

Sent by email to: localplan@great-yarmouth.gov.uk

31/01/2025

Dear Sir/ Madam

Great Yarmouth Local Plan

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

NPPF Transitional arrangements

2. The assumption made by the Council in 1.6 of the report to full Council on the 17th of October 2024 was that local plan would be examined under the 2023 National Planning Policy Framework (NPPF23) on the basis that the plan had reached regulation 19 consultation within one month of the 2024 Framework (NPPF24) being published and was within 200 dwellings per annum (dpa) of the proposed requirement. However, these assumptions were made on the basis of the draft NPPF24. However, the transition arrangements in paragraph 234a of final NPPF24 published in December state:

“a. the plan has reached Regulation 1982 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need”

3. The Council are proposing a housing requirement of 380 dpa which is 72% of the local housing needs assessment using the latest standard of 525 dpa. Therefore, in order for the

plan to be examined under NPPF23 the Council will need to have submitted the plan by the 12th of March 2025. On the basis of the report to full council referred to above it is evident that the Council's intention is for this plan not to be examined under NPPF23. However, in order to achieve this the Council has just 6 weeks to process all representations and properly consider the soundness issues raised by these representations prior to submission. HBF are therefore concerned that the Council will not give due regard to the outcomes of the regulation 19 consultation prior to submission in the rush to submit the plan prior to the 12th of March in their desire to limit the number of homes it must plan for. It is important that the Council has all the necessary submission documents and evidence base in place and it does not seek to try and address any shortcomings in the plan raised during this consultation after it has been submitted.

4. As the Council will be aware the Government has told the Planning Inspectorate that *“Any pauses to undertake additional work should usually take no more than six months overall. Pragmatism should not be used to address fundamental issues with the soundness of a plan, which would be likely to require pausing or delaying the examination process for more than six months overall”*. As such if there is any risk of delay in the examination then the Council must not submit this local plan and delay the preparation of a local plan that meets the needs of the Borough in full as required by the latest iteration of the NPPF and the standard method for housing needs it promotes.
5. If the plan is submitted prior to the 12th of March and examined under NPPF23 then HBF consider it essential that there is a review policy in the local plan that commits the Council to an immediate review. However, in order to ensure that this is actually undertaken this policy will need to have consequences. HBF suggest a policy similar to that adopted in the Bedford Local Plan 2030, which was examined under the transition arrangements in the 2019 NPPF. This policy required the Council to submit a new plan within three years of adopting the local plan 2030 and in the event that this submission date is not adhered to, the policies in the local plan which are most important for determining planning applications for new dwellings will be deemed to be *‘out of date’*.
6. Such a policy would ensure that the plan is consistent with paragraph 236 of the implementation arrangements in the NPPF24 which states that LPAs are expected to begin work on a new plan in order to address the shortfall in housing need. Whilst the NPPF24 does require local plans that are not within 80% of housing needs to include 20% buffer in

its assessment of housing needs from July 2026 the HBF do not consider this to be sufficient sanction for Great Yarmouth.

OSS1 – Housing Growth and Location

This policy is unsound as it is unjustified and not positively prepared.

Housing requirement

7. The Council are proposing a housing requirement 380 dpa – a total of 6,460 homes over the plan period 2024 to 2041. To meet this requirement the Council expect approximately 6,640 homes to be delivered from existing commitment and on the sites allocated in this local plan.
8. Turning to the housing requirement the Council outline that this is based on the standard method set out in Planning Practice Guidance which result in a local housing need of 353 dpa. However, as this is lower than the current local plan requirement of 363 and in recognition of the need to boost housing supply, as stated in paragraph 60 of the NPPF, the Council have chosen to maintain the current housing requirement of 363 dpa and uplift it by 5%, resulting in a housing requirement of 380 dpa. While HBF welcomes the decision to increase the housing requirement it is not clear why 5% was chosen. A cynical person may conclude that this was an attempt by the Council to benefit from the transition arrangements that were initially set out in the draft NPPF published for consultation in the summer of 2024, given that it lifts the housing requirement to less than 200 homes of the proposed local housing need at that time of 569 dpa.
9. If the Council's desire to boost housing supply is taken at face value it would be helpful to understand why a 5% uplift was chosen and not, 10%, 15% or even 20%. One approach for example, would be to uplift the requirement to deliver more affordable housing. PPG states at paragraph 2a-024-20190220 that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. The Council state in paragraph 7.3 of the local plan that there is a need for 130 affordable homes each year – approximately 37% of total needs. On the basis that qualifying sites can only viably deliver 25% of their homes as affordable this would suggest a shortfall of at least 42 homes per annum against the 353 dpa minimum arrived at by the standard method. In order to address this shortfall would require an 12% uplift and a requirement of 395 dpa. In reality the shortfall is likely to be even greater given that affordable

homes are only required on sites of 10 or more units so this is the minimum uplift that would be needed to boost the supply of homes in Great Yarmouth. However, even this figure is substantially below the number of homes the Council will be expected to plan for in preparing the next iteration of the local plan.

10. The Council have considered a higher supply in the Sustainability Appraisal. Option OSS1h appraised the potential impact of a supply that was 33% higher than the requirement proposed in the preferred approach (OSS1). The conclusion was that this the negative impacts on agricultural land and landscape means that the option is not preferred. However, the assumptions made in the SA in relation to higher housing growth appears to ignore the potential benefits. For example, with regard to objective 1 reducing multiple deprivation no mention is made as to the significant positives of the increase in affordable housing that would result from this option nor the health benefits this would have in relation to objective 2. To suggest as the council has that there will be no effect seems absurd. Similarly, to suggest that there would be no effect on town centre vitality and viability (objective 17) fails to recognise that an increase in housing would have a positive effect on centres, as is suggested by the Council with regard to its preferred approach. If anything, more housing would have a greater positive effect due to the increase in population.
11. HBF are therefore concerned that its approach to the proposed uplift has failed to properly consider growth beyond what is being proposed in OSS1 and why only a 5% uplift is considered necessary to boost housing supply in Great Yarmouth. Whilst a boost to housing delivery is clearly required there is robust evidence to suggest that this should be higher than 5% being proposed by the Council.

Housing supply

12. As required by national policy the Council have included a trajectory in Appendix 8 of the local plan. This indicates that total supply of homes over the plan period will be at least 6,638. This is 178 (circa 3%) more than the housing requirement. This is a relatively small buffer between needs and supply to be certain that as a minimum housing needs will be met over the plan period, as is required by paragraph 36a of the NPPF. However, HBF note paragraph 3.6 of the local plan which outlines that this does not include an allowance for windfall which would potentially add a further 875 homes over the plan period. This level of windfall would mean supply being circa 16% higher than the housing requirement and within the range of what HBF expect to ensure robust supply over the plan period.

13. With regard the housing supply we would suggest a more detailed trajectory is provided in the submission evidence. While the trajectory in appendix sets out the delivery expectations on each of the allocated sites a similar trajectory should be provided for the other sites that make up supply over the plan period. With regard to the deliverability of the sites in the trajectory HBF question would be whether the Link Road site (URB21) come forward in the first five years. While an EIA screening assessment has been concluded recently no planning application has been submitted. The latest Start to Finish¹ report published by Lichfields indicates in figure 3.2 that the average time from submission of an application to the first completion on a site of this size to be nearly five years. While this is an average and the site could come forward more quickly HBF would suggest that a start date of 2029/30 is a more realistic timeframe.
14. Finally, HBF could not find an assessment of the Council's five year land supply on adoption, this will need to be provided by the Council.

Small sites of less than 1 hectare

15. The NPPF² 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. The 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.
16. The HBF would therefore wish to see the 10% small sites allowance delivered through allocations (and not windfall). 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

¹ Start to Finish third Edition (Lichfields, 2024)

² NPPF December 2023 paragraph 70

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%.

OSS4: Infrastructure Provision

This policy is unsound as it is inconsistent with national policy, unjustified and ineffective.

17. At the end of this policy, it is stated that development will not be permitted where it would have a significant effect on the capacity of existing infrastructure and therefore creates a risk to the environment, economy or society. This is a very broad statement and while HBF understands the need to ensure that there is sufficient capacity to support development this is the role of the local plan. While such policies seem reasonable perceived issues with capacity are being used elsewhere to refuse development. In Sussex for example Wealden Council are refusing to discharge conditions relating to the capacity of the waste water treatment network despite the water company considering there to be sufficient capacity.
18. The need to plan for the infrastructure needs of an area is an essential part of the planning for new development but issues of capacity must be considered and addressed as part of plan making and not for further consideration at the application stage. If the Council do not consider there to be sufficient capacity in the areas infrastructure to meet development needs, then that is a show stopper, and the plan should be found unsound.
19. However, HBF recognise that there may be changes in circumstance but the issue of capacity and the impact of a development on that capacity must be for the infrastructure provider to determine as part of the statutory consultation. HBF therefore propose the final paragraph is amended to as follows:

“Development will not be permitted where the relevant statutory consultee has determined that it would have a significant effect on the capacity of existing infrastructure, and therefore creates potential risks to the environment, the economy or society which cannot be mitigated.”

Policy OSS5 - Development Viability.

This policy is unsound as it is inconsistent with national policy.

20. HBF consider the approach in this policy is inconsistent with paragraph 59 of the NPPF in that limits the scope on which viability matters can be considered solely on the basis of an increase in the cost of planning obligations on development.
21. Paragraph 59 of the NPPF which states that whilst the weight given to a viability assessment is a matter for the decision maker this followed by “*having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force*”. Therefore, as written this policy would prevent the decision maker from considering any of other changes in a sites circumstances isolating them solely to the cumulative cost of planning obligation. The policy should be amended to:

“Development viability with respect to planning obligations and other planning policy requirements will only be considered as a justification for lowering levels of contributions affordable housing or departing from other planning policy requirements where there has been a change in circumstances affecting that site. Particular regard will be given to the following circumstances: ...”

HOU6 – Self build

The policy is unsound as it unjustified and not effective.

22. This policy requires sites of 200 or more dwellings to set aside 5% of plots to provider for self and custom build housing in order to address what is a relatively small demand for self-build plots of 6 dpa. However, what is not apparent is whether the Council has looked at other approaches to increasing self-build plots other than the polciy being proposed. Paragraph 57-025-20210508 of PPG sets out how local authorities can increase the number of planning permissions which are suitable for self and custom build housing. These include supporting neighbourhood planning groups to include sites in their plans, effective joint working and using Council owned land.
23. HBF considers that such approaches should have been at least considered as a means to ensure a reliable and sufficient provision of self & custom build opportunities across the area. In addition, the Council could have looked identify and allocate small and medium scale sites specifically for self & custom build housing on sustainable sites especially if the

proposal would round off the developed form and provided a boost to housing supply rather than simply changing who constructs a dwelling on a strategic allocation. However, looking at the SA the only alternative that appears to have been considered to this policy is to have no policy³. In order for this approach to be considered sound the Council must be able to show that it has considered alternative approaches to meeting the identified demand for self-build plots.

24. However, if a self-build policy is to be pursued, then 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 and custom builders. The HBF would therefore suggest that any unsold plots should revert to the original developer after a six-month, not twelve-month marketing period.

NAT3: Biodiversity Net Gain

The policy is unsound as it is unjustified and not effective.

25. This policy requires all major development to deliver a 20% net gain in biodiversity, compared to the 10% required by the Environment Act 2021. The exception to this is brownfield within the areas listed in the policy which will not have to provide BNG above the statutory requirement.
26. 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,

³ Page 42, Great Yarmouth Local Plan Sustainability Appraisal Report (December 2024)

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”.

27. 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. There must be a very clear and robust justification that the area is significantly worse than the country as whole and that this decline is directly related to the new development rather than, for example, the result of changes in agricultural practices or industrial pollution. It is not sufficiently robust to highlight declines in species that whilst an important issue is not necessarily as a result of new homes being built.
28. The HBF does not disagree that the UK has seen a loss in biodiversity not just in recent past but previous centuries and as such recognise the importance of ensuring that the outcome of new development in future is that there is a net gain in biodiversity. However, it is important to recognise that in recent years new residential development has not been the driver of declining biodiversity either locally or nationally and in particular over the last 50 years. The main drivers of declining biodiversity in England, as outlined in the State of Nature Report 2023 (State of Nature Partnership, 2023), as being “*Intensive management of agricultural land, largely driven by policies and incentives since World War II, has been identified as the most significant factor driving species’ population change in the UK*”. Therefore, whilst it is important for development to ensure that it improves the natural environment the main driver of biodiversity it is important to also recognise it is not a significant driver of biodiversity decline in Great Yarmouth.
29. The justification provided by the Council for going beyond the 10% statutory requirement is that only 8.2% of the land within the Borough that is specifically protected for wildlife through designations such as SSSIs. While HBF do not dispute this we do not see why this is justification for requiring development to deliver a higher level of biodiversity net gain than that required by the Environment Act. Similarly, HBF cannot see why a high tree equity score is justification the proposed uplift in BNG. The fact that the area may benefit from tree planting is not a justification for asking for a higher level of BNG than the statutory minimum – especially given that tree planting may not be the outcome of delivering more BNG. The

type of habitat that is provided will focus on replacing the type of habitat lost – this may not necessarily be through planting more of trees. The evidence presented by the Council therefore provides no justification for going beyond 10% and certainly not sufficient to overcome what HBF consider must be a high bar given for such policies.

30. The Council must also be able to show that the 20% net gain is viable and will not compromise the deliverability of sites or the local plan as a whole. The Viability Assessment (VA) bases the cost assumptions for BNG on research commissioned by Kent County Council which suggests that the cost of delivering 20% will not be significantly more than the statutory 10% minimum. However, in considering the cost of delivering BNG it must be recognised this will depend significantly on the type and extent of the different habitats found on site. Some sites will find it relatively simple to deliver 10% onsite others will find it more difficult and require significantly higher levels of site delivery which increases costs significantly. Therefore, it is concerning that in referring to the research by Kent County Council the VA does not outline that the cost of off-site credits used in that study are based on the 2019 DEFRA Impact Assessment which assumed costs of these at £11,000. However, our members are experiencing costs of over £30,000 per unit with the cost varying based on the habitat type and where the offsetting units are being delivered. Given that any BNG required in addition to the statutory minimum is likely to require more offsetting, then the VA could be underestimating the cost of this policy.
31. If the 20% requirement is considered to be sound 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.
32. Turning to other aspects of the policy HBF it is not clear what the Council means the second sentence of the fourth paragraph when it states, “*Where 20% net gain is required at least 10% (the non-statutory element should be delivered on-site)*”. Firstly, this will need to be rewritten to make sense. Secondly if we assume that this means that sites should deliver at least 10% of the required net gains on site and that the on site gains must relate to the non-statutory element then it is not clear why the non-statutory element of the net gains required should be delivered on site. Without further details as to what the council intends with this statement the HBF does not consider the approach to be consistent with paragraph 16 of the NPPF which requires policies to be clearly written and unambiguous.

33. With regard to offsite delivery of net gain the policy states that these will only be considered,

“...where it can be demonstrated that, after following the biodiversity gain hierarchy, all reasonable opportunities to achieve measurable net gains on-site have been exhausted or where greater gains can be delivered off-site where the improvements can be demonstrated to be deliverable and are consistent with the Local Nature Recovery Strategy ensuring current ecological networks are not compromised and future improvement in habitat connectivity are not prejudiced”.

34. The HBF do not consider it strictly necessary for the Council to reiterate requirements that are already set out in both the legislation and the supporting guidance in PPG. However, if reference is to be made as to the balance between on site and off site delivery the Council must also recognise that there will be circumstances where off site delivery may need to be outside of locations identified in the LNRS and indeed outside of the Borough altogether. It might be preferable for delivery to be as suggested in the policy but if this is not possible then the policy must clearly state that other solutions are acceptable, as set out in paragraph 74-008-20240214 of PPG. This is particularly important if the 20% net gain is considered to be sound given that this will most likely result in an increased need for offsite solutions.

CLC3: Foul Drainage

Policy is unsound as it is inconsistent with national policy.

35. Part a of this policy which requires applicants to demonstrate that adequate foul water treatment and drainage exists is not considered to be sound. Section 106 of the Water Industry Act 1991 S106 sets out that the owner of any domestic property is entitled to have foul and surface water from their property connected to the public sewerage system and as such the matter is not one of land use planning to be considered through development management.

36. However, HBF do recognise that it is an issue to be considered at plan making and it is for the water company to consider whether current drainage and water treatment infrastructure can support expected levels of development. Such considerations have been made with paragraph 5.2.3 of the Infrastructure Needs Study stating there is sufficient capacity to

accommodate future housing growth. If unforeseen events occur meaning that the water company is unable to provide the water services required, then the local authority must reflect those problems through amendments to its local plan. If water services cannot be guaranteed, then the development requirements in the local plan cannot be delivered. Consequently, the local plan is unsound. The plan cannot be made sound in relation to matters of water through policies in a plan that seek consider such matters on a case by case basis. Therefore, HBF recommend that part a of the policy should be deleted as it is not consistent with the legal framework governing the supply of wastewater services to new development.

Conclusion

37. HBF do not consider the plan to be sound and therefore requests to participate in the relevant hearing sessions held as part of the examination in public. HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Yours faithfully



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