

Dear Sir/ Madam

BRAINTREE LOCAL PLAN

1. Thank you for consulting with the Home Builders Federation (HBF) on the Braintree Local Plan.
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 include 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.

Draft National Planning Policy Framework

3. HBF recognise the draft NPPF will have no weight until it is formally adopted. However, consideration will need to be given as to how the new NPPF, when it is published later this year, impacts on the soundness of policies in the local plan.
4. On the basis of paragraph 4 and 8 in Annex A of the draft NPPF this local plan, which the Council propose to submit under the current plan making process, will be examined under the NPPF24. However, it is also notable that in relation to decision making Annex A also states that from the date the new NPPF is published local plan policies that are "*... any way inconsistent with national decision making policies in this Framework should be given very limited weight, except where they have been examined and adopted against this Framework*". Therefore, should this new iteration of the NPPF be adopted unchanged the Council will need to have regard to national policies for decision making given that any inconsistency would effectively render many of the development management policies proposed in this consultation that are not consistent with the new Framework redundant as soon as the local plan is adopted.
1. It is clear from the draft NPPF, and the decision to establish national policies for decision making, that the Government are seeking to limit the number of development management policies in local plans that seek to gold plate policies and go beyond national standards which place significant burdens on applicants as well as their own officers. As such, when the final version of the NPPF is published it is HBF's contention that any policies which are inconsistent with the new framework should be deleted in order to avoid unnecessary and length discussions on an application by application basis as to the weight that should be attached to the policies in the adopted local plan.

Duty to Co-operate.

2. The publication of the Housing and Planning Minister's Written Ministerial Statement on Reforming Local Plan Making published on the 27th of November states that the Government has decided not to save the Duty to Co-operate. The relevant statute has now been laid before parliament and once these regulations come into force local planning authorities will no longer be under a legal duty to co-operate.
3. While the legal duty to co-operate will therefore not apply to this local plan this does not remove the requirement in the NPPF that in order to be considered sound a local plan must be "*based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground*". The only difference arising from the removal of the duty is that a failure to co-operate effectively is a soundness matter. The Council will therefore need to continue to show how they have co-operated on strategic cross boundary issues affecting Braintree.

LPR1: Spatial Strategy for Braintree District

4. The settlement hierarchy in this policy has not been updated from the previous local plan, and no evidence has been provided to justify this. The Council must ensure that it has the necessary evidence to show the current hierarchy remains an appropriate reflection the relative role of each settlement. As part of this work the Council will also need to consider whether the services in lower tier settlements are under pressure and whether additional development in those settlements is required to secure those services in the long term. Consideration should also be given as to whether a settlement could attract additional services and infrastructure through new development, allowing it to become a higher tier settlement and as such provide a sustainable location for development. It is our experience that Settlement Hierarchies are used to prevent development in lower tier settlements rather than understand the pressures on those communities and consider how new development can meet their needs for new homes and services that will sustain their vitality.

LPR18: Housing Provision and Delivery

5. This policy states that the housing requirement for Braintree is 18,959 homes between 2026 and 2041 – an annual requirement of 1,264 dwellings per annum. This figure is 10% above the local housing needs assessment for Braintree. The reason given for this uplift is to guard against future fluctuations in assessed housing needs and to ensure there is sufficient flexibility in the local plan to guard against slower delivery. The inclusion of a buffer is welcomed but it is not clear why this has then been added to the housing requirement in LPR18 as a buffer is usually included in overall supply not the housing requirement. By including the buffer in the requirement, the Council will not create a buffer in supply, which would appear to be the Council's intention, as the expectation will be that the Council meets this higher requirement. Based on the supply expectations in this policy this would mean that the level of flexibility in the plan is reduced from over 10% to just 1%. Clarity is needed as to the Council's position to ensure that there is no ambiguity and that decision makers know how to react, as required by paragraph 16d of NPPF.
6. As to whether a 10% is an appropriate degree of buffer, given that 60% of the homes that are expected to be delivered over the plan period are on sites of over 800 homes, HBF would also question whether this is sufficient

contingency. The relatively complexity of delivering these larger sites means there is a higher risk of delays to delivery. HBF does not comment on specific sites, but it is notable that each of the strategic allocations is expected to come forward within the first five years post adoption of the plan. While this is not impossible the size of some of the allocated sites that are expected to start just three years post adoption is relatively ambitious. A good sense check as to delivery rates can be found in Lichfields Start to Finish, which shows that on average it takes sites of more than 1,000 homes between 2.5 and 3 years to obtain an outline consent and a further two years to obtain a detailed consent. It then takes on average over a year before the first home is completed on site. This does not mean that sites cannot come forward more quickly, but it is important for the Council to consider delivery expectations carefully and ensure that they are realistic with evidence provided to show they can be achieved.

7. Given that the delivery expectations on strategic sites are ambitious and are significant part of delivery HBF would recommend that any contingency in supply is closer to 20% of the housing requirement. HBF would suggest that the contingency is required in the early years of the plan to bolster the five year land supply in that period. Based on a requirement of 1,264 and the trajectory in Appendix 1, the Council will have a five year land supply on adoption of 5.32 years in 2027/28 and 5.55 in 2028/29. Should the strategic sites start delivering two or three years later than expected then the Council will struggle to maintain a five year land supply post adoption.
8. The Council will therefore need to consider how it can ensure supply is sufficiently flexible to ensure needs are met in full. Any additional supply will therefore need to come from small sites and lower tier settlements that are not already identified as having to accommodate a significant amount of development – the main settlements and key service villages. Allocating additional small sites and sites in lower tier settlement, especially those that are well related to higher tier settlements are more likely to come forward earlier in the plan period providing the necessary contingency not only to ensure needs are met in full over the plan period but that the Council retains a five year land supply at the start of the plan period.

Plan period

9. The Council will need to extend the plan period to ensure that it looks ahead for at least 15 years as required by paragraph 22 of the NPPF. The expectation is that this plan will be submitted by the end of the year. In our experience it takes at least a year for a plan to progress from submission to adoption. However, even relatively trouble free examination can take longer. The Uttlesford Local Plan for example was submitted in December 2024 and adopted 16 months later at the end of March 2026. This means that the plan will most likely be adopted in the first quarter of 2028 at the earliest. Therefore, on adoption the local plan will look ahead for 13 years requiring the plan period to be extended by two years to 2042/43. The policy should also state the annual housing requirement alongside the overall requirement for the plan period. This will increase the minimum housing requirement to 19,533 homes. With the minimum 10% buffer for flexibility this means that the Council should be planning for the delivery of at least 21,486 homes.

Housing supply

10. In LPR18 the Council states that the total supply of new homes over the plan period is 19,168 homes. The breakdown of this figure is then set out in more detail in Appendix 2. Within Appendix 2 there are supply figures for the strategic allocations, existing local plan/planning permission, small sites allocations and windfalls. However, on analysis of the supply estimates in Appendix 3 it would appear that the Council have included windfalls within the figures for existing local plan/planning permissions in order to arrive at the 9,173 figure in Appendix 2. These assumptions are set out in the table below.

Source of supply	Identified supply 2025-41	Delivery in 2025/26	Expected delivery 2026/27 to 2040/41
Sites under construction	2,003	503	1,500
Sites with full permission not under construction	662	22	640
Non-major sites without permission	14	0	14
Sites with outline permission	2,949	0	2,949
Sites with resolution to grant	12	0	12
Other identified sites without planning permission	2,905	0	2,905
Windfall	1,050	0	1,050
C2 communal (unit equivalent)	114	11	103
Total	9,709	536	9,173

11. As can be seen in order to arrive at the 9,173 homes for existing local plan/ planning permission in Appendix 2 windfalls must be included. Appendix 2 however includes 975 homes for windfall in addition to homes included in existing local plan/planning permissions. Removing this double counting reduces the overall supply to 18,118 homes. However, in addition HBF considers it necessary for windfall to only come in after three years rather than the two suggested by the Council to remove the risk of double counting existing permissions within windfall. This further reduces overall supply to 18,043 homes.

12. This updated supply is 808 homes above the minimum required by the standard method but 917 homes fewer than the assessed needs plus the 10% buffer the Council considers necessary for to maintain a flexible housing supply. Therefore, in order to ensure housing needs are met in full further sites will need to be allocated in this local plan.

10% small sites

13. The Council must look to ensure it meets the requirement in paragraph 73 of NPPF that at least 10% of the homes delivered over the plan period should be on sites no larger than one hectare. In meeting the requirement of paragraph 73 the NPPF is clear that these homes must be on identified sites – either as an allocation in the local plan or as a site in the Council’s Brownfield Register. This target cannot be met from windfall development which is defined in the NPPF Glossary as “*Sites not specifically identified in the development plan*”.
14. The Council should also recognise that allocating small sites and supporting SME house builders not only ensures a stronger supply in the short term but also improves the diversity of choice within local housing markets, support local and regional supply chains and are often pivotal in bring forward innovation and supporting jobs growth locally, with 1 in 5 of the SME work force comprising of apprentices. A failure to allocate small sites will contribute to the continued decline in small and medium sized house builders. Recent research by the HBF has found that there are 85% fewer small house builders today than there were 20 years ago and that of a survey of SME house builders 93% said that planning was a major barrier to SME growth. Whilst this decline is due to a range of factors, more allocations of small sites would ease the burden on many SME developers and provide more certainty that their scheme will be permitted, allowing them to secure the necessary finance that is often unavailable to SMEs until permission is granted.

LPR39: Affordable Housing

15. The Council does not appear to have published a viability assessment to justify the level of affordable housing being required in LPR39 and whether these levels can be viably delivered alongside the other policy costs placed on them. In particular the Council will need to ensure that the following are properly accounted for within the viability assessment.
 - Build costs are increasing rapidly, which will not necessarily be recognised in BCIS. While inflation on build costs (materials, labour, plant) has come down from the 11% experienced toward the end of 2022 it is still higher than the general Consumer Prices Index at 4.4%¹. This must also be reflected in the cost of delivering infrastructure and any payments relating to S106 agreements.
 - Ensure that significant infrastructure required to support Strategic Growth Locations sites is fully and accurately costed, taking into account inflationary pressures. For example, the SGL at Halstead will require a bypass, adding significant extra costs to that development.
 - Include the cost of paying the Building Safety Levy which in Eastbourne will add £16.56 per square metre on the cost of developing homes on PDL and £33.12 per square metre on greenfield sites.
 - Use up to date costs for delivering BNG. Many studies continue to use costs from the DEFRA Impact Assessment published in 2019. Of particular concern is that this costs off site provision at £11,000 per biodiversity unit. Evidence from providers is that this can range from between £30,000 to £150,000 depending on the type of biodiversity to be offset. HBF would also recommend that on strategic sites an

¹ <https://www.bcis.co.uk/insight/construction-inflation-reflecting-reality-with-project-cost-data/> m

assessment is made as to the baseline habitats to better understand the costs of delivering 10% net gains in biodiversity.

- Fully recognise the costs of meeting the Future Homes Standard now that the Government have confirmed that this will require PV.
16. When taken together these additional costs will impact significantly on the ability of development to deliver affordable housing and the council will need to take a pragmatic and flexible approach as to what can be delivered by different sites across Braintree. In particular those facing significant extra costs from infrastructure will need to be given the necessary flexibility to not only deliver new homes but also the infrastructure required to support those homes as well as the wider community.
17. The Council will also need to recognise that there are additional costs facing those house builders developing older people's housing. These include:
- Older peoples housing has less efficient net to gross ratios than general purpose housing and the inclusion of extensive communal areas, care facilities and other ancillary uses. This is recognised in the viability assessment and includes 20% adjustment for no saleable floor space. However, this is at the lower end and can be as high as 40% of the total area. HBF would recommend that it is increased. The net to gross ratio on an older people's housing development is also typically of 70% compared with 85% for low rise general purpose flatted blocks.
 - Specialist housing developments for older people tend to have longer sales periods, as purchasers prefer to view the flat, they intend to buy which results in very little off-plan buying during construction. The average sales rate for flatted sheltered housing at present is 0.6 sales per month. The rate has fallen year on year over the last 10 years from circa 1.3 sales per month in 2016 to less than 1 sale per month on average across the major providers of this typology.
 - The sales and marketing costs for older person's housing are typically 6% of GDV and not 3% as suggested in the viability assessment. Age restricted products require more intensive marketing and sales staff involvement over several years for relatively small developments and do not compare to general needs housing in terms of these costs.
18. These additional costs faced by developers building retirement and extra care housing for older people are likely to make it very difficult to viably deliver affordable housing. Where evidence does show this to be the case then the policy should respond to this and state that such development will be exempt from providing affordable housing. More detailed evidence on the additional costs faced by retirement house builders is available in '*Community Infrastructure Levy and Sheltered Housing/Extra Care Developments*' published by the Retirement Housing Group.

LPR41: Specialist Housing

19. The policy states that proposals for specialist housing provision are allocated on the Proposals Map and will be permitted within development boundaries providing that the relevant criteria set out in the policy are met. This

is not clear and could be seen by a decision maker that permission should only be granted for such specialist accommodation on the allocated sites. It should be made clear in policy the development for specialist accommodation on unallocated sites in the urban area should be considered under the same criteria as allocated sites. HBF would suggest the following amendment:

“Proposals for specialist housing provision ~~are allocated on the Proposals Map and~~ will be permitted within development boundaries providing that all the following criteria are met ...”

20. In order to support decision making and ensure the effective monitoring of this policy HBF would recommend that the supporting text includes the level of need for specialist accommodation in Braintree. This will provide decision makers with a clear understanding of the level of need when making decisions on any applications for this type of development.

LPR53: Parking Provision

21. This policy requires development to deliver parking for vehicles and bicycles in accordance with the Essex Vehicle Parking Standards 2024 or as superseded. This is unsound as the Council cannot confer the status of a policy to guidance that is published outside of the plan making process given that these can change without having to undergo the same consultation as would be required if they were in the local plan itself. The standard should either be included in the plan or state that development should have regard to these standards.

LPR56: Broadband.

22. This policy is unnecessary as the requirement to provide the infrastructure to connect to gigabit capable network is set out in Part R of the Building Regulations². The policy should be deleted.

LPR59: Health and Wellbeing Impact Assessment

23. HBF considers it unjustified to require a health impact assessment (HIA) on all residential development of 50 or more dwellings. While there are health issues to be addressed in Braintree, HBF considers that this is for the plan to address through its policies. Developments that are consistent with the policies in the plan should by dint be supporting the objectives of the plan to encourage a healthy lifestyle. Ergo there is no need for development to undertake a HIA.
24. Therefore, as currently written HBF considers the first two paragraphs of this policy to be unnecessary as they add nothing to the decision maker that is not addressed by other policies in the local plan. Instead, we would suggest that commentary in the supporting text on how the other policies in the local plan support the wider objective of improving health and wellbeing in Braintree would be more effective.

² <https://www.gov.uk/government/publications/infrastructure-for-electronic-communications-approved-document-r>

LPR60: Provision for Open Space, Sport and Recreation.

25. This policy requires development to provide open spaces in accordance with the Open Spaces SPD or successor document. This is unsound as the Council cannot confer the status of a policy to guidance that is published outside of the plan making process given that these can change without having to undergo the same consultation as would be required if they were in the local plan itself. The standard should either be included in the plan or state that development should have regard to these standards.

LPR73: Natural Environment and Green Infrastructure

26. The policy states that “*Open space and green infrastructure may in some instances be required to provide alternatives to European sites and that such sites should be designed and managed appropriately to maximise their potential effectiveness*”. This needs to be more clearly written. Open space and green infrastructure are not provided as alternatives to European sites but as alternative recreational opportunities to reduce the recreational impact of additional population on European sites. This is explained in paragraph 6.5 of the supporting text and should be accurately reflected the policy itself. HBF would also recommend that the opening paragraph is re-written. At the moment it is clumsily worded and difficult to follow.

LPR76: Protection, Enhancement, Management and Monitoring of Biodiversity

27. The policy states that “*Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development*”. It is not clear why this is necessary given that development is required to provide a 10% net gain in biodiversity and as such will already be providing significant additional benefits. HBF therefore considers this part of LPR76 to be unjustified and should be deleted.

LPR78: Green Buffers.

28. HBF would question whether there is a need for this policy. Policy LPR2 Development Boundaries already indicates that development outside of settlement boundaries will be restricted to appropriate uses appropriate within the countryside and it is therefore unclear as to why an additional policy that seeks to establish additional policies relating to maintaining the separation of settlements. Aside from Green Belt the NPPF does not indicate that there is a need to maintain the separation of settlements and even in relation to Green Belt notes that coalescence concerns towns rather than villages. This policy is therefore unjustified and unnecessary and should be deleted.

LPR81: Climate change.

29. The policy refers to that the requirement to demonstrate measures to lower carbon will not apply to very minor development without defining what they mean. HBF would suggest that rather than creating new categories of development they use those already defined in national policy. For example, the policy could state that demonstrating measures to lower carbon is a requirement for all major development. This would provide a much clearer and justifiable threshold. The Council will also need to consider what will need to be included in a Sustainability

Statement. The introduction of the Future Homes Standard for example will see significant reduction in carbon emission from new homes and require the inclusion of solar panels. Alongside this PM13 in the draft NPPF will not allow alternative building standards to be set in local planning policy. This will limit the content of a Sustainably Statement and potentially it may be more appropriate for these issues to be dealt with in a Design and Access Statement.

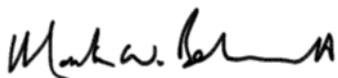
LPR 82: Energy Generation and Efficiency.

30. The requirement for development to provide a 19% improvement on energy performance over the 2013 building regulations is obsolete. The 2021 Building Regulations already provide a 30% improvement on the 2013 regulations and the Future Homes Standard will see a 75% improvement compared to the 2013 regulations. Given that the Future Homes Standard will come in from 2028 and the draft NPPF appears likely to include a policy which will not allow technical standards relating to energy efficiency to be set in local plans, HBF would recommend that the fourth paragraph of this policy is deleted.

Future Engagement

31. 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 housebuilding industry.
32. 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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