

Home Builders Federation

Matter 3

BABERGH AND MID SUFFOLK JOINT LOCAL PLAN EXAMINATION

Matter 3 – Housing Needs for the Settled Community and Affordable Housing (Policies SP01, SP02, LP06(1a) and LP08)

3.1 Are the plan's settled community Housing Need Targets of 416 dwellings per annum for Babergh and 535 dwellings per annum for Mid Suffolk positively prepared and justified? In particular:

(a) has the "standard methodology" been correctly calculated?

Yes.

(b) is an "uplift" in the figures necessary to help deliver (i) affordable housing or (ii) to reflect any other factors such as growth strategies, proposed infrastructure improvements or past delivery of housing in the plan area?

No comment.

(c) are there any exceptional circumstances which would justify calculation of housing need on a basis other than use of the "standard methodology"?

No.

3.2 Is the 2018 base date of the plan period justified given that the standard methodology "formula" was published in 2020 and is based on 2020 data?

No comment

3.3 For the plan to be sound is it necessary for it to include a mechanism by which any future unmet needs could be met within the plan area? Or is the statutory requirement for review and if necessary, update of the plan sufficient?

The more positive approach would be to include a specific mechanism where by the plan is reviewed to take account of any unmet needs arising within the Ipswich HMA, should these be identified prior the required review. Such an approach would ensure the Council's respond in a timely manner to address unmet needs.



3.4 In principle is it sound for the plan to provide for around 20% more housing than the housing need targets? [Note: Matter 10 considers in detail whether or not the plan is likely to ensure that the housing need figures will be met.]

Yes. Paragraph 60 of the NPPF establishes the minimum number of homes the Council are required to plan for. In order to ensure this minimum requirement is delivered it is essential, as set out in paragraph 11 of the NPPF, that there is sufficient flexibility in the land supply to take account of the fact that some sites will not come forward as expected and deliver fewer homes over the plan period. In addition to being consistent with national policy it also shows that the plan is deliverable over the plan period and as such must be considered to be effective. Indeed, other plans have been found sound with similar or higher levels of headroom. For example, the Guildford Local Plan was found sound with a 36% buffer between the housing requirement housing land supply. It should also be noted that this degree of headroom was considered by the inspector examining the Guildford Local Plan as contributing to the exceptional circumstances required to justify amendments to Green Belt boundary. Whilst Green Belt is not an issue for the JLP it does show that even where constraints are significant a significant headroom in land supply is considered a sound approach to plan making. As such the HBF considers the principle of a 20% buffer between the housing requirement and housing supply to be sound as it provides the necessary flexibility to ensure the plan is effective in meeting minimum local housing needs.

3.5 Does Policy SP01(1) provide sufficient clarity about how the mix, type and size of new housing development will be determined?

No comment.

3.6 Does the Ipswich Housing Market Area Strategic Housing Market Assessment Partial Part 2 Update (January 2019) provide a robust assessment of affordable housing needs in the districts during the plan period?

No comment.

3.7 Are the requirements of policy SP02 and LP06(1a) (35% affordable housing provision on sites of 0.5ha or 10 dwellings or more):

(a) justified in relation to the identified requirement for affordable homes (26.4% and 23.9% of all new homes in Babergh and Mid Suffolk respectively)?

In our representations we highlighted a discrepancy in relation to the Council's policy and the level of affordable housing needs however this concern was based on the evidence set out in the 2017 SHMA and not the latest data published in the 2019 update which is reflected in the local plan. Based on the most up to date information published by the Council there is clearly a higher degree of affordable housing need than stated in our representations. However, it is still important for the Council to

ensure that the number of affordable homes delivered through this policy is in alignment with the number of such homes that are considered to be required.

The Council set out in SP02 that it expects this plan to deliver 2,096 affordable dwellings in Babergh and 2,428 affordable dwellings in Mid Suffolk to meet the need for affordable housing. The Council have now examined delivery expectations and present their assessment of future affordable housing supply in Table 4a, 4b and 4c of EP02. The Councils expectations are that over the plan period 2,103 affordable dwellings will be delivered in Babergh and 3,108 in Mid Suffolk against needs of 2,096 and 2,428, respectively. This is an over supply across the JLP area of 15%. However, we are concerned that this could underestimate the level of supply moving forward. The Council are basing delivery on the percentage of affordable housing delivered for the period 2015 to 2020 and applying this across total delivery for the remainder of the plan period. However, such an approach could underestimate delivery of affordable housing given the reduced scope for negotiation on affordable housing contributions in the latest NPPF as set out in paragraph 57 of the NPPF and 10-002 of PPG. An alternative approach to assessing the potential number of affordable homes that will be delivered over the plan period is considered below.

The Spatial Housing Approach Topic Paper (EP03) sets out the Councils' position with regard to the level of delivery on each of the allocated sites and from extant planning permissions. With regard to identified sites in Appendix A of EP03 the Councils expect 5,075 homes to come forward on these sites in Babergh and 8,285 in Mid Suffolk. Of these sites only those delivering ten or more units will be required to provide affordable housing. Removing sites that are not required to provide affordable housing on the basis of SP02 (113 units in Babergh and 144 units in Mid Suffolk) results in 4,962 homes in Babergh and 8,141 homes in Mid Suffolk coming forward on sites required to provide 35% affordable housing. The application of SP02 on allocated sites would result in a maximum of 1,737 new affordable homes in Babergh and 2,849 in Mid Suffolk. However, in addition to delivery on allocated sites expected delivery from extant permissions must be considered and included in overall delivery expectations for affordable housing.

Extant permissions are set out in Appendix B of EP03. This table shows that from the start of the plan period there were 4,036 net additional dwellings expected to come forward in Babergh and 4,050 in Mid Suffolk from existing permissions. Some of these permissions will provide affordable housing, however the Council's evidence does not indicate how many. In order to provide some indication as to delivery of affordable homes from this source of supply we have examined the expected delivery of affordable housing on those extant permissions identified by the Council that will deliver 25 or more homes. Based on planning statements and S106 agreements it would appear that extant permission will provide at least 647 affordable homes in Babergh and 714 affordable homes in Mid Suffolk.

When added to delivery from allocated sites that are required to provide affordable housing this means that over the plan period it can reasonably be concluded that on the basis of the proposed policy there is the potential for 2,335 affordable homes to be

delivered in Babergh and 3,498 in Mid Suffolk. This is a total of 5,833 such homes across the JLP area over the plan period against a need of 4,287 – 31% more than the Councils' evidence indicate is required.

Whilst we recognise that the Councils will want to provide some flexibility in the supply of affordable homes this must not be disproportionate. For example, on the basis that a 30% affordable housing requirement was delivered across all allocated sites in the JLP would see 5,292 affordable homes delivered over the plan period. This is 17% above needs which is more than sufficient flexibility to take account of some allocated sites delivering below the policy requirement and mean that needs will still be met. We would therefore suggest that the affordable housing requirement set out in SP02 be reduced.

(b) likely to be financially viable in most circumstances?

As set out in our representations the NPPF and its associated guidance placed far greater emphasis on testing the viability of development through the local plan rather than on a site-by-site basis. This is clearly stated in paragraph 10-002 of PPG and in paragraph 57 of the NPPF. Both these paragraphs indicate that decision makers can assume that a development will be viable with all a local plan's policies being met. This means that policies for affordable housing will need to be less aspirational than in the past and recognise the variability of viability across an area and between development scenarios.

The Council's viability study (ER02) states in its recommendation at paragraph 8.2 that viability on brownfield sites is more challenging and recommends that Council seeks a 20% requirement on affordable housing on such sites. Whilst we recognise that such development may not be the primary source of new housing in both areas it is still necessary for the Councils to ensure that decision makers can assume a development to be viable with all the policy costs being placed on it at the point of application. This is clearly not the case in relation to the affordable housing requirement and it must be adjusted accordingly in relation to brownfield sites.

(c) likely to be effective and appropriately flexible, when applied together with the requirements of policy LP08?

As set out above it is important that the Council in the first instance reduces the likelihood of negotiation being required in the first place with regard to affordable housing. However, there will be circumstances where a negotiated settlement is necessary and as such, we would agree that when taken together SP02 and LP08 provides sufficient flexibility in line with national policy and guidance.

3.8 Is the penultimate sentence of policy SP02(4) justified and effective? Would it be more appropriately reworded as "In exceptional circumstances, where it is convincingly demonstrated that the provision of 35% affordable housing is not viable, the Council may agree to vary the requirement."?

No comment

3.9 Is policy LP08 clear and will it be effective in achieving the identified requirement for affordable housing?

As set out earlier our main concern is that when taken together SP02 and LP08 are likely to lead to an excess in supply of affordable homes.

3.10 Is the policy LP08 figure of 35% market housing on rural exception sites justified by robust evidence?

No comment

Mark Behrendt MRTPI
Planning Manager – Local Plans SE and E



Home Builders Federation

Matter 5

BABERG AND MID SUFFOLK LOCAL PLAN EXAMINATION

Matter 5 – Local Housing Policies

(Policies LP01, LP02, LP03, LP04, LP05, LP06(1b and 1c), LP07 and LP11)

5.1a) Are the requirements of policy LP01 clear and consistent with national policy? Would they be effective?

No comment

5.1b) On what basis was the threshold for a dwelling cluster set and is this reasonable?

No comment

5.1c) Is the scale and type of development allowed in part c) justified and sufficiently flexible?

No comment

5.2a) Are the requirements of policy LP02 clear and justified?

No comment

5.2b) Is it necessary for the plan to be sound for the policy to be stronger on sustainable energy requirements?

No comment

5.3a) Are the requirements of the LP03 clear and justified?

No comment

5.3b) Is it necessary for the plan to be sound for the policy to consider the energy performance of the entire dwelling and specifically cover conversions of agricultural barns?

5.4 Are the requirements of policy LP04 clear and justified?

No comment

5.5 a) Is it necessary for the plan to be sound for policy LP05 to specifically deal with back-land development and loss of garden land?

No comment

5.5b) Is the wording in relation to heritage assets sufficiently clear?

No comment

5.6a) Is there robust evidence to justify the requirements of LP06(b)? Is part b) sufficiently flexible and does it take appropriate account of viability?

5.6b) Are the requirements of part (c) clear? Is removal of permitted development rights for bungalows justified?

No comment

5.7 a) Would policy LP07 be effective in ensuring the needs for supported and special needs housing are met or should the plan allocate specific sites for such accommodation?

No comment

5.7b) Is criterion 1(b) sufficiently clear and is its terminology consistent with the settlement hierarchy?

No comment

5.7c) Is the decision to apply Building Regs M4(2) justified?

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 LP6 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 for those whose needs are not addressed by current building regulations.

Footnote 46 at paragraph 127 of the NPPF states that the optional technical standards can be used where there is an identified need. How needs are assessed is then set out in paragraph 56-007 of PPG. At present the Council considers it ageing population

to be sufficient justification for this policy outlining in paragraph 52 of the Topic Paper on Housing - Objectively Assessed Needs (EP02) that the number of people over 65 with a limiting long-term illness that limits them a lot will increase by around 6,000 people over the plan period.

However, whilst the number of people with potential mobility difficulties older is important it is also necessary to examine the accessibility and adaptability of the existing stock. Without detailed stock assessment it is necessary to consider whether those people with a need to adapt their home will be able to make that adaptation to their existing home or whether they will need to move. For example, the English Housing Survey 2014/15 indicates in its main findings (attached in appendix 1) that 9% of all households in England had a long-term illness or disability that required adaptation to their home. Applying this to the number of households in the JLP area as of 2018, 84,263 households, would result in around 7,500 households requiring adaptations at the start of the plan period. On the basis of the Councils' delivery trajectory this would increase to 9,500 by 3037.

However, not all of those who need their home adapting will need to move to ensure their needs are met. Adaptations can often be made to an existing home to meet an individual's needs, allowing them to stay within their own home. The English Housing Survey found that in 2014-15, 81% of households that required adaptations in their home due to their long-term limiting disability considered their current home to be suitable for their needs. This would suggest that 19% of those who need to adapt their homes would be likely to have to move home to meet their needs. Therefore, using this evidence, over the plan period there will potentially be 1,800 households who will need move to a home that can be adapted to meet their needs – around 8% of expected growth. We recognise this is national data but without local evidence as how many of households will need to move to meet their needs for adaptations it provides a useful indication as future needs.

Given that national policy requires the adoption of the optional technical standard to address an identified need we would suggest that there is no justification for all half of all new homes need to be built to the higher optional standard.

5.7d) Is removal of permitted development rights for bungalows justified?

No comment

5.8 Is policy LP11 consistent with national policy and would it be effective in achieving an appropriate level of self and custom build plots?

No comment

Mark Behrendt MRTPI
Planning Manager – Local Plans SE and E

Home Builders Federation

Matter 7

BABERGH AND MID SUFFOLK LOCAL PLAN EXAMINATION

Matter 7 – Environment Policies

(Policies SP09, SP10, LP17, LP18, LP19, LP20, LP21, LP22, LP23, LP24, LP25, LP26, LP27, LP28, LP29)

7.1 a) Is policy SP09 based on robust and up to date evidence? b) Is it sufficiently clear, including in relation to where the Suffolk Coast RAMS applies? c) Will it be effective?

No comment

7.2 Are the requirements of policy SP10 sufficiently clear including with regard to what is required from developers and will the policy be effective?

No comment

7.3 a) Is policy LP17 consistent with national policy and other parts of the plan? b) Are the requirements of the policy clear? c) Would the policy be effective including in relation to the use of brownfield v greenfield land, light pollution and air quality? d) is there robust evidence to justify the policy?

No comment

7.4 a) Is policy LP18 consistent with national policy? b) Are the requirements of the policy clear? In particular is there sufficient clarity regarding County Wildlife Sites, environmental corridors and how off-setting would work? c) Would the policy be effective? d) Is the policy based on robust evidence that justifies its requirements particularly in relation to i. the minimum 10% increase for biodiversity ii. wildlife corridors? e) Is it sufficiently clear how the net gains for biodiversity would be measured?

The Council are proposing to require a minimum net gain in biodiversity of 10%. The HBF recognises that should the Environment Bill become an Act then all development will be required to achieve this level of biodiversity net gain, however until this legislation is enacted the 2012 NPPF states at paragraph 109 that the planning system

should seek to achieve net gain where possible. Whilst we understand the Council's desire to adopt the proposed level of net gain in the Environment Bill it must be remembered that this Bill includes provisions to allow a transitional period with regard to the application of the proposed net gain requirements. As such requiring a 10% from the adoption of this local plan may not be consistent with any transition arrangements. In addition, a policy requiring development to achieve a net gain but without specifying a percentage would not prevent the Council from implementing any future legislation regarding net gain but would ensure flexibility depending on how and when the proposed 10% national requirement is implemented by Government.

7.5 a) Is policy LP19 clear and would it be effective? b) To be sound does the policy need to refer to local landscape designations in neighbourhood plans, and retain existing Visually Important Open Spaces and Special Landscape Area designations?

No comment

7.6 a) Is policy LP20 consistent with national policy? b) Are the requirements of the policy clear, and would they be effective? c) To be found sound does the policy:
i. needs to identify how development in the project areas and in the setting of the AONB will be assessed?

ii. Refer to the need to conserve quality views and the distinctiveness of the AONB and to AONB management plans?

iii. Refer to potential future extensions to the AONB?

iv. Require that proposals are accompanied by a Landscape and Visual Impact Assessment?

No comment

7.7 a) Is policy LP21 consistent with national policy? b) Is the policy clear and would it be effective? In particular to be found sound does the policy need to specifically mention Conservation Areas and/ or that it covers both designated and non-designated heritage assets?

No comment

7.8 Is policy LP22 consistent with national policy particularly with regard to highway matters? Is the proposal to remove PD rights justified?

No comment

7.9 Is the approach in policy LP23 justified?

No comment

7.10 a) Are the requirements of policy LP24 clear, including with regard to what proposals are covered by the policy? b) Would the policy be effective? c) Is the policy consistent with national policy particularly with regard to highway matters?

No comment

7.11 a) Are the criteria in policy LP25 justified and consistent with national policy? In particular is there robust evidence to justify the targets within the policy and do they take into account viability? b) Are the requirements of the policy clearly articulated and would the policy be effective?

As set out in our representations we would suggest part 5 is removed from the policy and set out in the supporting text to avoid any confusion with the required technical standard.

7.12 Are the requirements of policy LP26 justified and clearly articulated, and would the policy be effective? In particular:

a) is the requirement to meet Space Standards in the Technical Housing Standards based on robust evidence?

The Council set out in paragraph 62 and 63 their justification for implementing the National Described Space Standards. Whilst we recognise the requirement for homes delivered through the GPDO are now required to meet minimum space standards this does not remove the requirement, as set out in footnote 46 to paragraph 127 of the NPPF, that the adoption of these optional technical standards should be based on evidence that they are needed. Without any evidence of need the Council cannot justify the requirement for space standards to be met.

b) does the policy need to encourage the use of design codes and use of the Design Review Panel?

No comment

c) is 1f consistent with LP06?

Part 1f is ambiguous and unnecessary as it is already considered in LP06 which sets out the Council's requirements for such homes. We would suggest 1f is deleted.

d) is it sufficiently clear as to when part 2k will be applied?

No comment

7.13 Are the requirements of policy LP27 justified, and would it be effective?

No comment

7.14 Are the requirements of policy LP28 clear and justified?

No comment

7.15 Are the requirements of policy LP29 clear and justified?

No comment

Mark Behrendt MRTPI

Planning Manager – Local Plans SE and E