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Dear Sir / Madam

## **RUSHCLIFFE LOCAL PLAN PART 2 LAND & PLANNING POLICIES 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.

The Local Plan Part 2 sets out non-strategic site allocations and detailed policies for the management of new development in accordance with the strategic framework of the Rushcliffe Local Plan Part 1 adopted in December 2014. We submit the following representations and in due course we wish to attend the Examination Hearing Sessions to discuss matters in greater detail.

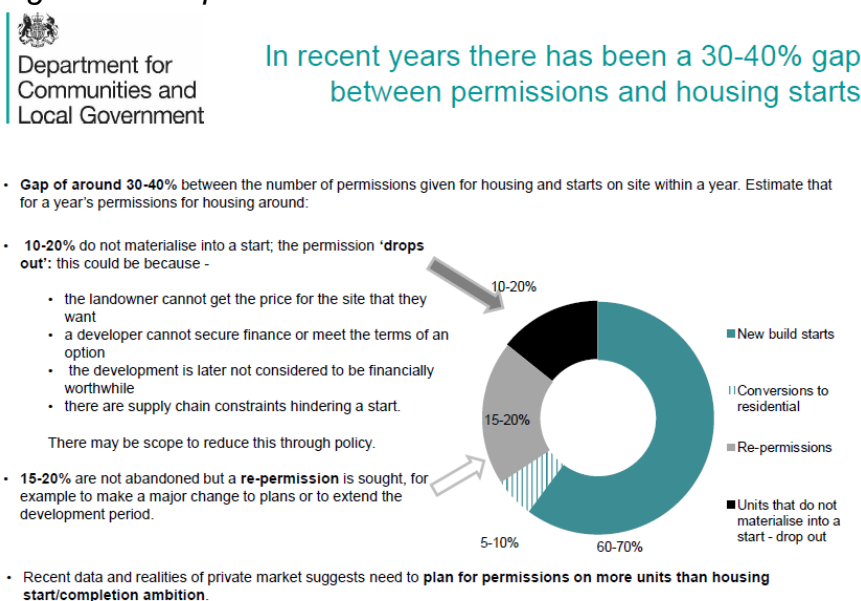
### **HOUSING LAND SUPPLY (HLS)**

As set out in the National Planning Policy Framework (NPPF) the Council should be proactively supporting sustainable development to deliver a significant boost to the supply of housing to meet identified housing needs. The Council should ensure that its Local Plan meets Objectively Assessed Housing Needs (OAHN) in full as far as is consistent with the NPPF including identifying key sites critical to the delivery of the housing strategy over the plan period. The Housing White Paper (HWP) "*Fixing The Broken Housing Market*" also emphasises that the Council should be planning for the right homes in the right places by making enough land available to meet assessed housing requirements.

**Policy 2** of the adopted Local Plan Part 1 sets out a minimum housing requirement of 13,150 dwellings between 2011 – 2028. It is noted that the Council has identified a continuing delay in housing delivery from all but one of the six strategic sites allocated in the adopted Local Plan Part 1 which has resulted in a shortfall in housing supply and the likelihood of not maintaining 5

YHLS throughout the plan period. In the Local Plan Part 2 the Council proposes the allocation of housing sites for at least 2,000 dwellings plus a contingency (+700 dwellings) in order to meet its OAHN. Therefore the Council is allocating 21 non-strategic housing sites (**Policies 2 to 10**) plus 2 further mixed use regeneration sites (**Policies 23 & 24**) in the Local Plan Part 2.

The HBF agrees that a flexibility contingency should be applied to the overall housing land supply (HLS) in order that the Plan is responsive to changing circumstances and the adopted housing requirement is treated as a minimum rather than a maximum ceiling on overall HLS. It is acknowledged there can be no numerical formula to determine the appropriate quantum of such a flexibility contingency however where a Local Plan or a particular settlement or locality is highly dependent upon one or relatively few large strategic sites greater numerical flexibility is necessary than in cases where supply is more diversified. As identified in Sir Oliver Letwin's interim findings large housing sites may be held back by numerous constraints including discharge of pre-commencement planning conditions, limited availability of skilled labour, limited supplies of building materials, limited availability of capital, constrained logistics of sites, slow speed of installation by utility companies, difficulties of land remediation, provision of local transport infrastructure, absorption sales rates of open market housing and limitations on open market housing receipts to cross subsidise affordable housing. The HBF would recommend as large a contingency as possible (at least 20%) especially given the Council's past experience of difficulties with HLS due to the delayed start of strategic sites. The Council's proposed contingency (+700 dwellings) is below this recommendation. If any of the Council's assumptions on lapse rates, windfall allowances and delivery rates were to be adjusted or any proposed housing site allocations were to be found unsound then the Council's contingency would be eroded. The smaller the contingency becomes so any in built flexibility of the Local Plan Part 2 reduces. The Department of Communities & Local Government (DCLG) presentation slide from the HBF Planning Conference in September 2015 illustrated a 10 – 20% non-implementation gap together with a 15 – 20% lapse rate. The slide emphasised "*the need to plan for permissions on more units than the housing start / completions ambition*".



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

The Local Plans Expert Group (LPEG) Report also recommended 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). The HBF suggests that the Council considers the allocation of reserve sites as a means of providing greater flexibility.

The Council's HLS is also inhibited by **Policy 11 - Housing Development on unallocated sites within settlements** which prevents alternative sustainable developments adjacent to settlements from coming forward if any unforeseen problems occur with existing consents and / or site allocations. The HBF suggests that the Council also considers providing greater flexibility by varying **Policy 11** to include sustainable development which is adjacent to as well as within development boundaries. It is important that the Council recognises the difficulties of lack of housing supply and unaffordable housing faced by rural communities. The NPPG emphasises that all settlements can play a role in delivering sustainable development in rural areas so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided. One of the core planning principles of the NPPF (para 17) is to *“take account of the different roles and character of different areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”*. This principle is re-emphasised in para 55 which states *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. It is also possible that less tightly drawn settlement boundaries may provide potential opportunities for self-build / custom build in these localities.

The HBF do not comment on the merits or otherwise of individual sites. Our representation is submitted without prejudice to any further comments made by other parties about the deliverability of specific sites included in the Council's HLS. Indeed other parties may be able to demonstrate that the Council's assumptions about its overall HLS and 5 YHLS are not robust thereby reducing the Council's 5 YHLS below 5 years. If there is not reasonable certainty that the Council has a 5 YHLS the Local Plan Part 2 would be unsound as it would be neither effective nor consistent with national policy rendering relevant policies for the supply of housing in both the Local Plan Parts 1 & 2 out of date (para 49).

It is noted that there is limited variation in the size of proposed non-strategic site allocations which are summarised as follows :-

- < 50 dwellings = 2 sites ;
- 50 – 150 dwellings = 9 sites ;
- 150 – 250 dwellings = 9 sites
- > 250 dwellings = 1 site).

If the Council is going to successfully maximize HLS then 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. Whilst some strategic locations may have multiple outlets inevitably increasing the number of sales outlets available means increasing the number of housing sites. 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 “*Fixing the Broken Housing Market*” which states that a good mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector.

In the updated housing trajectory (in Appendix B) it is critical that the Council’s assumptions about deliverability of sites are correct and realistic. At this time the 50 dwellings per annum appears as a generic delivery rate assumption. Historically the Council has experienced difficulties with HLS due to the delayed start of strategic sites therefore it is essential that the Council’s assumptions on lead-in times and delivery rates are supported by parties responsible for delivery of housing and sense checked by the Council using historical empirical data and local knowledge.

The Council’s latest 5 YHLS calculation is based upon the HBF’s preference for a 20% buffer applied to both the annualised housing requirement and shortfall together with a Sedgefield approach to shortfalls. However in its 5 YHLS calculation the Council is not applying a lapse rate. Such an approach is only appropriate if the Council’s assumptions on the housing delivery rates of individual sites included in the trajectory together with windfall allowances are realistic and there is sufficient contingency within the overall HLS. Otherwise as set out in the Local Plans Expert Group (LPEG) Report on 5 YHLS calculations (Appendix 13) a 10% lapse rate should be applied.

## **Development Management Policies**

### **Accessible / Adaptable Homes**

**Policy 12 – Housing Standards** proposes under **Bullet Point (1)** that on sites of 10+ dwellings at least 20% of dwellings are built to M4(2) standards and under **Bullet Point (2)** on sites of 100+ dwellings at least 1% of dwellings are built to M4(3) adaptable standards subject to viability. The Written Ministerial Statement dated 25<sup>th</sup> 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. It is incumbent on the Council to provide a local assessment evidencing the specific case for Rushcliffe which justifies the inclusion of optional higher standards for accessible / adaptable homes. The Borough’s ageing population is not unusual and is not a phenomenon specific to Rushcliffe. All new homes are built to Building Regulation Part M standards. If it had been the Government’s intention

that generic statements about an ageing population justified adoption of higher optional accessible / adaptable standards then the logical solution would have been to incorporate the standard as mandatory via the Building Regulations which the Government has not done. Therefore it is incumbent on the Council to fully justify with supporting evidence the inclusion of optional higher standards for accessible / adaptable homes in **Policy 12** and the quantum of 20% and 1% respectively. The optional higher standards should only be introduced on a “need to have” rather than “nice to have” basis. The Council should also consider the potential unintended consequence of encouraging the under-occupation of its housing stock by discouraging older households from moving. It is recommended that **Policy 12 Bullet Points (1) & (2)** are deleted.

### **Water efficiency standard**

**Bullet Point (3)** of **Policy 12** proposes the optional higher water efficiency standard of 110 litres per person per day. As set out in the NPPG (ID 56-015) the need for and viability of opting for a water consumption standard higher than that required by Building Regulations should be fully justified. From the Council's evidence set out in the Greater Nottingham & Ashfield Water Cycle Strategy 2010 which is now somewhat dated Rushcliffe is identified as an area of moderate water stress. If the Council wishes to justify this requirement it is suggested that the Water Study is up-dated. In the meantime **Bullet Point (3)** of **Policy 12** should be removed.

### **Self Build & Custom Housing Provision**

The HBF is supportive of self / custom build for its potential contribution to overall housing supply. Therefore the HBF is supportive of proposals to encourage self / custom build as set out in **Bullet Point (1)** of **Policy 13**. It is noted that policies which encourage self / custom build have been endorsed in a number of recently published Inspector's Final Reports for East Devon Local Plan, Warwick Local Plan, Bath & North East Somerset Place-making Plan and Derbyshire Dales Local Plan. The HBF is also supportive of the allocation of specific sites for self / custom build.

However the HBF is not supportive of proposals to seek a proportion of self build plots on all or certain sized residential development sites as set out in **Bullet Point (2)** of **Policy 13** which seeks an appropriate % of self / custom build plots on sites of 10+ dwellings subject to viability and site circumstances. If the Council wishes to promote self / custom build it should do so on the basis of evidence of need. The Council should assess such housing needs in its SHMA work as set out in the NPPG (ID 2a-021) collating from reliable local information (including the number of validated registrations on the Council's Self / Custom Build Register) the local demand from people wishing to build their own homes. Any requirement for self / custom build serviced plots on residential development sites proposed under **Bullet Point (2)** of **Policy 13** should be fully justified and supported by evidence. The Council's proposed approach only changes housing delivery from one form of house building company to another without any consequential additional contribution to boosting housing supply. If these plots are not developed by self / custom builders then these undeveloped plots are effectively removed from the housing land supply unless the Council provides a mechanism by which these dwellings

may be developed by the original non self / custom builder in a timely manner. The Council should give consideration to the practicalities of health & safety, working hours, length of build programme, etc. of implementing any such policy. The Council should also viability assess any impacts of such a policy approach. 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). It is recommended that **Bullet Point (2) of Policy 13** is deleted.

## Health Impacts of Development

**Bullet Point (1a) of Policy 39** proposes that on sites 50+ dwellings Health Impact Assessment are required. This requirement for a Health Impact Assessment for sites of 50+ dwellings goes beyond the general expectations of the NPPF that planning will promote healthy communities. The NPPG (ID53-004) confirms that a Health Impact Assessment can serve a useful purpose at the planning application stage and that consultation with the Director of Public Health as part of the process can establish whether a Health Impact Assessment would be a useful tool. However the requirement for the submission of a Health Impact Assessment for all residential sites of 50+ dwellings without any specific evidence that individual schemes are likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the NPPG. It is recommended that **Bullet Point (1a) of Policy 39** is deleted.

## Conclusion

For the Rushcliffe Local Plan Part 2 to be found sound under the four tests of soundness as defined by the NPPF the Plan should be positively prepared, justified, effective and consistent with national policy (para 182). The Local Plan Part 2 is unsound because of the lack of flexibility in the HLS and onerous requirements set out in **Policies 12(1), 12(2), 12(3), 13(2) and 39(1a)** which are inconsistent with national policy, not positively prepared, not justified and ineffective. The Council should provide greater flexibility in its HLS and delete **Policies 12(1), 12(2), 12(3), 13(2) and 39(1a)**. It is hoped that these representations are of assistance to the Council in preparing the final stage of the Rushcliffe Local Plan Part 2. In the meantime if any further information or assistance is required please contact the undersigned.

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



**Susan E Green MRTPI**  
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