**HBF Response to INSPECTOR’S MATTERS, ISSUES AND QUESTIONS for the Examination of the South Worcestershire Development Plan Review**

HBF is the principal representative body of the housebuilding 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.

We have not commented on every policy on those of interest to our members.

We have not repeated our Regulation 19 concerns which remain outstanding but have referred them where we feel this is helpful. This response should therefore be read in tandem with our Regulation 19 comments.

It is noted that all references to the National Planning Policy Framework (NPPF) relate to the version of that document published in September 2023. However, on some occasions we have found it necessary to also refer to the NPPF 2024. We have clearly identified this where it has occurred.

National Mandatory BNG has also been introduced since the Regulation 19 consultation was undertaken. It is also essential that the Plan reflects the new national policy and guidance in this area.

**Matter 1: Procedural/legal requirements**

**Issue: Whether all Statutory and Regulatory requirements have been met?**

**Duty to Cooperate**

**Q.1 Is there clear evidence that the Councils have engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies in accordance with section 33A of the 2004 Act, in respect of strategic matters with cross-boundary impacts considered through the preparation of the Plan?**

We have been unable to find information within the Duty to Cooperate statement of Compliance (CD19) that sets out how the three Councils have worked together on this Plan, or sets out in detail how the three authorities have cooperated all with the neighbouring authorities, and wider area especially around the issue of housing need. The challenges facing Birmingham and the Black Country in relation to their inability to meet their housing needs in full is well known and longstanding. However, HBF have been unable to locate the evidence that shows this issue was identified as the strategic cross boundary issue that it clearly is and whether or the not the three authorities of South Worcestershire considered if they could make a contribution to meeting this unmet need. This is somewhat surprising.

Although the Statements of Common Ground with Bromsgrove and Redditch Councils say that “In summary, the SWCs are proposing to meet the entirety of their LHN within the South Worcestershire HMA and are therefore not seeking Bromsgrove of Redditch District Council to meet any of their need.” This is only one half of the story. Nothing is mentioned as to whether or not Bromsgrove or Redditch District Council have an unmet need requiring the Worcestershire HMA authorities to meet some of their unmet need. It is noted that the Plan is proposing to meet some of the unmet need from Tewkesbury, which makes this omission more surprising.

**Use of Footnotes**

**Q.8 The submitted plan makes extensive use of footnotes. Is that effective? Do footnotes contain wording which should be set out in the policies of the Plan or explanatory text?**

HBF do not believe the use of footnotes in this Plan is appropriate as it leaves uncertainty as to the status of the text. It should be clear to the plan user if the wording in the Plan is policy or supporting text, and there should not be third option. The extensive use of footnotes in this Plan is unhelpful and confusing and will make the plan ineffective and therefore unsound.

**Superseded Policies**

**Q.9 Whilst the submitted Plan in paragraph 9 explains that it will replace the adopted South Worcestershire Development Plan in its entirety, is the Plan clear in identifying the policies of the existing development plan which would be superseded by the Plan consistent with Regulation 8(5) of the 2012 Regulations?**

HBF are of the view that the Plan is not clear in identifying the policies of the existing development plan that would be superseded by the Plan.

**Q.10 Why does the Plan identify ‘Deallocated Sites’ such as in Table 17 when these are not part of the submitted Plan? Is this effective?**

HBF are unclear why the Councils have chosen this approach. It creates unnecessary uncertainty. Although HBF do not comment on sites, we would observe that some sites may be difficult to develop for various reasons and encounter unknown issues along the way. A lot of time and effort has been invested in the process of allocating sites and therefore the Councils should have a full understanding of why previously allocated sites are, or are not, coming forward for development.

The deliverability of housing sites, including the five-year housing land supply is a key test for the soundness of the Local Plan. It is therefore essential that the Councils understand if there are site specific, local, regional or national factors that have resulted in sites not coming forward as expected, as this may be relevant to other current or new housing allocations, and the assumptions about delivery used. The Councils need to be confident that the allocations that make up the housing supply in this Plan are deliverable.

**Matter 2: The Spatial Development Strategy**

**Issue: Whether SWDPR 03 Spatial Development Strategy is positively prepared and justified?**

**SWDPR 03 The Spatial Development Strategy and Settlement Hierarchy**

**Q.11 Is the proposed settlement hierarchy justified, and would it be effective?**

Criteria ai) of Policy SWDPR3 commits the Plan to deliver the Housing Requirement set out in SWPR2. HBF provided detailed comments on SWDPR2 in our Regulation 19 response, see paras 3- 8). These are not repeated here.

To be fully justified and effective, HBF suggest that the Plan’s housing requirement needs expressing as both an annual figure and a total number. This is essential for effective monitoring.

Although HBF do not comment on individual site allocations, it is important that the spatial distribution of sites follows a logical hierarchy, provides an appropriate development pattern and supports sustainable development within all market areas. It is essential that the Plan’s approach to the distribution of housing should ensure the availability of a sufficient supply of deliverable and developable land to deliver the housing requirement.

As set out in para 8 of our Regulation 19 response, HBF suggest further smaller sites should be allocated to support housing delivery by small and medium house builders. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

The Councils should therefore set out in the Plan’s policies and evidence base how the plan will deliver 10% of homes on sites of less than one hectare, as required by paragraph 69 of the NPPF. HBF suggest these sites should be allocated, and not windfalls. Indeed, the HBF would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of a range of sites including non-strategic allocations could be used to expand the range of choice in the market and be of a scale that can come forward and make a contribution towards the housing numbers earlier in the plan period.

The resulting allocations derived from the requirement to provide smaller sites, would then need to be reflected in the settlement hierarchy.

HBF have noted the Council’s response to the issue of the need to Plan for small sites as set out in their Housing Topic Paper Update, Oct 2024 (EXAM 23) this suggests this matter can be addressed through existing commitments and windfalls, HBF remain of the view that small sites should be allocated in the Plan.

**Q.12 Are the proposed settlement boundaries justified and would they be effective?**

As detailed on our response to Q11 above, HBF do not comment on individual site allocations but would note that the need to allocate more smaller sites would have consequential impact(s) on settlement boundaries.

**Q.13 Is the proposed distribution of development to be allocated to each category of settlement justified?**

See response to Q11 and Q12 above.

**Q.14 What is the justification for the proposed rail-based strategy for directing growth aspirations and would it be effective?**

See response to Q11 and Q12 above.

**Q.15 Is criterion G concerning additional plan led development proposals being promoted through neighbourhood plans clear, justified, and would it be effective given table 2? What is meant by the phrase ‘commensurate to the size of the settlement’?**

HBF do not believe the wording of the policy is clear. As such it is ineffective and unsound. As mentioned in our response to Q11 above, smaller site Local Plan allocations provide greater certainty for delivery than leaving this to unspecified windfalls, or yet to be prepared neighbourhood plans. Communities that wish to support growth especially where this would help sustain their existing facilities, or support new ones, should not be prevented from doing so. Any housing requirement should be seen as a minimum not a maximum number.

**Q.16 Does criterion H concerning meeting unmet needs of neighbours serve a clear purpose?**

The wording of Criteria H is unclear. As mentioned in our response to the question about Duty to Cooperate (Q1) above) HBF are unclear how the issue of unmet housing needs across the wider region(s) have been considered by the three Local Planning Authorities preparing this Plan. Although the Statement that the Councils have considered helping to meet unmet needs of neighbouring authorities is welcomed, how this will work in practice, and what impact this has had on the Plan remain unclear. Additional wording is needed to set out the actions resulting from this approach. For example, what is the amount of unmet being met, and from where? If, and how, could additional unmet need from neighbouring authorities and/or elsewhere result in planning applications in the South Worcestershire Plan area being permitted to meet this need? How has this approach informed the settlement hierarchy, amount of development etc? This is all unclear, and as such the plan is not justified or effective and has not been shown to be in compliance with national policy.

HBF are very aware of the challenges facing the Local Planning Authorities in the West Midlands and the Black Country to meet their own housing requirements. The issue of unmet needs has proven problematic with many neighbouring West Midlands authorities all saying they cannot meet their own needs because they are constrained and then asking each other to take their unmet needs, without success. HBF are aware that one the issue amongst those currently troubling the Shropshire Local Plan Examination in Public is the issue of unmet housing and employment need arising from the Black Country. The Councils should have explicitly considered and set out their position, and if needed address, whether any such issues require consideration through the South Worcestershire Local Plan process.

**Q.17 Does criterion A iv concerning the Green Belt and Significant Gaps serve a clear purpose, is it consistent with national policy for Green Belts, and if so, is it attempting to afford the same weight to the Green Belt and Significant Gaps? Is that justified and consistent with national policy?**

HBF believes the housing crisis is such that it in and of itself it could result in the exceptional circumstances necessary to justify Green Belt release. HBF also note that although this plan is being examined under the 2023 NPPF there is a need to be mindful of the 2024 NPPF especially in how it relates to Development Management, planning applications, green belt and grey belt. As these are national planning policies relevant to this Plan, and how it will be delivered.

**Matter 3: The Green Belt**

**Issue: whether the Plan is justified, effective and consistent with national policy in relation to its approach to the Green Belt?**

**Q.21 Do the proposed strategic policies establish the need for any changes to Green Belt boundaries?**

As set out in para 3 of our Regulation 19 response, HBF are unclear what work has been undertaken with other neighbouring areas with regard to unmet housing needs and in particular any consideration as to unmet needs arising from Birmingham and the Black Country- areas constrained by the Green Belt. HBF believes the housing crisis, and the level on unmet across the region, could in itself result in the exceptional circumstances necessary to justify Green Belt release. A lack of clarity in this area means it is unclear is additional Green Belt releases are needed and justified. HBF would have expected clarity on the level of unmet need generated from all neighbouring authorities, and further afield, to have been clearly set out from the beginning and this would then be supported by a full Green Belt review that identified further housing sites as required.

**Q.22 Was the Green Belt Assessment undertaken on the basis of a clear methodology consistent with national planning policy for protecting Green Belts?**

HBF believes the housing crisis, and the level on unmet across the region, could in itself result in the exceptional circumstances necessary to justify Green Belt release.

**Q.23 Are exceptional circumstances fully evidenced and justified for the proposed alterations to Green Belt boundaries?**

HBF believes the housing crisis, and the level on unmet across the region, could in itself result in the exceptional circumstances necessary to justify Green Belt release.

**Q.29 Are the criteria set out in policy SWDPR 04 clear, justified and consistent with national policy and will they be effective?**

As noted previously, this plan is being examined under the 2023 NPPF. However, HBF would suggest that the Plan also needs to be mindful of the 2024 NPPF especially in how it relates to Development Management, planning applications, green belt and grey belt. These are national planning policies that impact on Development Management and as such may impact on how the housing in South Worcestershire will be delivered. For example, ‘the golden rules’ would impact on the amount of affordable housing on Green Belt sites. HBF would therefore question if the wording of the Green Belt policy is up to date in relation to national planning policy on this issue, from a DM perspective (see NPPF 2024 para 153- 155).

**Matter 4: Provision for housing**

**Issue: Is the overall strategy and provision for housing development effective and justified?**

**SWDPR 02: Employment, Housing and Retail Requirements**

**Local Housing Need**

**Q.30 Is there any substantive evidence to demonstrate that it would be appropriate to plan for a higher housing need figure than the standard method indicates in this case as per advice set out in the PPG (Paragraph: 010 Reference ID: 2a010-20201216)?**

In para 3 of our Regulation 19 response, HBF supported the Council’s assessment of the minimum number of homes that they need to deliver over the plan period and welcomed the additional 500 homes to support Tewkesbury. In para 4-8 of our Regulation 19 response, we expressed concern around the Housing Land Supply and requested further flexibility be provided through ensuring that any buffer in the housing numbers was applied to not just to allocations, but to housing from all sources.

Of course, the standard method housing figure is only the minimum starting point for establishing the housing requirement. The Council needs to fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing, and the potential contribution it may need to make towards unmet need from elsewhere. Therefore, whilst we do not disagree with the housing figure calculations, we would still support a higher housing requirement, and higher housing delivery in this Plan especially in light of the new evidence of the inability of both the Birmingham City and Black Country areas (and the Bristol City region) to appropriately plan to meet their own housing needs. This is an additional reason, in addition to the ongoing uncertainty around the housing land supply, and the benefits of allocating smaller sites to help support diversity within the home building sector through support for small and medium housebuilders.

We also remain concerned that a strategy that relies so heavily on a small number of large and complex sites could suffer from significant housing under supply if one or more of the sites encounter unexpected problems. A clear housing trajectory and effective monitoring of housing delivery will be a key component of ensuring this Plan is effective and deliverable. With the necessary actions, interventions and policy flexibility taken to help resolve issues that are leading to stalled housing sites in a swift and effective manner wherever possible.

**Unmet needs of neighbouring areas**

**Q.31 Is the proposed provision of a 500 dwelling contribution to meeting housing needs of Tewkesbury Borough Council justified and consistent with national policy?**

HBF welcome the Councils efforts to make a contribution to the unmet need of Tewkesbury, indeed we would be supportive of the Council doing more to address the unmet needs of Tewkesbury and elsewhere, but we suggest the Plan could be clearer about the justification for the 500 homes to meet Tewkesbury’s need within the Urban Area (3) section of the policy. The supporting justification also needs expanding to explain the rationale and link back to the evidence.

HBF would also support additional housing to meet more of the unmet needs of Tewkesbury and/or other unmet needs across the wider region(s).

**Q.32 Is there any substantive evidence that the Plan should be making provision for unmet needs of any other neighbouring local planning authority?**

As mentioned in our response to the question about Duty to Cooperate (Q1) above) HBF are unclear how the issue of unmet housing needs across the wider region(s) have been considered by the three Local Planning Authorities preparing this Plan. The Birmingham and Black Country Local Planning Authorities have a long-established history of under-delivery of housing and a long history of an unaddressed unmet need, similarly the Bristol City Region has unmet housing need, particularly when the urban uplift (as per to NPPF 2023) is applied. Further evidence and understanding of how this has impacted the Plans preparation should be provided to ensure the Plan is both sound and complies with the Duty to Cooperate.

**Affordable Housing need**

**Q.33 Is there any substantive evidence to demonstrate that there should be an adjustment to the minimum housing requirement to help deliver affordable housing with regard to the PPG (Paragraph: 024 Reference ID: 2a-024-20190220), and if so, would that be effective?**

Yes. The ongoing and worsening housing crisis and need to provide more affordable housing to meet needs in South Warwickshire would support a higher housing requirement. When this is combined with the effects of neighbouring areas having unmet housing needs, including for affordable housing, the South Warwickshire Plan could, and arguably should, be doing more to address unmet open market and affordable housing needs, through both additional housing allocations and greater flexibility within the housing policies.

HBF have detailed elsewhere in our response to these MIQs and our Regulation 19 response our concerns about the whole plan viability study, highlighting some of the viability challenges facing the sector. The affordable housing policy itself recognises the challenges of delivering brownfield sites with a lower percentage of affordable housing being sought on brownfield, as opposed to greenfield sites.

HBF would also observe that brownfield sites may be better suited to a particular type and/or, size if housing units, particularly higher density flatted development, as opposed to family housing. This factor may also impact on the kind of affordable housing provided, it is important that the size and type of affordable housing that can be viably provided also meets the identified affordable housing needs in terms of size and type as well as affordability.

**Housing needs of different groups in the community**

**Q.34 Is the Plan positively prepared in assessing and reflecting in its policies the size, type and tenure of housing needed for different groups in the community as per NPPF 62?**

Policy SWDPR 16: Housing Mix and Standards states that “All new residential development of five or more units, having regard to location and site size, should contain a mix of types and sizes of market housing which will include the provision of housing suitable for the needs of older people. The mix will be informed by the latest Strategic Housing Market Assessment (SHMA) and, where available, by other local data; this could include SWC housing registers, Neighbourhood Plans, parish surveys, parish plans, the latest council position statements and developers’ assessments.

HBF support the need for older person’s housing to be considered and planned for, especially as this sector of house building innovates. It should be noted that the viability of specialised older person’s housing is different. This type of housing should be considered and modelled for separately within the Whole Plan Viability assessment. The development and the innovation of products within this market should also be noted. Elsewhere, viability studies have found issues with older persons housing, and recommended the best solution would be a bespoke nil AH requirement or a lower supportable target for sheltered and extra care proposals.

The South Worcestershire Development Plan Review (SWDPR) and Strategic Sites Viability Assessment Financial Viability Assessment Report December 2024, and the report Appendix (EXAM 41 and 41A) appear not to have considered the viability of older person’s housing schemes specifically, which and as many other Whole Plan Viability Assessment do and HBF would have expected.

**Matter 5: Housing Land Supply**

**Issue: Do the proposed planning policies identify a sufficient supply of housing? Is the Plan justified and effective, positively prepared and consistent with national policy in this regard?**

**Q.36 The Councils have requested that the 5 year housing land supply (5YHLS) is confirmed as part of the examination process. The 5 YHLS should include a 10% buffer as per NPPF 74b.**

**What is the up-to-date supply of specific, deliverable housing sites in South Worcestershire to be considered in the 5 year housing land supply from the intended date of adoption? Will there be a five-year supply of deliverable housing sites on adoption of the Plan?**

HBF provided comments in relation to Housing Land Supply in para 4-8 in our Regulation 19 response. As set out in that response the Plan need to include a full housing trajectory. This is essential to ensure that the Plan can be effectively monitored and action taken in the case of under-delivery of housing, and other policy matters.

Our Regulation 19 response highlighted the need to provide a clear site be site housing trajectory within the Plan. Although the Council have now prepared a Housing Trajectory (EXAM 24) and then revised this with in document EXAM 24A Housing Trajectory with Buffer, HBF remain unclear as to whether or not there will be a five-year land supply on adoption. HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full.

The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination. HBF remain concerned that housing supply across the plan period places significant reliance on just five sites that will deliver around 10,000 new homes. Delayed or slower than expected delivery on any of these sites would impact not only on the ability of the plan to meet needs in full but also on the five-year land supply (which is at best marginal) on adoption and across the whole plan period. This adds further justification for the need for additional sites to be allocated.

**Q.37 Which specific sites make up the extant permissions included within the housing trajectory and what is the evidence that they are either deliverable or developable as per the NPPF definitions?**

HBF do not comment on individual sites, but we would agree it is important for the Councils to fully understand the deliverability and developability of sites that make up its housing land supply.

**Q.38 What is the compelling evidence for the supply of housing from windfall sites through the plan period?**

HBF remain unconvinced by the evidence about the windfall allowance. We remain of the view that smaller sites should be allocated. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe). We would be supportive of windfall sites being additional to the housing requirements.

**Q.39 Whilst the proposed housing allocations will be considered separately, are the broad assumptions made as to site capacity and when houses would be delivered realistic and justified?**

HBF do not comment on individual site allocations. However, it is important that the spatial distribution of sites follows a logical hierarchy, provides an appropriate development pattern and supports sustainable development within all market areas. It is essential that the Plan’s approach to the distribution of housing should ensure the availability of a sufficient supply of deliverable and developable land to deliver the housing requirement. It is also important that the five-year land supply is deliverable and that the allocation of smaller sites is included.

As a general observation, HBF are concerned that some of the policies in the Plan are seeking to give Local Plan status to SPDs. SPDs should only be referenced in the supporting text and not included with the wording of a Local Plan policy. We are also concerned that seeking to rely on SPDs to provide advice and policy on strategic sites is insufficient; this should be included within the Local Plan allocation policies.

HBF have also provided comments about BNG in our response to MIQ Matter 16. We would highlight our request that the Local Plan allocation policies fully consider the issue of delivering against the new BNG requirements. This should include undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks. Delivery of on-site BNG is also likely to impact on densities as land used for on-site BNG is not available for building homes on.

The costs used in the Aspinall Verdi Viability assessment (EXAM 41) of £268 per unit (brownfield and £1,003 per unit (greenfield) are not high enough. They are based on the DEFRA Biodiversity Net Gain and Local Nature Recovery Strategies, Impact Assessment (IA), which dates from 2019. It should be noted that this work was undertaken by DEFRA to inform the national percentage BNG requirement found that a 20% net gain requirement would add c.19% to the net gain costs, over and above the minimum requirement of 10%. The report concluded that:

“While this suggests that varying the level of net gain between 5% and 20% has very limited impact on the outcome, there is a trade-off between cost implications for developers and the likelihood of net gain being delivered at a national level (e.g. less costly/likely at 5% net gain compared to 10%, and vice versa for 20%). Our chosen policy approach, which sets out that 10% is the right level to demonstrate net gain, considers this trade-off among other issues.”

This report does not provide a robust basis for establishing the cost BNG per dwelling in 2025.

**Matter 6: Housing, health and wellbeing and Implementation and Monitoring Policies**

**Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?**

**SWDPR 09: Infrastructure**

**Q.40 Is SWDPR 09 consistent with NPPF 57 (and the Community Infrastructure Levy Regulations 2010) in regard to how planning obligations would be sought?**

No. The policy wording should include reference to the CIL tests. Any requests for s106 contributions need to be tested at the time of determining a planning application to ensure they are still required and justified.

**SWDPR 64: Implementation and Monitoring**

**Q.41 Do criteria A and B serve a clear purpose, and avoid unnecessary duplication of policies that apply to the area given the provisions of SWPDR 09 Implementation? Is SWDPR 64 consistent with NPPF 57 (and the Community Infrastructure Levy Regulations 2010) in regard to how planning obligations would be sought?**

No. As set out in our Regulation 19 response (para 4), the Plan need to include a full housing trajectory. This is essential to ensure that the Plan can be effectively monitored and action taken in the case of under-delivery of housing, and other policy matters.

The housing trajectory needs to show the expected housing delivery from all sites and sources, otherwise the monitoring of housing delivery will be incomplete. Understanding housing delivery and its various sources it very important as different solutions and actions may be needed, depending on the reason for the under delivery of housing supply. For example, proactive engagement with developers to try and help bring forward allocated sites would be a different type of intervention from actively encouraging speculative applications on new sites, seeking additional funding to help bring forward brownfield windfall sites or engaging in land assembly, or applying affordable housing policies flexibility to enable otherwise unviable development to come forward.

Although the Council have now prepared a Housing Trajectory (EXAM 24) and then revised this with in document EXAM 24A with Buffer, this information should be integrated into the Local Plan, probably within Policy SWDPR 02: Employment, Housing and Retail Requirements. This would then set out annual dwellings per annum target to be achieved and monitored.

The wording of para 1.3 of the supporting text sets out circumstances where a review of the Plan, or the release of additional sites should occur. This wording should be included within the Monitoring Policy, for the Plan to be effective and sound.

The Plan should include a robust Monitoring Framework which sets out the targets for housing (and other matters) that will be monitored and the triggers for action being taken, and what that action will be. The five questions in para 1.20 and 1.21 of the Plan are not a proper Monitoring Framework. The five questions listed simply do not provide enough detail on what is required to meet which targets by when, as such it will not be possible to monitor if they are being achieved, and if not what action needs to be taken, and in what timeframe.

**SWDPR 15: Effective Use of Land**

**Q.42 What is the justification for the net density requirements in SWDPR 15 E?**

HBF are concerned about the Councils reliance on very high housing densities which may present viability and deliverability challenges. HBF are concerned that the deliverability of high and super high density residential development will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Grenfell and post Covid-19. It is important that delivery of the housing requirement within the Plan does not rely on density policies which are overly ambitious and un-realistic intensification, which would result in under-provision and/or under delivery of housing numbers.

HBF also note the impacts of the introduction of mandatory BNG will have on the deliverable density of housing schemes that can be provided, as land used for on-site BNG is not available for housing.

HBF would also suggest that a scenario for a bungalow development could usefully be tested through the whole plan viability appraisal, and the findings of this could assist in policy formulation.

**Q.43 Does criterion G serve a clear purpose?**

No. Any monitoring requirement should be set out in the Monitoring Framework.

**SWDPR 16: Housing Mix and Standards**

**Q.45 What is the justification for the application of the nationally described space standard (NDSS)?**

If the Councils wish to apply the optional NDSS to all dwellings, this should only be done in accordance with the NPPF (paragraph 130f & Footnote 49) which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”. As set out in the NPPF, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned.

PPG (Ref ID: 56-020-20150327) identifies the type of evidence required to introduce a policy on NDSS. 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 – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.

Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.

Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.

Therefore, the Council needs robust justifiable evidence to introduce the NDSS, based on the criteria set out above. 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.

HBF would also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. HBF suggest that the Councils should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

**Q.46 What is the evidence that the Councils have considered the impact of using the NDSS, in terms of Local Plan viability and any effects on the affordability of new homes?**

We have raised concerns about the Aspinall Verdi whole plan viability study (EXAM 41) elsewhere in our MIQ responses. These are not repeated here.

**Q.47 What is the justification for the application of the optional requirements for M4(2) accessible and adaptable dwellings and M4(3)(2)(a) wheelchair user dwellings?**

HBF note that the requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to ‘Raising accessibility standards for new homes’ 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.

HBF remain of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M4(3)a sets out standards for wheelchair adaptable housing, where M4(3)b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

The whole plan viability assessment should also be explicit on whether it was applying M4(3)a or M4(3)b. The latter can only be sought on affordable housing where the Council has nominations and is considerably more expensive than the former. Evidence from our membership suggested M4(3) b is ten time more expensive than delivering M4(3) a.

**Q.48 What is the justification for the self or custom build requirements in SWDPR 16? Paragraph 2.29 rather than policy SWDPR 16 refers to when unsold plots can revert to sale for market homes. Would this be effective?**

As set out in our Regulation 19 response HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where such developments will be supported in principle. HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils’ own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners. HBF does not consider that requiring major developments to provide for self-builders is appropriate.

HBF consider it unlikely that the provision of self and custom build plots on new housing developments can be easily co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

Although HBF do not support the requirement for self-build plots on larger allocations, if such a policy were to be introduced it will be important that it is realistic to ensure that where self and custom build plots are provided, they are delivered and do not remain unsold. If demand for plots is not realised, there is a risk of plots remaining permanently vacant effectively removing these undeveloped plots from the Council’s Housing Land Supply. Therefore, the Council should consider the application of a non-implementation rate to its HLS calculations.

Any policy would also need to be clear what happened where plots are not sold. HBF suggest any unsold plots should revert back to the developer. It is important that any plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self and custom builders.

HBF considers that a policy which encourages self and custom-build development and sets out where it will be supported in principle would be more appropriate and/or specific sites could be allocated for self-build development. As mentioned previously, HBF considers that the Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils’ own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners. The HBF does not consider that requiring major developments to provide for self-builders is appropriate.

**SWDPR 18: Meeting Affordable Housing Needs**

**Q.50 Are the thresholds for the provision of affordable housing set out in SWDPR 18 justified, and would they be effective?**

HBF provided detailed comments on Affordable Housing policy in paras 24 and 25 of our Regulation 19 response, and further comments in our response to Q33 on the need Affordable Housing. Paragraph 64 of the NPPF states that the threshold in designated rural areas is five units or fewer meaning contributions can only be sought on developments of more than 5 units. Therefore, any requirement to seeks contributions on sites of 5 units or less is contrary to national policy and unsound.

Similarly, we previously commented that the restriction of viability discussions being limited to brownfield site only conflicts with national policy. The PPG Viability Guidance (<https://www.gov.uk/guidance/viability> Paragraph: 007 Reference ID: 10-007-20190509 Revision date: 09 05 2019) is clear that “it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage” and it continues “Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.” The possibility of such circumstances could apply to any development site(s) and are not limited to brownfield sites. As such the Plan should not be looking to restrict individual site-specific viability discussion to brownfield sites only.

It is important for the affordable housing policies to be subject to robust testing through the whole plan viability appraisal. Whole Plan viability testing is an important part of the plan-making process. However, as noted in PPG (ID: 10-003-20180724) assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable.

It is importance for the policies in the Plan to be robustly tested through the whole plan viability assessment. It will be important that the whole plan Viability Study fully considers the wide range of challenges and additional costs facing developers at this time. For example, HBF information suggests that complying with the current Building Regulations new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot.

The costs of mandatory BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Councils’ whole plan viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery.

As this is still a new policy area and the market for off-site provision, and statutory credits, is still emerging, any figure used for BNG costs should have been kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it was arrived at using the most up to date BNG costs information available. As HBF noted in our response to MIQ 39 the allowance of £268 per unit (brownfield and £1,003 per unit (greenfield) are not high enough. Experience of mandatory BNG to date indicates that BNG can be in fact particularly challenging on brownfield sites which can have a high baseline where open mosaic habitat exists. This is yet another reason why greater flexibility in needed in this policy.

Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. HBF members are reporting costs of £20-30k per off-site BNG unit. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needed to rely on statutory credits would become unviable.

HBF would therefore request that additional flexibility should be included within this policy. This was needed because whole plan viability assessments use methodologies that test typologies of sites, and not the detailed circumstances of individual sites. As such there may be individual sites that are already not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. Therefore, additional flexibility is needed in the policy, and without this flexibility the plan is unsound because it was neither justified nor effective.

HBF therefore suggest the policy wording should include the opportunity for negotiation around policy requirements for site specific reasons, as any sites whose circumstances fall outside the parameters of the typologies tested could already be unviable under the proposed Local Plan policies.

At a very basic level viability can be improved by reducing costs or increasing values. Flexibility within the Affordable Housing policy is needed. Sometimes changing the type of affordable housing provided can help to improve viability of a specific site, in other circumstances a reduction in the amount of affordable housing may be needed, and the plan should recognise these factors.

**Q.51 Is SWDPR 18 clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals by requiring compliance with the relevant guidance published by the Conservation Board and Malvern Hills AONB Partnership, including any Housing Position Statements, which are not part of the development plan for the area?**

No. HBF are unsure how a developer would show compliance with this policy criteria, as such it is ineffective. Any references to other organisations’ plans and policies with a Local Plan policy would seek to give Local Plan policy status to these documents which is not appropriate. Any reference to them should be moved into the supporting text.

**Q.52 Are the % split requirements set out in SWDPR 18 E justified and would the Plan be effective in meeting the affordable housing needs of the area?**

No. The Government has moved away from First Homes being the preferred tenure for affordable housing delivery. The Viability Appraisal (EXAM 41) seems to have considered the size and type of affordable housing only in relation to houses or flats and number of bedrooms, not the different tenure types of affordable housing.

As we have mentioned elsewhere in our response to these MIQs, HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks. This adds further importance of the need for flexibility in the affordable housing policies.

**Q.53 Is SWDPR 18 G clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals through the wording ‘exceptionally, and usually only on brownfield sites’?**

As mentioned in response to Q50 above it is not appropriate to restrict viability discussions to brownfield sites as currently set out in Criteria G. To do so is contrary to national policy and the Viability PPG and would make the Plan ineffective and unsound. The policy should allow for site specific viability assessments to be submitted where site specific viability issues arise.

As mentioned previously, sometimes changing the type of affordable housing provided can help to improve viability of a specific site, in other circumstances a reduction in the amount of affordable housing may be needed, and in order to be sound, the Plan needs to recognise these factors.

**Q.54 In the absence of the preparation of an Affordable Housing Supplementary Planning Document to provide details on how the policy will be applied, would SWDPR 18 be effective?**

SPDs should provide advice and guidance on how policies are implemented. They cannot set policy within them. Therefore, any policy requirements should be included with the Plan. There is therefore no need for Criterion H to be included within the Policy. Doing so would in effect seek to give Local Plan policy status to an SPD which is not appropriate. Any reference to SPD should be moved into the supporting text.

**Matter 15: Policies for Climate change, resource management and environmental quality**

**Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?**

**SWDPR 01: Climate Change Mitigation and Adaptation**

**Q.275 Does SWDPR 01 serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area and would it be effective?**

No. The wording of this policy creates duplication and potential confusion, resulting in an ineffective and unsound Plan. There is, for example, no need to refer to the spatial development strategy within this policy. As the Plan should be read as a whole, cross-referencing to some policies (but not others) within another policy is confusing and ineffective. Such cross references should be removed from all the policies in the Plan.

**SWDPR 05: Design and Sustainable Construction**

**Q.276 Given that Neighbourhood Plans are part of the development plan, would the Policy (Ai) be effective in stating that ‘account should be taken of’ them?**

No. The wording is not correct and need changing.

**Q.277 What is the justification for the proposed requirement that major development should target <500 kgCO2e/sqm upfront embodied carbon emissions, and would it be effective?**

A Written Ministerial Statement (WMS) relating to energy efficiency standards was published in December 2023. HBF do not believe that any requirements to exceed current or future building regulations are justified or consistent with the requirements of the WMS.

Although HBF supports the Councils in seeking to minimise carbon emissions and reduce heat and power demand through energy efficient design, we do not consider that the Council setting its own standards is the appropriate method to achieve these outcomes.

HBF is concerned that the Councils are adding to the complexity of policy, regulations and standards that housebuilders are already expected to comply with. The key to success is standardisation and avoidance of individual Councils specifying their own policy approach, which undermines economies of scale for product manufacturers, suppliers and developers. The impact of this requirement along with others in this Plan may have considerable viability implication and may lead to the non-delivery homes and needs to be fully considered within the Viability Assessment.

HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.

HBF would highlight the latest publication ‘Future Homes, One Plan Building a generation of high quality, affordable and sustainable homes and communities, together’ <https://irp.cdn-website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf>. This was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes.

In particular HBF, would highlight ‘Issue 9. The Partnership Imperative’ on page 15 which states in the Local Government section that “Local planning requirements must align with the overall plan for improving performance standards at national level. For example, 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.”

The government has also recently provided further advice for local authorities through the Written Ministerial Statement which says “the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current 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.” See https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123

To be consistent with national policy, HBF request the Council rely on the Building Regulations process as the way to manage improving energy efficiency standards and as such no policy on this issue is needed in the Local Plan.

**Q.278 Is the requirement in B iv that all major development shall calculate whole lifecycle carbon emissions (including embodied carbon emissions) through a nationally recognised Whole Lifecycle Carbon Assessment methodology justified and would it be effective?**

HBF do not believe the Council has provided sufficient evidence to justify the need for any policy in this are above and beyond building regulation and particular not one as complex and unclear as this. The viability implications of this needs to have been fully assessed as part of the whole plan viability assessment and have been. Our member experience suggests Biodiversity Net Gain, a mandatory and complex area of new policy is already creating delays and increasing pressure on under resourced planning department, so to introduce new policies such as this will only add to that administrative burden. This is policy is unnecessary as there is already a system to ensure homes are built to high environmental standards, that of Building Regulations. HBF do not agree that Local Plans need to be adding additional policies and complexity to this issue.

**Q.279 Is the requirement in B ix that expects all new major residential development to achieve a Home Quality Mark Assessment justified and would it be effective?**

HBF question the justification for this requirement, and its consistency with the requirements of the WMS.

**SWDPR 26: Design**

**Q.281 Is the requirement in part B that applications should demonstrate, through a Design and Access Statement or other supporting evidence, e.g., Homes Quality Mark, Building for a Healthy Life, or BREEAM assessment and how the objectives outlined in criterion A and SWDPR 5 have been addressed, justified and would it be effective?**

HBF are supportive of the use of ‘Building for a Healthy Life’ as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a ‘standard’ to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

**Q.282 Is it justified that the Policy in B x seeks to require that where appropriate, development should incorporate measures for crime reduction that are consistent with those recommended by the Secured by Design guides when those guides are not part of the development plan?**

Reference to this document should only be in the supporting text. It is inappropriate to seek to give policy status to any other document that has not be subject to full public consultation and scrutiny though the plan-making process.

**SWDPR 32: Telecommunications and Broadband**

**Q.284 Does SWDPR 32 serve a clear purpose given Part R of the Building Regulations which is concerned with infrastructure for electronic communications, is it justified, and would it be effective?**

No. As set out in para 26 of our Regulation 19 response there is no need for this policy to repeat Building Regulations.

**SWDPR 33: Renewable and Low Carbon Energy**

**Q.285 What is the justification in A for the requirement that all new developments over 100 sqm gross or one or more dwellings should incorporate the generation of energy from renewable or low carbon sources, and would it be effective?**

HBF supports the Government’s intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council’s specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for Local Plan policies on matters already addressed in Building Regulations.

**SWDPR 35: Sustainable Drainage Systems**

**Q.287 SWDPR 35 refers to a number of publications which do not form part of the development plan. In this regard, is the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?**

HBF reiterate that any reference to supporting advice and guidance documents (including SPDS or guidance from other bodies) should only be in the supporting text, and not within the policy wording. It is inappropriate to seek to give policy status to any other document that has not be subject to full public consultation and scrutiny though the plan-making process.

**SWDPR 36: Water Resources, Efficiency and Wastewater Treatment**

**Q.288 What is the justification for the Policy requirement for the application of the optional national technical standards for water where it must be demonstrated that the daily non-recycled water use per person will not exceed 110 litres per person?**

HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

**Matter 16: Policies for Transport, Green Infrastructure, Historic Environment, Tourism, Leisure and Community Facilities**

**Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?**

**SWDPR 06: Transport**

**Q.297 Does E serve a clear purpose given Part S of the Building Regulations which is concerned with infrastructure for charging electric vehicles, is it justified, and would it be effective?**

There is no need for a policy on EV charging for residential properties as this matter is addressed in Building Regulations.

**SWDPR 07: Green Infrastructure**

**Q.302-309**

We have made detailed response about BNG elsewhere within our MIQs. This policy needs to be clear on how it interacts with mandatory BNG.

**SWDPR 27: Biodiversity and Geodiversity**

**Q.314 Does SWDPR 27 and explanatory text require updating in regard to the Environment Act 2012?**

Although HBF did not comment on this policy at the time of the Regulation 19 consultation in Dec 2022. In the intervening time national mandatory Biodiversity has been introduced. It will therefore be essential for the soundness of this plan, and compliance with the requirement to be consistent with national policy, that this plan to reflect the new national requirements of biodiversity net gain and HBF would wish to offer the following comments in relation to this issue.

HBF note the introduction of Biodoversty Net Gain which came in for large sites on Feb 12th 2024, and for small sites form 2nd April 2024. This is after the close of the Regulation 19 consultation for this Plan. It will be important that this Local Plan fully reflects all the new legislation, national policy and the new MHCLG and DEFRA guidance to ensure it fully reflects it.

HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. HBF note that this represents a lot of new information that the Councils need to work through and consider the implications of, in order to ensure that the Biodiversity Net Gain policy complies with all the new policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

HBF therefore suggest that significantly more information on BNG, assessments and analysis around BNG, and Viability (for BNG and viability more generally) needs to be included within this Plan to enable the delivery of mandatory BNG.

It is the 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. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure. There are significant additional costs associated with biodiversity gain, which need to be fully accounted for in the Council’s viability assessment. It is important that BNG does not prevent, delay or reduce housing delivery. Although the national policies requiring 10% BNG cannot be subject to site specific viability discussions, any policy requirements over 10% can be. The Plan should make this position clear.

It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

The costs of BNG should have been considered as part of the whole plan viability assessment and should be specified as a single specific item, not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council’s viability assessment, some of which are still unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

The Whole Plan Viability Assessment should have clearly set out how it considered the implications of mandatory BNG and how it was arrived at using the most up to date BNG costs information available. As this is still a new policy area and the market for off-site provision, and statutory credits are still emerging, 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. Site specific issues may emerge and this further underlines HBF request for additional flexibility in relation to Viability policies in this Plan.

Reference should also be made to the emerging Local Nature Recovery Strategies. HBF suggest there is also a need for this policy and supporting text to say more on this matter so developers, communities and decision makers understand if and how the LNRS, once published, will shape planning decisions going forward.

HBF would also request that the Local Plan allocation policies fully consider the issue of delivering against the new BNG requirements. This should include undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore request the wording of the policy is reviewed and that the Councils should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

Reference should also be made within the Plan to the small sites metric. This is intended to be a less complex statutory metric that can be used to set out how 10% BNG will be secured on small sites, lower risk BNG sites. It can only be used for on-site BNG delivery. The national mandatory 10% BNG policy applies to small sites from April 2024.

HBF suggest that there will also be a need for this policy and supporting text to say more about Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy to reflect the LNRS may be needed. The current wording of criteria J should be applied to provide a justification to move down the BNG hierarchy from on-site to off-site BNG, however as currently written this is not explicit and as such would not help decision-makers or applicants understand the Council’s position on this important issue.

The new DEFRA guidance and BNG PPG is clear that going beyond the mandatory 10% requires evidence and there is a need to show that this will not impact viability. HBF agree that there is no evidence to support a higher figure in this Plan. It will be important to understand that this is a non-negotiable national policy requirement has any knock-on implications for other policy areas ‘asks’, notably the amount of affordable housing that can be delivered.

HBF do not believe it is necessary to repeat national policy on this issue. Signposting to the national policy and guidance is all that is needed. The requirement to submit a BNG plans is now subject to the national BNG condition. As mandatory process is new the Local Plan should refer to the new process, although this should be done by reference to the national policy and guidance. Some supporting text that includes cross referencing to the national guidance provided in the PPG and DEFRA and rather than lots more policy wording is what is needed.

It is essential that the Councils reviewed this policy to bring it up to date which is necessary for soundness so that the plan reflects current national policy. For example, it should be clear that the use of the BNG Metric is mandatory where it is required, but that the small sites metric is also an option for sites of lower impact and BNG risk. HBF have encountered significant confusion between the metric which calculate the pre-and post-development values and the BNG gain plan that sets out how the 10% net gain will be achieved. It should also be noted that BNG delivered in gardens is not required to be secured for 30 years through the BNG Plan.

The BNG and supporting should also reference the impact on the density of hosing schemes that can be provided, as mentioned in our response to Q42 as land used for on-site BNG is not available for housing.

**SWDPR 44: Green Space and SWDPR 45: Provision of Green Space and Outdoor Community Uses in New Development**

We have made detailed response about BNG elsewhere within our MIQs. This policy needs to be clear on how it interacts with mandatory BNG.