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13/05/2021

Dear Sir/ Madam

### **Response by the Home Builders Federation to the consultation on the Bracknell Forest Local Plan**

1. Thank you for consulting the Home Builders Federation (HBF) on the Bracknell Forest Pre-submission 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.

#### **Duty to co-operate.**

2. As the Council will be aware, they have a legal duty to co-operate in the preparation of the local plan with the National Planning Policy Framework (NPPF) requiring, at paragraph 27, the preparation and maintenance of one or more statements of common ground with relevant bodies identifying the strategic and cross boundary issues with those bodies and any progress made in addressing these issues. This paragraph goes on to state that these should be made publicly available throughout the plan-making process.
3. We recognise that the Council have provided evidence on co-operation within the duty to co-operate statement. However, this does not establish what has and has not been agreed between different partners in relation to statutory matters. Therefore, in order for this plan to be found both sound and legally compliant the Council will need to submit statements of common ground (SoCG) with relevant bodies setting out evidence of co-operation on the relevant strategic and cross boundary matters.

#### **LP3 – Provision of housing**

##### *Plan period*

4. The council recognise at paragraph 7.9 the need for a 15-year period post adoption. Taking a plan from the pre-submission consultation to adoption is likely



to take between 18 months and 2 years. Given that an 18-month time period would from the close of this consultation would see the plan most likely being adopted at the end of 2022/23 period at the earliest we would recommend that the plan period be extended by an extra year to 2037/38. This will guarantee that there is sufficient scope to take account of delays in the submission and examination of the local plan.

### *Local Housing Needs Assessment*

5. The calculation of housing needs as calculated using the standard method and data available at the time of consultation results in a local housing needs assessment of 614 dpa. As we are sure the Council are aware the latest data on the median affordability ratio indicates that the LHNA for Bracknell Forest would reduce to 583 dpa. However, we would caution the Council in reducing its requirement to reflect this latest position. The LHNA is the minimum number of homes that the Council are required to deliver with Planning Practice Guidance (PPG) stating at paragraph 2a-010 that there will be circumstances where “*it is appropriate to consider whether actual housing need is higher than the standard method indicates*”.
6. One such scenario would be the failure of a neighbouring area to meet its own needs which in turn puts pressure on other neighbouring housing market areas. It is important to recognise that the NPPF requires consideration to be given to neighbouring areas and not neighbouring authorities. This distinction requires Councils to consider meeting needs across a much wider area than the Council has considered as part of the preparation of this plan. In particular we would suggest that the Council examines the ability of those London boroughs in the west and south west of London to meet their housing needs.
7. As the Council will be aware the new London Plan does not meet housing needs. Rather than a shortfall of some 10,000 homes across the plan period that was expected the failure to justify its estimated delivery from small sites has led to a more realistic level of delivery across London being taken forward and which would see a shortfall against housing needs as set out in the London Plan of some 140,000 (14,000 dpa) over the next ten years. This is a substantial shortfall, and it will be incumbent on authorities in the wider South East to work with London Borough's to increase supply accordingly. However, no agreement has been reached between the Mayor and representatives from LPAs in the South East and East of England London.
8. The impact of the lack of supply in the capital on Brough's such as Bracknell Forest will also be exacerbated should trends towards home working, that have accelerated due to the pandemic, continue to allow more people to be based further from their offices in central London. Wider search areas will put pressure on housing markets such as Bracknell Forest leading to worsening affordability unless the housing requirement is increased. As such it will be essential for the Council to work with those authorities in the West and South West of London to

establish the level of shortfall that will occur over the next ten years and to identify how many additional homes could be delivered in BFDC and the West Berkshire HMA to support these shortfalls. We would suggest that this scenario at the very least suggest that the housing requirement in the local plan 614 dpa be maintained.

### *Housing supply*

9. The Council's decision to apply a 10% buffer in planned supply to ensure needs are met is welcomed. Such a buffer will provide some degree of insurance in its housing land supply should there be any delay in the delivery of its strategic sites.
10. Given the difficulties that can arise from delivering strategic sites of the scale being proposed we consider that this scale of buffer between the requirement and supply to be fully justified to ensure that there is flexibility to take account of any changing circumstances - as required by paragraph 11 of the NPPF. This is especially the case where a Council is relying on a few large-scale sites or a specific area to meet the majority of the area's needs. Greater flexibility will provide reassurance to the Council and the Government that the Local Plan housing requirement will be delivered in full and is not at risk from delays to its strategic allocations.
11. Whilst the HBF does not comment on the specific trajectories for allocated sites we consider it essential that Councils ensure the delivery expectations on all sites are evidenced and in line with the definitions set out in the NPPF. As identified in Sir Oliver Letwin's independent review of build out<sup>1</sup>, delivery on large housing sites in particular may be held back by numerous constraints including discharge of pre-commencement conditions, limited availability of skilled labour and building materials, a lack of capital, constrained logistics of sites, slow delivery of utilities and absorption rates of open market sales. These factors must be taken into account when establishing the delivery expectations on such sites.

### **LP9 – Affordable housing**

The policy is unsound as it is unjustified and inconsistent with national policy.

12. This policy requires 35% of all homes on qualifying sites to be delivered as an affordable unit. However, we are concerned that this is not consistent with the Council's evidence base which sets out, at Table 10, that 13 of the 20 sites tested in the Viability Testing Report (VTR) are made unviable should they be required to meet all the policy requirements set out in the local plan. This concern is acknowledged in paragraph 7.1 of the VTR which states that only 12% of all anticipated development would come forward making a full contribution whilst providing for a robust land value and developer profit margin. In the same paragraph it is also acknowledged that even when the affordable housing

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<sup>1</sup> <https://www.gov.uk/government/publications/independent-review-of-build-out-final-report>

contribution is reduced to 20% some 34% of development would not be able to meet all the policy costs placed on them through this local plan.

13. Given the conclusions of the VTR it is therefore unjustified for the Council to adopt this policy as currently written. The Council should either look to reduce requirement being placed on development for the provision of affordable housing or set variable policy based on either site location or type. Instead, the Council are seemingly reliant on the market improving over the plan period (without any increase in development costs) and negotiation where the policy costs make a site unviable. However, this approach is not consistent with national policy.
14. The Government establish in both the NPPF and PPG that Council's should seek to ensure development is viable at the plan making stage and policies should not lead to site by site negotiations as part of the development management process. This is clearly set out in paragraphs 34 and 57 of the NPPF with supporting guidance in paragraphs 10-001 to 10-019 of PPG. In particular the Council should have regard to paragraph 57 of the NPPF which states that: "*Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable*". On the basis of the Council's evidence, it is not possible for decision makers to apply this assumption and as such the Council will need to adopt a variable affordable housing requirement that reduces the requirement in relevant scenarios to ensure that negotiation on development coming forward is minimised.
15. We also note that the VTR does not appear to have tested any notional site typologies as part of the viability study and has not included all policy costs. Firstly, we consider this to be a necessary part of the plan preparation process to ensure that those sites which are not allocated in the local plan remain viable when all policy costs are considered. Given that this plan expects some 1,500 homes to be delivered on windfall sites it is important that the Council assesses the impact on types of site that will come forward in this manner. For example, it is reasonable to expect the Council to test the impact on the viability of residential accommodation for older people. Such development faces different issues such as the higher levels of non-chargeable common areas in each development<sup>2</sup>. In addition, this type of scheme needs to be located close to services and as such will most often be delivered on PDL sites in the urban area with higher existing use values. Without any evidence on the impact of its policies on such development the Council cannot state whether development that comes forward outside of those allocated in the local plan will be made unviable by the policies in the local plan and as such the policy is unjustified.

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<sup>2</sup> These are typically between 20% to 30% for sheltered and 35% to 40% for extra care accommodation. Taken from "A Briefing note on Viability". Retirement Housing Group (May 2013 amended 2016"). <file:///C:/Users/mark.behrendt/Downloads/CIL%20viability%20appraisal%20issues%20RHG%20%20February%202016.pdf>

16. Secondly, given the marginal viability of some development in the local plan it is important that all costs are considered. However, we note that the requirement relation to electric vehicle charging facilities in policy LP57 have not been included in the VTR. The Department for Transport - Electric Vehicle Charging in Residential & Non-Residential Buildings consultation estimated an installation cost of approximately £976 per EVCP plus any costs for upgrading local electricity networks.
17. The supply from the power grid is already constrained in many areas across the country. The HBF and its Members have serious concerns about the capacity of the existing electrical network in the UK. Major network reinforcement will be required across the power network to facilitate the introduction of EVCPs and the move from gas to electric heating as proposed under the Future Homes Standard. These costs can be substantial and can drastically affect the viability of developments. If developers are funding the potential future reinforcement of the National Grid network at significant cost, this will have a significant impact on their businesses and potentially jeopardise future housing delivery. The Council's assessment excludes any costs for upgrading the local network which under the Government's proposal automatically levies a capped figure of £3,600 per charge point on developers therefore this figure should also be included in the Council's viability assessment.
18. In addition, no detailed information is provided in the VTR as to the cost implications of the optional accessibility standards, net biodiversity gains and standards for open space. These policies are referred to in paragraph 4.55 of the VTR, but no costs are provided. For example, the introduction of the 10% requirement for biodiversity net gain being proposed in the Environment Bill will have a significant cost implication. Evidence from the impact assessment<sup>3</sup> produced by the Government show that they expect costs to be £18,500 per hectare in the south east but that these could be as high as £63,000 per hectare. However, the only assessment that is made is that these are already embedded in build costs published by the BCIS formation for the Bracknell Forest area. Given that these are new policies this cannot be considered to be the case and the Council will need to undertake specific testing of these additional costs in order to justify this and other policies in the local plan. The evidence already indicates that development on a number of sites is marginal and the additional costs are likely to have a significant impact on their ability to deliver affordable housing.
19. Finally, we are concerned with the Council's approach to its sensitivity analysis in the Viability Study. The viability study examines the impact of the value of new homes increasing by 10%, however, it does not consider in these scenarios is an increase in the development costs. Following the UK's exit from the European Union and the difficulties faced by all during the pandemic our members are reporting shortages in good materials and products as well as a shortage of certain

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<sup>3</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/839610/net-gain-ia.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf)

skills. These are likely to increase the cost of development does not reduce them and any sensitivity analysis should consider these alongside an increase in development value.

20. The Council should therefore not rely on the sensitivity analysis in the Viability Study to support their policy requirements for affordable housing. Whilst they are helpful in considering how the situation might change, both positively and negatively, they cannot be used as a justification to support the Council's current policy with regard to affordable housing contributions which paints a distinctly marginal position on many sites.
21. To conclude, it is evident that development on PDL is more marginal in Bracknell Forest and this must be recognised in this policy. It will be necessary for the soundness of the local plan to amend LP9 to reflect the evidence presented by the Council. This should see requirements on previously developed sites being removed or reduced where appropriate. Where typologies have not been tested, such as residential accommodation for older people, then these should be exempt from providing affordable housing.

#### **LP22 – Accessible and adaptable**

The policy is unsound as it is unjustified.

22. Whilst it would appear likely that part M4(2) will be made mandatory through proposed changes to the Building Regulations this is still to be confirmed by the Government and as such it is important that the Council's policy as set out in LP22 is justified. The HBF consider it the case that new homes built to the mandatory part M4(1) will be suitable for a significant proportion of the population throughout their lifetime. However, we recognise that there will be a need for some new homes to be built to higher accessibility standards.
23. The Council have provided evidence on the need for such homes in its Housing Needs Assessment and considers this to be sufficient to support the proposal that all new homes should be built to part M4(2) of the Building Regulations. However, when considering the implementation of the optional standards it is important to note that footnote 46 in paragraph 147 in the NPPF states that policies on adaptable and accessible housing should be used "*... where this would address an identified need ...*". This would suggest that any policy should seek to address an identified need and there must be clear evidence as to how many such homes are needed.
24. The Housing Needs Assessment indicates in table 6.6 that there will be circa 2,800 more adults with impaired mobility over the plan period. If all of these individuals are in separate households, this is around 24% of expected housing growth in total and 40% of expected supply that is still without a planning permission. This would suggest that whilst there is some need for accessible housing it does not support the need for all homes to be built to this standard.

25. As well as examining need it is also necessary to examine the ability of the existing housing stock to meet the needs of those with impaired mobility. No assessment is made in the Council's evidence as to how many of those requiring adaptations to their home could have their current home adapted to meet their needs. This is a key consideration in the assessment with paragraph 56-007 stating that planning authorities should consider "*the accessibility and adaptability of existing housing stock*". The housing needs assessment must consider how many homes are currently accessible or could be modified to meet their current owner's needs. Many of the modification that are required by people as they age can be made to the existing stock and it must be recognised that new homes built to part M4(1) are significantly more accessible than older homes.
26. Some evidence relating to this situation is provided in the English Homes Survey. Whilst we recognise that this is a national study it provides an indication as to the proportion of more adaptable homes that are required. The study examined the need for adaptations in 2014/15 and noted that just 9% of all households in England had one or more people with a long-term limiting illness or disability that required adaptations to their home. The survey also found that in 2014-15, 81% of households that required adaptations in their home, due to their long-term limiting disability, felt their current home was suitable for their needs and that only 10% of those households whose home required an adaptation were trying to move somewhere more suitable. Therefore, whilst we recognise that there will be more people with mobility problems in future it does not necessarily lead to them needing a new home built to the M4(2) standard.
27. It is also necessary for the Council to consider the impact on viability of requiring development to meet the optional accessibility standards. The Council's viability study states that this policy has been considered but no evidence has been provided with regard to the level of cost increase that has been included in the study. Without this evidence the Council cannot state what the impact will be and as such cannot adopt this policy as it is unjustified and therefore unsound.

**LP23 Specialist accommodation for older people and people with disabilities.**

The policy is unsound as it is unjustified.

28. As stated in our comments to LP8 the Council have not tested the viability implications of the policy requirements set out in the local plan. Without this evidence the Council cannot require residential accommodation for older people to provide affordable housing and as such part 1iv of this policy should be deleted.

**LP46 Biodiversity**

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

29. The Council's policy approach to biodiversity net gain 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. This is not set out as a minimum and to ensure clarity in decision making, we would suggest this prefix is deleted. It is the Government's opinion that 10% strikes the right balance between the ambition for development and reversing environmental decline. A 10% gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. Removing the term minimum will not place a cap on the aspirations of developers who want to voluntarily go further but it will ensure that decision makers do not seek to go beyond 10%.

#### **LP49 Sustainable construction**

The policy is unsound as it is not consistent with national policy and is not effective.

30. The HBF recognises the need to reduce carbon emissions from new homes. As such we are working with our members and Government to provide an effective route map in achieving the necessary reductions whilst also maintaining the supply of housing required to meet the country's needs. To achieve improvements in energy efficiency whilst maintaining supply requires not only the housebuilding industry to adapt but also those industries supporting it to develop the necessary supply chains that will ensure the products required to meet these standards, such as ground and air source heat pumps, are available.
31. There is still considerable work to do to ensure that supply chains are in place to supply the housebuilding industry as well as the technical skills in place to deliver and maintain systems such as ground and air source heat pumps, to guarantee they work as expected on a much larger scale. It is important that these systems when they are used work to ensure that the public are satisfied with the product and can rely on it to meet their needs. As such the HBF supports a clearly defined national approach to improving the energy efficiency of new homes and we are broadly supportive of the Government's phased approach to this matter.
32. We recognise that the Government in their recent feedback on the responses to the consultation on the Future Homes Standard will continue to allow Councils to set higher standards in their local plans. However, this should be seen within the context of the higher standards that the Government are proposing to introduce from the start of 2022 and the statement in paragraph 2.41 of their response to the consultation on the Future Homes Standard that these standards will mean it is "*less likely that local authorities will need to set local energy efficiency standards*".
33. It is also important to note that Planning Practice Guidance (PPG) states in paragraph 6-012, reflecting guidance in the 2015 Written Ministerial Statement, that energy standards should not be set at a standard above what would be the equivalent of level 4 of the Code for Sustainable Homes – roughly a 20% improvement in emissions on current building regulation. Furthermore, the

proposed changes to the part L as set out in the Future Homes Standard will see a 31% improvement in CO<sub>2</sub> emissions compared to the 2013 Building Regulations from 2022. As such neither the zero-carbon requirement nor the 35% improvement plus a carbon offsetting contribution set out in paragraph 19.4 should the onsite zero carbon requirement be unviable are consistent with national policy.

34. When considering whether this policy is consistent with the national approach being suggested by Government, it is also necessary to recognise that the proposed regulations are ones that ensures there is sufficient time, as outlined above, for the development industry, and relevant supply chains, to deliver the Future Homes Standard from 2025. This stepped approach would see a 75% reduction in emissions compared to 2013 Building Regulations by 2025 but will allow supply chains to develop and ensure deliverability of the higher standard at the appropriate time. The Council must recognise that this not just an issue of viability but also one of deliverability and that, as the Government notes in paragraph 2.53 of their consultation response, the interim part L standards are a key stepping stone to implementing the higher standards from 2025.
35. By delivering carbon reductions through the fabric and building services in a home rather than relying on wider carbon offsetting, the Future Homes Standard will ensure new homes have a smaller carbon footprint than any previous Government policy. In addition, this footprint will continue to reduce over time as the electricity grid decarbonises. Therefore, the HBF considers the most effective approach in achieving national net zero commitments by 2050 alongside delivering the homes needed in any area is through the application of Building Regulations that allow for a transition to higher standards of energy efficiency and CO<sub>2</sub> reduction. We would therefore suggest that the requirement in part 1i that all major new build residential development will be net zero carbon is unsound as it is not consistent with national policy and could impact on the deliverability of the plan. As such it should be deleted from policy LP49 and the supporting text at paragraph 19.4.

#### **LP57 – Parking**

The policy is unsound as it has not been justified.

36. As mentioned above, it will be necessary for the Council to consider the impact the requirement provide electric vehicle charging facilities on the viability and deliverability of development. This is not only important with regard to the proposed policy but also due to the likelihood that charging points will become a requirement of Building Regulations in future<sup>4</sup>. Indeed, the HBF's preferred approach with regard to charging points is for this to be delivered through building regulations to ensure a consistent standard and avoid the risk of households having to introduce new technology should the installed system not conform to the required standard.

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<sup>4</sup> The Department of Transport consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings (July 2019) set out the Government's preferred option to introduce a new requirement for EVCPs under Part S of the Building Regulations.

37. The evolution of automotive technology is moving quickly therefore we would suggest a passive cable and duct approach is a more sensible and future proofed policy solution should building regulations not be in place. This negates the potential for obsolete technology being experienced by householders. A passive cable and duct approach means that the householder can later arrange and install a physical EVCP suitable for their vehicle and in line with the latest technologies.

## **Conclusion**

38. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, in the following key areas:

- No Statements of Common Ground have been submitted with the local plan;
- Affordable housing policy is not justified by the Council's evidence;
- Requirement for all homes to be built to the higher option technical standard on accessibility have not been sufficiently justified;
- Sustainable construction standards are not consistent with national policy and are not justified;
- No testing of the Impact of EVCP requirement on development viability.

39. As such I can confirm that I wish to participate in the relevant hearing sessions in order to full represent our concerns which reflect the views of discussions with our membership who account of 80% of the market housing built in England and Wales.

Yours faithfully



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