

Sent by email to: localplan@lewes-eastbourne.gov.uk

28/02/2025

Dear Sir/ Madam

Lewes Local Plan - Defining our policies and early site allocation proposals

1. Thank you for consulting the Home Builders Federation (HBF) on the Lewes 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.

Plan period.

2. It is not clear what the plan period will be for this local plan. The consultation document refers to Lewes in 2040, but appendix 9 of the Land Availability Assessment provides a housing trajectory for 2024/25 to 2043/44. However, it is HBF's position that the starting point for any consideration of the plan period is paragraph 22 of the NPPF and the need for local plans to look forward for at least 15 years from adoption. Given that the timetable for regulation 19 and submission is still to be confirmed we would not expect the local plan to be adopted for at least 2 years. However, even this rapid timescale would mean that the plan is not adopted until 27/28 at the earliest and require the plan period to run to 2042/43. However, to take account of any potential delays HBF would suggest that the plan period runs to 2043/44.

3. As for the start date for the plan HBF considers that in order to be consistent with national policy this should be the year in which the standard method is calculated prior to submission. In this case it is assumed that this would be 2025/26. Therefore, the plan period for the Lewes Local Plan should be 2025/26 to 2043/44.

Strategic Policy SDS1: The Emerging Spatial Strategy

4. The approach to the spatial strategy and the amount of development has been prepared on the basis of the National Planning Policy Framework published in 2023 (NPPF23). Given that the plan will not reach regulation 19 consultation prior to the 12th of March this local plan will need to be consistent with the latest Framework (NPPF24) and that the approach it takes forward reflects the Government's drive to increase housing supply. As the Deputy Prime Minister noted in her letter in July last year to all local authority leaders and chief executives in England the dire situation, we are in with regards to the homes the Country needs and the depth of the housing crisis. The letter also notes the need to take tough decisions to address and it will be important that Lewes District Council (LDC) takes on this challenge and, as required by paragraph 61 of NPPF24, prepares this plan with the aim of meeting housing needs in full.
5. The concerns raised by the Deputy Prime Minister in her letter are particularly relevant to Lewes where housing affordability has worsened significantly in the last ten years with the latest median house price to work place based earnings ratio increasing from 9.46 to 11.81. Alongside this worsening affordability the limited level of housing growth in the Borough has limited the potential to increase the supply of affordable housing. The Council have delivered on average 93 affordable homes per annum over the last five years. In order to increase the supply of affordable housing, as is expected by this Government, the Council will need to ensure that, as a minimum, it meets its overall housing needs in full.

Housing needs

6. Paragraph 62 of the NPPF24 outlines that the number of homes the council should be planning for is determined by local housing needs assessment (LHNA), conducted using the standard method, as well as taking into account any unmet needs that cannot be met in neighbouring areas. The Council note in the consultation document that the standard method required by NPPF23 results in an LHNA of 602 dpa. This is not strictly accurate with the previous iteration of the standard method resulting in an LHNA of 777 dpa. The 602

dpa was an apportionment of the LHNA for Lewes between those areas inside and outside of the South Downs National Park Authority (SDNPA). based on the respective housing stock. The changes to the standard method now mean that the LHNA for the whole of LDC is 853 dpa.

7. A key change made by NPPF24 was to remove reference to the use of alternative approaches to assessment of housing needs as well as the statement that the LHNA arrived at using the standard method was only an advisory starting point. These are key changes to national policy and point to an expectation that the standard method will be followed. However, HBF recognises that consideration must be given to the fact that the Lewes Local Plan will not cover those areas of LDC that are covered by the SDNPA. The Council have not provided an assessment as to how it will seek to apportion needs between the two areas as part of this consultation but previously the HBF have considered a stock based apportionment to be reasonable. Apportioning the housing need in this manner would also be consistent with paragraph 2a-014 of Planning Practice Guidance (PPG) which notes with regard to situations such as this that consideration should be given to the best available evidence on the amount of housing stock within their local authority boundary. However, what neither the NPPF nor PPG support is the use of an alternative approach such as those based on alternative population projections set out in the previous regulation 18 consultation. The new NPPF has removed reference to alternative approach to assessing housing needs relating to the demographic characteristics of an area and as such any support for those type approaches that have been put forward previously by Lewes.
8. If this approach were to be used, and assuming the proportion of homes between the two areas remain the same, it would result in a local housing need to be planned for through this local plan of 656 dpa – a total of 12,464 homes over the plan period proposed above. This would also result in the SDNPA needing deliver 197 homes each year (3,572 homes over the same plan period) in the area of the national park covered by LDC in order to ensure needs are met in full.

Unmet needs of other areas

9. However, in line with paragraph 11 and 62 of the NPPF, LDC will also need to take into account any housing needs that cannot be met elsewhere when establishing the number of homes that should be planned for. The importance strategic planning across boundaries is recognised in paragraph 24 of the NPPF24 which states that:

“Effective strategic planning across local planning authority boundaries will play a vital and increasing role in how sustainable growth is delivered, by addressing key spatial issues including meeting housing needs, delivering strategic infrastructure and building economic and climate resilience”

10. The NPPF then goes on to state note at paragraph that once the strategic matters have been identified strategic policy making authorities should make sure plan align as fully as possible – noting in particular providing for the unmet needs of neighbouring areas. It is no longer appropriate to just agree to disagree on a matter if co-operation is to be deemed effective. LPAs must show that they have actively considered unmet housing needs and tried to maximise delivery. Too often in the past LPAs have paid lip service to such matters with very few committing to meet the development needs of another area.
11. The most obvious source of unmet needs in relation to the Lewes Local Plan will be within the SDNPA, on the basis that paragraph 189 of the NPPF recognises that the extent of development with national parks will be limited. The SDNPA are in the process of preparing a new local plan and it is not yet known how many homes will be delivered in the local plan and where. But it would be optimistic to expect them to deliver anywhere close to 3,572 homes given that the supply of homes identified within LDC by the current SDNPA Local Plan was just 890 homes between 2014 and 2033. This provides an indication that there is likely to be a substantial shortfall to address and the Council will need to work proactively with the SDNPA to ensure that, prior to the next consultation, there is a reasonable understanding as to the likely extent of development in SDNPA, and the additional homes that Lewes should be planning for through this local plan.
12. However, unmet needs are not limited to the national park with shortfalls being seen across the Greater Brighton and Coastal Sussex area. Both Brighton and Worthing are both constrained and cannot meet their housing needs in full. Shortfalls in these two LPAs alone are significant at circa 16,000 and 10,000 homes over their respective plan periods and it is notable that that in the Sustainability Appraisal it is stated that only one authority across Sussex without a significant risk of not meeting housing needs in full. It is therefore essential that LDC and its neighbours start to act strategically when considering how many homes they can deliver. Current arrangements for co-operation are clearly ineffective and failing to address the cross boundary issues facing the sub region and the only conclusion that can be reached is that there has been a failure of strategic co-operation.

Housing Supply

13. The Council have not yet confirmed how many homes will be delivered over the life span of this local plan. Appendix 9 in the Land Availability Assessment (LAA) sets out an indicative trajectory for the period 2024/25 to 2043/44 suggesting a total supply of 8,197 new homes. This is a shortfall of 5,000 homes over that period based on a housing need assessment of 656 dpa. It is clear that more must be done to ensure housing needs are met in full as required by paragraph 11 of the NPPF. This will require the council to identify further sites for allocation in addition to those identified as developable and deliverable in the LAA.

Housing Requirement

14. The Council have not included a housing requirement in this local plan. The Council state that the reason for this is they want to explore all options for meeting housing needs as well as leave room to respond to additional evidence and any change in the NPPF. Taking the last point first it is clear, as highlighted in the DPMs letter referenced earlier, that government policy places great weight on LPAs meeting housing needs in full. This is supported by the changes to the NPPF which include the deletion of "*The overall aim should be to meet as much of an area's identified housing need as possible, ...*" being replaced by "The overall aim should be to meet an area's identified housing need, ..." in paragraph 61 of NPPF24. In addition, the references in paragraph 62 of NPPF23 to the standard method being an advisory starting point and the potential for adopting an alternate approach to assessing housing needs also add weight to the expectation that housing need as identified using standard method should be met in full.
15. HBF recognises that there will be situations where Council's cannot legitimately meet housing needs. If the Council does not consider it possible to meet its housing needs in full then it will need to show, as required by paragraph 11b of NPPF24, that the adverse impacts of meeting needs in full would significantly and demonstrably outweigh the benefits of doing so. It is clear that in an area such as Lewes with poor affordability, low levels of affordable housing delivery and neighbouring areas that legitimately struggle to meet housing needs the benefits of meeting housing needs are significant. Consequently, the bar for not meeting housing needs will be very high. Indeed, this position is also recognised in the Council's Interim Sustainability Appraisal. Whilst 5.6 correctly cautions against treating the new LHNA

as mandatory targets it highlights in paragraph 5.6.6 the fact that the evidential bar for not meeting needs has now been raised.

16. However, on the basis of the evidence presented so far, the Council have not cleared that bar and should be meeting housing needs in full.

Conclusion on housing need, the housing requirement and spatial strategy.

17. HBF does not promote sites or advocate for particular spatial strategies. However, the Government 's emphasis on Council's meeting housing needs in full, the scale of the unmet needs in other neighbouring areas, the poor affordability of housing and the growing demand for affordable housing indicates that failing to meet housing needs is not a sustainable or sound option. As a minimum the Council must meet its own needs in full. In addition, it must establish how many additional homes could be delivered to address any shortfalls arising in the National Park to try and ensure that at the very least all of needs the area covered by LDC are met in full, and are, consequently, not contributing to the growing burden of unmet needs that are being seen across East and West Sussex. The Council must therefore examine further development opportunities to deliver more homes across LDC and explores reasonable strategies to meet those needs in full.

CC2: A design response to a changing climate

18. The proposed policy position would require all new development ensure a space heating demand of no more than 30 kwh/m2/year.
19. Whilst the HBF would agree with the Councils that there is a need to act to reduce carbon emissions we would disagree that this needs to be undertaken through the local plan given that there is already a national approach, the Future Homes Standard (FHS), being taken forward to achieve the same goal. Delivering these improvements through building regulations has a distinct advantage over delivering a variety of different approaches across the county, in that it provides a single approach that all developers understand and can be rolled out at scale. This allows supply chains and skills to be improved prior to implementation and ensure that improvements to building standards are actually deliverable from the point at which they are introduced.
20. However, if the Councils chooses to go beyond current or future standards it must be done in a way that is consistent with national policy and robustly assesses its consequences and

gives consideration as to how the requirements are consistent with the written ministerial statement (WMS) published on the 13th of December 2023. While the WMS was made by the previous Government it has not been rescinded and as such remains a material consideration with regard to the soundness of this policy.

21. The WMS notes that *“Compared to varied local standards nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes”* and that local standards can *“add further costs to building new homes by adding complexity and undermining economies of scale”*. After noting these concerns, the 2023 WMS goes on to state that any standard that goes beyond building regulations should be rejected at examination if the LPA does not have a well-reasoned and robustly costed rationale that ensures:
 - That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
 - The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).
22. HBF consider the approach proposed by the Councils which uses a space heating standard to be inconsistent with the WMS and as such is unsound. It should be noted that the Government have considered whether it was appropriate to use a delivered energy metric such as the one being proposed in the policy position paper and have concluded that these do not offer any additional benefits to those being taken forward by Government. Therefore, if the Council are to require standards above those set out in building regulations they must be expressed as a percentage of the target emission rate and not as an energy use target in order to avoid fragmentation of the standards with different requirements being set in different areas which it must be recognised was not only an expectation of the WMS but also of the legislation that permits council to adopt higher standards in local plan in the first place. As such the HBF do not consider the council to be justified in departing from either the WMS or the Planning and Energy Act (2008).
23. If the Council seeks to continue with this policy the Council will need to ensure the costs and deliverability of this policy are fully and robustly tested. However, as the Council have not yet published a whole viability study it is not possible to comment on the potential impact of this policy on viability. With regard to deliverability of zero carbon homes HBF would not

disagree that the proposed standards are technically feasible. However, HBF are concerned as to the impact these requirements will have on the rates at which sites can deliver new homes on all types of sites. Given that the standards proposed are higher than those proposed by Government in the Future Homes Standard and will require higher levels of fabric efficiency, which in turn will require new skills and materials that may not be readily available, HBF are concerned this could slow delivery in the short to medium term as supply chains are developed.

24. It has been recognised by the FHH that to deliver higher standards will require phased transitional arrangements to enable a steady build-up of skills and ensure quality. The FHH also notes in its report Ready for Zero that even if a short transition period between current standards and those similar to the Councils are proposing that this would "... create a high risk of quality problems, inflated costs and, potentially, stalled build programmes." However, HBF could find no evidence that the Council has considered whether its proposed standard will impact on the rate at which new homes can be built. The Council will need to speak directly to a range of housebuilders operating in Lewes to understand the impact of its policy on the rate at which homes will be delivered on its allocated sites. Without any consideration of delivery then the Council's decision to go beyond what is required by building regulations is clearly unjustified
25. While HBF understands the desire for LPAs to go further current policy recognises that even where development can viably implement higher standards this must be within a consistent technical framework and approach to assessing building performance against those technical standards. Indeed, this has long been the case in planning policy with paragraph 159b of the NPPF stating that "*Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards*".
26. If the Councils have the evidence to show that the policy is deliverable, they will also need to ensure that all other policies in the local plan are consistent with delivering the levels of embodied carbon being proposed. The most energy efficient design will inevitably lead to less variety in the built form in order to reduce the surface area of the building. This will need to be reflected in design policies and any design codes that are produced to ensure that development is not refused for seeking to meet energy efficiency standards but, for example, not being designed in the character of the local area.

27. HBF would also recommend that that if this policy is to be included in the local plan it should require a development as a whole to achieve the requirements rather than for individual homes. As the council will be aware some homes, such as terrace houses and flats, are more intrinsically energy efficient and emit less carbon compared to detached homes and bungalows. As such it may be difficult for some individual homes to be net zero but where there is a mix of development the site as a whole to achieve the required standard.

Policy NE3: Biodiversity and Nature Recovery

28. This policy will require all major development to achieve minimum biodiversity net gain of 20%. HBF do not consider it sound for a higher requirement to be placed on these sites. In considering the soundness of this policy it is necessary to consider paragraph 74-006-20240214 of PPG which states that:

“... plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented”.

29. It is important to note that the starting point is that local plan should not seek a higher requirement. This is different to a permissive policy allowing local plans to seek a higher level of BNG where justified, and the HBF would argue that it should be considered a high bar with regard to the evidence required to justify such a policy. The Council point to the Lewes Biodiversity Study as to why the Council should seek 20% BNG however the justification as to the need to provide 20% is limited provides no evidence that new development has had a significant harm on biodiversity in recent years. We note that the Council reference the UK State of Nature Report however the same report notes that most significant impact on nature has been changes in agricultural practices. It is not sufficiently robust to highlight general declines in species that whilst an important issue and one that supports the principle of delivering BNG it does not support the need for a higher level of BNG as is being proposed.

30. Turning to the delivery of a 20% net gain requirement it is necessary for the Council to recognise that BNG is site specific depending on both the existing site characteristics and the ability of development to both mitigate and provide additional gain without an understanding of the baseline level of biodiversity it is difficult to gauge the cost of meeting the higher requirements in this local plan. Whilst broad assumption can be used it must be remembered that the level of BNG required could be significantly higher than expected increasing costs or substantially reducing developable area of a site.
31. With this in mind HBF note that the Lewes Biodiversity Study 2023 only considered area habitats in relation to delivering BNG. It did not look at linear and watercourse habitats, which are more difficult to achieve, even at 10%. It is also notable that none of the matrix calculations at appendix B of the Lewes Biodiversity Study show a 20% BNG. In fact, none of these typologies deliver over 15% let alone 20%. The highest level of BNG achieved is 12.77 on a Large Housing/ Mixed Use (Greenfield Development Site). As such there is clearly a risk that in order to meet the 20% requirement many sites will need to rely on offsite delivery increasing costs and the reducing the viability of development in LDC.
32. However, without a viability report it's not possible to comment on whether 20% is viable. In considering the costs of BNG it will also be necessary to update the costs which are based on reports such as Defra Impact Assessment from 2019 and Biodiversity Market Analysis study commissioned by Defra and published in 2020. These are now of some vintage and potentially underestimate the cost of delivering BNG. In particular the cost of offsite credits is higher than expected with our members facing costs of between £30,000 and £40,000 per biodiversity unit for less distinct habits. However, these can increase significantly for more distinctive habitats type that are more complex to deliver and manage.
33. While HBF do not consider 20% BNG requirement to be justified if the Council continue with the 20% requirement it will be necessary for soundness that flexibility is included in the local plan with regard to the percentage of net gain required above the statutory minimum. The policy should clearly state that where this is impacting the viability and deliverability of a development that any BNG requirement will be reduced to the 10% statutory minimum.
34. Part 5 of NE3 states that offsite delivery of BNG should be achieved through either a planning obligation or S106 agreement. This is not consistent with national policy which allows for the use of conservation covenants as a mechanism for securing offsite BNG and as such they should also be referenced.

NE4: Trees Woodland and Hedgerow

35. Firstly, with regard to point 4 it may not be possible in all circumstances to retain, restore and integrate native species into a development and the policy should allow for such a situation. HBF would suggest that where possible is added at the start of the policy.
36. Secondly, HBF do not consider the 50m buffer between new development and areas of Ancient Woodland set out in point 5 to be sound. Government guidance in 'Ancient woodland, ancient trees, and veteran trees: advice for making planning decisions' published in January states that for ancient woodlands proposals should have "a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area)". The guidance allows for larger buffers, but these will be the result of site specific assessment that shows other impacts are likely to extend beyond this distance. Given that Nowhere in the evidence base is there a reasonable justification for a 50m buffer zone HBF would suggest this is amended to reflect Government guidance.

NE5 – Strategic Green Gaps

37. HBF does not consider this policy to be justified. The Council should not be looking to restrict development around its most sustainable settlements given that it is currently 5,000 homes short of meeting its housing needs. By proposing to include gaps at this stage is to reduce the opportunity to meet needs should sites be put forward in these areas as part of this consultation. As the Council will be aware green gaps are not mentioned in the NPPF and as such the proposed designation cannot be used as a reason for restricting development and should not form part of any site assessment.

Policy W2: Protection of water resources and water quality

38. All new development must apply for a capacity check with the water service providers and provide it to the council as part of their planning application and to ensure that the capacity to handle the increase in wastewater will be in place before occupancy. This is unsound and not consistent with legislation on supply of water and discharge of waste water. It cannot be left to the development management process to assess on a case by case basis. If there is insufficient waste water treatment capacity to address the needs of development in future,

then the only assumption must be that the plan is not deliverable over the plan period and as such unsound.

39. HBF do not consider this to be necessary as the capacity of the sewage network are not a land use planning matter for consideration on an application by application basis as Water companies are subject to statutory duties under S37 and 94 of the Water Industry Act 1991 (WIA 1991). Section 37 of the Act, set out below, imposes a statutory duty on all water companies to provide and maintain adequate infrastructure and potable water supplies.

“S37 General duty to maintain water supply system etc. (1) It shall be the duty of every water undertaker to develop and maintain an efficient and economical system of water supply within its area and to ensure that all such arrangements have been made— (a) for providing supplies of water to premises in that area and for making such supplies available to persons who demand them; and (b) for maintaining, improving, and extending the water undertaker’s water mains and other pipes, as are necessary for securing that the undertaker is and continues to be able to meet its obligations under this Part. (2) The duty of a water undertaker under this section shall be enforceable under section 18 above— (a) by the Secretary of State; or (b) with the consent of or in accordance with a general authorisation given by the Secretary of State, by the Director.”

40. Section 106 of the WIA 1991 confers a power to connect to a public sewer. Section 106(1) states that the owner of any premises or the owner of any private sewer which drains premises, shall be entitled to have its drains or sewer communicate with the public sewer of any sewerage undertaker and therefore discharge foul water and surface water from those premises or that private sewer.

41. Specifically, in relation to wastewater, the Supreme Court considered this matter in 2009 – see Barratt versus Welsh Water [2009] UKSC 13. Paragraph 23 of the decision is salient. Given its importance in the context of wastewater it is recited in full below:

“The right to connect to a public sewer afforded by section 106 of the 1991 Act and its predecessors has been described as an “absolute right”. The sewerage undertaker cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker

and the consequent expense is shared by all who pay sewerage charges to the undertaker. Thus, in Ainley v Kirkheaton Local Board (1891) 60 LJ (Ch) 734 Stirling J held that the exercise of the right of an owner of property to discharge into a public sewer conferred by section 21 of the 1875 Act could not be prevented by the local authority on the ground that the discharge was creating a nuisance. It was for the local authority to ensure that what was discharged into their sewer was freed from all foul matter before it flowed out into any natural watercourse.”

42. Consequently, it is inappropriate to include a policy in the local plan requiring a housebuilder, or other applicants for development, to assess the capacity or otherwise of the water company to provide water supply and wastewater connections as they are an attempt to get applicants to do things for which they are not legally responsible. Rather it is the responsibility of water companies, working with local authorities and the Environment Agency, to plan for the future demand for water services relating to the development requirements proposed in local plans, not applicants. If the water company is unable to supply those needs, this needs to be disclosed in the Water Resource Management Plan (WRMP). HBF recognises that this could represent a significant barrier to the delivery of the local plan, but it should not be addressed through capacity assessment by new development but through plan making and as such parts 1 and 2 under the heading ‘Waste water and associated infrastructure’ should be deleted.

W3: Water Efficiency in New Development, Extensions and Renovations

43. The lower water standard of 90 l/p/d is not consistent with national policy which states that 110 l/p/d is sufficient in water stressed areas. Future water standards are being considered that will phase the introduction of lower standards and the council should not look to introduce lower standards ahead of these recognising that a consistent national approach is the best way of ensuring improved standards whilst maintaining the delivery of new homes. The only potential reason for a lower standard would be where the issue of water supply is inhibiting the potential adoption of the local plan and the delivery of new homes – which is not the case in Lewes.

HW1: Health and Well Being

44. Part 4 of HW1 requires all residential development of 100 homes or more to undertake a Health Impact Assessment (HIA). Whilst the HBF would agree that they are an essential part of plan making to ensure the Council understand the health outcomes it is seeking to achieve and creates a plan that seeks to deliver these. This should be achieved through the preparation of a whole plan HIA which will inform the Council that the policies it contains address the key health outcomes for the area. As the plan and the policies, it contains has been prepared to address the key health issues it is therefore unnecessary for future development proposals that accord with this plan to undertake a separate HIA. If a development meets the policies in the plan, then it is by default addressing the health outcomes already identified by the Council.
45. An HIA as part of the application would merely be repetition of the work the council has already undertaken. The only circumstance where an HIA may be appropriate would be for a larger unallocated site where the impacts may not have been fully considered by the council as part of the plan wide HIA. HBF would suggest that part of of HW1 is amended to only require development of 100 units or more not allocated through the local plan be required to undertake an HIA.

HW4: Designing for Health and Wellbeing

46. It would appear that parts b and c of the policy will work against one another. It will be difficult for improved surveillance be provided when at the same time the number of windows opening onto the road and habitable rooms facing the road are to be minimised. Clarity is needed as to how a decision maker would address this issue.

H1: Meeting Housing Needs

47. It is not possible to comment on whether the 40% affordable housing requirement is justified as no viability evidence has been provided. Given that the Council is placing a number of additional costs on development, such as the 20% BNG, there is a risk that the cumulative impact of the policies the local plan will make development unviable.

H2: Suitable Homes for all

48. HBF consider the requirement for the market element of residential schemes on sites delivering 10 or more dwellings to include 30% two bed and 30% 3 bed homes to be

unjustified. The Council rely on the Local Housing Needs Assessment to justify this approach. However, this does not appear to be what the report's authors are stating. For example, the Executive Summary in commenting upon the size mix of new homes is the prioritisation of mid-sized homes (2-3 bedrooms) but with continued provision of smaller and larger dwellings to meet changing demographic needs. The report goes on to state that 'the mix for market housing gives less emphasis to 1-beds (7%) and more to larger properties (54% 3+ beds). It is therefore not clear why the council are requiring the proposed mix of housing size in this policy.

D3: Landscape character

49. Part 1 of this policy states that natural features within the landscape such as trees, woodlands hedgerows etc should be retained. However, it will not always possible to retain all these features and given that development will need to net gains in biodiversity some flexibility should be included within policy where it is not impossible to retain some of these natural features. HBF recommend that "*Where possible ...*" is added to the start of part 1.

IC1 (Infrastructure Provision)

50. IC1 outlines that land should only be permitted for development where it can be demonstrated that the capacity of infrastructure is sufficient to support the proposed development. HBF have already highlighted our concerns regarding the statutory duty around water and waste water infrastructure and have similar concerns with regard other utilities, such as power. The overarching capacity of the network to support new development should be assessed at plan making to ensure the plan is deliverable but the capacity of the network does not need to be considered at when determining a planning application. It must be assumed that there is sufficient capacity within utilities to deliver the necessary services for the proposed development and that any connections are to be addressed through separate statutory regimes.

IC2 (Water Supply and Wastewater Management)

51. See comments on W2.

IC3 (Digital Infrastructure and Communications)

52. As the Council are no doubt aware part R of the Building Regulations: Physical Infrastructure and network connections to new dwellings require all new build dwellings to be installed with the gigabit-ready physical infrastructure connections subject to a cost cap of £2,000 per dwelling. These requirements mean that there is no need for the inclusion of part 1 and 2 of this policy are not necessary.

Future engagement

53. I trust that the Council will find these comments useful. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry if that would be helpful. The HBF would like to be kept informed of the progress and adoption of the Local Plan. Please use the contact details provided below for future correspondence.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Behrendt', with a stylized flourish at the end.

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