

Birmingham City Council Planning,
PO Box 28,
Birmingham,
B1 1TU



SENT BY EMAIL
planningstrategy@birmingham.gov.uk
27/08/2024

Dear Planning Policy Team,

BIRMINGHAM LOCAL PLAN: PREFERRED OPTIONS CONSULTATION

1. Thank you for consulting with the Home Builders Federation (HBF) on the Birmingham Local Plan Preferred Options 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. The HBF notes a consultation on the NPPF and the standard method for calculating housing need has commenced part way through the consultation on the Birmingham Local Plan, and that this is likely to have implications for the production of the Plan and the policies it contains.
4. The HBF would like to submit the following comments upon selected policies within the consultation document. These responses are provided in order to assist Birmingham City Council in the preparation of the emerging local plan. The HBF is keen to ensure that the Council produces a sound local plan which addresses the housing needs of the area.

Duty to co-operate

5. The Council will need to ensure that they engage effectively with neighbouring areas with regard to housing needs. In particular the council will need to engage with its partners in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), including the authorities of Sandwell, Walsall, Wolverhampton, Dudley, Solihull, Tamworth, Lichfield, Cannock Chase, South Staffs, Bromsgrove, Redditch, Stratford-upon-Avon and North Warwickshire.

Format

6. The HBF would strongly recommend that the Council ensure that all of the text within the Plan has paragraph numbers, that all of the tables and figures are numbered and that the clauses and bullets within the policies are numbered or lettered to ensure ease of use for all.



Plan Period

7. The Plan period identified in the Plan is 2020 to 2042. The NPPF¹ is clear that 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. Therefore, the HBF considers that the Council may need to keep the end date of the plan period under review to ensure that the Plan will still provide 15 years on adoption.

Meeting Housing Need

8. The Council identify the local housing need (LHN) as calculated by the standard method as 7,174 dwellings per annum (dpa) as at March 2024. The consultation suggests that over the Plan period (2020 to 2042) there is a total housing need of 149,180 dwellings, this is based on the Birmingham Development Plan housing requirement of 5,700 dwellings between 2020 and 2022 and the LHN of 7,174dpa from April 2022 to March 2042. The Plan goes on to consider the housing land supply and states that the latest Housing and Employment Land Availability Assessment (HELAA) indicates an overall supply of 103,027 dwellings. This leaves a housing shortfall of 46,153 dwellings.
9. The Council identify that Birmingham is part of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), and that this contains 14 authorities: Birmingham, Sandwell, Walsall, Wolverhampton, Dudley, Solihull, Tamworth, Lichfield, Cannock Chase, South Staffs, Bromsgrove, Redditch, Stratford-upon-Avon and North Warwickshire.
10. The HBF notes that the Government is currently consulting on changes to the standard methodology and the calculation of housing need. The proposed method would see the local housing need calculation reduced to 4,974dpa. If this figure was utilised for the 22 years of the Plan period it would give a requirement of 109,428 dwellings. This would leave a shortfall of 6,401 dwellings.
11. The HBF considers there is potential for the Council to work collaboratively with the home building industry to identify the most sustainable and appropriate way for these potential unmet needs to be met. This could include a review of the Green Belt and / or working with other authorities in the GBBCHMA to ensure that these needs are met.
12. It is essential that any sites included with the housing land supply have a realistic prospect of delivery.

Green Belt

13. The Council has taken the decision not to review the Green Belt in this Local Plan. They have stated that this is based on the Sustainability Appraisal, Green Belt release in the Birmingham Development Plan (adopted 2017), and recent changes to the NPPF (December 2023).

¹ NPPF Dec 2023 paragraph 22

14. The HBF considers that this decision not to review the Green Belt will need to be reconsidered by the Council. The Council have already identified that they have considered all other reasonable options and that they have a shortfall in their housing supply in order to meet their housing needs.
15. The Written Ministerial Statement (WMS) (Building the Homes we Need) of Angela Rayner on 30th July 2024 clearly states that the Government is committed to ensuring the Green Belt serves its purpose, and that means taking a more strategic approach to Green Belt release. It goes on to state that we will start by requiring local authorities to review their Green Belt boundaries where they cannot meet their identified housing, commercial or other development needs. This has been followed up by the consultation on the NPPF, with the proposed paragraph 142 stating *'Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of Plans. Exceptional circumstances include, but are not limited to, instances where an authority cannot meet its identified need for housing. . . In these circumstances authorities should review Green Belt boundaries and propose alterations to meet these needs in full'*.
16. It will be important for the plan to be supported by an up to date Green Belt Review that fully consider the purposes of the Green Belt within the assessment.

Development Strategy

17. The strategy of the plan is to accommodate as much of the city's housing need as possible within its boundary and the constraints of its Green Belt. The consultation suggests that to meet the rest of Birmingham's housing need, options outside the city's boundaries will need to be explored. The strategy for the city economy and enterprise is to safeguard and enhance Birmingham's role as the regional capital, the largest economy outside of London, and its rising international status.
18. The Council suggests that the spatial strategy will see development focused predominantly within the existing urban area through regeneration of brownfield land and optimisation of development densities. The level of growth will reflect the capacity of the existing urban area and the existing allocations.
19. The HBF considers that the Council's strategy to accommodate as much of the city's housing need as possible is to be lauded. As set out previously, the Written Ministerial Statement and the emerging change to planning policy, mean that this no longer needs to be limited by Green Belt. Therefore, the Council should be looking to meet their full housing needs. This can still continue to see development generally focused in the existing urban areas and can still support the regeneration of brownfield land and use optimal development densities, it would now just also include consideration of a range of other sites as well.

PG1: Overall levels of Growth

20. This policy states that the Birmingham Local Plan will deliver 103,000 additional homes by 2042 and a minimum ongoing 5-year reservoir of 67 hectares of readily available employment land. It goes on to state that the City Council will continue to work actively

with local authorities in the HMA to ensure that appropriate provision is made elsewhere in the HMA to meet the shortfall of 45,300 homes.

21. In line with the NPPF² which states that the overall aim should be to meet as much as an area's identified housing need as possible, the HBF considers that the Council should be seeking to ensure that its entire housing need is addressed, as a first priority with as much delivered within its own authority area as is possible, and then through an agreement with other authorities within the GBBCHMA. In addition, the HBF considers that this policy is likely to need to be amended to reflect the latest government guidance in relation to the Written Ministerial Statement, and the proposed standard methodology and emerging NPPF.

PG2: Place Making

22. This policy looks for all development to achieve high quality sustainable design. Part 1 of the policy states that new development must adhere to policies DM10, HN5 and HN4, and reflect the requirements of the latest Birmingham Design Guide Supplementary Planning Document (SPD). A number of other parts of the policy also refer to policies that are contained in the Plan including DM4, CE13, CE1-6, CE10, CE11 and HN12.
23. The HBF considers that it is not appropriate for the Council to require adherence to another policy in the Plan, the Plan will be read as a whole, and applications will be determined in line with the plan-led system, taking into account any material considerations. The HBF also considers that it is inappropriate to require development to reflect the requirements of an SPD, it is not appropriate to give increased weight to an SPD through the Development Plan.

Growth Zones and SA1: Site Allocations

24. Policy SA1 lists the sites allocations and the net capacity of each site, whilst a table at the start of the Growth Zones chapter also lists the capacity of site allocations within the Growth Zones and the identified HELAA capacity. The HBF has no comments on the proposed housing allocations in Policy SA1 or the Growth Zones and these representations are submitted without prejudice to any comments made by other parties.
25. 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.
26. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Birmingham's housing requirement, with an appropriate mix of housing to meet their needs. This sufficiency of housing land 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.

² NPPF Dec 2023 paragraph 60

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.

27. 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.
28. 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.

HN1: New Residential Development

29. This policy states that all new housing in Birmingham is expected to contribute to making sustainable places. It states that new residential development will be support where it meets a selection of criteria these include adding to the choice of housing sizes, types and tenures and meets identified housing needs catering for all incomes and ages. Criteria 4 looks for development to be well designed, sustainably constructed and climate resilient.
30. The HBF considers that this policy repeats content found in other policies within the Plan, and given that the Plan will be read as a whole is unnecessary and should be deleted.

HN2: Affordable Housing

31. This policy states that developments of 10 or more dwellings will be required to provide affordable housing, and a table then sets out the proportions, this table is copied below for information. It is noted that this table is not numbered. The proportion of affordable housing required ranges from 20% in brownfield core zone areas and lower value areas to 35% in high value areas. The policy goes on to set the tenure mix as 70% social or affordable rent and 30% affordable home ownership.

Table from Policy HN2: Affordable Housing

Value Zone	Greenfield	Brownfield
Core Zone	Not applicable	20%

High Value Zone	35%	25%
Medium Value Zone	35%	20%
Lower Value Zone	20%	20%

32. The policy also requires affordable housing on other forms of residential development including purpose-built student accommodation (PBSA) and Build to Rent (BtR) schemes. However, the justification text highlights that the Viability Assessment results have established that due to the specific viability challenges of delivering older persons' housing, older persons' housing is exempted from affordable housing provision.
33. The Birmingham Housing and Economic Development Needs Assessment (HEDNA) (April 2022) identifies a need for 5,396 affordable homes per annum (social / affordable rent), and when looking at the need for affordable homes ownership a need for 1,031 homes per annum. This is a significant level of affordable housing need. It is noted that the PPG³ 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.
34. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF⁴ 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 Whole Plan Viability Assessment (April 2024) highlights the viability challenges in Birmingham. Table 8.1 sets out the maximum potential affordable housing which has the potential to be viable for the majority of scheme sizes based on the evidence from the Viability Assessment, it is copied below for information. The HBF notes that the Council have chosen to include higher affordable housing requirements than that recommended in the Viability Assessment, for the Core Zone, for brownfield sites in the medium value zone and for the lower value zone. The HBF would be interested to know what the Council's evidence is for going above the figures recommended by the Viability Assessment.
36. The HBF considers that it is appropriate for the policy to not seek any affordable housing provision from older persons housing due to the viability constraints. However, the HBF considers that it may be beneficial for this to be set out in the policy not just within the justification text.

³ PPG ID: 2a-024-20190220

⁴ NPPF Dec 2023 Paragraph 34

Table 8.1 - Residential Viability Results Summary

Value Zone (new Zones)	Greenfield	Brownfield
Core Zone	Not applicable	Core Brownfield Typologies cannot support affordable housing at the proposed affordable housing rate (35%). We recommend an affordable housing rate of 10%.*
High Value Zone	High Value / Greenfield typologies can support affordable housing at the proposed affordable housing rate 35% .	High Value / Brownfield typologies cannot support affordable housing at the proposed affordable housing rate (35%). We recommend an affordable housing rate of 25%.
Medium Value Zone	High Value / Greenfield typologies can support affordable housing at the proposed affordable housing rate 35% .	Medium Value / Brownfield typologies cannot support affordable housing at the proposed affordable housing rate (35%). We would recommend targeting a rate of 15% affordable housing in the Medium Value Zone (on brownfield sites).
Lower Value Zone	For lower value / Greenfield typologies we would recommend a rate of 10%* affordable housing.	We would recommend targeting a rate of 10%* affordable housing in the Lower Value Zone (on brownfield sites).

37. The HBF considers that the Council should ensure that any affordable housing requirements are clearly set out, are evidenced as viable through an assessment, and that flexibility is provided within the policy where viability may be an issue. The Council should also ensure that they have included an appropriate provision for affordable home ownership. The HBF recommends that the Council amend this policy to better reflect their own evidence. This will mean reducing the affordable housing requirements and increasing the flexibility within the policy. Recognition of the track record of the inability to deliver high levels of affordable housing within the city centre should also be acknowledged.
38. In order to meet the affordable housing need, it is also likely to mean that the Council will need to work closely with Homes England and affordable housing providers to ensure that all the possible sources of affordable housing are explored.
39. The need for affordable housing in Birmingham is very high, affordable housing is still being lost through right to buy, and the ability to deliver family housing at within high density developments are further issues that need to be considered.
40. It will also be essential for the viability study to test of Green Belt sites to see if they can deliver 50% affordable housing, as is currently being suggested through the proposed revision to the NPPF. This must therefore fully tested through the Viability Appraisal.

HN3: Housing Type and Size Mix

41. This policy states that new housing should provide a mix of dwelling sizes, types and tenures in order to meet local needs and support the creation of mixed, sustainable and

inclusive communities. It suggests that they will take account of the HEDNA, detailed local housing needs assessments, other up to date evidence of need, the locality and ability of the site to accommodate the mix, market signals and local housing market trends.

42. Table 1.1 of the HEDNA provides a recommended affordable and market housing mix, for market housing it suggests 1-bedroom homes (5%), 2-bedrooms (35%), 3-bedrooms (40%) and 4+-bedrooms (20%).
43. 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 supports the Council in recognising that there may be alternate evidence to the HEDNA, which can be taken into account when considering the housing mix. This is considered appropriate. It is, however, 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 significant amounts of additional evidence.
44. The increased prioritisation of social rented housing within affordable housing will also impact on deliverability and viability. It will be important for the viability appraisal to fully consider this issue.

HN4: Residential Densities

45. This policy looks for new housing development to be at densities of at least 400 dwellings per hectare (dph) in and within 400m of the city centre; at 70dph in and within 400m of an urban centre and areas well served by public transport; and 40dph elsewhere. The policy does also acknowledge that there may be occasions when a lower density would be appropriate in order to preserve the character of the locality of an area or where they proposal would make a significant contribution to the creation of mixed and balanced communities through the provision of family housing in appropriate locations in the city centre.
46. The HBF considers that supporting increased densities in appropriate locations can be an appropriate method to increase the potential housing supply. However, the Council will need to ensure that these increases in density still allow for other policy requirements to be delivered and that the housing mix provided still meets the local housing needs. Policies such as open space provision, urban greening, biodiversity net gain, cycle and bin storage, housing mix, residential space standards, accessible and adaptable dwellings, energy efficiency, street trees, parking provision and EV charging, and any implications of design coding will all impact upon the density which can be delivered upon a site.
47. There is an inherent tension between the deliverability of green roofs and green walls within an urban context and very high density requirements.

HN5: Housing for Older People and Others with Support Needs and Care

48. This policy states that all major housing development of 10 or more dwellings will be required to demonstrate how it contributes to meeting the needs of older people and those with disabilities. Part 2 of this policy states that in accordance with Policy HN2, homes for older people and disabled people should be provided within both the market and affordable sectors. Whilst Part 3, 4 and 5 of this policy are in relation to the M4 standards, they state that all new build housing should be designed to be accessible and adaptable complying with M4(2), and that at least 10% of the housing on major developments should be designed to be wheelchair adaptable complying with M4(3a). It also sets out circumstances where there may be reduced requirements.
49. The HBF note that the 10% requirement appears high and would need to be fully justified and tested for viability.
50. The PPG⁵ states that the need to provide for older people is critical, and that offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. It goes on to state that Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people and that Plans need to provide for specialist housing for older people where a need exists⁶. It also notes that allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. As such, the HBF considers that the Council needs to work closely with the providers of older persons housing to identify appropriate sites or to provide appropriate policies.
51. 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 PPG⁷ identifies the type of evidence required to introduce a policy requiring the M4 standards, 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.
52. 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.

⁵ PPG ID: 63-001-20190626

⁶ PPG ID: 63-006-20190626 & ID: 63-012-20190626

⁷ ID: 56-007-20150327

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>

HN12: Healthy Neighbourhoods

53. This policy states that a Health Impact Assessment (HIA) will be required for all developments which include 50 or more residential units. Where any potential adverse health impacts are identified the applicant will be expected to demonstrate how these will be addressed and mitigated.
54. The HBF generally supports plans that set out how the Council will achieve improvements in health and well-being. In preparing its local plan the Council should normally consider the health impacts with regard to the level and location of development. Collectively the policies in the plan should ensure health benefits and limit any negative impacts and as such any development that is in accordance with that plan should already be contributing positively to the overall healthy objectives of that area.
55. The PPG⁹ sets out that HIAs are '*a useful tool to use where there are expected to be significant impacts*' but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the local plan a HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring a HIA. In addition, the HBF considers that any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA for developments of 50 or more dwellings without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the PPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to substantially mitigate the impact.

CE1: Climate Change Principles

56. This policy states that development should make positive and significant contribution to both mitigating against and adapting to climate change.
57. The HBF considers that it is important that the Council does not set its own standards for development which may differ from the approach being taken by national Government, and that any such policy in relation to low carbon, local heat and energy solutions are implemented on a flexible basis, and that the Council recognise the decarbonisation of the national grid. This would be in line with the Written Ministerial Statement of December 2023¹⁰. The Council will also be aware that the Future Homes and Buildings Standards: 2023 consultation¹¹ has been released covering Part L (conservation of fuel and power), Part F (ventilation) and Part O (overheating).

⁹ PPG ID:53-005-20190722

¹⁰ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>

¹¹ <https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation/the-future-homes-and-buildings-standards-2023-consultation>

58. The HBF notes that the Viability Assessment (paragraph 8.7) states that they also recommend that the policies in respect of Net Zero energy and other design costs are set at a minimum Building Regulations / national policy level. It goes on to state (paragraph 8.8.) that they recommend any discretionary requirements are minimised in order to focus on the delivery of housing generally and affordable housing specifically.

CE2: Sustainable design and construction

59. CE2.1 Water states that all major residential schemes should aim to achieve an estimated water consumption of no more than 95 litres / person / day, and suggests that they will support developments targeting 75 litres / person /day. The policy also states that development should incorporate water reuse and recycling and rainwater harvesting measures.
60. Under Building Regulations, all new dwellings must achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. The PPG¹² sets out that it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement. Therefore, the Council should provide evidence demonstrating a clear local need and if proven, the Council should not set a requirement beyond the optional standard of 110 litres per person per day.
61. CE2.2 Materials and resource efficiency states that all major development must prioritise the use of locally sourced and / or sustainable materials and construction techniques that have smaller ecological and emissions footprints through the provision of Environmental Product Declarations (EDP) as part of the Whole-Life-Cycle Carbon Assessment requirements.
62. The HBF considers that whilst it might be appropriate to encourage the use of locally sourced and / or sustainable materials it is not appropriate for this to be required. There is potential for significant impacts from this policy in terms of design, in terms of timescale of delivery and in terms of costs, and the HBF does not consider that any of these have been properly taken into account by the Council.
63. CE2.3 Futureproofing requires all new major development projects to develop futureproofed design solutions that consider potential changes in the climate.
64. Again, the HBF has concerns around this policy requirement and how it will be implemented. As this policy is currently written it could be taken to unnecessary extremes. Again, the HBF considers that whilst the Council may want to encourage futureproofing, it should not be a requirement. The HBF also notes that there are no

¹² ID:56-015-20150327

costs associated with this policy requirement in the Viability Assessment and as such the potential for significant costs that could be associated with this policy have not been considered.

- 65. CE2.5 Residential states that the voluntary use of quality assurance methods such as Passivhaus certification will be encouraged. It also states that all new major residential development must conduct an overheating assessment using a dynamic simulation tool, based on CIBSE TM59 guidance and following Part O requirements.
- 66. The HBF considers this part of the policy is unnecessary, it is not necessary or appropriate for planning policy to require a development to meet building regulations. Overheating is a building regulations consideration and should be left to be considered by that area of regulation.

CE3: Whole life-cycle carbon

- 67. This policy states that a whole life-cycle approach will be a key consideration in determining planning applications, with a whole life-cycle Carbon Assessment required for all major development proposals, or any proposal involving more than one development phase. CE3.1 Off-setting states that off-setting will be accepted only as a last resort.
- 68. The HBF considers that this policy does not serve a clear purpose and it is not evident how a decision maker should react to development proposals. Whilst it is requiring the calculation of the whole life cycle carbon emissions and actions to reduce life cycle carbon emissions it is not clear from the policy how it will be determined what is an appropriate level of emissions or what would be an appropriate level of reductions.
- 69. The HBF is also concerned that planning may be too early in the building process to fully assess the carbon impact of a design. It may be that further decisions are made post planning, which do not require further consent which would impact on the carbon emissions.
- 70. The HBF considers that if the Council is to introduce a policy in relation to WLC it will have to closely consider how it will be monitored and what the implications are for the preparation of any assessment, particularly in relation to how easily accessible any data is, and that it will have to take into consideration that much of the responsibility for emissions will lie in areas outside of the control of the homebuilding industry, including material extraction and transportation, occupation and maintenance, demolition and disposal. The Council will also have to consider how the policy will interact with other policies for example in relation to energy efficiency or resilience to heat, as well as the viability and delivery of development.
- 71. The HBF considers that if this policy were to be introduced then the Council should provide a transitional period to give the industry time to adjust to the requirements, to upskill the workforce as needed and for the supply chain to be updated or amended as required.

72. The HBF also notes that the Viability Assessment does not appear to have included a cost for undertaking this whole life-cycle carbon assessment, or any costs associated with addressing any issues raised by these assessments.

CE5: Renewable Energy Networks and Share Energy Schemes

73. CE5.1 Heat Networks requires new and existing buildings meeting specific criteria within Birmingham's designated Heat Network Zones to be connected to a heat network, this includes developments demonstrating they are heat network ready where networks do not yet exist but are expected.
74. The HBF considers that it is important that this policy is amended so that a heat network connection is not a requirement and is instead implemented on a flexible basis. Heat networks are one aspect of the path towards decarbonising heat, however, currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies. This may mean that it is more sustainable and more appropriate for developments to utilise other forms of energy provision, and this may need to be considered.
75. Government consultation on Heat Network Zoning¹³ also identifies exemptions to proposals for requirements for connections to a heat network these include where a connection may lead to sub-optimal outcomes, or distance from the network connection points and impacts on consumers bills and affordability.
76. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies.

CE6: Reducing operational emissions

77. CE6.1 states that all development proposals will be required to submit an Energy and Carbon Statement, to demonstrate how they have utilised design resulting in operational energy use in accordance with RIBA 2030 Climate Challenge target metrics. In the case of residential development this would mean a 2025 target of less than 60kWh/m²/yr and a 2030 target of less than 35kWh/m²/yr. They also have to demonstrate how they have utilised the carbon hierarchy in accordance with PAS 2080 (2023) and the use of Whole

¹³ Heat Networking Zoning consultation (2021)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1024216/heat-network-zoning-consultation.pdf

life-cycle Carbon Assessments. It goes on to state that in addition to major developments must also develop a dynamic simulations model using CIBSE TM54 methodology or an equivalent; and measure and share actual carbon and energy data after practical completion.

78. As set out previously, the HBF is concerned that the Council setting their own standards over and above those set nationally may lead to issues for home builders as this adds to the cost and complexity of development. The impact of this requirement along with others in this Plan may have considerable viability implication and may lead to the non-delivery homes. The HBF continues to consider that Building Regulations is the correct process for conforming with standards and improving building performance, and that planning policy should not try to create an alternative standard. The Future Homes Hub have published Future Homes, One Plan¹⁴ which sets out the roadmap for new homes for 2025, 2030 and 2035, and provides the Sustainability Performance Framework developing a single set of metrics with homebuilders, Homes England, the NextGeneration Initiative and NHBC to set best practice in line with the pathway of future regeneration. The Partnership Imperative set out in this document clearly states that local planning requirements must align with the overall plan for improving performance standards at national level by avoiding divergence of local energy standards that make it harder to accelerate improvement in standards at national level, and avoiding conflict between local planning conditions and new requirements of building regulations.
79. The HBF does not consider that the Council has provided the justification for why Birmingham requires a policy that is so significantly above the requirements set out nationally in the building regulations requirements. The HBF notes that the Birmingham City Council net Zero Plan – supporting Evidence Report was published in September 2023, and was therefore, produced prior to the Written Ministerial Statement of December 2023. The HBF also does not consider that the Council have justified the use of the operational energy use targets from the RIBA 2030 Climate Challenge, or the whole life-cycle carbon assessment from ICE Guidance document PAS 2080 or the Dynamic energy modelling from CIBSE TM54.
80. The HBF are concerned that the cumulative impact of the climate change policies have not been fully considered in the Viability Appraisal. Further work on the viability of the climate change and net zero policies and the implications when combined with other policy requirements is needed.

CE11: Biodiversity Net Gain

81. This policy states that new developments (unless exempt from mandatory Biodiversity Net Gain (BNG)) must provide a minimum of 10% BNG. In relation to off-site biodiversity the Council provides a hierarchy of preference.
82. 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

¹⁴ https://irp.cdn-website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf

biodiversity net gain of 10%. In light of all the new guidance on Biodiversity Net Gain (BNG) that has recently been published, the Council will need to ensure its approach to BNG to ensure it fully reflects all the new legislation, national policy and guidance. The HBF notes that there is a lot of new information for the Council to work through and consider the implications of, in order to ensure that any policy on BNG policy so that it complies with the latest policy and guidance now this has been finalised. It is important that mandatory BNG does not frustrate or delay the delivery of much needed homes.

83. The PPG¹⁵ is clear that there is no need for individual Local Plans to repeat national BNG guidance. It is HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act.
84. The HBF also notes that there are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council's viability assessment. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. It is important that BNG does not prevent, delay or reduce housing delivery.
85. The HBF also recommends that any policy or text in relation to the LNRS should set out how the Council intends to manage the interaction between LNRS, the planning system, and the implementation of BNG. The Local Nature Recovery Strategy, should map ecological assets, set conservation principles, identify opportunities for habitat creation, restoration and enhancement, and to set measures for the recovery of species population.

CE12: Urban Greening Factor

86. This policy states that major developments that comprise residential uses shall include urban greening sufficient to achieve a minimum urban greening factor score of 0.4.
87. The HBF considers that the Council may need to ensure that this policy is applied flexibly taking into account other considerations such as the density of development, embodied carbon, design, energy efficiency, proximity to open spaces, local character, and other site-specific elements. It may be that in some cases the urban greening target means that other policy requirements can not be met or become significantly more costly.
88. As set out previously, the HBF notes that the Viability Assessment (paragraph 8.7) states that they also recommend that the policies in respect of Net Zero energy and other design costs e.g. Urban Greening Factor are set at a minimum Building Regulations / national policy level. It goes on to state (paragraph 8.8.) that they recommend any discretionary requirements are minimised in order to focus on the delivery of housing generally and affordable housing specifically.

¹⁵ PPG ID: 74-006-20240214

89. Additional evidence is needed to justify the standards being sought and more work is needed on the impact of this policy on deliverability.

CY6: Digital connectivity

90. This policy states that all new development should provide gigabit capable connectivity to all its end users through full fibre connection unless an affordable ultra-fast broadband alternative is made available. In all cases, development should demonstrate how it will meet the requirements of this policy through a Broadband Connectivity Statement.
91. The HBF considers that a policy that would generally encourage and support the provision of digital connectivity could be appropriate, however, any requirements on developers should not go beyond the provision of infrastructure as set out in the statutory Building Regulations. The HBF considers that the Council should work closely with the providers of digital infrastructure, to ensure that appropriate provision is provided, and that the onus is placed on those who can actually provide the appropriate infrastructure. The HBF does not consider that it is necessary to provide a policy to incentivise the development industry, the industry is already well aware of the benefits of infrastructure and the requirements of those looking to purchase a new homes and can self-police the cost/benefit of this provision with regards to site viability.

IM1: Developer contributions and Community Infrastructure Levy

92. This policy states that planning obligations will be sought to mitigate the impact of unacceptable development.
93. 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.

IM2: Monitoring and Review

94. This policy states that monitoring will be undertaken on annual basis through the AMR, and that where the Authority Monitoring Report (AMR) identifies policies are being met a review of the Plan will take place five years after adoption. The Plan will only be updated when it is no longer in accordance with national policy or if the AMR indicates that the key indicators are no longer being met.
95. The HBF recommends that the Council include an appropriate monitoring framework which sets out the monitoring indicators along with the relevant policies, the data source and where they will be reported, this should also include the targets that the Plan is hoping to achieve and actions to be taken if the targets are not met. The HBF recommends that the Council provide 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.

Viability

96. The HBF notes that the Conclusion of the Whole Plan Viability states (paragraph 8.27 & 8.28) that based on the assumptions, appraisals and sensitivity analyses contained herein, the proposed Local Plan policies (Preferred Options Local Plan) do cumulatively have an impact on the viability of development on the whole within the Borough area. Consequently, it is important that Birmingham City Council continues to consult and refine the policy requirements as to what is viable and deliverable. The HBF considers that this is a significant warning from the Council's own consultants, and should be taken seriously when the Council are considering this response from the Home Builders Federation (HBF) on behalf of the home building industry.

Future Engagement

97. 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.
98. 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,



Joanne Harding
Planning Manager – Local Plan (North)

Email: joanne.harding@hbf.co.uk

Phone: 07972 774 229