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SENT BY EMAIL
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5/2/2025

Dear Planning Policy Team,

ST CUTHBERT'S GARDEN VILLAGE LOCAL PLAN: 2025-2055 REGULATION 19 PUBLICATION DRAFT

1. Thank you for consulting with the Home Builders Federation (HBF) on the St Cuthbert's Garden Village Local Plan: 2025-2055 Regulation 19 Publication Draft.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. We would like to submit the following comments upon selected policies within the Publication consultation document. These responses are provided to assist the Council in the preparation of the emerging local plan. The HBF is keen to ensure that Cumberland produces a sound local plan which provides appropriate policies for the St Cuthberts Garden Village area.
4. Whilst not a matter of soundness it would be helpful if the council could include clause / paragraph numbers within all of the policies. The numbering of each clause / paragraph within a policy will aid referencing for those making representations on the local plan as well as for applicants and decision makers following the adoption of the plan.

Strategic Policy 1: The Development Strategy

Strategic Policy 1 is not considered to be sound as it is not positively prepared, not justified, not effective and not consistent with national policy for the following reasons:

5. This policy states that St Cuthbert's will deliver approximately 10,000 new homes comprising a balanced and appropriate mix of house types and tenures (including affordable homes and homes for older people), as well as serviced plots for those seeking self or custom build housing. It suggests that the homes will be distributed with 7,715 dwellings in Durdar and Blackwell, 943 dwellings in Cummersdale, and 1,140 dwellings in Carleton.

6. The justification text highlights that it is Policy SP3 of the adopted Carlisle District Local Plan 2015-2030 that provides the justification to bring forward the Garden Village site. Policy SP2 of the Carlisle Local Plan looks to identify land to accommodate 9,606 net new homes between 2013 and 2030, at an average of 478 dwellings per annum (dpa) between 2013 and 2020 and 626 dpa between 2020 and 2030. Table 1 of the Carlisle Local Plan suggests that 1,450 dwellings will be delivered on the Garden Village site before 2030. The HBF notes that the methodology for calculating the local housing need has been updated since the adoption of the Carlisle Local Plan and that the standard method now identifies a local housing need for Cumberland of 1,105dpa, therefore the delivery of the Garden Village could make a significant contribution to this housing need.
7. The justification text also sets out that the Council anticipate that the Garden Village will be delivered over a 30-year period. Figure 2 in the Plan provides an indicative housing trajectory for the Garden Village, with housing delivery expecting to increase steadily from 2026/27 to around 400 dwellings from around 2030/31.
8. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. It is, however, important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to overly prescriptive requirements, requiring a mix that does not consider the scale of the site or the need to provide significant amounts of additional evidence. The HBF would expect the Council to ensure that the policy is applied flexibly, and makes allowance for home builders to provide alternative housing mixes as is required by the market.
9. The Housing and Planning Act 2016 formally introduced the 'Right to Build' and that this Act placed a legal duty on the relevant authority to grant enough planning permissions to meet the demand for self-build housing as identified through its register in each base period. The HBF would be keen to understand the evidence to support the need for custom and self-build housing in Cumberland and in particular in the St Cuthbert's Garden Village area, and how it has informed the requirements of this Policy. The PPG¹ sets out how custom and self-build housing needs can be assessed.
10. The HBF generally 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.

Strategic Policy 3: Strategic Design Requirements and Principles

Strategic Policy 3 is not considered to be sound as it is not justified, and not consistent with national policy for the following reasons:

¹ PPG ID: 67-003-20190722

11. This policy states that proposals must adhere to a list of Strategic Design Principles, these include delivering a mix of house types, sizes, tenures and densities and building heights within the specified ranges; major developments ensuring that 100% of both the market and affordable housing meets the higher access standards Part M4(2) of the Building Regulations.
12. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. It is, however, important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to overly prescriptive requirements, requiring a mix that does not consider the scale of the site or the need to provide significant amounts of additional evidence. The HBF would expect the Council to ensure that the policy is applied flexibly, and makes allowance for home builders to provide alternative housing mixes as is required by the market.
13. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG. The PPG² identifies the type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for Cumberland which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommends that an appropriate transition period is included within the policy.
14. The Viability Assessment includes costs in relation to the M4(2) requirements of £523 per house and £940 per apartment. The Viability Assessment undertakes case study appraisals for three areas and it shows the viability challenges that the area faces with the delivery of a policy development with 20% affordable housing at current values as not making sufficient profit to be viable. The schemes are only viable if the schemes sees a premium added to the value of houses in this area and there are no additional costs or increases in costs.
15. The PPG also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances, and the ability to provide step-free access. If the policy is to be retained, it will need to be amended to include these considerations.

² PPG ID: 56-007-20150327

16. The Council should also note that the Government response to the Raising accessibility standards for new homes³ states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.
17. Appendix 1 sets out the density ranges for specific parts of the Garden Village these range from a minimum of 30 dwellings per hectare (dph) on the Natural Edge and a maximum of 100 dph, with an average density set within each area ranging from 38dph on the Natural Edge to 75dph in the District Centre.
18. The HBF supports the efficient use of land and understands the inclusion of a density policy. The HBF considers that the inclusion of a level of flexibility to take account of site-specific circumstances is appropriate.
19. The HBF considers that it is important to ensure that the density requirements do not compromise the delivery of homes in sustainable locations to meet local needs. The Council will need to ensure that consideration is given to the full range of policy requirements as well as the density of development, this will include the provision of M4(2) and M4(3) standards, the NDSS, the provision of cycle and bin storage, the mix of homes provided, the availability of EV Charging and parking, any implications of design coding and the provision of trees and canopy proportions, highways requirements, Biodiversity Net Gain, and Building Regulations requirements in relation to heating and energy and the Future Homes Standard.

Strategic Policy 5: Delivering a Healthy and Inclusive Garden Village

Strategic Policy 5 is not considered to be sound as it is not justified, and not consistent with national policy for the following reasons:

20. This policy states that new development within the Garden Village must deliver a high quality, sustainable and inclusive community that proactively improves the physical and mental health and wellbeing of those living in, working in or visiting St Cuthbert's through delivering a diverse mix of decent and adaptable homes, including affordable housing that enables everyone to meet their housing needs and requiring proposals for 100 or more homes and all other major development to submit a Health Impact Assessment (HIA) as part of the application to explain how health considerations have informed the design, amongst other requirements.
21. The HBF generally supports plans that set out how the Council will achieve improvements in health and well-being. In preparing its local plan the Council should normally consider the health impacts with regard to the level and location of development. Collectively the policies in

³ <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>

the plan should ensure health benefits and limit any negative impacts and as such any development that is in accordance with that plan should already be contributing positively to the overall healthy objectives of that area.

22. The PPG⁴ sets out that HIAs are ‘a useful tool to use where there are expected to be significant impacts’ but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the local plan a HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring a HIA. In addition, the HBF considers that any requirement for a HIA should be based on a proportionate level of detail in relation to the scale and type of development proposed. The requirement for HIA for all proposals for 100 or more homes and all other ‘major’ developments without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the PPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to substantially mitigate the impact.

Strategic Policy 8: Biodiversity Net Gain and Nutrient Neutrality

Strategic Policy 8 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

23. This policy states that all development must provide a minimum 10% measurable biodiversity net gain. The policy goes on to state that the latest statutory Biodiversity Metric must be used to quantify the biodiversity value. It goes on to set out the mitigation hierarchy of avoiding harm, then mitigating for harm, then compensating for harm. It suggests that where this is not achievable BNG may be sought through contributions to an off-site habitat / enhancement scheme.
24. The HBF notes the introduction of Biodiversity Net Gain (BNG) which came in for large sites on February 12th, 2024, and for small sites from 2nd April 2024. It is therefore important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.
25. The HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. The HBF notes that this represents a lot of new information that the Council will need work through and consider the implications of, in order to

⁴ PPG ID:53-005-20190722

ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG⁵ is clear that there is no need for individual Local Plans to repeat national BNG guidance.

26. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure.
27. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the BNG PPG⁶. This may be an important consideration in bringing forward sites within the Garden Village.
28. The HBF considers that there are significant additional costs associated with biodiversity net gain, which should be fully accounted for, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both to the financial costs and also land take, which will impact on densities achievable if BNG is provided on site. The Viability Assessment suggests that the costs relating to BNG are included for within the St Cuthbert's Cost Plan produced by Turner and Townsend, they are therefore not detailed in the report. As this is still a new policy area and the market for off-site provision is not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it was arrived at using the most up to date BNG costs information available.
29. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed. The Government recently⁷ published additional Guidance⁸ on how Local Nature Recovery Strategies should be integrated with/feed into Local Plan Making. The HBF would encourage the Council to review the new guidance and fully consider its implications for this Plan.
30. The HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggests particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-

⁵ ID: 74-006-20240214

⁶ ID: 74-054-20240214 & ID: 74-056-20240214

⁷ 19/02/2025

⁸ See <https://www.gov.uk/guidance/plan-making> and <https://www.gov.uk/guidance/natural-environment#local-nature-recovery-strategies>

site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the different hierarchies. The HBF therefore suggests that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

31. The HBF also considers that the policy could be clearer that there are three ways a developer can achieve BNG. Firstly, they can create biodiversity on site, secondly, if developers cannot achieve all of their BNG on-site, they can deliver through a mixture of on-site and off-site, and finally, if developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the Government. Off-site biodiversity gains can include land owned by the developer outside the development site, or buy off-site units on the market.
32. The HBF recommends that that Council work closely with the HBF, PAS, DEFRA and others with expertise in BNG to ensure that the policy is amended appropriately to reflect the latest position.
33. This policy also covers nutrient neutrality and states that where a development will drain into the catchment of the River Eden applicants must be able to demonstrate that their proposals will not lead to a net increase in the amount of nutrient pollution entering the watercourse.
34. The Nutrient Neutrality Mitigation Strategy highlights that the River Eden is recognised as a site of European Importance and that the nutrient of the highest significance in terms of water quality is Phosphorus. The Strategy also notes that following the passage of the Levelling Up and Regeneration Act in October 2023, it is expected that Carlisle Wastewater Treatment Works (WwTW) will be upgraded to meet significantly higher treatment levels with significantly improved phosphorus removal. The current licence limit is 2.5 mgP/l, and this will be improved to 0.25 mgP/l by the beginning of the financial year in 2030. This alone will reduce the wastewater nutrient load, which is the bulk of the nutrient budget, by 90%. The Strategy highlights that in the post-2030 epoch, the development potentially has the ability to achieve nutrient neutrality purely through the use of Sustainable Drainage Systems (SuDS). For development prior to 20230 as there is a long-term solution for the entire development, additional mitigation only needs to be provided for the development that will take place before 2030.
35. The Strategy concludes that in the short term, the housing completion rate shows an expectation of 1,070 houses to be built before 2030. These will need to be mitigated at the existing licence limits for Carlisle WwTW. Four measures were identified to create a nutrient surplus: The development of Durdar Country Park; Upgrade of septic tanks; Abstraction wetlands; and Floodplain meadows. It states that whilst no single solution has been able to fully mitigate the nutrient excess, it has been demonstrated in this report that, in combination, these mitigation solutions provide approximately 150% of the required mitigation to achieve nutrient neutrality.
36. The delays to home building caused by nutrient and water neutrality requirements, are significant obstacles to investment in new homes and communities. The HBF considers that unless this proliferation is held in check, and a system of compensation and recovery is established,

subject to this being justified by clear evidence and verified by Defra, these designations represent a very serious threat to the Government achieving its ambition for 1.5m new homes within this Parliament. The HBF has estimated that the construction of 160,000 homes with some form of planning status have been jeopardised by the nutrient neutrality issue.

37. The HBF maintains that the imposition of the nutrient and water neutrality restrictions on home building is unjustified. The problem of nutrient related pollution is a society-wide problem, that derives, in the main, from farming activities and to a lesser extent the day-to-day ablutions of the general population. It is divisive to single-out the occupants of new homes as the chief cause of nutrient-related harm to justify an embargo on new development. Individuals moving from one existing dwelling, perhaps living with parents, within a catchment to new home will likely use less water owing to the water efficiency measures in place in a new build property. More importantly, the problem relates to the management of water and wastewater services in England which is the responsibility of water companies and the Environment Agency. The problems that stem from this can only realistically be resolved by action in this sphere.
38. Projecting the resolution of these issues onto housebuilding, where, in the case of nutrient neutrality, the future occupants of those homes would contribute to less than one per cent to the issue, is wholly disproportionate and ineffective. The restrictions have a disproportionately greater social effect on lower income groups – increasing social inequality at a time when the gap between the comfortably housed and the unhoused grows wider and resulting in lower economic activity that is needed desperately to finance public services and stubbornly weak – or non-existent – productivity growth. Despite the tiny contribution that is made by occupants of new homes, existing residents in the catchments affected by Natural England’s advice on nutrients, water and recreational impact, will face no inconvenience. They will continue to defaecate, draw water, and walk their dogs uninterrupted and without any financial penalty merely by virtue that they already live in the catchments affected prior to the advice being issued by Natural England. Meanwhile those in desperate housing need will continue to experience great hardship as a consequence of the serious delays to home building.
39. The impact of new housing on water quality derives from the occupancy of these dwellings by people rather than from the process of construction itself. Calculating the extent to which new housing contributes to a decline in the water quality of protected habitats should be based on the number of additional residents moving to live in a catchment for the first time.
40. The HBF also notes that the Government has recently consulted on a Planning Reform Working Paper on Development and Nature Recovery, and that the Planning and infrastructure Bill seeks to establish a Nature Restoration Fund, which may be used in future to mitigate for nutrient issues.

Strategic Policy 9: Integrated Active and Sustainable Travel

Strategic Policy 9 is not considered to be sound as it is not justified, and not consistent with national policy for the following reasons:

41. This policy states that applicants must, through their design and in their accompanying Design and Access Statement and associated transport assessments, demonstrate that the sustainable movement network and development proposals comply with the following national guidance including Building for a Healthy Life, Manual for Streets 2, Active Travel England Guidance, Gear Change; LTN 1/20 Cycle Infrastructure Design, and Inclusive Mobility.
42. The HBF does not consider it is appropriate to require a development to comply with the documents listed in this policy as any requirements within these documents will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan. The documents generally have weight in their own right as should be treated as a material consideration. The HBF recommends that the policy is amended to state that ‘*applicants **should** through their design and in their accompanying Design and Access Statement and associated transport assessments, demonstrate that the sustainable movement network and development proposals **take into consideration** the following national guidance (or any subsequent guidance that supersedes the following: . . .*

Strategic Policy 12: Smart, Low Carbon and Climate Change Adaptive Development

Strategic Policy 12 is not considered to be sound as it is not justified, and not consistent with national policy for the following reasons:

43. This policy states that proposals for all development in St Cuthbert’s must make the fullest contribution to creating environments which enable low carbon lifestyles, are resilient to climate change and fully equipped for smart and sustainable living. It goes on to state that applicants must demonstrate how their development would contribute to carbon reductions and factor in climate change resilience. In advance of the Future Homes Standard (FHS) all new homes must demonstrate a minimum of 20% reduction in baseline emissions rate against Approved Document L Conservation of Fuel and power, expressed as a % improvement of the buildings Target Emissions Rate (TER). The Viability Assessment has allowed for £12,400 per unit to cover the cost of the Future Home Standard.
44. The HBF recognises the need to move towards greater energy efficiency via a nationally consistent set of standards and timetable, which is universally understood and technically implementable. This is in line with the Written Ministerial Statement of December 2023 (WMS)⁹, which states that the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned building regulations. The WMS clearly states that any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned building regulations 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 NPPF; and the additional requirement is expressed as a percentage uplift

⁹ WMS December 2023 <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

of a dwellings Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).

45. The HBF does not consider that the Council have a well-reasoned and robustly costed rationale. The HBF does not consider that the Council have considered the impact this policy could have on affordability or on housing supply. The HBF continues to consider that this policy should be deleted and left for building regulations, avoiding the same set of requirements being considered twice, and potentially reaching differing conclusions.
46. However, if the policy is to be retained, the WMS goes on to state that where plan policies go beyond current or planned building regulations, those policies should be applied flexibly to decisions on planning applications and appeals where the applicant can demonstrate that meeting the higher standards is not technically feasible, in relation to the availability of appropriate local energy infrastructure and access to adequate supply chains. Therefore, the HBF considers that if this policy is to be retained there is a need for significant amendment to allow for greater flexibility to reflect the issues identified in the WMS.
47. The policy also states that all homes should be equipped with full fibre broadband to ensure smart technology and homeworking are options for the occupants. It also states that all homes must incorporate solar photovoltaic panels, individual air source heat pumps, wastewater heat recovery systems and water efficiency measures to ensure water usage does not exceed 105 litres per head per day.
48. The HBF considers that a policy that would generally encourage and support the provision of digital connectivity could be appropriate, however, any requirements on developers should not go beyond the provision of infrastructure as set out in the statutory Building Regulations. The HBF considers that the Council should work closely with the providers of digital infrastructure, to ensure that appropriate provision is provided, and that the onus is placed on those who can actually provide the appropriate infrastructure. The HBF does not consider that it is necessary to provide a policy to incentivise the development industry, the industry is already well aware of the benefits of infrastructure and the requirements of those looking to purchase a new home and can self-police the cost/benefit of this provision with regards to site viability.
49. The HBF is concerned by the requirement for all homes to incorporate solar photovoltaic panels, individual air source heat pumps (or connection to a heat network), and wastewater heat recovery systems. The HBF understands that these measures can be a way for home builders to achieve their SAP ratings (or HEM ratings) and reduce the energy ratings, however, the HBF does not consider that it is appropriate for the Council to be restrictive about the approaches that each builder uses to meet the desired energy ratings. For example, wastewater heat recovery systems can be very difficult to install in limited spaces, so can be inappropriate for higher density developments or smaller properties, and have very little benefits for the occupier of the property as they can take up valuable space in the property. The HBF recommends this element of the policy is deleted or if it is to be retained it should be amended to

support the use of these elements or to promote these approaches as a way to reduce a property's energy rating.

50. The HBF recognises that there is a need to manage water use through reduced consumption, preventing leakages and increasing water supply across. Indeed, in partnership with Waterwise the HBF has launched a guide to provide tips on how households can reduce their water consumption. Research by the HBF has also found that new homes use around 40 litres less each day compared to older homes. Reductions that have come through nationally applied standard. As such the HBF considers the most effective approach to securing long-term reductions, is through nationally agreed regulations, not ad hoc requirements in local plans.
51. The HBF does not consider that it is necessary for development to adopt, as a minimum, measures to limit water usage including the implementation of the optional technical standards for water efficiency. The optional water standard is 110 litres per person per day, the Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure.
52. A policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. PPG¹⁰ states that where there is a '*clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day*'. PPG¹¹ also states the '*it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement*'. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The North West, Cumberland and the St Cuthbert's Garden Village are not considered to be an area of Water Stress as identified by the Environment Agency¹². Therefore, the HBF considers that the requirement for water efficiency over and above the optional standard is not justified nor consistent with national policy in relation to need or viability and should be deleted.

Strategic Policy 15: Affordable Housing

Strategic Policy 15 is not considered to be sound as it is not positively prepared, not justified, not effective and not consistent with national policy for the following reasons:

¹⁰ PPG ID: 56-014-20150327

¹¹ PPG ID: 56-015-20150327

¹² 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

53. This policy states that development of 11 or more houses will be required to deliver 20% affordable homes on site with a tenure split of 50% social or affordable rent and 50% discounted market sales housing. It also states that the opportunity to secure affordable Extra Care housing or other supported housing schemes as part of the wider affordable housing mix on development sites will be sought where it is considered to meet needs and the site is in an appropriate location.
54. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF¹³ is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability. The HBF is concerned that the Viability Assessment identifies the viability challenges at St Cuthbert's, and the potential impact this may have on the deliverability of homes in the area. The Council should be mindful that it is unrealistic to negotiate every site on a one-by-one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery.

Strategic Policy 17: Planning Obligations

Strategic Policy 17 is not considered to be sound as it is not positively prepared, not justified, not effective and not consistent with national policy for the following reasons:

55. This policy requires all proposals to deliver or make a financial contribution towards the delivery of supporting infrastructure requirements. It goes on to state that consideration will only be given to a request for reduced planning obligations where a number of criteria are met including that the proposed development would not be viable and that the benefits of the development outweigh the lack of full mitigation for its impacts.
56. Development can only be required to mitigate its own impact and cannot be required to address existing deficiencies in infrastructure or services. It is therefore essential for the Infrastructure Development Plan (IDP) to clearly show the existing and known deficiencies in the current infrastructure, before reaching any conclusion on the cumulative effects of new development, and any contribution that is needed from new development to mitigate any additional individual and/or cumulative impacts.
57. The HBF considers that due to the identified viability challenges that it is likely a number of development proposals will not be viable, and that as the Viability Assessment already evidences these viability challenges this policy should be applied flexibly. The HBF would also generally recommend that a policy includes the opportunity for negotiation around policy requirements for site specific reasons, to reflect viability challenges identified in the Viability Assessment or to reflect changes in viability since the undertaking of the Viability Assessment.

Policy DM1: Windfall Development

Strategic Policy 1 is not considered to be sound as it is not positively prepared, not justified, not effective and not consistent with national policy for the following reasons:

¹³ NPPF December 2024 Paragraph 35

58. This policy proposes that windfall housing development will be supported providing the proposal meets a number of criteria. The HBF generally supports the Council in supporting windfall development. The HBF considers, however, that some of the criteria proposed may be quite restrictive and the policy should be amended to ensure that it supports additional dwellings where they are appropriate and sustainable or could be made to be. The HBF also considers for example that it should not be necessary for the development to be physically connected to the existing or proposed development.

Implementation and Monitoring

59. This chapter sets out the how the Plan will be monitored with the policies, objectives, indicators, triggers and possible actions identified. The HBF recommends that the Councils provide details as to how the plan will actually be monitored, and identifies when, why and how actions will be taken to address any issues identified by the Monitoring Framework.

Future Engagement

60. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

61. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

62. At present the HBF does not consider that the Plan is sound, as measured against the tests of soundness set out in the NPPF, and as set out in our representations above. The HBF would therefore like to participate in any hearing sessions associated with the examination of the St Cuthbert's Garden Village Local Plan and related to our representations, as this will allow the HBF to represent the industry and to address any relevant points raised at the examination. The HBF would like to be kept informed of the submission and examination of the Local Plan.

Yours sincerely,



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