

Planning Policy
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Dear Planning Policy Team,

**HYNDBURN 2040: LOCAL PLAN (STRATEGIC POLICIES AND SITE ALLOCATIONS):
REGULATION 19 (PUBLICATION) CONSULTATION**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) Regulation 19 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.
3. These comments build on previous comments provided to consultations in 2018, 2019 and 2023 and will hopefully prove useful in taking your plan forward.
4. The HBF notes that whilst the NPPF was updated on 19th December 2023, the transition guidance set out in the new NPPF¹ states that the policies in the December 2023 NPPF will apply for the purpose of examining plans where those plans reach regulation 19 stage after 19th March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the previous version of the NPPF.

Plan Period

5. The Council are proposing a Plan period from 2021 to 2040. The NPPF² states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery. The HBF would expect 2040 to provide a 15-year period from adoption, although this may need to be kept under review dependent on the time it takes to reach examination.

¹ NPPF December 2023 paragraph 230

² NPPF Sept 2023 Paragraph 22



Policy SP1: The Spatial Development Strategy

Policy SP1 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

6. Part 3 of this policy states that sufficient land will be made available in the Borough to meet the identified requirement for housing over the Plan period of at least 3,686 dwellings (equivalent to an average of 194 dwellings per annum (dpa)).
7. The HBF considers that this part of the policy could take a more positive tone, rather than providing 'sufficient' land. An amendment that looks to 'Increase the supply of land within the Borough to meet the identified needs for housing', would be an improvement, this would better reflect the NPPF requirements for plans to be 'positively prepared' and to 'boost significantly' housing supply.
8. The HBF generally supports the Council in using a housing figure above the local housing need (LHN) identified by the standard method. The Economic Needs Update (September 2021) identifies a need for 194 dwellings per annum (dpa) for Hyndburn based on the economic need, using a job-led scenario and commuting ratios based on the Census.

Policy SP3: Planning Obligations

Policy SP3 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

9. This policy sets out the Council's approach to planning obligations, within Parts 2 and 3 of the policy it states that the Council will identify specific obligations and that the Council may consider the introduction of a separate delivery mechanism for Huncoat Garden Village. The HBF is concerned by the lack of clarity in this policy and is concerned it does not provide sufficient detail or certainty for any developer.
10. Development can only be required to mitigate its own impact and cannot be required to address existing deficiencies in infrastructure or services. It is therefore essential for the Infrastructure Development Plan (IDP) to clearly show the existing and known deficiencies in the current infrastructure, before reaching any conclusion on the cumulative effects of new development, and any contribution that is needed from new development to mitigate any additional individual and/or cumulative impacts.
11. The HBF also suggests that the policy wording should include the opportunity for negotiation around policy requirements for site specific reasons, to reflect viability challenges identified in the Viability Assessment, and to allow for any sites whose circumstances fall outside the parameters of the typologies tested, which may also be unviable under the proposed Local Plan policies.

Policy SP10: Housing Provision (including affordable housing)

Policy SP10 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

12. This policy states that over the plan period 2021-2040 the Council will make provision for at least 3,686 dwellings (equivalent to an average of 194dpa). As previously, the HBF generally supports the Council in setting a housing requirement over the local housing need identified by the standard method, and in seeking to meet the economic led housing need.
13. This policy seeks to maximise the opportunities for the delivery of affordable housing where viable. It requires new housing developments of 10 or more dwellings or with a site area of 0.5ha or more to provide 20% affordable housing unless it can be demonstrated that this would not be viable. It also looks for a mix of affordable housing in accordance with the most up to date assessment of need, ensuring that a minimum of 25% of all affordable housing units secured through developer contributions are First Homes.
14. The HBF does not consider that the first sentence of part 2, which seeks *'to maximise the opportunities for the delivery of affordable housing'* is necessary, it is an aspiration rather than a policy and could be interpreted to be more onerous than the remainder of part 2 of the policy.
15. The HBF is concerned that the Council have set a policy that states that all new housing developments of 10 or more dwellings should meet the 20% affordable housing requirement, as paragraph 12.85 of the Viability Assessment clearly states that *'residential development on brownfield sites is generally shown as being unviable even without affordable housing' and that 'the greenfield sites in lower value area . . . are not shown as viable with 20% affordable housing'*. It also goes on to state that *'generally viability and the scope for additional policy requirements are limited. The Council should be cautious in seeking higher policy requirements as this is likely to impact on delivery'*. As such the HBF considers that the Council should amend this affordable housing requirement to better reflect their own evidence, this is likely to mean reducing the requirement or to incorporating a range of requirements dependent on-site type and location. The HBF considers this would be more in line with the NPPF³ which states that contributions expected from development including the levels and types of affordable housing provision should not undermine the deliverability of the plan.
16. The NPPF⁴ is also clear that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. The HBF is concerned that the proposed policy will not deliver this requirement, if this is to be the case the HBF recommends that the Council provide the appropriate evidence.
17. Part 3 of the policy sets out the density requirements, seeking provision of at least 40 dwellings per hectare (dph) in town centres and other locations well served by public transport or at least 30dph elsewhere unless specific circumstances exist to justify an alternate.

³ NPPF Sept 2023 Paragraph 34

⁴ NPPF Sept 2023 Paragraph 65

18. The HBF supports the efficient use of land and understands the inclusion of a density policy. The HBF considers that the inclusion of a level of flexibility to take account of specific circumstances is appropriate.
19. Table 2 of the Plan sets out the proposed site allocations. 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.
20. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Hyndburn'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 (5YHLS), 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.
21. 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.
22. 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 NPPF⁵ requirements.

Policy SP11: Suitable Range of Housing

Policy SP11 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

23. This policy sets out what the Council consider to be an appropriate mix of dwellings, this includes the size of dwellings and the need to provide housing for older people.

⁵ NPPF Sept 2023 Paragraph 69

24. 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 considers that the flexibility that appears to be set out in the second sentence of part 1 is appropriate, however, it is not clear how that then sits with the final sentence and the table provided in part (a). The HBF considers it is important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to: overly prescriptive requirements; requiring a mix that does not consider the scale of the site; or the need to provide additional evidence. The HBF continues to recommend a flexible approach is taken and that the Council ensure that the table in part a is just an aim and will not be implemented as a range that is required to be met on each site.
25. It is not clear if part 1(b) of this policy is an aim, as set out in the final sentence of part 1 or a requirement. It is recommended that the Council consider the format of the policy and seek to improve the clarity.
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. 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 Hyndburn which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. The HENA 2018 does provide some limited evidence in relation to the likely future need for housing for older people and disabled people it provides limited information in relation to the size, location, type or quality of dwellings needs and no evidence in relation to the accessibility and adaptability of the existing housing, and is now more than five years out of date. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommend that an appropriate transition period is included within the policy.
27. It should also be noted that the PPG⁷ 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; and that policies for wheelchair accessible homes should only be applied to dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.

Policy SP13: Climate Change and Sustainable Development

Policy SP13 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

28. This policy states that all development must mitigate against the likely effects of Climate Change on present and future generations and minimise negative impacts on the

⁶ PPG ID: 56-007-20150327

⁷ PPG ID: 56-008-20160519

environment. Part A of the policy states that this will be achieved by adhering to any national or local policy or guidance on climate change measure or technical standards relating to energy use in place at the time of the proposed development, such as the Future Homes / Building Standard.

29. Whilst the HBF generally considers that it is appropriate for the Council to not set their own standards and to instead rely on the nationally set standards provided through Building Regulations and the Future Homes Standard. The HBF has concerns in relation to the reference to 'adhering to any national or local policy or guidance', the HBF does not consider it appropriate to require a development to meet any future national or local policy or guidance, as any requirements within these documents will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan. The HBF is also concerned about any unnecessary duplication of requirements and does not consider that this part of the policy is required.
30. The HBF generally supports sustainable development and considers that the homebuilding industry can help to address some of the climate change emergency challenges identified by the Council. However, the HBF recognises the need to move towards greater energy efficiency via a nationally consistent set of standards and timetable, which is universally understood and technically implementable.
31. Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations were updated in 2021 and took effect from 15th June 2022. The Government Response to The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings dated January 2021 provided an implementation roadmap. The 2021 Building Regulations interim uplift will deliver homes that are expected to produce 31% less CO₂ emissions compared to current standards. The implementation of the Future Homes Standard 2025 will ensure that new homes will produce at least 75% lower CO₂ emissions than one built to previous energy efficiency requirements. 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.
32. The HBF considers that the Council should ensure that this policy is only implemented in line with the December 2023 Written Ministerial Statement⁸ which states that *'a further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continue to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes'*. It goes on to state that *'the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current*

⁸ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale'. The HBF considers as such it would be appropriate to make reference to the Future Homes Standard and the Building Regulations as the appropriate standards for development.

33. The Council will also be aware that the Future Homes and Buildings Standards: 2023 consultation⁹ has been released covering Part L (conservation of fuel and power), Part F (ventilation) and Part O (overheating).

Policy SP16: Natural Environment Enhancement

Policy SP16 is not considered to be sound as it is not consistent with national policy for the following reasons:

34. This policy states that natural environment enhancement will be secured by ensuring that all development affecting ecological or geological resources secures a minimum of 10% measurable biodiversity net gain and ensure ongoing management of measures are in place.
35. Biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. There are specific exemptions from biodiversity net gain for certain types of development. The exemptions are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The HBF considers that this policy is not consistent with national policy, and will need to be updated to reflect the recent guidance, policy and legislation. The PPG has recently been updated to provide more information on BNG which may assist the Council as they consider this policy. The PPG¹⁰ states that plan-makers should be aware of the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provision of this statutory framework. It also states that it would be inappropriate to include policies which are incompatible with this framework.

Policy SP18: High Quality Design

Policy SP18 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

36. This policy looks for high quality design consistent with the principles set out in other relevant policies of the Local Plan, Design Codes and more specific guidance documents.

⁹ <https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation/the-future-homes-and-buildings-standards-2023-consultation>

¹⁰ PPG ID: 74-006-20240214

37. The HBF has concerns in relation to the reference to Design Codes and more specific guidance documents, the HBF does not consider it appropriate to require a development to meet any future Design Code or more specific guidance documents, as any requirements within these documents will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan.

Implementation and Monitoring

38. The HBF would expect the Local Plan to contain a monitoring framework with appropriate targets and triggers and appropriate remedial actions which would be taken if the targets or triggers are not met. In terms of housing such triggers for action could include the lack of a five-year supply or delivery which is below the anticipated housing trajectory, potential actions could include working with developers, producing masterplans, allocating further sites, reducing Local Plan requirements or preparing a new Local Plan.

Future Engagement

39. 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.

40. 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.

41. The HBF wishes to participate at the Hearing Sessions of the Examination of the Hyndburn Local Plan to ensure that the view of the home building industry are taken into account.

Yours sincerely,



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