

SENT BY EMAIL
mark.behrendt@hbf.co.uk
18/05/2026

Dear Sir/ Madam

CANTERBURY LOCAL PLAN

1. Thank you for consulting with the Home Builders Federation (HBF) on the Canterbury 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.

NPPF consultation

3. In December 2025 the Government published a consultation on the new NPPF. HBF recognise this will have no weight until it is formally adopted. However, once the new Framework is adopted the Council will need to give weight to this iteration of the national policy. On the basis of paragraph 4 and 8 in Annex A of the draft NPPF being consulted on, 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 policies in the local plan that are not consistent with the new Framework redundant as soon as the local plan is adopted.
4. It is clear from the draft NPPF and the decision to establish national decision making policies that the Government are seeking to limit the number of development management policies in local plans that look to gold plate policies and go beyond national standards which place significant burdens on applicants as well as their own officers. As such, where policies are inconsistent with the new framework HBF would recommend that these are deleted in order to avoid unnecessary and length discussions on an application by application basis as to the weight that should be attached to these.

SS2 – Sustainable Design Strategy

Part 8 of this policy is unsound as it is unjustified

5. Part 8 requires new communities of 100 homes to prepare a masterplan and developments of 300 homes or more or multi-phased development to prepare a design code. HBF does not consider these thresholds to be justified. There is no evidence supporting the need for design codes at what is a low threshold where the design of buildings on a development can be adequately considered through the planning application and its consistency with the requirements of the local plan or any wider design codes within which a development is located. Similarly, there is no evidence presented by the Council to suggest a well-designed development of 100 or more homes, that is consistent with the Local Plan, would not be possible without a masterplan. These requirements will simply increase the time it takes for a planning application to be submitted, delaying the delivery of much needed homes in Canterbury. It is also noted that these requirements are repeated in DS13. If these thresholds are considered to be appropriate the Council must decide which policy, they should be in to avoid unnecessary repetition.

SS3 – Development Strategy for the district.

This policy is unsound as it is unjustified

Plan period

6. As the standard method is a forward looking assessment of housing need that takes account of past delivery through the affordability adjustment, the starting point of the plan period should be aligned with the base data used in the standard method. Given that the current starting point of the plan period of 2024 is consistent with the end date of the five year average affordability ratio and the most recent housing stock figure HBF considers it to be consistent with national policy. However, should new data be used in the assessment of housing needs the start date would need to be amended to reflect the point at which the housing needs assessment took place. Therefore, if the requirement is adjusted to take account of changes in the key variables, the plan period should start from 2025/26, the year in the which the assessment need was undertaken.
7. HBF would also recommend that the plan period is extended by a year to ensure that the plan period looks ahead for 15 years from the point of adoption, as required by paragraph 22 of the NPPF. The Council's latest LDS indicates that the local plan is to be submitted in September and that the inspectors report will be received at the end of 2027. While plans can be adopted within 12 to 16 months of submission they often take much longer – between 18 month and two years. HBF would therefore suggest that in order to be certain of the local plan looking forward for at least 15 years an extra year is added to the plan period.

Housing requirement

8. As required by national policy the Council has used the standard method to assess its housing needs and at the time the plan was written resulted in a need for 1,215 dwellings per annum (dpa). This figure was based on affordability ratios published in March 2025 and the housing stock figure published in May of the same year. These figures are updated annually. The latest affordability ratio means the five year average has reduced from 11.16 to 10.82. The impact of this on the standard method is to reduce the LHN to 1,179 dpa. This figure will

need to be kept under review and reassessed once the latest housing stock figures are updated. On the basis of the number of homes delivered in 2025 HBF would estimate most up to date LHN would be 1,199 dpa. However, as the updated assessment of housing need is likely to be just 16 dpa less than the one in the draft local plan HBF do not consider it necessary for soundness to amend the housing requirement.

Stepped requirement

9. HBF does not agree with the decision to use a stepped housing requirement. The Council's justification for the use of a stepped housing requirement is in the Development Strategy Topic Paper. Paragraph 2.24 of this topic paper states that it is justified on the basis that the change in the housing requirement from 800 dpa in the adopted local plan to 1,214 dpa is a substantial increase that would meet the criteria set out in paragraph 68-021 of Planning Practice Guidance (PPG). While there is an increase HBF do not consider this to be justification. Firstly, the increase is not from 800 dpa. The Council's requirement in their adopted local plan was stepped and since 2016/17 has been 900 dpa. Whilst HBF recognise the increase of 300 dpa is substantial, it must be noted that the using previous standard method resulted in a housing need of between 1,113dpa and 1,141 dpa since it was introduced in 2018. Secondly, and most importantly, the average annual housing delivery has been and is expected to be well above that figure. Delivery in 2024/25 was 1,215 dwellings and over the next 5 years is estimated to be over 1,000 dpa¹. This indicates that whilst there is an increase in the number of homes needed it is not so significant as to require a stepped requirement and that there is a strong market with the demand for new homes to delivery new homes early in the plan period with the right allocations .
10. Therefore, it would appear that a key reason the Council is proposing a stepped trajectory is in order to have a five year land supply on adoption and as a means of not allocating further sites that would provide a strong five year land supply on adoption. If there isn't a five year land supply on adoption of this plan, then HBF would suggest that the Council should, in the first instance, look to address any shortfalls through additional allocations of small and medium sites and not through a stepped trajectory. However, it is not clear from the Council's evidence that it has revisited submitted sites to identify additional allocations before it considered using a stepped trajectory.
11. If the use of a stepped requirement is considered by a planning inspector to be justified, it must be in accordance with paragraph 68-021 of PPG and ensure it does not seek to unnecessarily delay the delivery of new homes to later on in the plan period. This means it must be sufficiently challenging to ensure decision makers approve development without delay. HBF does not consider the proposed steps to achieve this.
12. Using the Sedgefield approach to assessing five year land supply, the proposed stepped requirement results in the Council having a 5.83 year housing land supply on adoption and 6.39 five year land supply the following year. However, this is on the basis of a 20% buffer being required. While HBF would agree that on the basis of the Housing Delivery Test present 20% buffer is required this will not necessarily be the case on adoption and

¹ Canterbury Housing Land Supply Statement 2024/25

in subsequent years. As can be seen from the rolling trajectory in Appendix A of our response, if a 5% buffer is used the five year land supply on adoption increases to 6.66 years and 7.71 years in 2028/29 when the Council's proposed stepped trajectory is used.

13. This indicates that the stepped trajectory rather than encouraging the Council to permit development without delay creates a significant and artificial head room that could lead to slower decision making and homes coming forward later. It is also notable that if the 5% buffer is used then the Council would have a five year land supply on adoption with a flat housing requirement of 1,214 dpa. HBF therefore does not consider the proposed steps within the requirement to be sound as it seeks to create an artificially high headroom that does not encourage positive decision making and could lead to a delay the delivery new homes.

Five year land supply/ Phasing methodology

14. Paragraph 2.189 of the Meeting Development Needs Topic Paper states that there will be five year land supply on adoption in 2027/28 of 5.82 years. Despite a very slight error in the shortfall² in table 2.9 HBF would agree with this assessment. However, as can be seen in the table below if a flat housing requirement is used of 1,215 dpa across the plan period the Council would have a 4.41 year housing land supply on adoption if a 20% buffer is applied and a 5.04 year housing land supply with a 5% buffer.

Table 1: Five year land supply with a flat trajectory using Sedgfield. Method.

	20%	5%
a. Requirement 24/25 to 26/27	3,645	3,645
b. Supply 24/25 to 26/27	2,729	2,729
c. Deficit from 24/25 to 25/27 (b-a)	-916	-916
d. Five year requirement for 27/28 to 31/32	6,075	6,075
e. Add deficit/ surplus (d+c)	6,991	6,991
f. Buffer (ex5% or 20%)	1,398	350
g. Total requirement (e+f)	8389	7,341
h. Five year supply	7,397	7,397
i. Surplus/deficit (h-g)	-992	56
j. 5YHLS	4.41	5.04

15. As to the soundness of the assumptions made supporting delivery in the five year land supply, and trajectory as whole, it is difficult to comment as no detailed trajectory appears to have been produced. Table 2.7 of the Meeting Development Needs Topic Paper sets out the anticipated first year of development for allocated sites, but it does not provide details of the delivery expectations from this point. As such it is not known how many homes will be delivered each year from these sites and their contribution to the overall trajectory in each year of the plan period. HBF would expect to see an annualised trajectory for each site provided in order to allow for the proper scrutiny as to not only when a development is expected to start completing new homes but also how

² Shortfall is 3,139 – (1,232+1,497) = 430

many homes will be built each year. HBF would recommend that this is provided in the supporting evidence when the plan is submitted for examination.

16. HBF have some concerns with the phasing methodology that underpins the housing trajectory and the five-year land supply. Firstly, with regard to smaller and medium sized sites the Council have made the assumption, summarised in table 3 and table 4 of the Phasing Methodology, that even where planning activity is considered to be limited or there is no planning activity at all these will deliver homes within the five year period. HBF does not consider this approach to be consistent with the NPPF, which states that a deliverable site should only be considered deliverable where it has outline permission, is allocated, identified in the brownfield register, or has a permission in principle and there is clear evidence housing completion will begin on the site within five years.
17. HBF also has concerns with regard to the Council's assumptions on larger sites of between 500 and 1,999 homes as set out in Table 5. This table appears to indicate that sites of this size will deliver homes within the third year after being granted an outline permission. The third edition of Start to Finish published in March 2024, however, indicates that on average the first dwelling will be completed in fourth year following the grant of outline permission and the Council's own evidence that they come forward four to five years post outline consent. Therefore, while some outline permissions may deliver as suggested this will depend on when the outline permission was granted. It is not clear how this has been applied.
18. Rather than make broad assumptions as to when these large sites will deliver HBF would recommend that where an outline application is granted, the general assumption must be that it will not deliver homes within five years unless there is compelling site specific evidence to suggest otherwise. For large sites with limited or no planning activity we would agree that these should not be included in the first five years and are unlikely to come forward until years 7 or 8 at the earliest.

Overall Supply

19. The Council expect 25,408 homes to be delivered over the plan period – around 10% more than the housing requirement. While HBF welcome the buffer between needs and supply we do not consider it to be sufficient to ensure housing needs are met in full given the reliance on large strategic sites. Over 12,000 homes are expected to be delivered on sites of 600 or more homes over the plan period where there is a much greater risk that sites do not come forward as expected or delivery at slower rates than is being proposed means more homes are delivered outside of the plan period. Therefore, in order to ensure housing needs are met in full over the plan period HBF would suggest that additional allocations are required to improve the degree of contingency in the overall housing supply.
20. Not only will the increase in supply provide greater certainty that overall needs will be met in full, but it will also improve the supply of much needed affordable housing. As is noted in the Housing Needs Assessment, the annual need for affordable housing is 695 units - a level that will not be met by this local plan. The only way to

increase provision is through the allocation of additional sites – an approach that paragraph 2a-024 of PPG suggests council's consider where it could help deliver the required number of affordable homes – and one that does not appear to have been considered by the Council as a reasonable alternative when preparing this local plan.

Conclusions on housing requirement and land supply

21. In order to ensure the local plan is effective HBF consider it necessary for additional sites to be allocated that will ensure there is a five-year land supply on adoption without the need for a stepped trajectory. In the first instance the Council will need to look to allocate small sites as defined by paragraph 70 of the NPPF and seek to ensure that 10% of the housing requirement is delivered on identified sites of less than one hectare – point we turn to later in this response. In addition to sites of less than one hectare HBF the Council should also look to allocate medium sized sites that could boost housing supply in the short term.
22. However, it is noted that the Development Strategy Topic Paper states in paragraph 2.29 that any additional allocations would just lead to an oversaturation of the housing market in 2031/32 to 2033/34. HBF do not consider such a position to be justified. Firstly, smaller sites of less than one hectare are likely to be delivered by smaller developers who need to build out sites as soon as possible. In meeting the requirements of paragraph 70 of the NPPF the Council would significantly bolster their five year land supply.
23. But even sites considerably larger than these have the potential to deliver in the first five years. Start to Finish notes that sites of between 50 and 99 units will on average build out in about 3.5 years. How this period can be significantly reduced for such sites where there are fewer complex issues compared to much larger development through proactive efforts by the Council to reduce the time it takes smaller sites to get permission and for conditions to be signed off. The same is true of many medium sized sites where timeframes for developments of between 100 and 200 units are likely to be closer to those of sites of between 50 and 99 than those of 400 to 500 dwellings. Rather than over saturate the market in the medium term the allocation of more small and medium sized sites will more likely improve the mix of homes, increasing consumer choice in the shorter term.

Small sites

24. In paragraph 2.200 of the Meeting Development Needs Topic Paper the Council states that in response to paragraph 70 of the NPPF the Council is making provision for 12% of the housing requirement to be delivered on small and medium sites. However, Table 2.11 of the Topic Paper indicates that 1,409 homes are expected to come forward from windfall development. However, when considering whether the Council has met this figure the Council cannot include any windfall sites, they expect to be delivered on small sites. The NPPF specifically sets out in paragraph 70a that the Council must identify through the development plan and brownfield register land to accommodate at least 10% of their housing requirement and makes a clear distinction with windfall sites which are mentioned separately in part d of paragraph 70. HBF's position is further supported in the glossary where windfall is defined as "*Sites not specifically identified in the development plan*" (our emphasis).

25. The need for such provision to be on allocated sites not windfall is also the approach that has been established in the Draft NPPF which states in policy HO6 that Councils should allocate land to accommodate at least 10% of the housing requirement on sites no larger than one hectare. In addition, the new policy states that a further 10% should be on allocated sites of between one and two and half hectares.
26. This shows the importance attached to delivery on small sites by the Government and that this must be on identified sites and that including windfall is inconsistent with the approach set out in the current NPPF. By requiring small sites to be identified in the local plan, either as an allocation or in the Brownfield Register, the Government recognise not only the importance of such sites in securing delivery early in the plan period but the need to support SME house builders by taking some of the risk out of that development and provide greater certainty that those sites come forward. This in turn will allow the SME sector to grow, deliver homes that will increase the diversity of the new homes that are available as well as bring those homes forward earlier in the plan period.
27. 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 was 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.
28. If the Council cannot meet this requirement, they will need to have strong evidence as to why this requirement has not been met and if no evidence is put forward to find additional small sites for allocation. In particular the Council will need to show that they have proactively looked to identify and allocate small sites and not just left this to the call for sites. The Council should be able show that if they could not meet the requirements of paragraph 70 initially that they have then revisited the sites submitted to consider whether any obstacles to delivery could be overcome or looked to engage with small developers within Canterbury who may have sites that could be allocated. Unless such an approach has been undertaken by the Council HBF does not consider there to be strong reasons for not meeting the requirements of paragraph 70a.

Policy SS6

Policy is unsound as it is not consistent with national policy

29. HBF recognises that it is important for infrastructure to be delivered in order to support the levels of development being proposed. However, it is important that this is infrastructure that is directly required to ensure that development is acceptable in planning terms. As such we would recommend that part 1 of this policy is amended to

state “*the necessary infrastructure improvements to make development acceptable are delivered at the right time to support growth*. HBF would also recommend that the in part 2c that this refers to new primary health care facility and existing primary health infrastructure provision. Secondary healthcare provision is funded nationally and responds to much wider health needed and as such is not the responsibility of the developer to address through planning contributions.

SS7 – Local Plan Review

This policy is unsound as it is not effective

30. HBF welcomes the inclusion of specific policy setting out when a review will take place. However, at present HBF do not consider this policy to be effective as it does not state that a review will be triggered should a neighbouring area be unable to meet its own housing needs. In such a circumstance it would be necessary for the Council to review its plan and whether additional sites could be allocated to ensure wider housing needs are met in full.

DS1 – Affordable housing

This policy is unsound as it has not been justified

31. This policy proposes a variable requirement for affordable housing with a 15% requirement on sites that are totally PDL and 30% on all other sites. While the decision to use a variable rate is welcomed HBF are concerned that the Viability Assessment shows in tables 12.5a to 12.5c that the majority of brownfield typologies will be made unviable by the costs placed on them by this local plan. It is also notable in these tables that away from Whitstable that many of the larger green field typologies are either unviable or marginal as a result of the policy costs in this local plan. While HBF recognises that much of the development in this local plan will be on strategic sites which are considered to be viable, we are concerned that the remaining development required to deliver this local plan will struggle to afford the proposed level of affordable housing in this policy.
32. These concerns are heightened given that some of the costs in the viability study appear to have been underestimated. Firstly, we are concerned that the cost used in relation to delivering 20% net gain is considered to be minimal with Table 8.8 providing detail as to the different costs arising on different site typologies. The costs set out in this table in most cases do not align with the costs faced by the development industry. HBF recognises that the cost of delivering BNG will vary significantly between sites as this is dependent on the existing habitats found on the site. In some cases, the cost may be relatively low but in others the cost will be much higher than proposed by the viability study. Evidence provided to us by our members and published in ‘The Viability Crunch³’ suggests that the average cost of meeting 10% BNG is around £5,700 per dwelling – much higher than was expected that that has been included in the Council’s viability assessment. For example, the cost of meeting BNG requirements of the greenfield typologies is on average circa £300 per dwelling - well below what many

³ HBF (2026) <https://www.hbf.co.uk/research-insight/viability-crunch/>

of our members are experiencing in terms of the cost of meeting 10% BNG. For example, based on HBF's report the total cost of meeting BNG on typology 2 in the Viability Study would increase from £60,000 to £1,140,000.

33. The reason for this is that many house builders are having to deliver BNG off site in order to maintain the developable area required to ensure sites remain viable. This is exacerbated as the cost of offsite delivery is much higher than the costs set out in the Government's 2019 Impact Assessment (IA), and which has formed the basis of the costs relating to BNG in the Viability Study. The offsite delivery cost of offsetting used in the IA was £11,000 per biodiversity unit and much lower than the costs our members are seeing, which range from £25,000 to £150,000 depending on the type of habitat. It is also the case that the additional 10% net gain being required is more likely to be delivered offsite further increasing the cost of BNG to the developer.
34. The Viability Study will also need to take account of increased taxes and levies. HBF note the Building Safety Levy has been included in the costs, but proposed changes to the Landfill Tax rates have not. These changes to landfill tax will see costs increase significantly. Home builders are already working hard to minimise the volume of waste sent to landfill, but are often constrained by factors such as site topography, previous land use, and planning requirements. HBF members expect the additional costs of this tax to be around £2,000 per unit.
35. In addition to the cost of the Future Home Standard, which has been accounted for in the Viability Study, other changes to building regulations will also need to be explicitly accounted for. Firstly, proposed changes to part G will revise the minimum water efficiency standard in new houses through fittings from 125 l/p/d to 105 l/p/d, and the optional technical standard from 110 l/p/d to 100 l/p/d. The changes are expected to cost an additional £3,100 per home and should be factored into the study. Secondly part R was amended in 2022, and requires all new properties to be fitted with physical infrastructure for gigabit-capable broadband. The changes mandate a connectivity plan and the installation of gigabit-ready infrastructure, and a gigabit-capable connection where feasible within a £2,000 cost-cap. It is not clear if this has been included in the viability assessment.
36. As such the cumulative impact of each of these additional costs will create a more challenging situation for developers within Canterbury. Based on the current outcomes of the Viability Study the additional costs HBF consider it necessary for the Council to reduce the costs being placed on developers to ensure that, in line with paragraph 59 of the NPPF, decision makers can assume that all development which complies with policies in the local plan is viable and, as required by paragraph 35 of the Framework, that these costs do not undermine the deliverability of the local plan. This may result in a reduction in the affordable housing figure and/or changes to other policies such as the removal of the 20% BNG requirement in DS25.
37. With regard to older people's housing table 12.9 indicates that none of the typologies tested can meet the affordable housing requirement. At best only three of the greenfield typologies can provide any affordable housing contribution. HBF would suggest that the policy explicitly removes the requirement for older people's housing to provide affordable housing in this policy. The Council will also need to consider whether other policy requirements in the this local plan will also need to be amended to reflect the viability evidence.

38. Finally, in part 6 of the policy the council refers to viability considerations and paragraph 6.7 of the supporting text stating there will be limited exceptional circumstances where viability issues threaten the delivery of affordable housing. Firstly, the reference to exceptional circumstance sin paragraph 6.7 is inconsistent with national policy. Paragraph 59 of NPPF simply refers to changing circumstances and makes no references to these being limited or exceptional. Paragraph 6.7 should be amended. Secondly, HBF considers it necessary for soundness that part 6 of the policy is amended to state that viability considerations will be considered by the Council in line with policy D15. This ensures sufficient clarity in policy that viability will be a consideration for decision makers.

DS2 – Housing mix Review

This policy is unsound as it has not been justified

1. HBF welcomes the flexibility with regard to housing mix. However, HBF would suggest two amendments to make the policy more effective. In part 2 b the Council state that where the nature, size and characteristics clearly indicate a the requirement cannot be achieved an alternative housing mix should reflect local evidence. HBF would suggest that viability is added to part 2b and that “*cannot be achieved*” is replaced with “*are inappropriate* ...” This would ensure that the policy is sufficiently flexible to take account of situations where a change in mix can help address viability concerns and situations where a mix could be provided but would be inappropriate on the basis of the character of an area.
2. With regard to accessibility standard the Council are proposing 5% of new homes are built to part M4(3). With regard to the evidence supporting this standard we note that this is taken from the 2021 Housing Needs Assessment. Given that the Council updated its evidence on housing needs in 2025 it is surprising that the evidence for this requirement was not updated. The Council will need to provide an update to this evidence to ensure it is still appropriate. The Council will also need to set out what M4(3) standard is required. There are two standards – one for wheelchair adaptable housing and one for wheelchair accessible housing. The second standard can only be required whether the Council has nomination rights and as such the policy needs to be clear as to which standard is being asked for.
3. Part 5b requires 10% of homes on sites of 300 or more units to provide older people’s housing. However, it is not clear as to why this 10% is required to ensure a mix of housing, the amount of provision that would be provided by this policy, how this relates t overall need or whether provision could be more adequately addressed by allocating sites specifically meet this type of accommodation. Without this evidence the policy is not justified.

DS5 – Specialist Housing Provision

The policy is unsound as it is not effective.

4. HBF would suggest that in order to ensure this policy is effective the need for older people's housing and other specialist accommodation is set out in either the policy or supporting text. This will ensure that the policy can be effectively monitored and that decision makers have a clear picture as to the need for such housing.

DS12 – Net Zero Carbon Ready and Water Efficiency

This policy is unsound as it has not been justified and is inconsistent with national policy.

5. Part 2 of this policy states that in order to minimise the carbon footprint new residential buildings must deliver net zero carbon ready standards in accordance with Appendix 4. The policy then goes on to state how this should be achieved. HBF considers this approach to reducing carbon emissions from new residential buildings unsound. Firstly, in requiring residential development to be zero carbon ready the Council is in effect repeating the requirements of the Future Homes Standard which ensures all new homes are zero carbon ready and which the Government have confirmed will come into force in 24 March 2027. The inclusion of this policy is therefore unnecessary and will simply lead to confusion for decision makers and applicants as to what is required. In addition, the policy is also inconsistent with policy PM13 in the draft NPPF consulted on earlier this year. As set out at the start of this letter, while very little weight can be attached to the current consultation on the NPPF at present careful attention will need to be given to the outcomes of the consultation and the final document that is adopted. As such HBF consider it necessary for part 2 and Appendix 4 to be deleted. References elsewhere in the local plan to Appendix 4 will also need to be deleted.
6. Part 4 of the policy requires all major development to calculate whole life cycle carbon emissions. This requirement is unjustified with nothing in NPPF to support policies that require developers to undertake whole life carbon assessments. These are onerous assessments and there can be significant inconsistencies in the outcome of any assessment depending on the materials used. Not all products will have Environmental Product Declaration (EPD) making it difficult for consistent assessments to be undertaken across the developments which will in turn provide a high degree of ambiguity as to how decision makers should react to the outcomes of any whole life carbon assessment. HBF consider it necessary for this policy to be deleted.

DS13 – Sustainable Design

This policy is unsound as it is not justified.

7. As set out in our comments on SS2 HBF does not consider the thresholds for design codes in part 2 and the threshold for master planning in part 5 to be justified. No evidence has been provided as to why master planning and design coding is required at the proposed thresholds and will simply delay the delivery of much needed homes. At this scale of development consideration as to design can be adequately addressed at application. It is recognised that master planning and design codes may be needed on larger strategic sites that may come forward over multiple phases, with a different land uses and potentially with a variety of house builders delivering homes. However, on smaller developments that will come forward over a single phase, and which are built out by a single developer, HBF does not consider them to be necessary.

DS14 – Digital Infrastructure

The policy is not justified.

8. HBF considers this policy to be unsound as delivery of gigabit ready infrastructure on site is addressed through part R of the building regulations and we do not consider it necessary for statements as to how and when a full Fisher connection can be provided. This is for the developer to agree with the provider and not for the Council to consider as part of the planning application. Part 1 of this policy should be deleted.

DS25 – Supporting Biodiversity Recovery

This policy is unsound as it has not been justified and is inconsistent with national policy.

9. Part 2g requires development of 300 homes or more to provide a minimum of 20% tree cover. The justification for this is paragraph 9.12 of the Natural Environment Topic Paper which outlines that this is required to ensure that the current tree canopy of 19.5% is reduced. This is not a justification for requiring development of 300 homes or more to provide a minimum of 20%
10. tree cover. A site that has no trees on it, for example could be built without any tree planting and would not reduce the total tree coverage. In fact, relatively limited planting would increase tree canopy cover. It is also unclear from the policy as to whether the 20% cover relates to the area planted with trees or the canopy cover of a site at maturity.
11. This threshold also has no regard to BNG and whether it is possible to deliver BNG on site with this level of tree canopy cover. It is not always the case that the habitats to be replaced on site will be compatible with the provision of new trees. In such situations the provision of tree cover on site could either reduce the developable area or increase the amount of BNG that needs to be delivered offsite. Similarly, such a rigid standard has no regard to other infrastructure and whether that is compatible with 20% tree cover. Where the provision of trees in close proximity to other infrastructure is not possible, it may be difficult to meet this policy without reducing the developable area of a site.
12. Rather than set a fixed requirement with regard to the percentage of a site covered by trees HBF would suggest that a more flexible approach is taken requiring any trees lost to be replaced and that for trees to be a key feature of the design of any site. Such a policy would enable tree cover to be planned in way that is in keeping with the character of the site.
13. Policy 3b – requires major development to provide a 20% net gain in biodiversity. The Council will need to take account of the draft NPPF which states in policy N1 that development plans should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement of 10% where this is for a specific allocation. If this policy is retained, then part 3b of DS25 will be inconsistent with national policy and as such have very little weight once the plan is adopted. In this situation HBF considers the only appropriate approach is for the 20% BNG requirement to be deleted.

14. However, even on the basis of the NPPF24 HBF do not consider the 20% requirement to be justified. In considering the soundness of this policy it is necessary to consider paragraph 74-006-20240214 of PPG which states that:

“... plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented”.

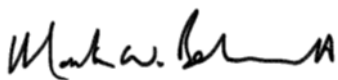
15. It is important to note that the starting point is that local plan should not seek a higher requirement. This is different to a permissive policy allowing local plans to seek a higher level of BNG where justified, and the HBF would argue that it should be considered a high bar with regard to the evidence required to justify such a policy. There must be a very clear and robust justification that the area is significantly worse than the country as whole and that this decline is directly related to the new development rather than, for example, the result of changes in agricultural practices or industrial pollution. It is not sufficiently robust to highlight declines in species that whilst an important issue is not necessarily as a result of new homes being built.
16. Firstly, as set out in our comments on DS1, the Viability Study significantly underestimates the cost of delivering BNG. There is a significant risk that the 20% BNG requirement could lead to some sites being made unviable. Given the Council's priority is to deliver more affordable homes it does not appear appropriate to risk the delivery of such homes to deliver additional net gains to those that development is already legally required to provide.
17. HBF also does not consider it justified to require residential development to redress the harm to biodiversity it has not contributed to. We do not disagree that the UK has seen a loss in biodiversity not just in recent past but previous centuries and as such recognise the importance of ensuring that the outcome of new development in future is that there is a net gain in biodiversity. However, it is important to recognise that new residential development has not been the primary driver of declining biodiversity either locally or nationally and in particular over the last 50 years. The main drivers of declining biodiversity in England, as outlined in the State of Nature Report 2023 (State of Nature Partnership, 2023), as being *“Intensive management of agricultural land, largely driven by policies and incentives since World War II, has been identified as the most significant factor driving species' population change in the UK”*. Therefore, whilst it is important for development to ensure that it improves the natural environment it is important to also recognise it is not a significant driver of biodiversity decline.
18. By providing a 10% net gain in biodiversity development will ensure that any development makes a positive contribution to biodiversity and to require further obligation to deliver an additional 10% cannot be considered to be fairly related to that development or necessary to make that development acceptable in planning terms.

19. HBF does not consider the detailed specification of what should be within the Biodiversity Net Gain Plan to be necessary as this is set out in guidance with government providing a standard template setting out what is required. Firstly, Part 4b is not sound. The biodiversity hierarchy in PPG indicates that compensation should be first through enhancement of onsite habitats, creation of onsite new habitats, allocation of registered offsite gains and then purchase of credits. At no point is it mentioned that offsite delivery should be within the borough or district. Whilst this is encouraged through the metric which includes spatial risk multiplier that increases the number of credits required the further from the development, they are located there is no policy justification for requiring these to be in the district. site and then offsite
20. Secondly, part 4c to be sound. There is nothing in national policy to require a development that cannot meet BNG on site to reduce the developable area. Where development cannot provide the necessary BNG on site, then the applicant is perfectly entitled by policy and legislation to provide an offsite solution as the next step. Given that the Council want to ensure the BNG delivery does not impact on publicly accessible open space (4d) it should not be seeking to place further considerations as to the delivery of BNG on site. Part 4c should be deleted. Thirdly, part 4d should not be part of the Biodiversity Gain Plan. The requirement for BNG not to hinder the delivery of public open space should be set out in policy DM28. Finally, part 4e, which lists the relevant strategies that need to be considered when supporting biodiversity, appears to repeating requirements in part 2 of the policy. This is unnecessary and confusing and part 4e should be deleted.

Conclusion

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

Yours sincerely,



Mark Behrendt

Regional Planning Manager – SE and E

Email: mark.behrendt@hbf.co.uk

Phone: 07867415547

Appendix A – Rolling five year land supply assessment.

Sedgefield with 20% - surplus not carried forward

	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	36/37	37/38	38/39	39/40	40/41	41/42	42/43
Requirement	1,215	972	972	972	972	972	972	972	1,370	1,370	1,370	1,370	1,370	1,370	1,370	1,370	1,370	1,370	1,366
Cumulative	1,215	2,187	3,159	4,131	5,103	6,075	7,047	8,019	9,389	10,759	12,129	13,499	14,869	16,239	17,609	18,979	20,349	21,719	23,085
Delivery	1,232	845	652	1,110	1,231	1,191	1,752	2,113	2,228	2,116	1,725	1,700	1,369	1,311	1,184	1,060	1,047	973	569
Cumulative	1,232	2,077	2,729	3,839	5,070	6,261	8,013	10,126	12,354	14,470	16,195	17,895	19,264	20,575	21,759	22,819	23,866	24,839	25,408
Deficit	-	-127	-430	-292	-33	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Five year requirement	5,103	4,860	4,860	4,860	5,258	5,656	6,054	6,452	6,850	6,850	6,850	6,850	6,850	6,850	6,846				
add deficit/surplus	5,103	4,860	4,970	5,290	5,550	5,689	6,054	6,452	6,850	6,850	6,850	6,850	6,850	6,850	6,846				
Buffer	255	243	994	1,058	278	284	1,211	1,290	1,370	1,370	1,370	1,370	1,370	1,370	1,369				
Total req	5,358	5,103	5,964	6,348	5,828	5,973	7,265	7,742	8,220	8,220	8,220	8,220	8,220	8,220	8,215				
Five year supply	5,070	5,029	5,936	7,397	8,515	9,400	9,934	9,882	9,138	8,221	7,289	6,624	5,971	5,575	4,833				
Surplus/deficit	-288	-74	-28	1,049	2,688	3,427	2,669	2,140	918	1	-931	-1,596	-2,249	-2,645	-3,382				
5YHLS	4.73	4.93	4.98	5.83	7.31	7.87	6.84	6.38	5.56	5.00	4.43	4.03	3.63	3.39	2.94				

Sedgefield with 5% - surplus not carried forward

	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	36/37	37/38	38/39	39/40	40/41	41/42	42/43
Requirement	1,215	972	972	972	972	972	972	972	1,370	1,370	1,370	1,370	1,370	1,370	1,370	1,370	1,370	1,370	1,366
Cumulative	1,215	2,187	3,159	4,131	5,103	6,075	7,047	8,019	9,389	10,759	12,129	13,499	14,869	16,239	17,609	18,979	20,349	21,719	23,085
Delivery	1,232	845	652	1,110	1,231	1,191	1,752	2,113	2,228	2,116	1,725	1,700	1,369	1,311	1,184	1,060	1,047	973	569
Cumulative	1,232	2,077	2,729	3,839	5,070	6,261	8,013	10,126	12,354	14,470	16,195	17,895	19,264	20,575	21,759	22,819	23,866	24,839	25,408
Deficit	-	-127	-430	-292	-33	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Five year requirement	5,103	4,860	4,860	4,860	5,258	5,656	6,054	6,452	6,850	6,850	6,850	6,850	6,850	6,850	6,846				
add deficit/surplus	5,103	4,860	4,987	5,290	5,550	5,689	6,054	6,452	6,850	6,850	6,850	6,850	6,850	6,850	6,846				
Buffer	255	243	249	265	278	284	303	323	343	343	343	343	343	343	342				
Total req	5,358	5,103	5,236	5,555	5,828	5,973	6,357	6,775	7,193	7,193	7,193	7,193	7,193	7,193	7,188				
Five year supply	5,070	5,029	5,936	7,397	8,515	9,400	9,934	9,882	9,138	8,221	7,289	6,624	5,971	5,575	4,833				

Surplus/deficit	-288	-74	700	1,843	2,688	3,427	3,577	3,107	1,946	1,029	97	-569	-1,222	-1,618	-2,355				
5YHLS	4.73	4.93	5.67	6.66	7.31	7.87	7.81	7.29	6.35	5.71	5.07	4.60	4.15	3.88	3.36				

Sedgefield with 20% - surplus carried forward

	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	36/37	37/38	38/39	39/40	40/41	41/42	42/43
Requirement	1215	972	972	972	972	972	972	972	1370	1370	1370	1370	1370	1370	1370	1370	1370	1370	1366
Cumulative	1215	2187	3159	4131	5103	6075	7047	8019	9389	10759	12129	13499	14869	16239	17609	18979	20349	21719	23085
Delivery	1232	845	652	1110	1231	1191	1752	2113	2228	2116	1725	1700	1369	1311	1184	1060	1047	973	569
Cumulative	1232	2077	2729	3839	5070	6261	8013	10126	12354	14470	16195	17895	19264	20575	21759	22819	23866	24839	25408
Deficit/ surplus	17	-110	-430	-292	-33	186	966	2107	2965	3711	4066	4396	4395	4336	4150	3840	3517	3120	2323
Five year requirement	5103	4860	4860	4860	5258	5656	6054	6452	6850	6850	6850	6850	6850	6850	6846				
add deficit/ surplus	5103	4843	4970	5290	5550	5689	5868	5486	4743	3885	3139	2784	2454	2455	2510				
Buffer	255	242	994	265	278	284	293	274	237	194	157	139	123	123	126				
Total req	5358	5085	5964	5555	5828	5973	6161	5760	4980	4079	3296	2923	2577	2578	2636				
Five year supply	5070	5029	5936	7397	8515	9400	9934	9882	9138	8221	7289	6624	5971	5575	4833				
Surplus/deficit	-288	-56	-28	1843	2688	3427	3773	4122	4158	4142	3993	3701	3394	2997	2198				
5YHLS	4.73	4.94	4.98	6.66	7.31	7.87	8.06	8.58	9.17	10.08	11.06	11.33	11.59	10.81	9.17				

Sedgefield with 5% - surplus carried forward

	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	36/37	37/38	38/39	39/40	40/41	41/42	42/43
Requirement	1215	972	972	972	972	972	972	972	1370	1370	1370	1370	1370	1370	1370	1370	1370	1370	1366
Cumulative	1215	2187	3159	4131	5103	6075	7047	8019	9389	10759	12129	13499	14869	16239	17609	18979	20349	21719	23085
Delivery	1232	845	652	1110	1231	1191	1752	2113	2228	2116	1725	1700	1369	1311	1184	1060	1047	973	569
Cumulative	1232	2077	2729	3839	5070	6261	8013	10126	12354	14470	16195	17895	19264	20575	21759	22819	23866	24839	25408
Deficit/ surplus	17	-110	-430	-292	-33	186	966	2107	2965	3711	4066	4396	4395	4336	4150	3840	3517	3120	2323
Five year requirement	5103	4860	4860	4860	5258	5656	6054	6452	6850	6850	6850	6850	6850	6850	6846				
add deficit/ surplus	5103	4843	4970	5290	5550	5689	5868	5486	4743	3885	3139	2784	2454	2455	2510				

Buffer	255	242	249	265	278	284	293	274	237	194	157	139	123	123	126				
Total req	5358	5085	5219	5555	5828	5973	6161	5760	4980	4079	3296	2923	2577	2578	2636				
Five year supply	5070	5029	5936	7397	8515	9400	9934	9882	9138	8221	7289	6624	5971	5575	4833				
Surplus/ deficit	-288	-56	718	1843	2688	3427	3773	4122	4158	4142	3993	3701	3394	2997	2198				
5YHLS	4.73	4.94	5.69	6.66	7.31	7.87	8.06	8.58	9.17	10.08	11.06	11.33	11.59	10.81	9.17				