

Proposed Submission Consultation,  
Development Strategy Team,  
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SENT BY EMAIL  
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13<sup>th</sup> March 2026

Dear Planning Policy Team,

**Rugby (Reg 19) Consultation January - March 2026**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Rugby Local Plan (Reg 19) Consultation March 2026.
2. 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. HBF supports the plan-led system and welcomes the Council's efforts to ensure that they have an up to date Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. Government policy has clearly set out the for a significant increase in house building in order to deliver the 1.5 million new homes in this Parliament and Local Plans have a clear role in helping to deliver this objective.
4. HBF welcomes the Council calculating the local housing need calculated using the government's standard method. However we would suggest that this should be the starting point for establishing the housing requirement which should also consider other factors that may justify a higher housing requirement.

**Impacts of removal of the legal requirement of Duty to Cooperate**

5. As you will be aware the Government is not saving the Duty to Cooperate (DTC) requirement as a legal test for new Local Plans. However, there is clearly still an expectation that Councils will work together on effective plan-making and there remains a clear expectation that the housing needs of an area will still be met in full. Although compliance with DTC is no longer a legal compliance it is still part of the tests of soundness for the Plan. The DTC evidence will therefore need revisiting and reformatting to reflect the changes to the DTC and shift to an issue of soundness.

**Impacts of the Dec 2025 NPPF consultation**

6. As you will be aware the Government published its long-awaited proposed revisions to the NPPF for consultation on 16<sup>th</sup> Dec 2025. Whilst this is clearly still consultation it clearly sets out the expectations and direction of travel of the Government. The new NPPF clearly shows the importance that is

being placed on addressing the housing crisis and the clear move towards a more rules-based planning system that provides more certainty for everyone. It is very clear that the Government is expecting Local Plan to do more to help to address the housing crisis and there is a clear expectation that all Councils should be planning to meet their housing needs in full.

7. Although in the medium term it is anticipated that sub-regional housing numbers and issues of redistribution of any unmet housing needs where they occur will be addressed through SDSs. However, in the interim it is still essential that work with neighbouring authorities is undertaken to see if there are any unmet housing needs and then to address them. The unmet housing needs of Coventry, Birmingham and the Black Country is a well-known and long standing issue. We would encourage the Council to consider this matter fully to ensure compliance with the strategic plan-making soundness test.
8. HBF also notes the Government's intention to move towards a new more rules-based approach with consistency across standard common matters being provided at the national level. The Dec 2025 NPPF consultation sets out that Local Plans should not include policies on matters already addressed through Building Regulations and other regulatory regimes except when it comes to parking standards and the percentage of homes locally required to meet the accessibility standards M4(3)a and M4(3)b. HBF would therefore strongly encourage the Council to fully consider the scope and content of this Plan. The proposals clearly set out that the Government view is that Local Policies which conflict with the new NPPF will not be able to be taken into account in decision-making. HBF encourages the Council to reflect on the implications of this proposed approach especially as further clarity on the Government's policy on this issue is likely to emerge during the Examination of the Local Plan and before its adoption.

### **Plan period**

9. The NPPF requires strategic policies to 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 time-scale for delivery. HBF note that the Plan period runs to only 2042, in order to have fifteen years on adoption and recognising the time it takes for a Local Plan to progress through Examination including consultation on Main Modifications, HBF would suggest extending the Plan period by at least one year may be needed to ensuring compliance with the NPPF. The evidence base would need to reflect this as well.

### **Objective, Strategic Policies and Priorities**

This section is not considered to be sound as it is not effective, justified or consistent with national policy

### **Objectives**

10. The HBF would request that the vision for Rugby is more explicit about its ambitions to meet the housing needs of Rugby in full. The Plan should also clearly set out what consideration has been given to whether or not Rugby is doing all it can to help meet the known and long-standing unmet housing needs in the Birmingham and Black Country areas.
11. Meeting housing needs in full should be an objective of the Plan.

12. We would suggest that the Strategic Policies in the plan should be more easily identifiable and reference back to a table is not appropriate. A pre-fix, or different text could assist in providing the clarity needed.
13. We are also unclear why the policies for the spatial strategy, the number of homes and the amount of employment are not considered to be Strategic Policies. They usually are in other Local Plans.

## **Strategy Chapter**

### **S1 Settlement hierarchy**

Policy S1 is not considered to be sound as it is not effective, justified or consistent with national policy

14. HBF do not comment on individual sites but 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. The Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice to ensure that housing needs are met in full. HBF suggest that because the housing higher requirement for Rugby should be higher additional sites are needed, and this is likely to require revisiting the spatial strategy to reflect additional allocated sites. We also note the varying viability of different types of sites within the Rugby Local Plan area, and highlight that the allocation of more greenfield sites would be able to deliver higher percentages of affordable housing.

### **S2 Strategy for homes**

Policy S2 is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy

15. The NPPF states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method set out in the PPG. The NPPF also states that the requirement may be higher than the identified housing need, if for example, it includes provision for neighbouring areas or reflects growth ambitions linked to economic development or infrastructure investment. The PPG continues to state that 'an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes'.
16. HBF strongly supports the need for more housing in the Rugby Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing, to support small and medium house builders and to support employment growth. The HBF would request that the Council considers the standard method figure only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.
17. In relation to windfalls, the NPPF only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. The HBF is of the view that any supply provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice

and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations. The HBF is therefore concerned about the Council's reliance on windfall in place of allocating housing sites.

18. HBF are also of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).
19. HBF would also question if 8.5% buffer is enough to provide for a range and choice of sites and demonstrate that the Plan has been positively prepared.
20. We would also suggest that to be effective a diagram showing the housing trajectory should be included in the Plan. This is important for monitoring, and ensuring the plan is effective.

### **S3 Strategy for employment land and S7 Employment Allocations**

21. HBF notes that economic growth and development can be a reason that justifies a higher housing requirement. We would support the Council setting a higher housing requirement to reflect its growth ambitions.

### **S5 Countryside protection**

Policy S5 is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy

22. To comply with National Policy the Plan need to say more about Green Belt boundary review that should have been undertaken as part of this Plan's preparation. It should also say something about Grey Belt and include a policy that sets out the amount of affordable housing that will be sought on Green Belt sites which needs to have been robustly tested through the whole plan viability appraisal. Para 7.4 of the BNP Paribas (Dec 2025) states "the appraisals indicate that developments on sites released from the Green Belt should be able to deliver 40% affordable housing." There is a need for the Plan to be clearer on how these two policies interact. As HBF suggest the housing requirement needs to be higher, and as such more allocation are needed then the opportunities for additional sites need to be fully explored, including consideration being given to if there is justification for Green Belt release.
23. HBF also note that the Plan focusing most development within Rugby. However, in order to support sustainable rural development HBF would suggest that the Plan should also recognise that there may be clusters of villages that provide a range of services for that area within reasonable travelling distance of each other, so villages may need to be grouped together. These areas might be able to sustainably support a substantial level of development but may not have all the services within one particular village. Additional housing sites in these villages would help support rural development.

### **S6 Residential allocations**

Policy S6 is not considered to be sound as it is not effective, justified or consistent with national policy

24. HBF do not comment on allocation but would expect the Plan needs 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. Although the HBF does not comment on individual sites or allocations, we believe that the Plan should provide for a wide range of deliverable and developable sites across the Borough in order to provide competition and choice to ensure that housing needs are met in full.
25. HBF also notes that the NPPF 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. 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.
26. 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 be of a scale that can come forward and make a contribution to housing numbers earlier in the plan period.

## **S8 South West Rugby**

Policy S8 is not considered to be sound as it is not effective, justified or consistent with national policy

27. HBF do not comment on individual allocations but would observe that the reliance on a major urban extension to deliver the majority of housing requirement for Rugby needs to be supplemented with additional sites to provide for a range and choice in the market. We would request the Council considers allocating additional sites to ensure this range and choice and to support small and medium house-builders. In order to be effective the Plan needs to say more about how the Council will ensure housing is being delivered throughout the whole plan period. Housing delivery also requires effective monitoring, if housing delivery delays relate to small sites then the solutions and actions needed would be different than if there were delays in delivering this strategic allocation.
28. HBF also note that it is not appropriate to reference SPDs within policy as this would seek to give them Local Plan policy status. Any reference to SPDs should only be in the supporting text. We also note that existing SPD hang from current adopted Local Plan policy and would generally be reviewed once the Plan is adopted to ensure they relate to the newly adopted Local Plan policies,

however the Government has clearly set out that no new SPDs can be adopted beyond 30 June 2026. This adds further weight to our concerns on this matter.

## Climate Chapter

### **CL1 Net zero buildings**

29. Policy CL1 is not considered to be sound as it is not effective, justified or consistent with national policy
30. Although HBF recognise the role that developers can play in helping to mitigate and address climate change and increase energy efficiency we would caution against policies that seek to go further and faster than national legislation and policy changes. This would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.
31. HBF does not consider that the Council setting its own standards is the appropriate, or in line with national policy and the Written Ministerial Statement. We are concerned about Councils adding to the complexity of policy, regulations and standards that housebuilders are already expected to comply with. The key to success is standardisation and avoidance of individual Councils specifying their own policy approach, which undermines economies of scale for product manufacturers, suppliers and developers. The impact of these cumulative local requirements along with others Section 106 asks may have considerable viability implication and may lead to the non-delivery homes and needs to be fully considered within the Viability Assessment.
32. HBF do not support Local Plan policies on matters that are already addressed by Building Regulations and other regulatory regimes. A plethora of local standards can actually undermine the objectives the Council is seeking to achieve, for example by seeking to introduce uncertainty and variability to the timetable for the introduction of the national Future Homes Standard.
33. Seeking to require all new homes to be net zero at this point in time is disproportionate, undeliverable and contrary to national policy. Again, HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.
34. HBF highlight the publication 'Future Homes, One Plan Building a generation of high quality, affordable and sustainable homes and communities, together'. This was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes. In particular, the HBF, would highlight 'Issue 9: The Partnership Imperative' on page 15 which states in the Local Government section that "Local planning requirements must align with the overall plan for improving performance standards at national level. For example, avoiding divergence of local energy standards that make it harder to accelerate improvement in standards at national level, and avoiding conflict between local planning conditions and new requirements of building regulations."
35. The government has also provided further advice for local authorities through the Written Ministerial Statement which says "the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of

multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale.”

36. In the recent (Dec 2025) NPPF consultation the Government has made its intention clear that the once the new (Dec 2025) NPPF is in place policies in Local Plans that duplicate or conflict with it will no longer be relevant for decision-making. This adds further weight to our concerns about Local Plans policies seeking to address matters already adequately covered by national policies and regulation elsewhere.
37. HBF would caution against policies that seek to go further and faster than national policy changes that result in patchwork of differing local standards. HBF considers that this patchwork of standards has the potential to create challenges to development viability and delivery and potential for unintended consequences, rather than a standardised national approach to address these important issues.

### **CL3 Water supply, quality and efficiency**

Policy CL3 is not considered to be sound as it is not effective, justified or consistent with national policy

38. The policy appears to seek to require applicants to demonstrate that there is water infrastructure and water supply capacity to serve the development on a case-by-case basis. This is not proportionate or reasonable. HBF consider that the capacity of the water and sewage network is not a land use planning matter for consideration on an application-by-application basis as Water companies are subject to statutory duties under S37 and 94 of the Water Industry Act 1991 (WIA 1991). Section 37 of the Act, set out below, imposes a statutory duty on all water companies to provide and maintain adequate infrastructure and potable water supplies.

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

39. Section 106 of the WIA 1991 confers a power to connect to a public sewer. Section 106(1) states that the owner of any premises or the owner of any private sewer which drains premises, shall be entitled to have its drains or sewer communicate with the public sewer of any sewerage undertaker and therefore discharge foul water and surface water from those premises or that private sewer.
40. Specifically, in relation to wastewater, the Supreme Court considered this matter in 2009 – see *Barra v Welsh Water* [2009] UKSC 13. Paragraph 23 of the decision is salient. Given its importance in the context of wastewater it is recited in full below:

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

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

41. Consequently, it is inappropriate to include a policy in the local plan requiring a housebuilder, or other applicants for development, to assess the capacity or otherwise of the water company to provide water supply and wastewater connections as they are an attempt to get applicants to do things for which they are not legally responsible. Rather it is the responsibility of water companies, working with local authorities and the Environment Agency, to plan for the future demand for water services relating to the development requirements proposed in local plans, not applicants. If the water company is unable to supply those needs, this needs to be disclosed in the Water Resource Management Plan (WRMP).
42. HBF recognises that this could represent a significant barrier to the delivery of the local plan, but it should not be addressed through capacity assessments of new development but through plan making. If the Council cannot demonstrate that the housing being planned for can connect to the water and sewage infrastructure that it needs, then the Plan is undeliverable and therefore unsound.
43. However, we also note that the policy wording actually requires this policy to be addressed through the site for development being in a particular location. There is nothing a site promoter or developer can do in relation to the location of their land.
44. The policy also seeks to require development to ensure an estimated water consumption of no more than 110 litres/person/day. HBF do not believe such a policy is needed in the Local Plan because current Part G Building Regulations require 125 litres per day, and house builders are frequently delivering 115-110 litres per day which means the house building industry is already improving upon the regulations. There is no need for Local Plan policies to repeat Building Regulations and it is in fact unhelpful to do so as Building Regulations may change during the course of the plan period. This part of the policy should also be deleted.

#### **CL4 Climate adaptation**

Policy CL 4 is not considered to be sound as it is not effective, justified or consistent with national policy

45. HBF recognise that role that developers have to play in helping to mitigate the impacts of climate change. However, this needs to be proportionate. It is unclear how a developer would show compliance with the policy. Are they required to submit a statement with their application? What would these need to cover?

#### **Environment Chapter**

##### **EN1 Biodiversity and geodiversity protection**

Policy EN1 is not considered to be sound as it is not effective, justified or consistent with national policy

46. HBF are concerned that care must be taken to avoid confusion between policies around Biodiversity which relates to species and has its hierarchy of avoid, mitigate, compensate and policy of Biodiversity Net Gain which is about habitat and has a BNG hierarchy requiring on-site, then off-site then statutory credits. The introduction of BNG is in addition to the existing protections of species. It will be important for the Plan to be effective that any confusion on this is avoided.

## **EN5 Biodiversity net gain**

Policy EN5 is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy

47. It is simply not appropriate, or sound, for this policy to seek to add to and augment the national policy on BNG, and indeed national policy explicitly seeks to prevent this from happening.
48. HBF was 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, and continue to be involved in this work through sitting on the FHH BNG Implementation Board. This group seeks to ensure that BNG can deliver the win for nature and the win for housing as intended, by identifying challenges in the implementation of this policy and trying to find solution to them. HBF recognises the role that development can play in helping to support nature recovery. However, it is also important BNG delivers the win-win intended and does not become a barrier to housing delivery.
49. Experience has found that delivering the 10% BNG requirements can be very challenging in some cases, particularly on brownfield site where open mosaic habitat is present, and on some of the smallest sites where on-site BNG provision requires a disproportionate amount of the developable area to be used for BNG. As 10% BNG is mandatory, where viability challenges are encountered then it is usually affordable housing that it reduced to accommodate this.
50. The Government (via DEFRA) recently undertook a consultation on potential revisions to the national BNG requirement and is now intending that sites under 0.2 Ha are exempt from BNG. Further work on other possible improvements to the working of the policy in practice are ongoing and it will be important that the Plan's policy on this issue is kept under review.
51. The recent NPPF (Dec 2025) consultation indicates that the only time where it may be appropriate to seek more than 10% BNG through local policy relates to allocations, and even then only where this is clearly evidenced and justified. BNG implementation is an area of work being led by DEFRA and is required under the Environment Act. As such changes to how BNG is operationalised will need to be fully considered in the Local Plan. and reflected in any Local Plan, whichever version of the NPPF (2023, 2024, or 2025 ) it is being progressed under.
52. In order for the Rugby Plan to be sound it must comply with the Environment Act and DEFRA Guidance. This is separate from and in addition to MHCLG advice and the NPPF. Care is therefore needed to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance on adoption, and it is noted that some of this DEFRA guidance and legislation is currently under review. In Feb 2025 the Government also published additional Guidance on how Local Nature Recovery Strategies should be integrated with/feed into Local Plan Making. This Plan should fully reflect this and any new guidance.

53. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance, and that additional advice on phased development has been provided in the BNG PPG. 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.
54. Again, HBF also note the significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new 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 hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Derby Plan should do all it can to explain how the two hierarchies work in different ways and that they seek to achieve different aims. We would suggest the use of the term “BNG spatial hierarchy” may help with this issue.

### **EN6 Canopy cover**

Policy EN6 is not considered to be sound as it is not effective, justified or consistent with national policy

55. It is unclear how this policy interacts with or conflicts with BNG, as such it is not effective or justified. To be effective it must be clear to developers and communities how all the environmental policies in this Plan are intended to work together and how they interact with other policies, including those around site-specific viability.

### **EN7 Flood risk**

Policy EN7 is not considered to be sound as it is not effective, justified or consistent with national policy

56. It will be important that this policy reflects the latest Government guidance on flooding from all sources. Reference to the new Government guidance should be included.

## **Housing Chapter**

### **H1 Housing mix**

Policy H1 is not considered to be sound as it is not effective, justified or consistent with national policy

57. 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, does not consider the viability of the site, or requires the applicant to provide significant

amounts of additional evidence. The HBF would expect the Council to ensure that any policy is applied flexibly and makes allowance for home builders to provide alternative housing mixes as is required by the market.

58. HBF also note that the viability of specialist housing, including for example, older person's housing, is different to other forms of housing as such should be considered separately in the Whole Plan Viability Assessment.

## H2 Affordable housing

Policy H2 is not considered to be sound as it is not effective, justified or consistent with national policy

59. HBF note that Viability is an important consideration for the effectiveness, deliverability and viability of Plan. Undertaking Whole Plan Viability is a requirement of national policy and it is also important for the policies in the Plan to allow for flexibility on viability issues. HBF question the robustness of the BNP Paribas Local Plan Viability Assessment as it fails to fully consider a wide range of challenges and additional costs facing developers at this time.
60. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. The rates for Rugby will be £14.09 for brownfield and £28.19 for greenfield (see <https://www.gov.uk/guidance/building-safety-levy-guidance/section-2-levy-rates-and-calculations>)
61. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to become fully established. HBF members are reporting costs of £20-30k per off-site BNG unit. The challenge with incorporating BNG into whole-plan viability appraisal is the fact that it is almost impossible to come up with a cost per units figure for BNG. This is because you may need ten BNG units to deliver one house, or one unit to deliver 10 houses, it all depends on the baseline, which will vary site by site.
62. In terms of viability and deliverability we also note that although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needed to rely on statutory credits would become unviable.
63. Whole Plan viability testing is an important part of the plan-making process. However, in assessing the viability of plans the PPG does not require individual testing of every site or assurance that individual sites are viable. Flexibility should be included within this policy because whole plan viability assessments use methodologies that test typologies of sites, which do not consider the detailed circumstances of individual sites. As such there may be individual sites that are already not viable, for example if the costs or values of a specific site fall outside the parameters used of a typology that was tested. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. Therefore, the policy needs flexibility to ensure it is justified and effective, and the Plan is deliverable.

## H6 Specialist housing

Policy H6 is not considered to be sound as it is not effective or justified

64. HBF welcomes the Council's supportive approach to applications which can provide a diverse range of housing accommodation to meet the needs of all members of society including those who are old, frail, mobility impaired or have disabilities. However, this must be grounded in the realities of the viability and deliverability of such schemes. We also suggest that the plan could be doing more on this issues, and would encourage the Council to undertake direct engagement with older persons housing providers to better understand the challenges they face in order to ensure this policy is effective and justified. As the plan should be read as a whole there is no need for the wording after the comma in criterion one. However this seems to suggests that there may be, or may have been, challenges in bringing forward these types of schemes in ways that comply with all the other policies in the Plan, this reflects our comments on the viability of these schemes being different.

## H7 Housing standards

Policy H7 is not considered to be sound as it is not effective, justified or consistent with national policy

65. Criterion a of this policy seeks to require all new dwellings to meet the Nationally Described Space Standards. This may not be appropriate or deliverable in all cases, especially in relation to conversions.
66. HBF do not support the requirements for NDSS being included in Local PLans HBF does not support the introduction of the optional Nationally Described Space Standard though policies in individual Local Plans.
67. 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.
68. Any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF (para 130f & Footnote 49), which states that "policies may also make use of the NDSS where the need for an internal space standard can be justified". As set out in the NPPF (para 31), all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned.
69. The PPG 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 – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.

Viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply.

Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.

Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

70. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s 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 effect 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.
71. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace 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 usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.
72. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.
73. Criterion B seeks to require all new dwellings shall meet the requirements for Category 2 – accessible and adaptable dwellings set out in Part M4(2) of Schedule 1 to the Building Regulations 2010 (as amended).
74. HBF are concerned with a policy requirement that seeks to require all new build dwellings should be constructed to comply with Part M4(2) Adaptable dwellings of the Building Regulations. The NPPF sets out circumstances where this may not be achievable, the failure to recognize this within the policy would not comply with national policy. The policy should recognise that there may need to be some flexibility.
75. Criterion C requires that on developments of 10 or more homes, 3.5 per cent of dwellings shall meet the requirements for Category 3 – wheelchair user dwellings set out in Part M4(3) of Schedule 1 to the Building Regulation 2010 (as amended). For the policy to be effective and justified care needs to be taken to ensure there is clarity on whether the policy requirement is for M(4) 3a or M(4)3 b nothing that M(4)3 b can only be required where the Council has nomination rights. We also note that note that could have significant implications on the viability of affordable housing as the costs of complying with M(4)3b is ten times more expensive than delivering M(4)3a.

76. We are unclear of the justification, either nationally or locally, for Criterion D that requires 2 and 3 bed houses to have a rear or side garden of a specified size and Criterion E which requires apartments and houses in multiple occupation to have 5m<sup>2</sup> of private outdoor space must be provided per bedroom. Flexibility is needed to ensure that such policies do not unduly constrain site design and layout, link with or conflict with other policies such as density, other land-use requirements such as public open space and on-site BNG, making schemes unviable or undeliverable.

## **Design Chapter**

### **D1 Well-designed places**

77. Policy D1 is not considered to be sound as it is not effective, justified or consistent with national policy
78. The supporting text to the Policy talks about how this policy will be supported by local design codes and guides which will provide further detail on the design requirements for development. There needs to be a clear timetable for the production of these documents if these additional documents are needed to ensure this policy is effective and deliverable.

### **D5 Sustainable drainage**

- Policy D5 is not considered to be sound as it is not effective, justified or consistent with national policy
79. As you will be aware the Government recently published updated SUDS Guidance. It will be important to ensure that the interaction between the policies in this Plan and this new Guidance does not impede the delivery of housing sites.

## **Infrastructure Chapter**

### **Policy I4 Infrastructure and planning obligations**

- Policy I4 is not considered to be sound as it is not effective, justified or consistent with national policy
80. HBF are concerned the wording of the policy does not appropriately reflect the circumstances under which the Council is able to seek s106 and CIL payments. Any contributions sought have to be necessary and proportionate, and the need for any pooling of contributions to help pay for a significant piece of infrastructure is a matter for the Council to consider and manage, not the developer.

### **Need for Monitoring and Review Chapter**

- The Plan is not effective, justified or consistent with national policy as it does not include an effective Monitoring Framework or a Plan Review Policy
81. Monitoring is an essential, yet often neglected part of the Plan, Monitor, Manage approach. The Rugby Plan should include a Review policy. This policy should include clear timeframes and triggers, it must also be noted that preparing a new plan, does in fact nothing in the short or medium term to address the under-delivery of housing. The HBF therefore request that the Plan and moni-

toring framework should include actions to be taken if the targets are not met. For example permitting departure sites, working with developers to help bring any stalled forward, considering applying flexibility in relation to some other policy requirement(s) if there are deliverability issues, and such like.

## Future Engagement

82. 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.
83. We would wish to attend the EIP into the Rugby Local Plan to ensure that the views of the house building sector are fully represented.
84. 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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