

Sent by email to: [planning.policy\\_SBC@stevenage.gov.uk](mailto:planning.policy_SBC@stevenage.gov.uk)

29/01/2025

Dear Sir/ Madam

### **Stevenage Local Plan – partial review**

1. Thank you for consulting the Home Builders Federation (HBF) on the partial review of the local plan that is being prepared to support the introduction of CIL in Epping Forest. 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.

### **Policy SP7: High Quality Homes**

The policy is unsound as there are inconsistencies with national policy that have not been justified.

2. The Council is now proposing to amend the housing requirement to accord with national policy and in response to the Strategic Housing Market Assessment 2023 (SHMA). The proposed amendment reduces the number of new homes to be provided to 3,290 over an amended plan period of 2024 to 2031. Whilst this is an increase in the annual housing requirement of 380 dpa in the adopted local plan by rebasing the plan period to 2024 the current backlog of 2,221 homes is removed.
3. HBF acknowledges that the standard method is a forward looking assessment of housing need and as such when a new plan is prepared the starting point for any plan period should

be the year in which the assessment of housing need is undertaken. However, there are other policies in the NPPF that need to be considered if the council chooses to amend this strategic policy. As the Council will be aware paragraph 22 of the NPPF requires strategic policies to look ahead for a minimum of 15 years. No justification has been provided as to why the Council is amending this strategic policy without extending the period over which housing needs and supply is considered in order to be consistent with paragraph 22 and as such the proposed amendment is unsound. Given that the Council are choosing not to prepare a new plan that ensures strategic policies look ahead for a minimum of 15 years the HBF do not consider the proposed amendment to be sound.

### **Policy CC1: Climate Change**

Policy is unsound as it is inconsistent with national policy and unjustified.

4. This policy requires major development to achieve net zero regulated operational emissions and large scale major development of more than 150 dwellings or over 15,000m<sup>2</sup> of non-residential floorspace to be whole-life zero carbon. Where development cannot achieve the proposed standards, any shortfall can be offset by an alternative offsite proposal. HBF notes and welcomes that the Council have amended this policy following the regulation 18 consultation to remove the requirement to achieve net zero regulated emission from minor development.
5. HBF recognises the need for new development to reduce carbon emissions and we have been active in seeking to drive improvements across the sector. This has been through the establishment of the Future Homes Task Force, which was central to the establishment of the Future Homes Hub to ensure effective partnership working in reducing the impact of the new home on the climate and environment. While we understand the desire in some areas to set different and/or higher standards, it is our position that the most effective approach to reducing emissions, whilst continuing to deliver the homes we need, is through nationally applicable standards.
6. When considering local plan policies which require development to go beyond national policy the Written Ministerial Statement (WMS) from December 2023 remains a key consideration. While this was published by the previous Government it has not been rescinded and as such local plan policies must be consistent with the WMS in order to be considered sound. As the Council note in the Climate Change Technical Paper the WMS was also

challenged by Community Rights Action in the High Court ([2024] EWHC 1693 Admin). This challenge failed on all three grounds and importantly the approach set out in the WMS is consistent with the approach set out in the Planning and energy Act 2008 (PEA) and does not restrict the power conferred on local authorities by this Act.

7. The starting point of the WMS is that there is not an expectation that plan makers go beyond current standards and that the preferred approach is to deliver improvements through building regulations which avoids the proliferation of multiple local standards which add complexity and increase cost. However, it does not prohibit the use of higher standards stating:

*“Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do 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).”*

8. With regard to the second bullet point the Council’s policy does not express the additional requirement as a percentage uplift instead requiring development be net zero operational emissions or whole life carbon net zero depending on the scale of the development proposed. For major development and the requirement to be net zero the HBF would agree that this is broadly consistent with the approach advocated in the second bullet point given that the Glossary states that the regulated operation emissions rate will be determined using the Standard Assessment Procedure 10.2. However, we would suggest that this amended to include reference to the Target Emissions Rate to ensure consistency with the WMS.
9. As for the requirement for larger development to be whole-life carbon HBF consider that this goes beyond the scope of the PEA which in part c enables local authorities to impose policies that exceed energy requirements of building regulations. As the Council will be aware Building Regulations do not currently require development to meet standards with regard to the embodied carbon arising from the construction of a development and as such

the requirement goes beyond the scope of the PEA and the WMS. It is important that in setting standard the Council has regard to paragraph 159b which states that: *“Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards”*. In setting a whole-life Carbon standard the Council are setting technical standard for development that goes beyond building regulations and are outside of the optional technical standards set out in PPG and the WMS. HBF therefore consider that the requirement for larger development to be whole-life zero carbon to be inconsistent with national policy and unsound.

10. In addition, HBF do not consider the approach suggested to have been robustly justified with regard to viability and the impact to housing supply and affordability. The viability study for example includes an 15% uplift to building costs to take account of the requirement for large scale development to be whole-life net zero carbon. However, no evidence has been presented by the Council that this is an accurate assessment of the cost of meeting this policy. References are given in the Viability Report (footnote 62) to other whole plan viability assessments, but no analysis has been provided as to how these other studies have arrived at this uplift and its relevance to development in Stevenage. There is also no consideration in the evidence as to how much carbon offsetting will cost nor an assessment as to the amount of offsetting that may be required given the high standard required by CC1. Without a proper consideration as to the potential costs of the policy on development the Viability Report lacks the necessary robustness for the council to state that it will not make development unviable and undermine the deliverability of the local plan. Unless more evidence is provided the only conclusion that can be reached is that the policy is unjustified and should be deleted.
11. In considering the impact of these policies on housing supply the Council state on page 19 of the Climate Change Technical Paper that successive studies have shown that that the additional costs of higher standards, whether concerned with climate change mitigation or otherwise, have only a small effect, if any, on housing supply. The Council also quote from the 2014 report commissioned by Shelter with regard to planning rules. However, the Council have not included the full sentence which states:

*“Changing planning rules – for example reducing the obligations on developers to fund infrastructure or affordable housing – may prompt short run increases in developer margins and hence build out rates, but risk entrenching the current*

*dysfunctional model and further undermining public support for development in the medium term.”*

The report is considering in this sentence whether reducing current planning obligations could deliver an increase in housing supply by incentivising development. This is different to the concerns of the WMS which is that the imposition of higher standards will impact on the supply of homes not only in terms of reduced viability but also the additional complexity that is required to ensure development meets any new policy. The policy proposed by the Council to require large scale development outside of town centres to be whole-life zero carbon will require developers to make significant changes that will impact on delivery timescales and the rate at which homes can be delivered. The Council also state that the Government’s own analysis shows that a homogeneity of types and tenures of new homes is a fundamental driver of slow build out rates. Whilst this may be a factor in some cases HBF do not see this as justification for not considering the potential impact of the Council’s proposed policy on the supply of new homes. While there may be other factors that impact on delivery timescales this does not in turn mean that policies such as those proposed in CC1 will have no impact and absolve the Council from undertaking any actual analysis as to the impact of this policy on the supply of new homes. This is particularly relevant for this local plan where delivery is required to ensure identified needs are met in the short term and where new policies such as the one being proposed will potentially impact on delivery in the short and medium term.

### **Policy CC5: Carbon Sinks**

Policy is unsound as it lacks sufficient clarity to be effective

12. HBF recognise the importance of carbon sinks in reducing CO<sub>2</sub>. However, at present it is not clear how significant is to be defined. For example, a small area of woodland can sequester far more carbon than much larger area of grassland<sup>1</sup>. HBF would suggest that to ensure that the policy is effective and does not cause confusion to the applicant and decision maker a clearer definition of what constitutes a significant carbon sink is required.

### **Policy CC7: Digital Connectivity**

Policy is unsound as is inconsistent with national policy

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<sup>1</sup> Figure 2, Carbon Storage and Sequestration by Habitat. (Natural England, 2021)  
<https://publications.naturalengland.org.uk/publication/5419124441481216>

13. This policy requires new development to ensure sufficient ducting space for full fibre connectivity. The Council are no doubt aware that Part R of the Building Regulations: Physical Infrastructure and network connections to new dwellings (2022 edition) 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 it is unnecessary for the Council to include policies in the local plan relating to new broadband or telecommunications infrastructure. HBF therefore recommend the policy is deleted from local plan.

### **Conclusion**

14. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in the NPPF. I can therefore confirm that the HBF would like to participate in any hearing sessions held at the examination in public on the matters raised in our representations and that we would like to be kept informed of the submission and examination of the local plan.

Yours faithfully



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