35 : Parking Standards**



Under **Policy 35** new development must meet adopted parking standards and accord with the principles set out in the Parking Standards Supplementary Planning Document (SPD) including the provision of facilities for EVCPs.

The HBF is supportive of encouragement for the use of electric and hybrid vehicles via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. Recently, the Department of Transport held a consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings (ended on 7<sup>th</sup> October 2019).

This consultation set out the Government's preferred option to introduce a new functional requirement under Schedule 1 to the Building Regulations 2010, which is expected to come into force in 2020. The inclusion of EVCP requirements within the Building Regulations 2010 will introduce a standardised consistent approach to EVCPs in new buildings across the country. The requirements proposed apply to car parking spaces in or adjacent to buildings and the intention is for there to be one charge point per dwelling rather than per parking space. It is proposed that charging points must be at least Mode 3 or equivalent with a minimum power rating output of 7kW (expected increases in battery sizes and technology developments may make charge points less than 7 kW obsolete for future car models, 7 kW is considered a sufficiently future-proofed standard for home charging) fitted with a universal socket to charge all types of electric vehicle currently on the market and meet relevant safety requirements. All charge points installed under the Building Regulations should be un-tethered and the location must comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M. The Government has estimated installation of such charging points add on an additional cost of approximately £976.

The Government has also recognised the possible impact on housing supply, where the requirements are not technically feasible. The Government's recent consultation proposed introducing exemptions for such developments. The costs of installing the cables and the charge point hardware will vary considerably based on site-specific conditions in relation to the local grid. The introduction of EVCPs in new buildings will impact on the electricity demand from these buildings especially for multi-dwelling buildings. A requirement for large numbers of EVCPs will require a larger connection to the development and will introduce a power supply requirement, which may otherwise not be needed. The level of upgrade needed is dependent on the capacity available in the local network resulting in additional costs in relation to charge point instalment. The Government recognises that the cost of installing charge points will be higher in areas where significant electrical capacity reinforcements are needed. In certain cases, the need to install charge points could necessitate significant grid upgrades, which will be costly for the developer. Some costs would also fall on the distribution network operator. Any potential negative impact on housing supply should be mitigated with an appropriate exemption from the charge point installation requirement based on the grid connection cost. The consultation proposes that the threshold for the exemption is set at

£3,600. In the instances when this cost is exceptionally high, and likely to make developments unviable, it is the Government's view that the EVCP requirements should not apply and only the minimum Energy Performance of Buildings Directive requirements should be applied.

The Council's viability evidence set out in Plan Viability Study by Aspinall Verdi dated June 2020 includes a cost allowance of £1,000 per space but the sufficiency of this allowance cannot be assessed because of the vagueness of the Council's policy wording.

The requirement for EVCPs should be deleted because of the Government's proposed changes to Building Regulations.

Furthermore, the Regulations are clear that development management policies, which are intended to guide the determination of applications for planning permission should be set out in the Local Plan. The Council should not devolve fundamental policy matters to its Parking Standards SPD. Where SPDs are prepared, they should be used to provide more detailed advice and guidance on the policies in the LPP2 and not as an opportunity to change or introduce the requirements of a policy. As defined in 2019 NPPF Glossary, an SPD is capable of being a material consideration in planning decisions but is not part of the Local Plan. The Regulations indicate that an SPD does not have statutory force. An SPD is defined as something that is not a Local Plan as it has not been subject to the same process of preparation, consultation and examination. The Council should not convey Local Plan status onto its Parking Standards SPD.

### **Policy 36 : Electronic Communication Networks**

Under **Policy 36** all new development should ensure appropriate infrastructure is provided during construction that is sufficient to enable all development to be connected to full fibre broadband without any post development works.

### **Policy 37 : Infrastructure Delivery & Contributions**

Under **Policy 37** developers are required to provide delivery of "full fibre" connectivity to new build development.

The Council should not impose new electronic communications requirements beyond the provision of infrastructure as set out in statutory Building Regulations. In the Budget (11<sup>th</sup> March 2020), the Government confirmed future legislation to ensure that new build homes are built with gigabit-capable broadband. The Government will amend Part R "Physical Infrastructure for High Speed Electronic Communications Networks" of the Building Regulations 2010 to place obligations on housing developers to work with network operators to install gigabit broadband, where this can be done within a commercial cost cap. By taking these steps, the Government intends to overcome any existing market failure.

The Department for Culture, Media and Sport (DCMS) has outlined its intentions on the practical workings of this policy. The policy will apply to all to new builds. Any type of technology may be used, which is able to provide speeds of over 1000 Mbps. All new build developments will be equipped with the physical infrastructure to support gigabit-capable connections from more than one network operator. The new measures will place responsibilities on both developers and network operators :-

- Developers will have to ensure new homes have gigabit broadband. This includes ensuring that the physical infrastructure necessary for gigabit-capable connections is provided on site for all new build developments and homes are connected by an operator to a gigabit-capable connection ;
- This requirement exists unless the cost to the developer of providing connectivity exceeds £2,000, or the operator declines to provide a connection ;
- Developers must seek a second quote from network operators, where the first quote suggests that gigabit-capable broadband cannot be installed within the cost cap ;
- If gigabit broadband exceeds the cost cap, the developer must provide connectivity to other technologies, which can provide at least superfast connection within the same cost cap, unless the operator declines to provide a connection ; and
- A commitment to contribute to the costs of connection by network operators. Virgin Media has committed to contributing at least £500, rising in the case of some larger sites to £1,000. Openreach has committed to a combined Openreach and Developer Contribution of £3,400, with a maximum developer contribution of £2,000.

As soon as Parliamentary time allows, the Government intends to lay the legislation to amend the Building Regulations. The supporting statutory guidance (Approved Documents) will also be published as soon as possible.

It is also unclear if the requirements of Policies 36 and 37 have been included in the Council's viability testing.

These policy requirements are unnecessary and repetitive of Building Regulations, which should be deleted.

## **Conclusions**

For the Northampton LPP2 to be found sound under the four tests of soundness as defined by the 2019 NPPF (para 35) the Plan should be positively prepared, justified, effective and consistent with national policy. The LPP2 is unsound (not positively prepared, unjustified, ineffective and inconsistent with national policy) because of :-

- inconsistency with the adopted WNJCS by not meeting housing needs and changing the housing trajectory ;

- potentially no 5 YHLS on adoption ;
- the unnecessary repetition of the presumption in favour of sustainable development under **Policy 1** ;
- unjustified policy requirements for Building for Life certification (**Policy 3**), NDSS (**Policy 4**), carbon reduction, incorporation of decentralised energy networks & water efficiency standards (**Policy 5**), accessible / adaptable housing standards & self / custom build serviced plots (**Policy 14**), enhancing biodiversity (**Policy 29**), electric vehicle charging points (**Policies 32 & 35**) and full fibre broadband connectivity (**Policies 36 & 37**).

It is hoped that these representations are of assistance to the Council. If any further assistance or information is required, please contact the undersigned.

Yours faithfully  
for and on behalf of **HBF**



**Susan E Green MRTPI**  
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