

Matter 1: Legal and procedural Requirements and Other General Matters

Plan period

The Council's response to PQ7 advises that the Local Development Scheme approved in September 2020 anticipates that the Plan will be adopted in 2021, and that when preparation of the Plan commenced it was on the basis of a 20 year timeframe looking ahead to 2036 from 2016. The Council is under a statutory duty to review the Plan at least every five years. Notwithstanding this, the housing and employment allocations provide opportunities for development beyond 2036.

Q1.10. Is the Plan period 2016 to 2036 consistent with national policy or otherwise justified?

1. The plan period is identified as 2016 to 2036, NPPF¹ looks for Plans to have a 15-year period from adoption. As the examination is taking place in mid-2021 it seems unlikely that the Plan will be adopted in 2021. Therefore, the HBF considers that it may be beneficial to take a cautious approach and to extend the Plan period.

Supplementary Planning Documents, and other documents that are not part of the statutory development plan

The Council's response to PQ9 proposes modifications to policies DC1, DC2(f), H4, H8, ENV3, and ENV5 to ensure that they are consistent with national policy with regard to the status and purpose of Supplementary Planning Documents and other documents referred to in the Plan that are not part of the statutory development plan.

Q1.12. Are the Council's proposed modifications to policies DC1, DC2(f), H4, H8, ENV3, and ENV5 necessary to make the Plan sound and, if so, would they be effective in so doing?

2. The HBF considers that it is appropriate for the Council to amend the wording in relation to the role of SPDs and the weight to be given to them in planning policy. The HBF considers that the changes to 'consider' and 'have regard to' are more appropriate. It may be that the use of the word 'reflect' is still a little too inflexible in relation to DC2 and this should also be changed to 'have regard to'.

Viability

The Council's Local Plan Viability Assessment provides evidence about the economic viability of development proposed in the Plan.

The Council's response to PQ44.1 advises that site specific viability assessments for each of the Greater Faverdale and Skerningham strategic allocations are being finalised and that, as a minimum, a summary of these assessments will be published within statements of common ground for both sites by the end of March 2021.

Q1.14. Is the Plan informed by a proportionate and up to date assessment of viability that takes into account all relevant policies, and local and national standards?

¹ Paragraph 22 of NPPF 2019

3. Section 5 of the Local Plan Viability Assessment (December 2020) sets out how the Council have considered the different policies and standards. However, it is not always apparent how all of the policies and standards have been considered. For example, the dwelling sizes used as part of the assessments are based on average dwellings sizes with adjustments made to reflect the likely mix in typology locations. It is not clear if these relate in way to the nationally described space standards (NDSS). However, when considering the introduction of the M4 standards the assessment then suggests that due to the introduction of the NDSS that it is not necessary to consider the additional space related cost as this would be double counting. As it is not clear that what space considerations have been made in relation to the size of dwelling used, it is also not possible to determine what additional costs there may be in terms of space in relation to each of the M4 standards. The HBF considers that the Assessment should provide further details as to how individual policies, requirements and standards have been considered and to ensure that elements are not missed due to the assumptions made.
4. Where more detail has been provided such as within the consideration of the potential S106 costs the HBF is concerned that these are not always reflective of the costs. For example, the Viability Assessment includes a figure of £1159 per dwelling for greenfield sites and £233 for brownfield sites for Biodiversity Net Gain. Whilst these figures have been taken from the Government's Biodiversity Net Gain Impact Assessment these figures are based on costings from 2017 and will need to be updated. It is also noted that the Assessment has not included a cost for Electric Vehicle Charging Points (EV), as it is suggested that this can be accommodated within the build cost used. The HBF does not consider that this is appropriate. The Government's consultation on Electric Vehicle Charging in Residential and Non-Residential Buildings highlights that installing charge points in residential buildings will add an additional cost of approximately £976 per car parking space for an average home, and that there may be additional costs.

Q1.15. Does the viability evidence demonstrate that the policies in the Plan are realistic, and that the cumulative cost of all relevant policies will not undermine deliverability of the Plan?

5. The NPPF² establishes the importance of viability testing to ensure that policies do not undermine the deliverability of the plan. The Council will need to 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. The HBF is concerned that the Viability Assessment shows that low value areas are not viable, and that there are marginal brownfield typologies in the medium and high value areas. The HBF considers that the cumulative impact of the requirements of the policies of the plan will impact on the delivery of development and need to be considered. The Executive Summary for the Viability Assessment acknowledges this point and states that *'for residential development, our appraisals show that most of the site types are viable. However, once affordable housing provisions are factored in and increased this puts a downward pressure on the viability of the schemes, to the extent where some adjustments in policy are necessary to minimise as*

² Paragraph 34 of the NPPF

much as possible the impact on delivery. Some of this flexibility in policy could be through a reduction in required affordable housing provisions'.