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17/12/2024

Dear Sir/ Madam

### **Dacorum Local Plan**

1. Thank you for consulting the Home Builders Federation (HBF) on the Dacorum Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

### **New NPPF**

2. The latest iteration of the National Planning policy Framework was adopted on the 12<sup>th</sup> of December 2024. The transitional arrangements establish that plans that reach regulation 19 to March 12 2025 and meeting at least 80% of their housing needs will be examined under the previous version of the framework. However, where plan housing requirement is less than 80% of their local housing needs, as determined using the new Standard Method, the plan will need to be submitted prior to the 12<sup>th</sup> of March 2025 for it to be considered under the previous version of the framework. Given that the housing requirement in this local plan is 75% of local housing needs then the plan must be submitted prior to the 12<sup>th</sup> of March 2025 to be considered under the previous NPPF. HBF expect the Dacorum Local Plan to be examined under the transition arrangements, but it will be important for the Council to properly consider all representations and have the necessary evidence in place to ensure that the examination is not delayed from the outset. The Council will be aware of the letter from the Minister for Housing and Local Government sent to the Planning Inspectorate not to pause plans for more than 6 months in order to address fundamental issues of soundness, as such the necessary evidence justifying this plan must be in place prior to submission.

### **Duty to co-operate.**

3. The Council outline in paragraph 1.7 to 1.12 in general terms how they have worked with neighbouring authorities, but HBF could not find any further, more detailed, evidence or statements of common ground with regard to co-operation in the preparation of this local plan. The HBF are aware that DBC are working with neighbouring LPAs on the preparation of the SW Hertfordshire Joint Strategic Plan, but it has been made clear to the HBF in correspondence with the Councils that the JSP is being prepared in relation to longer term development needs post these local plans. As such the co-operation in preparing the JSP is considered by the HBF to be irrelevant to the preparation of this local plan. The Council must provide evidence as to when DBC has engaged with its neighbours with regard to housing needs during the period covered by this local plan and, if necessary, how any unmet needs could be addressed.
4. In particular the Council will need to consider both the Three Rivers Local Plan and Hertsmere Local Plan who in recent consultations were expecting to fall short of meeting housing needs by 367dpa and 141dpa respectively. These are significant shortfalls in the delivery of new homes and should have been taken into account when preparing this local plan. However, without any evidence as to the discussions between the authorities as to their position with regard housing supply against identified needs it is not possible to say whether or not the council has met the duty to co-operate.
5. This evidence will need to be assembled and submitted as part of the evidence base supporting this local plan. It will need to clearly show not only that discussions on housing needs have taken place, but when they took place, who attended and the general frequency of any interactions on these matters between the relevant bodies. In short it must be able to show that the Council has engaged constructively with its partners in order to maximise the effectiveness of plan making. This level of evidence is also expected by Inspector examining local plans and we would point the council to the supplementary questions asked by the Inspectors examining the Bristol City Local Plan who requested:

*“a specific Duty to Co-operate Topic Paper or Statement, which provides a more detailed and structured account of how the Council has engaged constructively, actively and on an on-going basis to maximise the effectiveness of the Plan.”*

## **H1 – Delivering the Housing Strategy**

The policy is unsound as it is not justified, effective or positively prepared.

6. HBF agree with decision to amend green belt boundaries. There are limited opportunities on brownfield land within Dacorum and in order to meet needs in full it is necessary to amend Green Belt boundaries. We would also agree with the Council's conclusion that, as set out in paragraph 1.65 of the Local Plan, that exceptional circumstances exist to support the proposed amendments.
7. The housing requirement in H1 of 1,016 dpa reflects the minimum number of homes the council are required to plan for based on the standard method – a total of 15,240 over the plan period of 2026 to 2041. While on the face of it the Council are proposing to meet housing needs in full the HBF do not consider the proposed plan period to be sound. In starting at 2026 the council have a plan period that does not consider the two years between when housing needs was assessed and the start of the plan period. HBF do not consider this to be a sound approach as it is not consistent with how the standard method is calculated and fundamentally misunderstands the standard method which takes account of past supply through the affordability uplift to determine housing needs moving forward from the point at which it is calculated.
8. Local plans are meant to look forward at what needs to be delivered with past delivery being taken into account through the standard method. This is clear from paragraph 2a-005 notes that when setting the baseline for the standard method the current year is used as the starting point for calculating growth. The standard method also requires the affordability adjustment to be the most recent data, for in this case it is the median affordability ratio for 2023 that was published in March 2024. This adjustment is to reflect the price signals in the market and ensure that housing needs are responding to these signals which suggests that the starting point for any plan should be the year to which the affordability ratio relates. As such it is neither logical nor consistent with national policy for the plan period to start in 2026. It should start in 2024 the year in which the assessment was calculated.
9. Bringing the plan period forward will require the Council to ensure that it has supply to meet a total 17,272 homes. HBF cannot state whether the Council has sufficient supply in this period to meet needs in full as we could find no figures published as to the number of homes that are expected to be delivered between 2024/25 and 25/26. The Council have not

published any specific figures setting out expected delivery in this period, but the SA does set out in table 5.5 the shortfall against the Council's chosen strategy for a plan period starting in 2024. This shows that under scenario 7 the Council would deliver 16,043 homes between 2024 and 2041 a shortfall of 1,229 homes. This shortfall must be addressed by the Council through additional allocations, and on the basis that this shortfall arises in the first two years of the plan period the Council must, in line with paragraph 68-031 of Planning Practice Guidance (PPG), consider opportunities to ensure they are addressed within the first five years of the plan being adopted.

### *Housing supply*

10. With regard to the sources of supply in H1, HBF would have expected further information to be provided on the expectations for each site in order for all parties to properly consider whether the rate of delivery on each site is justified. It is our experience that where site by site trajectories are not provided, they are asked for by inspectors in order to ensure effective scrutiny of the local plan. For more information on what is expected we would refer the Council to the Preliminary Questions published recently by the inspector examining the Bristol Local Plan. Question 62 and Appendix 1 provide some indication of the detail required. Rather than wait to be asked we would suggest that such a trajectory as part of the evidence supporting the submitted local plan. The trajectory should also set out the delivery from 2024 in order to be consistent with national policy and guidance. Only once this level of details has been provided is it possible to provide comments on the soundness of trajectory in policy H1 and whether the plan will have five years of deliverable sites on adoption against what the HBF considers to be a sound plan period.
11. In particular HBF are concerned that the requirements regarding Suitable Alternative Natural Greenspace (SANG) will be a significant barrier to new development coming forward and act as a brake on development if insufficient new SANGs do not come forward in the right place at the right time. Appendix 7 of the HRA sets out that there is expected to be a surplus of SANG. While this supposed excess of SANG is welcomed the information in Appendix 7 does not give an indication as to when each SANG will be available and if this is consistent with the trajectory in strategic policy H1. Any delay in the delivery of SANG will impact on all sites but in particular impact on smaller sites, both allocated and windfall, which do not have the ability to provide mitigation on site. Evidence must therefore be provided alongside the housing trajectory to show when different SANG will be brought

forward and delivered in order to show that it will not be a barrier to housing delivery across the plan period and that housing needs will be delivered as is suggested by the trajectory.

#### **H4 – Custom and Self Build**

The policy is unsound as it is not effective.

12. HBF does not consider that requiring developments of 40 or more units to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The 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.
13. It is considered unlikely that the provision of self and custom build plots on new housing developments can be 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.
14. HBF agree that if demand for plots is not realised, it is important that 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 & custom builders. Therefore, current policy requirement which provides no indication as to timescale is unsound. HBF recommend that any unsold plots remaining after a six-month marketing period revert to the original developer and this should be stated within the policy.

#### **E5 -Social value**

The policy is unsound as it is unjustified

15. This policy states that all planning applications for development of 30 or more dwellings shall be supported by a Social Value Strategy. However, the HBF does not consider that it is justified to include a policy requiring major proposals to provide details of what social value outcomes will be delivered and how this will be measured and assessed. This is an unnecessary burden to place on applicants and is unlikely to add value to a development, over and above the general benefits associated with development as set out above.
16. Many residential developments will bring with them social benefits, through the provision of new more sustainable homes and potentially through the provision of affordable homes and other infrastructure provided through planning obligations. In 2024 the HBF and Lichfields' produced a report on The Economic Footprint of House Building in England and Wales this document not only highlighted the economic benefits but also the social benefits. It highlighted that in 2022 house building industry directly employed over 100,000 people in England and Wales and over 270,000 when associated industries are also taken in to account. This workforce included 5,100 apprentices, 800 graduates and 2,800 other trainees each year. Given the significant benefits that are clearly attributable from the house building industry we consider unjustified for developers to provide any further statements on such matters.

## **CC2 – Sustainable design and construction**

The policy is unsound as it is not effective.

17. The policy states that a sustainability statement must be provided that shows how all the mitigation principles have been incorporated and where a principle cannot be implemented an alternative sustainability measure is proposed. With regard to the principles, we would suggest that:
- In clause 3a reference to the energy hierarchy is removed. Carbon dioxide emissions will be limited through the implementation of the Future Homes Standard. It is therefore not necessary for development to show how the energy hierarchy has been followed.
  - For clause 3b HBF would recommend that this is amended to include "Where possible select ..." It will not always be possible to choose a product that has a low embodied carbon and there is no reasonable viable alternative to what is being proposed.

- In clause 4a the Council must remove “Maximise water efficiency ...” It is inappropriate for the Council to require development to maximise water efficiency given that the optional technical standard sets the relevant standard with regard to water efficiency at 110 lppd which is already referred to in CC1 and clause 4f of CC2. The reference to maximisation of water efficiency means that it is unclear to decision makers and applicants as to what is expected from new development.

### **CC3 – Energy and Carbon Emissions Reduction**

The policy is unsound as it not consistent with national policy, unjustified and not effective.

18. HBF do not consider clause 1 of the CC3 to be necessary as it is expected that the Future Homes Standard will be implemented in the near future significantly reduce the carbon emissions from all new homes. The new standard will also ensure that new homes will be zero carbon ready meaning they that once the national grid decarbonises these home will produce no carbon from their use. In particular we do not consider it necessary for developers to undertake any further testing with regard to performance. The Written Ministerial Statement from 13<sup>th</sup> December 2023 on Local Energy Efficiency Standards<sup>1</sup> which has not been replaced by the new Government is clear that performance should be measured on the basis of the Target Emission Rate in new homes and provides no support for additional performance testing to be required through local plans or for the implementation of monitoring regimes.

19. Clause 6 is also unsound as it requires proposals to be in accordance with an SPD. The Local Plan must not confer the weight of a local plan policy on a document established outside of the strict consultation and examination process that local plans are subject to. Reference can be made to supporting guidance in the supporting text but should not be included in the policy itself.

### **CC5 - Carbon offsetting**

The policy is unsound as it not consistent with national policy, unjustified and not effective.

20. HBF considers the requirement for carbon offsetting to be unsound and not supported directly the NPPF or PPG. It is also not clear that the council's approach is effective with

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<sup>1</sup> <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

developers being required to pay into a scheme with no evidence provided to show how that scheme will provide carbon mitigation or what it will cost.

## **NE5 – SANG Principles**

Policy is not sound as catchment areas have not been justified.

21. Clause 2b requires that developments of 10 or more units must be within the catchment area of a specific SANG. This is set out paragraph 3.5.10 in the mitigation strategy as being either 2km, 4km or 5km depending on the size of the SANG. However, HBF could find no justification for these distances in the mitigation strategy appear to be arbitrary. HBF understands that it is important with regard to mitigation for development to be close enough to a development to offer a reasonable degree of mitigation but a 20ha SANG would offer a significant draw not for residents of a particular development as well as for the wider community and as such a larger catchment area should be considered.

## **TC1 – Transport and Movement**

Clause 2a unsound as it repeats building regulations.

22. Clause 2a requires development to provide gigabit capable broadband. It is not necessary to include such a requirement in a local plan policy as this is already a required by Part R of the Building Regulations. To avoid confusion clause 2a should be deleted.

## **TC6 – Parking Provision**

Policy is unsound as its not legally compliant.

23. The policy is unsound as it requires proposals to be in accordance with the Parking Standards SPD. As set out earlier the Local Plan must not confer the weight of a local plan policy on a document established outside of the strict consultation and examination process that local plans are subject to. Reference can be made to supporting guidance in the supporting text but should not be included in the policy itself.

Yours faithfully



A handwritten signature in black ink, appearing to read 'Mark Behrendt'.

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