



# THE HOME BUILDERS FEDERATION

Planning Policy,  
Eden District Council,  
Mansion House,  
Penrith,  
CA11 7YG

Date: 24<sup>th</sup> August 2015

Email: [loc.plan2014@eden.gov.uk](mailto:loc.plan2014@eden.gov.uk)

**Sent by Email only**

Dear Sir / Madam,

## **Eden Local Plan Selective Consultation: Land Availability Assessment**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Eden Local Plan Selective Consultation: Land Availability Assessment.
2. The HBF is the principal representative body of the house building industry in England and Wales and our representations reflect the views of our membership of multinational PLCs, through regional developers to small, local builders. Our members account for over 80% of all new housing built in England and Wales in any one year including a large proportion of the new affordable housing stock.
3. We would like to submit the following comments to the questions posed in the consultation.

### **PART ONE: METHODOLOGY**

1. **Do you have any comments on the methodology of the LAA and the way it has assessed sites?**

#### **Identification of Sites**

4. The base date of the study is identified within paragraph 2.1.3 as 1<sup>st</sup> April 2014. The HBF understands the need to set a base date and that studies such as this take time to complete. The 1<sup>st</sup> April 2014 is, however, already more than a year ago making the information contained within this document considerably out of date before it is finalised. Whilst it is appreciated that further work would be required a base date which is consistent with the year of publication of the study, and ideally the next stage of plan preparation, would be preferable. This as a minimum would require an update to at least 1<sup>st</sup> April 2015.

5. Paragraph 2.1.5 of the study appears to imply that not all re-assessed sites were the subject of a site visit. Whilst desktop studies can yield a significant amount of data, this does not provide a full appreciation of the site and its characteristics. This will lead to inevitable inconsistencies in qualitative information between sites visited and those not visited. To ensure consistency and enable sites to be appropriately compared it is recommended that all sites are subject to a site visit for the purposes of this exercise.
6. The HBF agrees with the statement in paragraph 2.1.6 that sites discounted in the previous SHLAA should be reconsidered.

### **Site Assessment**

7. The HBF has the following comments upon the site assessment methodology.

- **Estimating Development Potential**

8. The HBF agrees that 30dph is a reasonable assumption for the density of many sites providing it is based upon the net developable area and not the gross site area. This figure approximates to the average net densities nationally, albeit with significant variations between land use types and localities. In this regard the HBF also agrees that densities are likely to be higher within urban settings, although this will be dependent upon the individual site and its wider setting. Conversely it is also likely that in rural settings lower development densities would be more appropriate. Therefore whilst the HBF agrees the 30dph is a reasonable approximation in many locations the assumed density of sites should be based upon discussions with site promoters or the developer. If an assumed density is used this should be based upon local characteristics of the site and its wider setting.

- **Assessment Against the Development Plan, Emerging Planning Policy and National Policy**

9. It is considered that a more neutral stance should be taken in relation to the development plan and emerging planning policy. This is because whilst the Council is still in the early stages of its replacement plan there is significant scope for change and such a stance would pre-judge the outcome of the plan making process. A more balanced approach would be a consideration of the sustainability credentials of each site, this would enable direct comparisons between sites to be made and ensure policy was informed by robust evidence rather than evidence being used to justify existing policy choices.

- **Assessment of Site Constraints and Potential Impacts**

10. The identified site constraints are generally considered reasonable. It is, however, notable that the study does not include any identification or consideration of the opportunities a site may present. This may be meeting local needs or the provision of infrastructure provision.

- **Assessment of Availability**

11. The update should seek to revisit all aspects of availability to ensure it is robust and that direct comparisons can be made between sites. Many sites were submitted in 2007/ 2008 this is now 7 or 8 years ago and as such it is unlikely circumstances remain the same in all cases. It is therefore recommended the Council use all its endeavours to identify the current availability of all sites rather than the selective review implied in paragraph 2.27.

- **Assessment of Achievability**

12. The study places significant weight upon the 2013 NPS update to the 2009 DTZ viability assessment. Both of these studies are out of date and do not take full account of current market conditions or emerging national and local policy requirements. The HBF outlined our concerns with these studies within our comments upon the Local Plan Preferred Options consultation (September 2014). It is recommended that further work, in terms of viability, is undertaken prior to the next stage of consultation upon the local plan. In addition the Council is encouraged to talk to the development industry regarding the viability of individual sites as well as the assumptions included in any future viability work.

## **PART TWO: FINDINGS**

### **2. Do you agree with the LAA's judgement that there is a sufficient supply of housing land in Eden to meet the district's objectively assessed housing need over the Local Plan period?**

13. The following comments are provided without prejudice to our consideration of the objectively assessed housing needs of the area. For clarity the HBF does not agree that a housing requirement of 3,600 homes over the plan period is representative of the full needs of the area. Further detailed comments upon this issue are included within our separate response to the 'Taking Stock' (SHMA) consultation.

14. The HBF has not undertaken a detailed assessment of all sites contained within the SHLAA and as such it is difficult to provide a definitive answer to whether there is sufficient supply to meet the objectively assessed needs of the area. It is noted that Table 6 of the study identifies sufficient SHLAA capacity to meet the proposed housing requirement of 3,600 with a buffer of 1,163 dwellings. Therefore presuming all sites are deliverable at the rates identified there appears, at least in theory, to be sufficient capacity. It is, however, noted that a significant proportion of the potential supply is within Key Hubs, Villages and Hamlets. These settlements are not proposed to benefit from allocations and as such will not provide the development industry with the same degree of certainty as other locations. This may impact upon deliverability within these settlements.

15. To ensure that there is sufficient supply within the plan the HBF strongly recommend a buffer of allocations, for the whole plan, is provided. The Local Plan Preferred Options consultation identified a 20% buffer of additional sites in Penrith and 10% buffer in other locations. The HBF recommend the buffer be increased to 20% for all locations. The buffer will

not only provide flexibility but accords with the NPPF requirements to plan positively and boost housing supply.

16. The NPPF provides scope for windfalls to be included within the plan providing this is based upon robust evidence. This is HBF agrees with the study that it would be reasonable to anticipate windfalls coming forward in the key hubs, villages and rural areas where no allocations are proposed and on sites smaller than four units.
17. Previous supply from such sources identify approximately 50 units per year have been brought forward. The study notes this level of completions from such sources will be related, at least in part, to lack of an up to date allocations plan. The study therefore recommends that the towns be excluded from any windfall allowance after the allocations are identified, the HBF agrees with this approach. This reduces the proposed windfall allowance to 36dpa. It is important that such an allowance, equating to 648 units or 18% of the overall plan requirement can continue to be justified going forward. The Council will therefore need to be confident that such sources of supply will continue to become available.
18. An area of concern for the HBF is that the windfall allowance identified from key hubs, villages and rural areas (648 units) is lower than the proposed supply from such sources. These are 720 units from key hubs plus 360 units from villages and hamlets. It is unclear if allocations are not to be made within these locations how the remaining requirements will be delivered.
19. The study is unclear upon how the relationship between extant permissions and the windfall allowance is being considered and whether there is any potential for double-counting of windfalls. If permissions are included in the supply then windfalls should be discounted for at least the first three years. This is because, due to lead-in times, any windfall which adds to the supply will already need to have planning permission. The length of lead-in time for commencement upon a site will vary dependent upon site complexity, size, planning conditions and section 106 agreements.
20. A further concern regarding meeting the windfall allowance is the Council's proposed *Policy HS2: Housing to Meet Local Needs*. At the Preferred Options stage of the Local Plan this policy identifies that a condition or legal agreement restricting occupancy to only those meeting local connection criteria should be applied. This will severely restrict the marketability of such sites and therefore increase developer risk. This policy will mean that the 360 units required from hamlets and villages is unlikely to be met.
21. A significant factor missing from the study is any discussion upon lead-in times and build rates. These are essential elements of determining land supply, deliverability and a housing trajectory for the plan. Whilst such issues are often best discussed with site developers / promoters the HBF strongly recommends any assumptions be included within the update and consulted upon with the development industry.

### **PART THREE: COMMENTS ON SPECIFIC SITES IN THE LAA**

22. The HBF strongly recommends the Council involves the house building industry more thoroughly in the production of the SHLAA. It is noted that the Council intends to undertake a workshop with regards the update. This is encouraged but it should be recognised that further engagement may be necessary. The HBF as the principal representative body of the house building industry would be willing to co-ordinate such involvement with interested members as necessary.

### **Further Consultations**

23. 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 in the footer to this response for future correspondence.

Yours sincerely,

*MJ Good*

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