

Planning Policy
Cheshire West and Chester Council
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Dear Planning Policy Team,

CHESHIRE WEST AND CHESTER LOCAL PLAN: ISSUES AND OPTIONS

1. Thank you for consulting with the Home Builders Federation (HBF) on the Cheshire West and Chester Local Plan Issues and Options consultation.
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 multinational 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 Local Plan Issues and Options 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 Cheshire West and Chester produce a sound local plan which provides appropriate policies for the area.

Plan Period

4. The Council propose that the update to the Local Plan should plan for a period of 15 years. The NPPF¹ states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery. The HBF considers that the Council may want to be looking to prepare a new Local Plan that will look forward to at least 2045 to ensure that it covers the 15-year period, they may also want to consider whether any strategic sites require the Council to plan over a longer period for these areas.

Vision & Objectives

¹ NPPF December 2023 Paragraph 22 / NPPF 2024 Paragraph 22

5. The HBF considers that the Local Plan should include a vision, and it should ensure that meeting the current and future housing needs is a key part of the vision and objectives for the Plan, this includes the housing needs for market housing, family homes, homes for older people and homes for first-time buyers. The HBF considers that whilst the Council may take inspiration from the objectives of the current Local Plan and the Sustainability Appraisal, that it should prepare objectives specific to this Plan that address the issues and challenges that are current in Cheshire West.

SD1: Sustainable Development

6. The Council declared a climate emergency in the Borough in 2019, and they propose to amend and expand the current STRAT1 policy to make requirements clearer in relation to climate change. The proposed policy states that new developments must maximise opportunities to secure significant reductions in carbon emissions through low carbon design, embodied carbon and energy consumption, and maximise opportunities to generate energy from renewable sources. It also states that all new buildings should include solar panels unless it can be shown that this is impractical or not viable, and that strategic sites should be connected to a district heat network.
7. The HBF continues to recognise the need to move towards greater energy efficiency and carbon reduction 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)², 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.
8. 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 of a dwellings Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).
9. National planning policy is silent on the issue of embodied carbon standards as are building regulations. The HBF would therefore question why the Council consider that this policy is necessary. The HBF considers it is best that such matters are addressed at a national level to avoid different approaches and standards being set in different areas. The housebuilding industry is working with the Future Homes Hub to develop a roadmap to reducing embodied carbon and whilst Councils may want to go further and faster the HBF have concerns that this will impact on the deliverability of development with a disproportionate impact on SME developers. Given that the Government has been clear that it does not want to see a proliferation of different standards across the country, the HBF would suggest that the approach

² WMS December 2023 <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

being taken by the Council in setting such a standard is not consistent with the approach advocated in the WMS³.

10. The HBF is also concerned that planning may be too early in the building process to fully assess the carbon impact of a design. It may be that further decisions are made post planning, which do not require further consent which would impact on the carbon emissions. The HBF considers that if the Council is to introduce a policy in relation to embodied carbon it will have to closely consider how it will be monitored and what the implications are for the preparation of any assessment, particularly in relation to how easily accessible any data is. The Council will also have to consider how the policy will interact with other policies, for example, in relation to design, energy efficiency or resilience to heat, as well as the viability and delivery of development.
11. AECOM, on behalf of MHCLG, has completed a research report on the practical, technical and economic impacts of measuring and reducing embodied carbon in new buildings⁴. This report highlights issues with the lack consistency in reporting on carbon assessment outputs, the quality of carbon assessments, large gaps in the availability of both product specific EPDs and generic data, the variation in product carbon results for similar building products, and lack of consistency across carbon tools. The report also highlights issues with the uptake of lower embodied carbon materials and products due to costs, risks and insurance, the need to upskill the industry and access to carbon tools. Whilst this report makes recommendations as to how all of the challenges they identify can be addressed, they have not been addressed yet and are not likely to be addressed in the short term. The HBF is concerned that as such, there are significant challenges with introducing a policy in relation to embodied carbon, for many of the reasons identified in this research. Without consistent data and information, it will be almost impossible for applicants to provide decision makers with reliable information on which to base a decision.
12. The HBF does not consider that it is a reasonable requirement for development to maximise opportunities to generate energy from renewable sources. The HBF recognises that there may be potential for energy to come from renewables, however, it may not always be the most sustainable, efficient or effective approach.
13. Heat networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because

³ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

⁴ https://assets.publishing.service.gov.uk/media/6823078e53add7d476d8194c/The_Practical_Technical_and_Economic_Impacts_of_Measuring_and_Reducing_Embodied_Carbon_in_New_Buildings.pdf

of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies.

14. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. For example, a consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies.

SS1: Spatial Strategy – Housing Needs

15. The Council's suggested policy approach is that the Council plans to deliver a minimum of 1,914 new homes each year, over the plan period, this would equate to 28,710 new homes. The Council suggests that the latest housing land monitoring data identifies undeveloped planning permissions for almost 6,000 homes and that there are sites on previously developed land without permission within the main urban areas and Key Service Centres with a potential capacity of just over 5,000 homes.
16. The HBF notes that due to the housing stock figures being updated in May, the housing need figure has actually increased to 1,928 dwellings per annum and brings the overall total over 15 years to 28,920.
17. The HBF considers that this housing figure will need to be considered to reflect the latest government guidance in relation to the Written Ministerial Statement⁵, the standard methodology and the NPPF. The Council may also need to consider if it is appropriate to plan for a higher housing need figure than the standard method indicates to reflect growth ambitions linked to economic development or infrastructure investment as set out in the NPPF⁶.
18. The HBF considers that the Council will need to consider an appropriate balance of development, to ensure that all of their housing needs are met in terms of types and tenures; locations and markets, and to ensure that the Plan can deliver against its housing requirements. The HBF considers that it will be necessary to gather appropriate evidence including a housing needs assessment and a Viability Assessment to determine what types of homes may be needed and can be delivered in Cheshire West and Chester. The HBF considers this is likely to include a wide range and variety of homes, from homes for first-time buyers, to family homes, to homes to suit the older population. The HBF would encourage the Council to work with the home building industry working in the area to determine the types of homes that are currently being delivered, and where there is demand from home purchasers.
19. The HBF considers that it is appropriate for the Council to plan for the affordable needs of its community, and to ensure that it does this in line with the requirements in the NPPF⁷.

⁵ Building the Homes we need – Written Ministerial Statement 30th July 2024

⁶ NPPF December 2024 paragraph 69

⁷ NPPF December 2024 paragraphs 35, 64-66

This should ensure that any affordable housing requirements are clearly set out, and are evidenced as viable through an assessment, and that flexibility is provided within the policy where viability may be an issue.

SS3: Spatial Strategy Principles

20. The Council suggests that the spatial strategy will follow the principle of directing new development towards previously developed sites within settlements first. It also states that where there are not enough planning permissions and opportunities for redevelopment within urban areas and towns, the approach will be to develop on the edge of existing settlements in locations with the best access to public transport, existing services and infrastructure. The Council also suggest that this may require the release of Green Belt land.
21. The HBF considers that it is important that the spatial strategy allows for the delivery of sufficient homes to meet the local housing needs, across the range of housing needs in a variety of locations. The HBF agrees that this is likely to require more than just homes on previously developed land within the existing settlements, and that it is likely to see a level of Green Belt release.
22. The Council will need to ensure that they are able to fully evidence the exceptional circumstances for Green Belt release, the NPPF states that these can include but are not limited to where an authority cannot meet its identified need for homes through other means. The HBF also considers that the Council will need to undertake a Green Belt Review to assess which sites may be appropriate for release. This will need to be considered alongside the spatial strategy.
23. The Council may also want to ensure that they consider sites that could be made sustainable or \may contribute to improving the sustainability of an existing settlement, as well as sites that are currently considered sustainable as part of their assessment.

SS4: Settlement Hierarchy

24. The Council are proposing that the new Plan will set out a settlement hierarchy based on the status and role of local settlements, these include Chester, Ellesmere Port, Northwich, Winsford, Neston and Parkgate, and Frodsham. It also highlights further settlements that have a level of facilities and services to meet the needs of residents and surrounding areas these include Cuddington and Sandiway, Farndon, Helsby, Kelsall, Malpas, Tarporley, Tarvin and Tattenhall.
25. The HBF would wish to see the Plan set out a logical settlement hierarchy which meets all the housing needs and addresses all areas of the housing market, with a range of sites proposed for allocation.

SS5: Spatial Strategy Options

26. The Council propose three growth options for where development could be located. Option A – Retain the Green Belt, Option B – Follow current Local Plan level and distribution of development, and Option C – Sustainable transport corridors. The Council suggest that each option is capable of accommodating at least 29,000 dwellings.
27. The HBF does not consider that it is in a position to comment on which of these growth options is likely to be appropriate without full consideration of the land availability and suitability in each of these approaches. It may be that elements of each approach should be taken forward to garner as many of the positives from each approach, for example supporting the vitality of smaller settlements, but also supporting the development of land within or adjacent to the larger settlements where developments are likely to be sustainable.
28. The HBF considers that an approach which does not include a level of Green Belt release is unlikely to be appropriate, this would be unlikely to meet the local housing needs across the Borough, and could lead to an unsustainable spatial strategy. The HBF considers that the Council should ensure that whichever spatial strategy option is chosen, it should ensure that an appropriate level of housing can be delivered and that it can meet the needs of all aspects of the housing market.

Potential Growth Areas

29. The Council have identified potential growth areas, although they are clear that no decisions have been made for the location and scale of new development at this time.
30. The HBF notes that the Council have excluded areas of land that would act as potential 'showstoppers' to restrict future development it suggests that these include Local Green Spaces, designated habitats sites, Sites of Special Scientific Interest, irreplaceable habitats, designated heritage assets, key settlement gaps, Areas of Special County Value, strategic open space, areas of flood risk and significant hazard zones. The HBF considers that some of this list are not showstoppers to development, and they should not all be classified in the same way, some of these are national designations, some of them will mean no development will be appropriate, some will be local designations and could be reconsidered, and some would not necessarily stop development, they may just be an additional consideration to be taken into account as development is planned for.
31. For example, key settlement gaps, are only a local designation protected by a policy in the Local Plan, the HBF recommends that the Council keeps these areas under review as it considers its housing need and the sustainability of locations suitable for development. It may be that the provision of good quality sustainably located housing is most appropriate in these locations. The HBF does not consider that the separation of these settlements should necessarily override the provision of housing where it is needed and where it can be sustainably located.
32. The HBF is keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient

range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the Plan period. The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.

33. It is important that housing delivery is effectively monitored so that if housing monitoring shows delays to housing delivery across Cheshire West and Chester action is taken to address this as soon as possible. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory, and Housing monitoring should be undertaken on a site-by-site basis.
34. The HBF also notes that the NPPF⁸ 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. 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 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%. The HBF also notes that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and make a contribution to housing numbers earlier in the plan period.
35. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Cheshire West and Chester's housing requirement. This sufficiency of housing land supply should ensure that the Council can meet the housing requirement, ensure the maintenance of a 5-year housing land supply and achieve the Housing Delivery Test. The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and

⁸ NPPF 2024 Paragraph 73

choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared.

36. The HBF believes that the Plan should provide for a wide range of deliverable and developable sites, including a buffer and small site allocations in Cheshire West and Chester in order to provide competition and choice to ensure that housing needs are met in full.

GB1: Green Belt and Countryside

37. The Council are proposing to include the potential to add in other uses appropriate to the countryside but will need to ensure the protection of the intrinsic character and beauty of the Borough's countryside. They also highlight that current policy STRAT 9 may need to be updated to provide an approach to grey belt and to reflect the latest Green Belt review evidence.
38. The HBF considers that it would be appropriate to add other uses as appropriate in the countryside, this is likely to include rural exception sites. The HBF also considers that it would be appropriate for any new policy to reflect the current position in terms of grey belt and the latest Green Belt review evidence. The HBF would support the Council in undertaking preparatory work to establish a clear methodology and approach for the Green Belt Review as soon as possible.

ID1: Infrastructure and Developer Contributions

39. The Council propose to amend the Local Plan to ensure educational needs, including contributions to school transport provision.
40. The Council propose to update and incorporate the requirements and guidance from Policy DM18 for the provision, expansion and enhancement of electronic communications networks including high speed broadband.
41. The policy approach will clarify that where infrastructure is needed to sustain a new development, that off-site contributions may not be acceptable and that the Council will not be expected to fund any shortfall in provision. The Council also propose to ensure developments adhere to an employment strategy by maximising employment opportunities for residents, particularly those who are unemployed/under-employed.
42. The NPPF⁹ is clear that Plans should set out the contributions expected from development and that such policies should not undermine the deliverability of the Plan. The Council will need to be able to demonstrate that the infrastructure needed to support new development in the Plan, is viable. This is essential for the deliverability of the Plan. It will also be important to ensure that any increase in viability pressures do not place too high a burden on developer contributions which may serve to undermine the deliverability of Local Plan policies and the Infrastructure Development Plan (IDP).

⁹ NPPF 2024 paragraph 35

43. 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.
44. 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 homes and can self-police the cost/benefit of this provision with regards to site viability.
45. The HBF does not oppose maximising employment opportunities for residents, particularly those who are unemployed/under-employed, however, the HBF considers that the Council will need to consider how this would work for the home building industry, particularly in relation to the construction period and what this would mean for longer term job stability. Whilst increasing the numbers of people working in the construction industry, along with upskilling and increasing the diversity of the workforce is a top priority for the HBF, this needs to be done in the right way.
46. The HBF Industry Attraction and Skills Team already works with home builders in relation to employment and skills, this includes ensuring that the skills levy that housebuilders pay to the Construction Industry Training Board is deployed effectively to increase the number of people entering the industry and the quality of the skills training they receive.
47. The HBF considers that the Council will also need to consider the costs that would be associated with this policy and ensure that it is considered as part of the viability requirements. This may have a particular impact on the SME builders in the area who may not have the job opportunities available or the resources to provide appropriate training.

HO1: Mix and Type of Housing in New Developments and Specialist Housing

48. The Council propose a new policy approach with detailed policy requirements for house sizes including by tenures. It will also set a proportion of plots for self-build and custom housebuilding, and requirements to meet the needs of an ageing population, and the needs of residents with disabilities.
49. 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; requiring a mix that does not consider the viability of the site; or requiring the applicant 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.

50. The PPG¹⁰ sets out how custom and self-build housing needs can be assessed. The PPG¹¹ also 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, using Council owned land and working with Homes England. The HBF considers that alternative policy mechanisms could be used to ensure a reliable and sufficient provision of self & custom build opportunities across the Borough including allocation of small and medium scale sites specifically for self & custom build housing and permitting self & custom build outside but adjacent to settlement boundaries on sustainable sites especially if the proposal would round off the developed form.
51. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. Whilst there is general support for such development, the HBF would recommend that the Council should be more proactive in working with providers of this type of development to identify appropriate sites for allocation. This approach would provide far more certainty to the council that the need for such accommodation will be met in full. The HBF considers that the Council should note the difference between homes suitable for older people and specialist housing for older people, and the difference in need and demand for these types of homes.
52. The PPG¹² states that the need to provide for older people is critical, and that offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. It goes on to state that Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people and that Plans need to provide for specialist housing for older people where a need exists¹³. It also notes that allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. As such, the HBF considers that the Council needs to work closely with the providers of older persons housing to identify appropriate sites or to provide appropriate policies.
53. The Council also suggest that if justified by the evidence a new policy will be brought into require national space standards.

¹⁰ PPG ID: 67-003-20190722

¹¹ PPG ID: 57-025-20210508

¹² PPG ID: 63-001-20190626

¹³ PPG ID: 63-006-20190626 & ID: 63-012-20190626

54. The Nationally Described Space Standards (NDSS) as introduced by Government, are intended to be optional and can only be introduced where there is a clear need, and they retain development viability. As such they were introduced on a 'need to have' rather than a 'nice to have' basis. PPG¹⁴ identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas: Need, Viability and Timing. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.
55. The HBF notes that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The HBF recommends that the policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and affect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floor space but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and useable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

HO2: Delivering affordable housing

56. The Council propose to set out the percentage of affordable housing required across the Borough including potentially by sub-area. They suggest that their approach will reflect the Government's requirement for housing sites in the Green Belt to provide at least 50% affordable housing. They suggest that affordable housing will be required on all sites of 10 or more dwellings but in designated rural areas it will be three or more dwellings. It will also apply to older persons housing.
57. The HBF considers that it is appropriate for the Council to plan for the affordable needs of its community, and to ensure that it does this in line with the requirements in the NPPF¹⁵. This should ensure that any affordable housing requirements are clearly set out, are evidenced as viable through an assessment, and that flexibility is provided within the policy where viability may be an issue.

HO3: Proposals for residential development

58. Suggests that the current policies DM19, DM21 and DM22 will be largely retained.

¹⁴ PPG ID: 56-020-20150327

¹⁵ NPPF 2024 paragraphs 35, 64-66

59. The current policy DM19 is in relation to proposals for residential development including those in the Countryside. The HBF would suggest that this policy may need to be reviewed, the Council may want to consider if it is appropriate for the Countryside properties to be more restrictive than that seen in the Green Belt policies, or if the policy is now reflective of the NPPF, where much of this content is covered but only in relation to isolated dwellings in the Countryside, rather than for all dwellings.

HO5: Rural Exception Sites

60. The Council propose to retain the overall approach in Policy SOC2 to sites being small in scale and on the edge of identified rural settlements, be modest and in keeping with the form and character of the settlement, and to ensure that there is a genuine local need to be identified through an independent assessment prepared or commissioned by the Parish Council. It also requires that schemes remain affordable in perpetuity, and states that the current restrictions and local connection test would be retained.
61. The NPPF¹⁶ is clear that Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this. The HBF considers that it is important any policy brought in by the Council reflects this.

HW1: Health and Well-being

62. Where the Council considers it likely that the proposal will result in significant adverse environmental effects during the construction phase a Construction Environmental Management Plan (CEMP) will be required. It also states that development proposals should take every reasonable opportunity to promote and positively contribute to the health of the borough by submitting a statement considering the health implications of new build commercial and residential development.
63. 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 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.
64. The PPG¹⁷ 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,

¹⁶ NPPF 2024 paragraph 82

¹⁷ PPG ID:53-005-20190722

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. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, and it should set out measures to substantially mitigate the impact.

GI1: Green Infrastructure, biodiversity and geodiversity

65. The Council proposed to combine policies ENV 3 and ENV 4, with elements policies DM 44 and DM 45, to create a single new green infrastructure, biodiversity and nature policy. The new policy wording will set a focus for contributions to be led by the Local Nature Recovery Strategy (LNRS).
66. The HBF considers it is important for the Council to identify any links with the LNRS and how these can be linked to development. However, it is important that the LNRS is not used to restrict the choice of provision made in relation to BNG or other green infrastructure provision.
67. The suggested policy approach will retain parts of Local Plan (Part Two) policy DM 45 relating to the replacement tree ratio and add detail such as tree species and quantity. New policy wording will broaden the current policy approach and improve and maintain tree canopy cover within the borough on a strategic level. The aim is to get all wards to a minimum of 16% tree cover.
68. The HBF considers the 16% minimum canopy cover for all wards has the potential to be onerous dependent on the base level found on the site and the wider ward. The HBF considers that it is important that any policy considers the impact this may have on developable areas and BNG. While the HBF recognises the benefits of tree planting this should be considered on a site-by-site basis having regard to the need for BNG, open spaces, SuDs etc. rather than looking to create a fixed percentage.

DS2: Sustainable Construction

69. The policy approach aims to encourage high sustainability standards in buildings and promote the application of the energy hierarchy with the aim of achieving carbon net zero in new residential and commercial developments. Development should be resilient to, and adapt to the future impacts of climate change through the inclusion of a range of appropriate measures.
70. All new build developments will be required to demonstrate how they meet the requirements of the energy hierarchy by considering each of the following in turn: Energy efficiency; Efficient, fossil-free and renewable energy supply; Carbon/energy offsetting; Embodied Carbon; and Water efficiency.
71. In relation to energy efficiency the Council propose to seek more energy efficient buildings by setting a % target improvement of a buildings Target Emission Rate (TER), or alternatively to set an Energy Use Intensity (EUI) target.

72. The HBF continues to recognise 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 in line with the Written Ministerial Statement of December 2023 (WMS)¹⁸, 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.
73. 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 of a dwellings Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).
74. Therefore, the HBF considers that if the Council wishes to take this policy forward it should use the TER and it should ensure that they have a well-reasoned and robustly costed rationale, that has full considered viability and the potential impact of the policy on the housing supply and affordability.
75. In relation to efficient, fossil-free and renewable energy supply the Council propose a policy that would set a target and require on-site renewable energy as part of new development.
76. The HBF recognises that there may be potential for energy to come from renewable or low carbon sources, however, it may be more sustainable and efficient to use larger scale sources rather than small-scale, it is also noted this policy also takes no account of the fact that over time energy supply from the national grid will be decarbonised. It also doesn't consider the energy efficiency of the development, which may mean small scale renewables or low carbon energy generation are not necessary. The proposed policy will also need to be considered flexibly for situations where the use of renewables such as PV is not appropriate for the building or development.
77. In relation to Embodied Carbon the Council are proposing the policy could require carbon reporting and/or set a target that new buildings must meet.
78. National planning policy is silent on the issue of embodied carbon standards as are building regulations. The HBF would therefore question why the Council consider that this policy is necessary in Cheshire West and Chester. The HBF considers it is best that such matters are addressed at a national level to avoid different approaches and standards being set in different areas. The housebuilding industry is working with the Future Homes Hub to develop a roadmap to reducing embodied carbon and whilst Councils may want to go further and faster the HBF have concerns that this will impact on the deliverability of development

¹⁸ WMS December 2023 <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

with a disproportionate impact on SME developers. Given that the Government has been clear that it does not want to see a proliferation of different standards across the country, the HBF would suggest that the approach being taken by the Council in setting such a standard is not consistent with the approach advocated in the WMS¹⁹.

79. The HBF is also concerned that planning may be too early in the building process to fully assess the carbon impact of a design. It may be that further decisions are made post planning, which do not require further consent which would impact on the carbon emissions. The HBF considers that if the Council is to introduce a policy in relation to embodied carbon it will have to closely consider how it will be monitored and what the implications are for the preparation of any assessment, particularly in relation to how easily accessible any data is. The Council will also have to consider how the policy will interact with other policies for example in relation to design, energy efficiency or resilience to heat, as well as the viability and delivery of development.
80. In relation to Water efficiency the Council are proposing that new dwellings will be required to meet the optional higher National Housing Standard for water consumption of 110 litres per person per day.
81. 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.
82. 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. PPG²⁰ 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'*. PPG²¹ 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 and Cheshire West

¹⁹ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

²⁰ PPG ID: 56-014-20150327

²¹ PPG ID: 56-015-20150327

and Chester are not considered to be an area of Water Stress as identified by the Environment Agency²². Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy.

DS3: Climate Adaptation

83. The policy approach will expect developments to include site and building-level measures to be resilient to future climate change impacts and provide for the comfort, health, and wellbeing of current and future occupiers and the surrounding environment over the lifetime of the development. These measures should be integral to the layout and design of new development and should take the vulnerability of the building occupants into account.
84. The HBF considers that the Council should ensure that this policy does not conflict with other requirements in terms of design, renewable provision, BNG, density etc, and in terms of other regimes such as building regulations.

EN4: Sustainable energy and heat

85. All major schemes and schemes involving significant generation or use of heat should explore opportunities for linking to district heat networks or other users/providers of heat. All major schemes should consider the potential to use ground source heat from private or public green spaces or water source heat solutions to contribute to heating requirements. All schemes requiring provision of heat should consider use of air source heat pumps or ground source heat pumps as an alternative to fossil fuel based heat sources.
86. Heat networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies.
87. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, a consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies.

Evidence Base

88. The Council propose to prepare a Housing Needs Assessment, Green Belt Study, Infrastructure Delivery Plan, Land Availability Assessment and Strategic Viability Assessment

²² 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

amongst other elements of evidence. The HBF considers that the Council should ensure that all of their policy requirements are fully justified and evidenced, the proposed evidence is likely to be necessary alongside other documents to justify the policy requirements in the Plan.

Monitoring

89. The HBF recommends that the Council include an appropriate monitoring framework which sets out the monitoring indicators along with the relevant policies, the data source and where they will be reported, this should also include the targets that the Plan is hoping to achieve and actions to be taken if the targets are not met. The HBF recommends that the Council 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.

Viability

90. The Council will also need to ensure that they have considered viability, viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative costs of all relevant policies will not undermine deliverability of the Plan. The Council needs to ensure that policy requirements should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned development to be deliverable without need for further viability assessment at the decision-making stage.

Future Engagement

91. 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.

92. 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.

Yours sincerely,



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