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SENT BY EMAIL
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06/10/2022

Dear Planning Policy Team,

SELBY LOCAL PLAN: PUBLICATION CONSULTATION

1. Thank you for consulting with the Home Builders Federation (HBF) on the Selby Local Plan Publication consultation.
2. The HBF is the principal representative body of the home 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 (47% in 2020/21).
3. The HBF is keen to work with the Council in order to achieve an adopted local plan which enables the delivery of homes across Selby. The following comments identify some areas where the HBF considers that the document would benefit from further evidence or modifications.

Policy SG1 - Achieving Sustainable Development (Strategic Policy)

Policy SG1 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

4. This policy sets out the Council's approach to the presumption in favour of development. It also highlights what the Council will do in the absence of a five-year housing land supply, where policies are out of date or where the housing delivery test is not being met. The HBF considers that whilst it can be useful for the Council to set out how they will take a positive approach to development, it is not necessary to repeat policies contained within the NPPF.

Policy SG2 - Spatial Approach (Strategic Policy)

Policy SG2 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:



5. This policy sets out the Council housing and employment requirements, it states that a minimum of 91.2ha of employment land and at least 7,728 new homes will be delivered. It also sets out the settlement hierarchy and summarises the spatial strategy for the allocation of land.
6. The justification states that the minimum annual housing requirement figure for the district as identified by the standard method is 333 dwellings per annum (dpa). It also states that the Housing and Economic Development Needs Assessment (HEDNA) Addendum concludes that there is no clear argument that the Council should plan more homes than the standard methodology, although it does highlight a housing target of 368 dpa would be needed to account for all of the potential employment floorspace related to the strategic sites and non-allocated sites.
7. The Local Plan identifies sites to accommodate a minimum of 7,728 new dwellings between 2020 and 2040, which equates to 386 dwellings per annum.
8. The HBF generally supports the Council in using a housing figure above the LHN, however, the HBF considers that the housing need is likely to be higher than the housing requirement currently identified. 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.
9. For example, Table 1 below clearly shows that previous levels of delivery are significantly above the minimum LHN identified by the standard method and the HBF considers that this highlights the need to identify a higher housing requirement.

Table 1: Completions	
Year	MHCLG Net Additional Dwellings
2011/12	311
2012/13	220
2013/14	268
2014/15	577
2015/16	439
2016/17	562
2017/18	612
2018/19	625
2019/20	492
2020/21	484
Total	4,590
Average	459

¹ PPG ID: 2a-010-20201216

10. It is also noted that the PPG² states that 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 HEDNA (2020) identifies an affordable housing need of 141dpa.

**Policy IC4 - Water Supply, Wastewater Treatment and Drainage Infrastructure
(Strategic Policy)**

Policy IC4 is not considered to be sound as it is not consistent with national policy for the following reasons:

11. This policy states that the Council will work with statutory water infrastructure providers, developers and key stakeholders to identify where strategic solutions to water supply, wastewater treatment and drainage-related infrastructure investment.
12. The HBF considers that it is appropriate for the Council to work with statutory providers and not place unnecessary burden on the development industry, when the responsibility for provision lies elsewhere.
13. The Council will be aware that the Government published a written ministerial statement³ (WMS) in relation to improving water quality. The WMS announces a package of measures that the Government will introduce to tackle the challenge of nutrient pollution. It proposes an amendment to the Levelling Up and Regeneration Bill that will place a new statutory duty of water and sewerage companies in England to upgrade wastewater treatment works to the highest technically achievable limits by 2030. This may also need to be taken into consideration.

Policy HG1- Meeting Local Housing Needs (Strategic Policy)

Policy HG1 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

14. This policy sets out how the Council will meet its housing needs including through extant planning permissions, allocations and windfall developments. It also includes the housing allocations and the proposed number of dwellings they are expected to deliver over the plan period. The policy allocates sites to provide 5,930 dwellings. Table 7.1 of the Plan identifies commitments at 31st May 2022 for 1,510 dwellings and identifies that there have been 1,063 completions between 1st April 2020 and 30th May 2022.
15. 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 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.
16. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Selby's housing requirement. This sufficiency of housing land

² PPG ID: 2a-024-20190220

³ <https://questions-statements.parliament.uk/written-statements/detail/2022-07-20/hcws258>

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 and to provide flexibility and choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible.

17. The Council's overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, therefore strategic sites should be complimented by smaller non-strategic sites. 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 diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice / competition in the land market.
18. 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 in line with the NPPF requirements.

Policy HG2 - Windfall Development (Strategic Policy)

Policy HG2 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

19. This policy sets out the circumstances within which windfall developments will be supported. The HBF considers that supporting the delivery of homes on windfall sites is important, however, the HBF considers that this policy is overly restrictive and could be more supportive of sustainable development.

Policy HG6 - Creating the Right Type of Homes (Strategic Policy)

Policy HG6 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

Housing Mix

20. This policy looks for all new residential development to provide an appropriate type and size of new homes to be provided that reflects the identified needs and demands of local communities as shown in the latest Housing and Economic Needs Assessment (HEDNA) or successor document.
21. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the

local area. The HBF recommends a flexible approach is taken regarding housing mix which recognises that needs and demand will vary from area to area and site to site; ensures that the scheme is viable; and provides an appropriate mix for the location. The HBF also recommends that the Council does not limit its evidence base to the HEDNA or a successor document, as this will only ever provide a snapshot in time. The HBF suggests that the Council amend the policy to allow for alternate forms of evidence including for example the Council's Waiting List or information in relation to the market demand and aspirations from home builders.

Nationally Described Space Standards (NDSS)

22. Part B of the policy looks for all dwellings to meet the nationally described space standards (NDSS). The HBF notes that 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.
23. PPG⁴ 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, Viability and Timing.
24. 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.

Accessible and Adaptable Homes

25. Part C of the policy states that on developments of 10 or more dwellings 6% of new homes should be built to M4(3) 'wheelchair user' standard.
26. 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 optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG. The HBF also considers that the policy may require further clarity as the policy is not clear whether the requirement for M4(3) homes is for M4(3(2a)) wheelchair adaptable, or M4(3(2b)) wheelchair accessible. The Building Regulations do highlight that the optional requirement for M4(3(2b)) only applies where the planning permission specifies it. The PPG⁵ is also clear that policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. There is also a significant cost difference between the requirements for an M4(3(2a)) home and a M4(3(2b)) home, this will have implications for any viability assessment.

⁴ PPG ID: 56-020-20150327

⁵ PPG ID: 56-009-20150327

27. PPG⁶ 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 Selby 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.
28. The HBF notes that the HEDNA (2020) recommends that the Council should seek to deliver 330 dwellings to be for wheelchair users to meet technical standard M4(3). However, the report itself highlights that information about the need for wheelchair users is difficult to obtain, particularly at the local level, and the HEDNA relies on research at the national level that is from 2010 and therefore clearly dated. The evidence provides very little information in relation to the elements highlighted by the PPG, and even less that is specific to the case for Selby.
29. The PPG⁷ also identifies other requirements which the policy should incorporate these include the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances which may make a site less suitable. The PPG also states that where step-free access is not viable the optional requirements in Part M should not be applied.
30. The Council should also note that the Government response to the Raising accessibility standards for new homes⁸ states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.

Density

31. Part E of the policy promotes the effective use of land on windfall sites by achieving minimum densities of 35 dwellings per hectare (dph) within the Selby urban area, Tadcaster, Sherburn in Elmet; 30dph in Tier 1 villages and the proposed new settlement; 25dph in Tier 2 villages; and 20dph smaller villages and the Countryside
32. The HBF considers that the Council should include a level of flexibility within this policy, the HBF would recommend amendments to create greater flexibility to allow developers to take account of individual site characteristics and evidence in relation to demand, market aspirations and viability. The Council will also need to consider its approach to density in relation to other policies in the plan and government policies and

⁶ PPG ID: 56-007-20150327

⁷ PPG ID: 56-008-20160519 & ID: 56-010-20150327

⁸ <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>

requirements. Policies such as open space provision, space standards, design, biodiversity net gain, EV Charging and parking provision will all impact upon the density which can be delivered upon site.

Policy HG7 - Affordable Housing (Strategic Policy)

Policy HG7 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

33. This policy seeks provision for affordable homes on windfall developments of 10 or more dwellings (or more than 0.5ha) with high value sites expected to provide 20%, low value greenfield sites 10%, low value brownfield sites 5% and extra care 0%.
34. The HEDNA (2020) identifies an affordable housing need of 141 affordable homes each year. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF⁹ 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.
35. The CIL Viability Assessment (August 2022) identifies the viability of certain site typologies and strategic sites. It recommends that for the Local Plan to come forward with the levels of affordable housing proposed that CIL should be removed, and that the local plan is monitored to ensure viability and delivery across the property market cycles.

Policy HG10 - Self-Build and Custom-Build Housing

Policy HG10 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

36. This policy requires sites providing 50 or more residential dwellings to supply up to 3% of the total plots to self-builders or to custom builders subject to appropriate demand being demonstrated through the Self and Custom Build Register.
37. 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, the Council's approach is restrictive rather than permissive by requiring the inclusion of such housing on sites of 50 dwellings or more. 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

⁹ NPPF Paragraph 34

to boosting housing supply. This is likely to include engaging with landowners and working with custom build developers to maximise opportunities.

38. The HBF does not consider that the Council has appropriate evidence to support the requirement for 3% of the total plots on developments of more than 50 dwellings to provide service plots for custom or self-build housing. PPG¹⁰ sets out how custom and self-build housing needs can be assessed. The HEDNA provides a very limited review of the Selby Self-Build and Custom Build Register, just setting out the overall numbers of individuals or organisations added each year, this has then been utilised to determine a need for 15dpa. The HBF are concerned that this is not a proper review of the data and does not necessarily identify double counting or whether any of these needs have already been met within Selby or elsewhere or whether these people would actually consider sites located within a larger residential scheme. Therefore, the HBF consider that this policy should be deleted as there is no evidence to support the threshold of 50 dwellings or the 3% proportion.
39. The PPG¹¹ sets out how local authorities can increase the number of planning permissions which are suitable for self and custom build housing. These include supporting neighbourhood planning groups to include sites in their plans, effective joint working, using Council owned land and working with Home England. The HBF considers that alternative policy mechanisms could be used to ensure a reliable and sufficient provision of self & custom build opportunities across the Borough including allocation of small and medium scale sites specifically for self & custom build housing and permitting self & custom build outside but adjacent to settlement boundaries on sustainable sites especially if the proposal would round off the developed form.

Policy NE3 - Biodiversity Net Gain (Strategic Policy)

Policy NE3 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

40. This policy requires all eligible development proposals to provide at least 10% net gain in biodiversity, it looks for developments to use the DEFRA Metric. The HBF considers that the Council should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Act and the emerging regulations. This legislation and accompanying regulations will require development to achieve a net gain for biodiversity. This nationally required gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. The mandatory national requirement will not be 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. The Council will need to ensure that their requirements are in line with the mandatory requirements, and do not cause any conflicts or unnecessary repetition of requirements.

Monitoring Framework

¹⁰ PPG ID: 67-003-20190722

¹¹ PPG ID: 57-025-20210508

41. The monitoring framework sets out each of the Plan themes along with a collection of indicators to monitor the theme. However, the indicators do not have any actions associated with them, so it is not exactly clear how the indicators will be monitored and how it will be determined if any action needs to be taken to address issues with the delivery of the plan or what those actions may be. The HBF recommends that the Council amend the Monitoring Framework to include more details as to how the plan will actually be monitored, and identifies when, why and how actions will be taken to address any issues identified.

Future Engagement

42. 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.

43. 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 cursive script, appearing to read 'Joanne Harding', written in black ink.

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