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Council Offices
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SENT BY E-MAIL AND POST

3rd November 2017

Dear Sir / Madam

BROXTOWE LOCAL PLAN PART 2 PRE SUBMISSION CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes 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. We would like to submit the following representations and in due course attend the Broxtowe Local Plan Part 2 Examination Hearing Sessions.

The scope of the Broxtowe Local Plan Part 2

The Broxtowe Local Plan Part 2 sets out detailed planning policies that will work with the strategic policies set out in the adopted Aligned Core Strategy (ACS) including specific policies for development management and the allocation of non-strategic development sites.

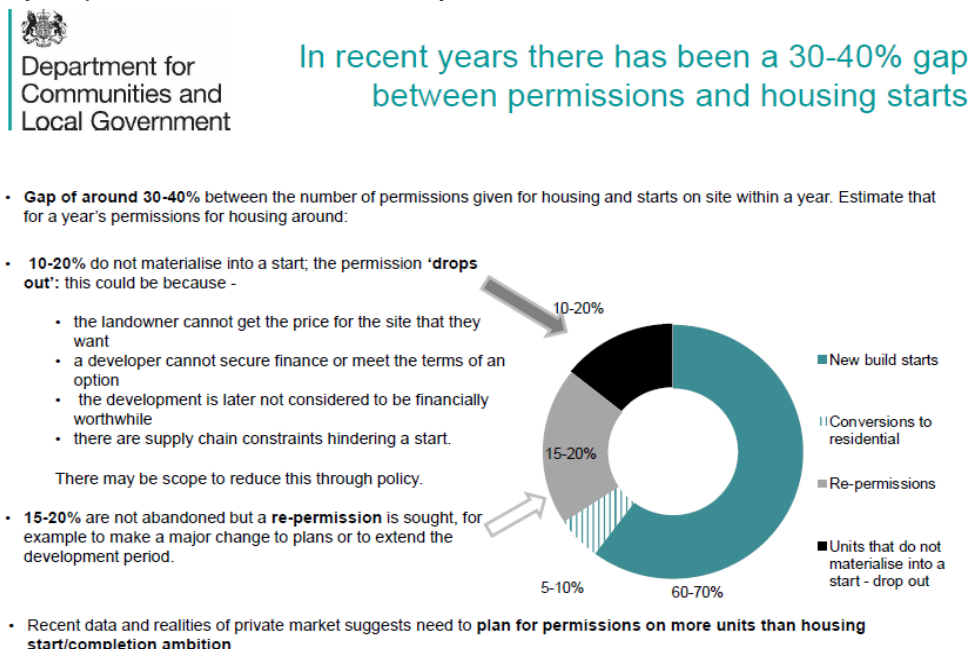
Site Allocation Policies

Overall Housing Land Supply (HLS)

The ACS sets out the overall spatial strategy for the District and this vision is rolled forward in the Local Plan Part 2. The purpose of the Local Plan is to allocate sufficient non-strategic sites to meet the housing requirement of at least 6,150 dwellings for the District to 2028. Accordingly under **Policies 3 – 7 and 11** fifteen non-strategic housing sites are allocated for circa 2,636 dwellings which comprise :-

- **Policy 3** : main built up area site allocations for circa 1,779 dwellings on 8 sites (**Policies 3.1 – 3.8**) ;
- **Policy 4** : Awsworth site allocation for land west of Awsworth for 250 dwellings (**Policy 4.1**) ;
- **Policy 5** : Brinsley site allocation for land east of Brinsley for 110 dwellings (**Policy 5.1**) ;
- **Policy 6** : Eastwood site allocation for 200 dwellings & 30 extra care units (**Policy 6.1**) ;
- **Policy 7** : Kimberley site allocations for 167 dwellings on 3 sites (**Policies 7.1 – 7.3**) ;
- **Policy 11** : The Square Beeston Square for 100 dwellings.

A **housing trajectory** is included in Table 4 in which the Council is showing a HLS of 6,747 dwellings against a housing requirement of 6,150 dwellings. Since the adopted housing requirement is a minimum figure it should not be treated as a maximum ceiling to restrict overall HLS and prevent sustainable development from coming forward. The Council is referred to the DCLG presentation slide from the HBF Planning Conference September 2015 (see below). This slide illustrates 10 – 20% non-implementation gap together with 15 – 20% lapse rate. The slide also suggests “*the need to plan for permissions on more units than the housing start / completions ambition*”. It is acknowledged that this presentation slide shows generic percentages across England but it provides an indication of the level of flexibility within the overall HLS that the Council should be providing. The Council’s contingency of 597 dwellings (9.7%) is below the recommendations of DCLG therefore it is unlikely to provide sufficient flexibility for unforeseen circumstances.



Extract from slide presentation “DCLG Planning Update” by Ruth Stanier Director of Planning - HBF Planning Conference Sept 2015

5 Year Housing Land Supply (YHLS)

The 5 YHLS is a snap shot in time which can change very quickly. The following analysis addresses matters of principle rather than detailed site

specific analysis. The HBF's preferences for the calculation of a 5 YHLS are a Sedgefield approach to shortfalls as set out in the NPPG (ID 3-035) with a 20% buffer applied to both the annualised housing requirement and any shortfall. The Council's latest 5 YHLS calculation is set out in the SHLAA Report 2015/16. The Council has provided calculations using both a Sedgefield / Liverpool approach to shortfalls and 5% / 20% buffers. The Council is proposing Sedgefield and 20% buffer as the most appropriate. The HBF agrees with this proposal. However the Council is not applying the buffer to the shortfall. The HBF disagrees with this approach. The Council is referred to the following :-

- the Warwick Local Plan Examination Inspector's letter dated 1st June 2015 (paragraph 41) ;
- the letter dated 10th August 2015 from the Inspector examining the Amber Valley Local Plan ;
- the West Dorset Weymouth & Portland Joint Local Plan Inspector's Final Report dated 14th August 2015 (paragraphs 85 & 86) ;
- Herefordshire Local Plan Inspector's Final Report dated September 2015 (para 48) ;
- Gloucester, Cheltenham & Tewkesbury Joint Core Strategy Inspector's Interim Report dated 31st May 2016 ;
- Forest of Dean Site Allocations Plan Inspector's Interim Report dated 24 June 2016 ;
- West Somerset Local Plan Inspector's Final Report dated 14 September 2016.

The Council's 5 YHLS calculation using Sedgefield and 20% buffer is only 3.6 years which will be even lower when the buffer is applied to the shortfall as well as the requirement. The Local Plan Part 2 cannot be sound if the Council cannot demonstrate 5 YHLS on adoption of the Plan. Furthermore the 5 YHLS should be maintainable throughout the plan period. As a consequence of not having a demonstrable 5 YHLS policies for the supply of housing in the adopted ACS will also be deemed out of date.

The HBF do not comment on the merits or otherwise of individual sites therefore our representations are submitted without prejudice to any comments made by other parties on the deliverability of specific sites included in the overall HLS, 5 YHLS and housing trajectories. Both the Council's overall HLS and 5 YHLS assumes that all of the allocations in the Plan will be found sound. However, the soundness of individual allocations will be discussed throughout the course of the Examination. If any are found to be unsound these will need to be deleted from the deliverable / developable supply accordingly. It is also essential that the Council's assumptions on lead-in times, lapse rates and delivery rates for sites are realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council using historical empirical data and local knowledge.

The small site windfall allowance of 195 dwellings in the 5 YHLS is considered too high. If the windfall allowance is applied throughout 5 year period there is

a risk of double counting in the early years. It is only reasonable to include a windfall allowance in the later years of the 5 YHLS.

It is also noted that the Council has applied an 8% non-implementation allowance in the 5 YHLS but it is unclear if a similar allowance has been applied to the overall HLS.

It is obvious that further site allocations are required to provide a greater overall HLS contingency and a 5 YHLS on adoption of the Plan. Therefore to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range of demand. This approach is also advocated in the Housing White Paper because a good mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector.

The Council should also consider the allocation of developable reserve sites together with an appropriate release mechanism as recommended by the Local Plan Expert Group (LPEG). The LPEG Report proposed that *“the NPPF makes clear that local plans should be required not only to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement, as far as is consistent with the policies set out in the NPPF”* (para 11.4 of the LPEG Report).

If further information on HLS becomes available the HBF may wish to submit further comments in written Hearing Statements and during oral discussions at the Examination Hearing Sessions.

Development Management Policies

Policy 15 : House size, mix and choice

If the Local Plan is to be compliant with the NPPF development should not be subject to such a scale of obligations and policy burdens that viability is threatened (paras 173 & 174). The residual land value model is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on viability. Therefore it is important that the Council understands and tests the influence of all inputs on the residual land value as this determines whether or not land is released for development. The Harman Report highlighted that *“what ultimately matters for housing delivery is whether the value received by land owners is sufficient to persuade him or her to sell their land for development”*.

Bullet Points (1), (2) & (3) propose differential affordable housing provision on allocated and unallocated sites subject to viability. These are :-

- On allocated sites of 10+ dwellings in Awsworth, Bramcote, Brinsley, Stapleford & Toton and any site in the Green Belt 30% or more affordable housing provision ;
- On Kimerley allocated site 20% or more affordable housing provision ;
- On unallocated C2 & C3 sites in sub-markets of Beeston 30% or more, Eastwood 10% or more, Kimberley 20% or more & Stapleford 10% or more affordable housing provision.

The Council should be mindful that the cumulative burden of policy requirements are not set so high that the majority of sites are only deliverable if these sites are routinely rather than occasionally negotiated on the grounds of viability. The Nottingham Core Viability Update Study (September 2013) is now somewhat out of date. As set out in the NPPG (ID 12-014) *“when approaching submission if key studies are already reliant on data that is a few years old they should be updated to reflect the most recent information available”*. The adopted ACS proposed 30% on sites of 15+ dwellings. The Council has provided no new evidence to support the proposals set out in **Policy 15**. There is no up to date evidence justifying the differentials or site thresholds. It is not evidenced that lower site thresholds or C2 sites are viable. The policy is also worded such that these percentage provisions are minimums which should be deleted.

In **Bullet Point (6)** the word “size” should be deleted from the policy title and bullet point so there is no conjecture that the Council is seeking to adopt the Nationally Described Space Standard (NDSS).

Bullet Point (7) proposes that on sites of 10+ dwellings at least 10% of dwellings are Building Regulation M4(2) compliant. The Written Ministerial Statement dated 25th March 2015 stated that *“the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”*. If the Council wishes to adopt the higher optional standards for accessible & adaptable homes the Council should only do so by applying the criteria set out in the NPPG (ID 56-005 to 56-011). All new homes are built to Building Regulation Part M standards so it is incumbent on the Council to provide a local assessment evidencing the specific case for Broxtowe which justifies the inclusion of the optional higher standard of M4(2) for accessible / adaptable homes in its Local Plan policy. If it had been the Government’s intention that evidence of an ageing population justified adoption of M4(2) then the logical solution would have been to incorporate the standard as mandatory via the Building Regulations which the Government has not done. M4(2) should only be introduced on a “need to have” rather than “nice to have” basis.

Bullet Point (8) proposes that on sites of 20+ dwellings the Council will seek at least 5% self / custom build. The HBF supports self and / or custom build in principle for its potential additional contribution to overall housing supply where this is based on a positive policy approach to increase the total amount

of new housing development and to meet an identified and quantified self-build housing need. Such positive policy responses include supporting development on small windfall sites as well as allocating more small sites. It is not evident that the Council has assessed such housing needs in its SHMA work as set out in the NPPG (ID 2a-021) whereby the Council should collate from reliable local information the local demand for people wishing to build their own homes. It is not known the number of people who have registered on the Council's Self Build Register. So there is no publically available evidence to justify the Council's proposed policy approach of seeking self-build plots on all housing sites of more than 20 dwellings. Furthermore the Council has not undertaken any viability assessment of this policy proposal. The NPPG confirms that *"different types of residential development such as those wanting to build their own homes ... are funded and delivered in different ways. This should be reflected in viability assessments"* (ID 10-009). The Council's proposal is a restrictive policy which provides no additionality to land supply but merely changes house construction from one to another type of builder. It is suggested that the Council gives further consideration to the practical workings of **Bullet Point (8)** including the implications on responsibilities under health & safety legislation, working hours, length of build programmes, etc. The Council should also refer to the East Devon Inspector's Final Report dated January 2016 which expresses reservations about the implementation difficulties associated with this sort of policy. In para 46 the Inspector states *"However, I don't see how the planning system can make developers sell land to potential rivals (and at a reasonable price)"*. If self build / custom build plots are not developed the Council has proposed no mechanism by which these dwellings may be developed thereby effectively removing these dwellings from its HLS which is unjustifiable in the current circumstances where the Council cannot demonstrate a 5 YHLS on adoption of the Local Plan Part 2.

Policy 17 : Place-making, design & amenity

Bullet Points (2) & (3) require developments of 10+ dwellings to be assessed under Building for Life 12 and to achieve a score of 9 or more greens. The HBF is supportive of the use of Building for Life 12 as best practice guidance to assist Local Planning Authorities, local communities and developers assess new housing schemes but it should not be included as a Local Plan policy requirement which obliges developers to use this tool. The use of Building for Life 12 should remain voluntary. The reference to Building for Life 12 should be removed from **Policy 17** to the supporting text. The requirement for 9 or more greens is also a misinterpretation of the use of Building for Life 12.

Policy 20 : Air quality

Bullet Point (2) is a vaguely expressed aspiration. It is doubtful if this aspect of the policy can be effectively implemented.

Policy 26 : Travel Plans

Policy 26 and its supporting text are contradictory. The policy requires submission of Travel Plans for all housing sites of 10+ dwellings but the

justification (para 26.1) states the requirement is applicable to only non-allocated sites. Even if the policy is amended to apply explicitly to non-allocated sites Travel Plans should only be required if there is an identified impact to warrant such a requirement.

Policy 27 : Local Green Space

The HBF would question if the proposed Local Green Space designation under **Bullet Point (3)** is appropriate. The area identified on the accompanying map is extensive. This designation could be construed as a re-designation as Green Belt by another name via the back door.

Policy 32 : Developer Contributions

As stated in the NPPF the use of planning obligations should only be considered if it could make unacceptable development acceptable (para 203). Furthermore planning obligations should only be sought which meet all of the tests set out in the NPPF (para 204). It should be clear that any improvements to existing facilities is related to the proposed development and it is not rectifying an existing deficiency.

If any of the above mentioned **Policies** are modified then the HBF may make further comments in Hearing Statements and orally at the Examination Hearing Sessions.

Conclusion

The purpose of the Broxtowe Local Plan Part 2 is :-

- the allocation of non-strategic sites to meet the housing requirement set out in the adopted ACS ;
- the provision and maintenance of a 5 YHLS ;
- the setting out of detailed development management policies.

The Plan is unsound (not positively prepared, unjustified, ineffective and inconsistent with national policy) because the Plan fails to :-

- provide sufficient flexibility in the overall HLS ;
- demonstrate a 5 YHLS on adoption ;
- set appropriate policy requirements in **Policies 15, 17, 20, 26, 27 & 32**.

It is hoped that these representations are helpful in informing the next stage of the Broxtowe Local Plan Part 2. If you require any further assistance or information please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**



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