

Planning Policy Team
Pendle Council,
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SENT BY EMAIL
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25/03/2021

Dear Sir / Madam,

**PENDLE LOCAL PLAN (PART 2): SITE ALLOCATIONS AND DEVELOPMENT POLICIES
– PREFERRED OPTIONS CONSULTATION**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Pendle Local Plan (Part 2): Site Allocations and Development Policies Preferred Options consultation.
2. 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 multi-national PLC's, regional developers and small, local builders. 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.

Policy ENV13: Biodiversity and Ecological Networks

3. This policy expects all development to deliver an overall measurable net gain for biodiversity using an agreed biodiversity matrix calculation. The Council will know that the Government is already looking at the most appropriate approach to biodiversity net gain. The HBF considers that the Council should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Bill. This legislation will require development to achieve a 10% net gain for biodiversity. It is the Government's opinion that 10% strikes the right balance between the ambition for development and reversing environmental decline. 10% gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. 10% will be a mandatory national requirement, but it is not a cap on the aspirations of developers who want to voluntarily go further. The mandatory requirement offers developers a level playing field nationally and reduced risks of unexpected costs and delays.
4. The Council's policy approach should also reflect the Government's proposals for a transition period of two years as set out in the Environment Bill. The Government proposes to work with stakeholders on the specifics of this transition period, including accounting for sites with outline planning permission, in order to provide clear and timely guidance on understanding what will be required and when.
5. The Government will issue guidance to Councils on the importance of proportionality in their application of planning policy. So that sites without reasonable opportunities to



achieve net gain through on-site habitat delivery will not face risks of delay through rigid or prescriptive requirements.

6. There are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council's updated viability assessment. 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.

Policy ENV17: Environmental Protection

7. This policy states that where feasible, the provision of charging points for electric and other ultra-low emission vehicles should be incorporated into all new developments. The HBF supports the use of electric and hybrid vehicles and the introduction of the necessary supporting infrastructure via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. It is the industry's preference for a national approach to the provision of charging points rather than local authorities setting their own standards.
8. The Government has recognised in recent consultations the possible impact of any requirement to provide electric vehicle charging points on housing supply, where the requirements are not technically feasible. The same 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 Electric Vehicle Charging Points (EVCP) in new buildings will impact on the electricity demand from these 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.
9. Where such costs are high the Government are proposing that 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 instances where the additional costs are 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.
10. As such we would suggest that the requirement for EVCPs should not be included in the local plan because the Government's proposed changes to Building Regulations will provide a more effective framework for the delivery of charging points for electric vehicles.

Policy ENV25: Parking

11. This policy requires new development to provide a connection to the power supply capable of being upgraded for the charging of electric, ultra-low emission and hybrid vehicles at an appropriate point within an integral or external garage or on an external

wall of the property and facing onto the driveway. For major flatted development with dedicated off-street parking, it requires that a minimum of one parking bay should be equipped with a Fast (32 amp) EV Charging Unit, subject to meeting to the latest national (or local) standards as applicable. The concerns of the HBF in relation to these requirements have already been set out above in relation to policy ENV17.

Policy ENV27: Towards Zero Net Carbon

12. All developments should be designed to reduce the extent and impacts of climate change. To help promote zero carbon development, premises should meet the highest technically feasible and financially viable standards, both during and after construction.
13. It is noted that this policy is setting a target ahead of the Government target of net Zero Carbon by 2050. The HBF does not generally object to encouragement for the need to minimise the carbon emissions. The HBF supports moving towards greater energy efficiency via a nationally consistent set of standards and a timetable for achieving any enhancements which is universally understood and technically implementable. The HBF acknowledges that the Government has not enacted its proposed amendments to the Planning & Energy Act 2008 to prevent the Council from stipulating energy performance standards that exceed the Building Regulations. However, the HBF considers that the key to success is standardisation and avoidance of every Council in the country specifying its own approach to energy efficiency, which would undermine economies of scale for both product manufacturers, suppliers and developers.
14. The Government has consulted (ended on 7th February 2020) on The Future Homes Standard. 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 wants to create certainty and consistency. An uplift to Part L standards will improve the energy efficiency of new homes and prepare housebuilders and supply chains in readiness for the further uplift in 2025 to meet the Future Homes Standard.
15. Residential and mixed-use developments incorporating ten dwellings or more, or in excess of 1,000m² gross floorspace, will be required to submit an energy statement. This should show how, subject to viability, the energy hierarchy has been used to make the fullest contribution to reducing greenhouse gas emissions. The HBF considers that this policy should ensure that its requirements are commensurate to the scale of the development. It is important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to overly prescriptive requirements or the need to provide significant amounts of additional evidence.

Policy LIV6: A Revised Housing Requirement for Pendle

16. Policy LIV1 of the adopted Core Strategy currently sets out the housing requirement for Pendle. The Core Strategy NPPF 2019 Compliance Review document states that Policy LIV1 is inconsistent with the NPPF because it provides for a housing requirement which is based on an assessment of housing needs which no longer reflects that explicitly required in national planning policy, as it is not based on the standard methodology.

Policy LIV1 set a housing requirement of 5,662 (net) over the period 2011 to 2030, equating to an average of 298 dwellings per annum (dpa).

17. Policy LIV6 proposes to set a new housing requirement. It states that over the remainder of the plan period (2019-2030), provision will be made to deliver a minimum of 2,640 net dwellings, equating to an average of 240 dwellings per annum. The Housing Needs Assessment (HNA) (March 2020) sets out that the local housing need (LHN) as calculated using the standard method set out in the PPG is 146dpa. The HNA then sets out that delivering more than the 146dpa is supported by the NPPF and PPG, and that the Local Plan should consider the extent to which the standard method LHN is consistent with the economic success of Pendle and the wider area.
18. The HBF generally supports the Council in using a housing figure above the LHN. The PPG¹ sets out that there may be circumstances where it is appropriate to consider whether the actual housing need is higher than the standard method indicates. These include growth strategies for the area, strategic infrastructure improvements, meeting an unmet need from neighbouring authorities and where previous levels of delivery or previous assessments of need are significantly greater than the outcome of the standard method. The HBF recommends that the Council investigate these circumstances and consider if a further increase in the proposed housing requirement is required.
19. The HNA also identifies an affordable housing need between 187dpa and 251dpa, which represents significantly more than 100% of the LHN based on the standard method. The PPG² states that *'total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by eligible market housing led developments. An increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes'*. The HBF considers that the Council need to ensure that this affordable housing need is given consideration in determining an appropriate housing requirement.
20. The HNA considers a number of scenarios as part of an assessment of housing need, one of these scenarios is the Experian baseline (March 2019) and projects a level of growth equal to 1,408 net jobs over the plan period. The HNA suggests that the 240dpa would be required to support this level of jobs growth.

Policy LIV7: Housing Site Allocations

21. The HBF is keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. A mix of sites provides choice for consumers, allows places to grow in

¹ PPG ID: 2a-010-20201216

² PPG ID: 2a-024-20190220

sustainable ways and creates opportunities to diversify the construction sector. Under the NPPF, the Councils should identify at least 10% of the housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 68). The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.

22. The Plan should ensure the availability of a sufficient supply of deliverable and developable land to deliver the Council's housing requirement. This sufficiency of housing land supply (HLS) should meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (YHLS), and achieve Housing Delivery Test (HDT) performance measurements. The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible.
23. The HBF does not wish to comment upon the acceptability or otherwise of individual sites. It is, however, important that all the sites contained within the plan are deliverable over the plan period and planned to an appropriate strategy. The HBF would expect the spatial distribution of sites to follow a logical hierarchy, provide an appropriate development pattern and support sustainable development within all market areas.
24. The Council's assumptions on sites in relation to delivery and capacity should be realistic based on evidence supported by the parties responsible for housing delivery and sense checked by the Council based on local knowledge and historical empirical data.

Policy LIV8: Reserve Sites for Housing

25. This policy provides a number of reserve sites for housing which will only be released where there is a shortfall in the five-year housing land supply and where the Housing Delivery Test (HDT) is failed. The HBF generally supports the Council in providing flexibility in the supply, however, it is considered that there may be other circumstances where it could be appropriate to release these sites, and that additional flexibility should be incorporated into the policy.

Policy LIV9: Affordable Housing

26. The Core Strategy NPPF2019 Compliance Review document notes that Policy LIV4: Affordable Housing is to be supplemented by providing a new policy in the Local Plan Part2. This policy (LIV9) will update the position on policy thresholds and provide further guidance on how affordable housing is to be delivered across the Borough. Policy LIV4 will continue to be applied through decision making with regard had to the requirements of the NPPF where relevant.
27. This policy states that unless a viability assessment proves otherwise 10% of homes on housing schemes of 10 dwellings or more should be affordable (as per the NPPF definition), with affordable housing provision within the Spatial Areas no less than that sought by Table LIV4a of Policy LIV4.

Table LIV4a: Size threshold and area based affordable housing targets				
	M65 Corridor	M65 Corridor North	West Craven Towns	Rural Pendle
5-9 dwellings	N/A	N/A	N/A	20%
10-14 dwellings	0%	0%	0%	20%
15 or more dwellings	0%	0%	5%	20%

28. THE HBF considers that this policy lacks clarity. It is not clear whether all sites are expected to provide 10% affordable homes, or whether it is all sites are expected to provide 10% affordable homes except for those in the rural areas where 20% will still be expected, or whether all of the proportions and thresholds set out in LIV4a still apply. The HBF strongly recommends that the Council look again at the wording of the policy and ensure that their requirements are clear.
29. The policy goes on to suggest that the tenure mix of affordable housing should reflect the Council's most recently published housing evidence. The HNA currently recommends a tenure split of 25% intermediate housing and 75% social / affordable rent. This tenure split would not be consistent with the NPPF³ which states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable required in the area. The justification text⁴ for the policy states that in Pendle, where viability is a major influence on delivery this rigid approach is at odds with efforts to ensure the delivery of sufficient new homes to meet the housing requirement. It is not clear why this viability issue would prevent the delivery of affordable home ownership products as all, or part of, the affordable housing provision where it is viable. The HBF considers that the Council should look again at the tenure split proposed in the policy to ensure it is consistent with national policy.
30. The HNA shows that Pendle has a significant requirement for affordable housing of between 187dpa and 251dpa. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF⁵ is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability. The Council should be mindful that it is unrealistic to negotiate every site on a one-by-one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery.
31. The Local Plan Viability Assessment (December 2019) highlights the viability issues seen across the borough, these are particularly seen within the M65 corridor and for brownfield sites. It is also noted within the main body of the text the affordable housing requirements appear to have been based on LIV4a, and therefore some of the sites currently identified as viable may not be if the affordable housing requirement was 10%.

³ Paragraph 64 of the NPPF

⁴ Paragraph 4.61 of the Pendle Local Plan Part 2: Site Allocations and Development Policies

⁵ Paragraph 34 of the NPPF

Policy LIV10: Quality Housing

32. This policy looks for new homes to meet the nationally described space standards (NDSS). The NDSS as introduced by Government, are intended to be optional and can only be introduced where there is a clear need and they retain development viability. As such they were introduced on a 'need to have' rather than a 'nice to have' basis.
33. PPG⁶ identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:
 - **Need** – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
 - **Viability** – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
 - **Timing** – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.
34. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.
35. The policy also looks for new homes to address local housing needs taking particular account of the needs of children, disabled and older people as evidenced within the Housing Needs Assessment or its successor document. And goes on to look for new homes to be accessible and adaptable. The justification text (4.90) states that a proportion of homes in developments of 10 or more dwellings should seek to meet the optional technical standards of Part M4(2).
36. To support the changing needs of occupiers over their lifetime, including people with disabilities, where practical and viable developers are encouraged to include a proportion of homes that meet the optional technical standards of Part M4(3) of the Building Regulations 2010.
37. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher

⁶ PPG ID: 56-020-20150327

optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG.

38. PPG⁷ identifies the type of evidence required to introduce such a policy, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for Pendle which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommends that an appropriate transition period is included within the policy.
39. The PPG also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances, this is not just in relation to the ability to provide step-free access.

Policy LIV11: Self and Custom Build Housing

40. This policy allocates a site specifically for self-build, custom build or community-led housing. It also requires major development on greenfield sites, developers will be expected to promote self-build and custom-build housing. This type of housing should represent a minimum of 5% of all new homes on the site.
41. Many of our members will be able to assist the custom build sector either through the physical building of dwellings on behalf of the homeowner or through the provision of plots for sale to custom builders. The HBF are, therefore, not opposed to the idea of increasing the self-build and custom build sector for its potential contribution to the overall housing supply. However, most of the Council's approach is restrictive rather than permissive by requiring the inclusion of such housing on major developments. This policy approach only changes the house building delivery mechanism from one form of house building company to another without any consequential additional contribution to boosting housing supply. Meaning that as currently proposed this policy will not assist in boosting the supply of housing and may even limit the deliverability of some sites and homes. The HBF would recommend appropriate evidence is collated to ensure that house building delivery from this source provides an additional contribution to boosting housing supply. This is likely to include engaging with landowners and working with custom build developers to maximise opportunities.
42. The HBF does not consider that the Council has appropriate evidence to support the requirement for 5% of the total plots on major developments to provide service plots for custom or self-build housing. PPG⁸ sets out how custom and self-build housing needs can be assessed. The HNA identifies that there 183 registrations of interest in Self-build plots as of September 2019. The most popular areas applicants would be interested to build in were Barrowford (10%), Fence (9%), Colne (8%) and Nelson (8%). The HNA states that overall, the demand for self-build is considered to be reasonably limited.

⁷ PPG ID: 56-007-20150327

⁸ PPG ID: 67-003-20190722

Therefore, the HBF recommends that the Council reconsider the requirements of this policy.

Future Engagement

43. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

44. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Harding', written in a cursive style.

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