

Sent by email to: planningpolicy@uttlesford.gov.uk

13/08/2018

Dear Sir/ Madam

Response by the House Builders Federation to the Uttlesford Local Development Plan

Thank you for consulting the Home Builders Federation (HBF) on the Uttlesford Local Development Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

Duty to Co-operate

There has clearly been a significant level of co-operation between Uttlesford and those other authorities in the East Herts and West Essex Housing Market Area (HMA). The four authorities forming this HMA have worked together to identify the housing needs for the area and then agreed a distribution between each authority. This distribution places significant emphasis on growth in and around the Harlow, a similar approach to that identified in the East of England Regional Spatial Strategy.

Whilst we welcome the level of co-operation that has been achieved between the four authorities in the HMA, we remain concerned regarding the approach taken in assessing the level of housing needs for the HMA and the subsequent approach taken to distributing needs across each LPA. In summary we consider that there the Council's within the HMA have underestimated their housing needs by unjustifiably reducing the demographic starting point and taking insufficient account of market signals. We consider that there is a need to allocate further sites across the HMA in order to meet needs. A brief appraisal of the Council's assessment of housing needs is set out below.

Assessment of Housing Needs

The housing needs for the HMA were initially set out in the 2015 Strategic Housing Market Assessment (SHMA) which have since been updated in the 2017 report 'Establishing the Full Objectively Assessed Need'. This final paper revisited the evidence supporting the 2015 SHMA and considered 51,710 dwellings (2,350 dpa) to be the objectively assessed housing need for the HMA. The approach taken in arriving at this OAN was to base the

demographic starting point on a ten year migratory trend with an overall adjustment of 14% to take account of market signals, suppressed households and migration pressures.

Our concerns with regard to the approach taken in arriving at this level of need is with regard to the use of the ten year migration trend and the relatively limited uplift proposed in response to the market signals.

10-year migration trend

We would agree with the Council that the 2014 based Sub National Population Projections and Household Projections, published by ONS and DCLG respectively, are the starting point for assessing housing needs. However, the Council considers the five-year migration trend used in the preparation of both these datasets to overestimate the level of migration in future. The Council deems that a 10-year trend better reflects future trends and that the five-year migration trend is an “unprecedented”¹ representation of migration when considered against the context of the last 25 years.

When considering the use of longer term migration trends, it is important to note that the Government considers the Sub National Population Projections and the Household Projections to be robust and based on nationally consistent assumptions. This position is not only established in paragraph 2a-017 of PPG but also in the recent consultation on the Standard Methodology. In this consultation the Government reiterate their stating paragraph 16 that:

“The Office for National Statistics’ projections for numbers of households in each local authority are the most robust estimates of future growth.”

However, we recognise that PPG allows plan makers to test the official projections and to consider alternative assumptions that relate to their specific circumstances. However, PPG states that any local changes must be “*clearly explained and justified*”. Whether or not this position is justified has led to significant debate at recent EIPs in this region as to the advantages and disadvantages of using either a 10-year migration trend or a 5-year migration trend. Whilst there has been some support for the 10-year trend the HBF still considers the official household projections to provide the most appropriate and, importantly, consistent baseline for considering OAN.

Those that favour the 10-year migration trend outline that it provides a smoother long-term trend that remove the peaks and troughs of migration when using shorter trends. However, those that favour the five-year trend outline that projecting migration from a 10-year trend can fail to take into account new and significant changes in migration patterns as well as including past trends that are no longer relevant. In particular we are concerned that the 10-year trend in this scenario will take into account the low levels of housing delivery seen in across the HMA, which will inevitably suppress household growth, and fail to recognise increasing pressure from the capital as a result of poor delivery and high housing costs. A 10-year migratory trend will also consider a period where migration from London has been lower than it has been in previous years. The GLA expects this trend

¹ Paragraph 2.16 Establishing the OAN (2017)

to change and migration patterns to revert to those seen before the recession in 2008. The difference in the baseline household growth is set out in figure 2 of the 2017 OAN paper which is replicated in part below.

	Household growth
CLG 2014 based household projections	50,697
Original SHMA	36,899
SHMA interim update	43,759
GLA 2016 based projections	47,248

The Council's approach is the lowest of each projection using a methodology that has some flaws when compared to both the ONS projections and those prepared by the GLA. One difficulty in developing projections using a different migratory period to those used in the SNPP is that it is possible for the base period to have a different profile of migration (i.e. a different age structure of in- and out-migration). It is difficult to fully reflect any differences in age structure given that to do this would require understanding a full matrix of where population moves to and from (by age and sex). Therefore, the analysis for different base periods assumes a migration profile that is the same as assumed in the SNPP, with adjustments made equally to all age and sex groups depending on the scale of moves shown in the SNPP. Our understanding is that the Council's approach does not consider this full matrix of moves and that as such it is a less reliable consideration of population and household growth than either of those projections.

There is also good reason to suggest that those trends showing higher levels of migration, particularly in areas surrounding the capital, are to be expected. Given the pressure that is building within London resulting from poor delivery and very high housing costs there is more likelihood of higher migration trends and population growth suggested by both the official projections and those produced by the GLA than is being put forward by the Council's SHMA. Evidence from the monitoring report for the London Plan shows that London boroughs are failing to meet their housing requirements which in total come to 42,000 dpa.

However, the latest monitoring report published by the GLA indicates delivery of conventional housing (self-contained flats and houses) for the 2015/16 period as being 32,919². This level of delivery is also significantly less than the 64,935 homes the Mayor states is the proposed annual housing requirement for the Capital in order to meet its needs. Delivery will have to be boosted significantly to achieve this level of development and whether this is achievable is still open to debate and any failure to deliver sufficient homes will impact on the HMA given the strong migratory patterns with London. Census data on movements between local authority areas shows that in 2010/11 net migration between London and HMA was 2,674 and given poor delivery and worsening affordability in London this trend is only likely to increase.

There must also be a significant concern within the HMA authorities that the new London Plan will not deliver sufficient homes to meet the capital's needs. For example, Enfield,

² Para 2.21 London Plan Annual Monitoring Report 2015/16 (July 2017).
https://www.london.gov.uk/sites/default/files/amr_13.pdf

Waltham Forest and Redbridge, from which the HMA see significant in-migration³, will need to increase delivery from 2,783 dpa to 5,649 dpa. This is a total 28,660 new homes in ten years. Given that these London Boroughs have stated in a collective response to the new London Plan, attached at Appendix A, that they have “*grave doubts as to the realism and achievability of these figures based on past performance*” it would seem that the needs of these three Boroughs, and other across the north eastern area of London, as established in the London Plan will not be met. This will inevitably lead to continued pressure for homes outside of London. In addition the London Plan is seeking to prevent Green Belt releases by London Borough which will hamper the ability of the London Plan to increase delivery significantly and there must be significant doubt as to the ability of London to meet its own needs.

We would therefore suggest that there is sufficient evidence to support the migratory patterns set out in the DCLG official projections and given that these are favoured by Government and considered to be robust they should form the demographic starting point for considering OAN. However, the Council have not looked to justify their position other than to state that it is their favoured approach. At present the Government supports the use of the official projections, which uses a five-year trend, and without further and compelling evidence as to why a different trend should be used the official projections should be considered robust.

National Consistency

As there is a difference of opinion as to which projection provides the most robust position it is important to remember that the Government prefers data based on a “nationally consistent” set of assumptions. By stating in paragraph 2a-017 of PPG they consider the official statistics to be robust the Government are clearly supporting the assumptions made within these datasets. These consistently applied assumptions ensure that estimates of household growth are constant across the Country allowing for more effective cross border planning not just of housing needs but also health services, school places and social services. Therefore, to move away from the official projections requires a robust justification as to why an area is unlikely to see the levels of household growth forecast. PPG sets out examples of these such as growth arising from an urban extension, the relocation of a major employer to the area or an expansion of education facilities.

However, the decision by the Council to use the ten-year trend would appear to be a preference on the basis that it provides a smoother trend. There is limited explanation as to why the effect of recent increases in migration have occurred and why their effect should be reduced through the application of the ten-year trend. We note that there was a spike in migration in 2013/14 but the SHMA does not seek to explain why this specific increase in migration occurred. In particular the SHMA should have considered whether this was an issue relating to every authority or to just one or two of the authorities in the HMA before making the decision to apply a ten-year migratory trend.

³ Census data shows net in-migration from these boroughs of 2,081 people into the HMA in 2010/11.

Suppressed household formation

The PPG at paragraph 2a-015 requires LPAs to consider adjustments to the demographic starting point reflect household formation rates that are not captured by past trends. This was considered in the 2015 SHMA which stated in paragraph 5.82:

*“We have identified that the baseline household projections should be increased by 641 households to take account of **concealed families** and **homeless households** that would otherwise not be captured due to suppressed household formation rates. On this basis, the demographic projections identify a total increase of 37,540 households over the 22-year period 2011-33. This adjustment responds to identified un-met need for affordable housing and also addresses suppressed household formation rates.”*

This figure is then taken off any market signals uplift despite being an adjustment to the demographic starting and as such a separate element of any assessment of housing need. However, the approach would appear to have been amended in the 2017 review which includes the adjustment for suppressed household formation rates in the 14% market signals uplift. We would suggest that the approach advocated by PPG is to maintain separation between the demographic adjustments to take account of past suppression and those adjustments made with regard to market signals. If the Council wish to make a singular adjustment to take account of all these factors then it would need to be significantly higher than the 14% being proposed and much closer to the uplifts of 40% that would be applied in this area if the standard methodology were to be applied.

Conclusions on the demographic starting point

The impact of using the 10-year migration trend is significant. For the HMA as a whole it reduces household growth from 50,707 to 45,507. This not only means that, even with an uplift to take account of suppressed household formation and market signals, the HMA is essentially meeting the level of household growth expected by the DCLG projections. This cannot be considered to be the boost to housing supply required by paragraph 47 of the NPPF. Given the impacts from using the 10-year trend we do not consider this decision can be left to a matter of preference. Unless a more reasoned justification for the use of a longer-term migration trend is provided, as required by PPG, we do not consider the current approach to be sound. However, we also recognise that there will likely be new household projections available in September based on the recently published 2016 based SNPP. These will need to be considered at the EIP but we would also note that the Government is still committed to achieving its target 300,000 new homes per year by the mid-2020s and that the OAN will need to consider its contribution to achieving this in light of the new projections.

Market signals

Since the publication of the PPG, the approach taken to market signals and the degree to which Councils have responded to these signals has varied considerably. The PPG provides no detail as to the how much of an uplift is necessary in relation to the nature of

market signals in area. The only statement made in PPG at paragraph 2a-020 is that any increase in planned supply should be:

“... by an amount that on reasonable assumptions and consistent with the principles of sustainable development, could be expected to improve affordability.”

However, this lack of clarity on market signals will be addressed with the introduction of the standard methodology as set out in the draft NPPF and PPG published earlier this year. Whilst this consultation and the methodology cannot be given any weight there we it does signal that the Government do not consider the current approach being taken by many local authorities to have been sufficient. If it had then this change in approach would not have been necessary. Whilst the methodology will not be used to assess this plan it is helpful to understand the changes being made and why.

The standard methodology requires uplift to be applied where affordability ratios show house prices to be more than four times local salaries then an uplift should be applied. The Government clearly considers that where house prices are more than four times salary then this is when house prices start to become unaffordable. The standard methodology proposes a formula that requires an uplift of 2.5% above the demographic base for every 1 point above the baseline affordability ratio. The baseline ratio was set at 4 and would mean that, for example, an area where the median workplace to house prices affordability ratio was 8 would be required to provide an uplift of 25% on its base demographic projections. However, the formula has been capped so that those areas with the worst affordability would not be required to provide more than a 40% uplift over demographic projections of household growth.

However, as stated above, we cannot consider the standard methodology when examining plans submitted up to 6 months after the publication of the draft NPPF. But it is important to consider the expectations of Government in relation to the quantum of housing its wants to see delivered each year in future. In his 2017 Autumn Budget Statement the Chancellor announced the Government’s target for house building across the country stating:

“I’m clear that we need to get to 300,000 units a year if we are going to start to tackle the affordability problem, with the additions coming in areas of high demand.”

The Government’s commitment to this figure as being key to addressing affordability has also been reiterated in its response document to the revised NPPF⁴. The Government have stated that where population projections should show a reduced rate of increase in the latest household projections they will revise the standard methodology accordingly in order to ensure the starting point in the plan making process is:

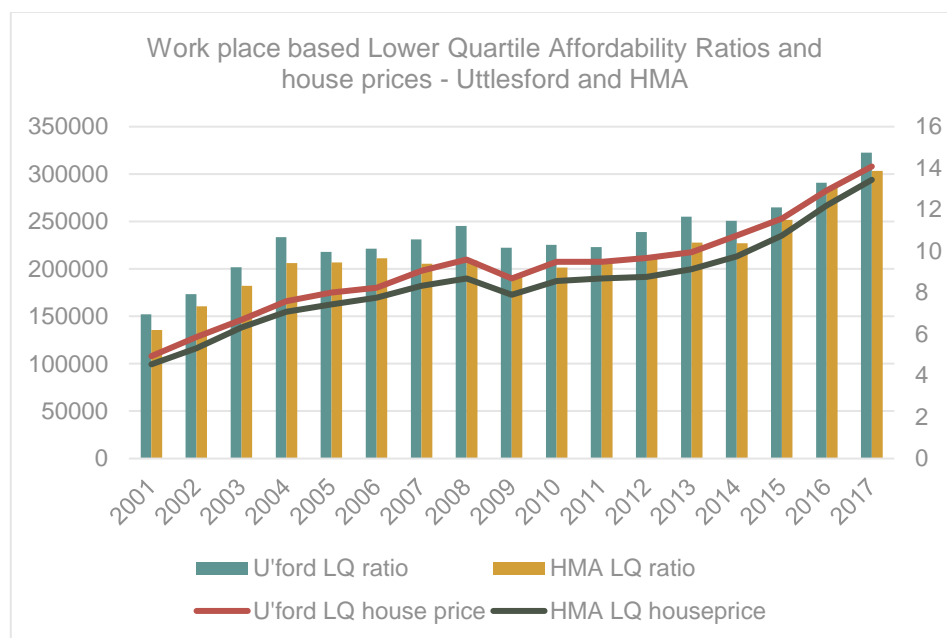
“... consistent with ensuring 300,000 homes are built by the mid-2020s”

⁴ <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

If the Government are to achieve its aims of delivering this level of housing by the mid 20's, which it considers will improve affordability, it is clear that market signals uplifts need to be much higher than have so far been applied across the Country. In particular those areas with the worst affordability will need to see much higher uplifts if increased delivery is to be expected to improve affordability. In establishing what level of uplift is required to improve affordability the PPG has set out a range of indicators to be examined and states in paragraph 2a-020 that:

“A worsening trend in any of these indicators will require upward adjustment to planned housing numbers...”

The market signals for Uttlesford shows that there is a worsening trend in a number of indicators. For example the chart below shows that there has been as significant worsening with regard to the lower quartile house price to income ratio since the turn of the century.



Source: ONS

This ratio has increased from 6.95 in 2001 to 14.75 in 2017. What is most striking is that affordability is now significantly worse in Uttlesford now than it was prior to the recession in 2008 when the affordability ratios 9.55. House prices have also seen significant increases. Lower quartile house prices have increased from £108,000 to £308,000 since 2001 with over half of this substantial increase taking place between 2013 and 2017. Other areas with similar market signals include Chelmsford, also in Essex, which has a LQ affordability ratio of 12.44 are proposing a 20% uplift and Guildford and Waverley where respective ratios of 12.66 and 14.71 have contributed to uplifts of 20% and 25%. Such evidence when considered against Government aspirations would suggest the need for a substantial market signals adjustment of at least 20% on top of household projections adjusted for second homes, vacancies and suppression in household formation due to past under supply. If the assessment for suppressed households is to be

included in the market signals adjustment then the adjustment would need to be increased accordingly.

Despite the worsening affordability seen across the HMA it is surprising that the decision was taken to reduce the Council's response to market signals. The decision for this has clearly not been made on the basis of the evidence. In paragraph 3.24 of 'Establishing the Full Objectively Assessed Needs' (2017) the Council has seemingly decided to limit the uplift to match the 2016 based projections produced by the GLA. In paragraph 3.27 of the 2017 SHMA update it is stated that there is no justification for assuming any higher levels of migration. However, market signals and the lack of housing delivery in London, as outlined earlier, would suggest that there are sufficient drivers for increased migration from London into the HMA alongside the need to improve rates of household formation resulting from population growth within Uttlesford.

Conclusions on OAN

We do not consider the Council's housing requirement to be based on a sound evidence base. The use of the 10-year migration trend and the market signals uplift of 14% are not justified and do not provide the necessary boost to housing supply across the HMA required by paragraph 47 of the NPPF. We would consider the OAN for the HMA to be:

DCLG household projections 2011 to 2033	50,697
Adjustment for suppression of household growth	667
Market signals uplift of 20%	10,273
Objectively Assessed Need for housing	61,636

In relation to the local plan we therefore consider that the housing need has been underestimated by nearly 10,000 homes across the plan period and that further consideration will need to be given as to how Uttlesford and the other Borough's in the HMA can increase delivery to meet these additional needs.

Policy SP3: The scale and distribution of housing development

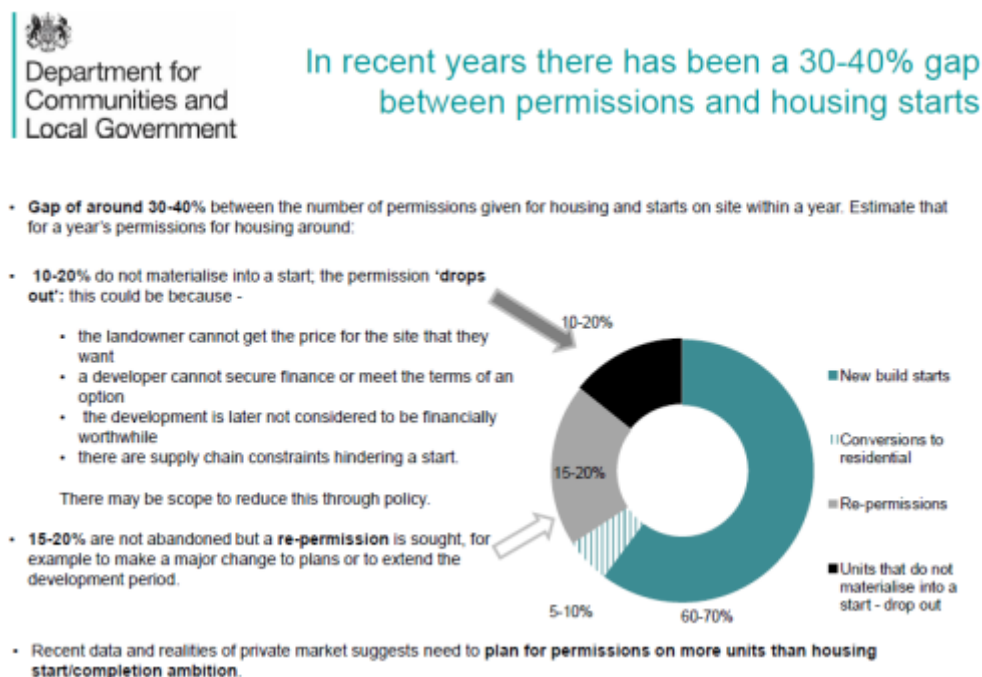
This policy is unsound as it is unjustified, inconsistent with national policy and ineffective.

As set out above we do not consider the housing requirement to be based on a sound assessment of housing needs for the Housing Market Area. The level of delivery being proposed by the Council and its partners in the HMA will lead to a considerable shortfall in housing supply. The housing requirement will need to be increased to reflect this higher level of housing needs within the HMA and similar adjustments will need to be considered across the HMA.

SP3 establishes how the Council proposes to meet its housing requirement. In total the Council have identified some 14,600 dwellings consisting of completions between 2011 and 2017, windfalls sites, outstanding planning permissions and allocated sites.

The largest single source of supply in meeting their housing needs are the proposed Garden Communities which were expected to deliver 4,820 new homes by the end of the plan period. They will form 75% of all allocated housing and 42% of all new housing delivered between 2017 and 2033. Garden communities can provide a vital and important part of housing supply moving forward. Where there is the involvement of the housebuilding industry in the delivery of these schemes they can come forward relatively quickly for their scale and provide consistent supply of market and affordable homes across the plan period. However, where such proposals do not have engagement with the housebuilding industry schemes will in general not be as quick to come forward.

Whilst the HBF does not wish to comment on the deliverability of individual sites it will be essential that given the number of homes expected to be delivered through this local plan are deliverable. In particular we are concerned that the Council has insufficient flexibility in the plan should any of its proposed sources of supply not come forward as expected. Whilst all plans must have some form of flexibility this is even more important where plans have a more limited timeframe. This local plan is likely to have only 13 years remaining and if there are delays in delivery then there is limited time to rectify this situation and bring forward the delivery of additional sites. At present the Council have a buffer of 4.3% which is insufficient given the abbreviated period of time remaining on the plan. Concerns regarding deliverability were highlighted by DCLG in a presentation to the HBF Planning Conference in September 2015.



This slide illustrates that work by the Government suggests 10-20% of residential development with permission will not be implemented and that there is a 15-20% lapse rate on permissions. This does not mean that these sites will not come forward but that delays in delivery, changing ownership or financial considerations can lead to sites not coming forward as expected. For this reason DCLG emphasised in this slide “*the need to plan for permissions on more units than the housing start/completions ambition*”. Therefore, should the housing requirement need to be higher than is proposed in the Plan

it will be important that such a buffer is maintained and that 10% to 20% more sites are allocated that is indicated by the housing requirement. We would therefore recommend that, in line with paragraph 14 of the NPPF, additional sites are identified and allocated in this plan to provide the necessary flexibility to account for any unexpected changes in circumstance.

Stepped target and five year land supply

When considering housing land supply across the plan period the Council have included within SP3 a stepped trajectory which sets a target of 568 dpa for 2011/12 to 2021/22 and 705 dpa for the remaining 10 years. It is clear that the stepped trajectory has been used in order for the Council to achieve a five year land supply on adoption of the Local Plan by reducing its backlog and then delivering these homes much later in the plan period. This position is then compounded by applying the Liverpool trajectory which spreads the reduced backlog across the whole of the plan period. Such an approach is not consistent with PPG which states at paragraph 3/035:

“Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.”

The impact of this decision can be seen when the delivery trajectory is considered against an annualised target of 636 dpa. On the basis of the delivery trajectory set out in Appendix 2 of the local plan the Council will have a backlog of housing supply each year until 2029/30. Such an approach is fundamentally against the aims of the Government which is to increase delivery in order to address past under supply, meet future needs and improve affordability. It is evident that in using a stepped trajectory the Council will not achieve any of these key requirements of a local plan and as such the proposed stepped target cannot be considered sound. Any backlog in housing needs must be addressed swiftly for any increase in supply to have any effect on the worsening affordability in housing being experienced by the residents of Uttlesford.

In calculating their 5 year housing land supply the Council have looked to push even more of the backlog in supply towards the end of the plan period by using the Liverpool methodology. This spreads the backlog in delivery across the whole of the plan period. As with the stepped trajectory this is not consistent with national policy which requires any undersupply to be met within the first years of the plan period. The only approach consistent with PPG is the “Sedgefield” method and a “flat” annualised target across the plan period. Using this sound approach and applying a 5% buffer the Council would not have a five year housing land supply on the adoption of the plan period as required by paragraph 47 of the NPPF. This would mean that paragraph 49 of the NPPF would apply and the plan would not be judged as being up to date. As such applications for housing development would be considered on the basis of the presumption in favour of sustainable development.

Recommendation

The housing requirement should be increased on the basis that the Council and its partners the HMA have underestimated the level of housing need.

The requirement should also be increased to provide a buffer between the housing requirement and the number of homes expected to be delivered. Additional allocations to deliver at least 20% above the Council's requirement would offset any delays in delivering its allocated sites. In particular we would suggest that the Council allocates more small and medium sites that will offset this risk and help the Council in maintaining a 5 year housing land supply and meet its backlog within the first five years of the plan.

Policy H8: Self Build and Custom Units

Policy is unsound as it is not effective or consistent with national policy.

We do not consider the final paragraph setting out the Council's approach with regard to sites being returned back to the developer should a self or custom build plot not be sold. The policy requires a plot to be offered to the Council or social housing provider prior to its returning to the developer. We cannot see the logic in such approach given that the homes being provided through self and custom build housing is just another form of market housing and form part of the market housing provision on any site. To then require these plots to then be provided as affordable housing is therefore inappropriate. The only way such an approach could be considered appropriate would be for the Council to discount any self and custom build plots from the calculation of affordable housing.

We also consider the 24 month period prior to a plot returning to the developer to be too long. If there is a demand for self-build plots and interested parties on the self-build register then these are likely to come forward relatively quickly and this policy should recognised this situation. Any longer will also mean that plots within a site could remain undeveloped for some time and which will impact on sales within a site. We would suggest that a 12 month period is more appropriate and consistent with national polciy.

Recommendation

That the policy H8 be amended as below:

"If Self or Custom Build plots are not sold after being marketed appropriately for ~~24~~ 12 months, then they should remain on the open market as Self or Custom Build plots ~~or be offered to the Council as land to deliver additional affordable housing~~. If there is no interest from the above after a further 12 months then the developer can build out the site as open market housing."

Policy H10 Accessible and Adaptable Homes

The policy is unjustified and inconsistent with national policy

Whilst we recognise that there may be the need to provide some market homes to the higher access standard in order to provide choice within the market there is no evidence indicating that all new homes should be built to this standard. Paragraph 56-007 of PPG requires local authorities to demonstrate the need for the optional technical standards to be applied to new homes. This evidence should include the likely future need for housing

for older and disabled people, the accessibility and adaptability of existing stock, the different needs across tenure and the overall impact on viability. However, the justification for all homes to be built to part M4(2) is that the Council has an ageing population. Whilst this may be the case it is not a unique position and one that the Government was aware of when it decided to make this standard optional. If the Government had wanted to ensure that all homes were accessible to address concerns about the ageing population then it would have made M4(2) mandatory. What this approach fails to consider is that many older people will never require their home to be adapted due to an absence of any major physical impairment or the move to special accommodation. For example the 2011 Census shows that only 19% of those aged over 65 had a long term health problem or disability that limited their day to day activities a lot. Even then many older people with mobility difficulties will not want to move home and will prefer adaptations to their current homes. Therefore, it cannot be said that just because an area has an ageing population all homes should be built to part M4(2).

As well as requiring all new homes to be built to M4(2) part 'iii.' of this policy also requires at least 10% of market homes on developments of 40 dwellings to be built to part M(3). This is not consistent with paragraph 56-009 of PPG which states that:

“Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.”

Recommendation

Requirement for all homes to be built as part M4(2) should be deleted as it has not been justified as required by PPG.

Reference to 10% of market homes being built to optional standard part M4(3) should be deleted as it is not consistent with national policy.

INF3: Health Impact Assessments

This policy is unsound as it is ineffective

We recognise the importance of ensuring new development supports the wider aims of local authorities and their partners to improve the health and well-being of their residents and workforce. However, the requirement for all residential developments over 50 units to undertake a Health Impact Assessment (HIA) to demonstrate how they have mitigated any potential negative effects on health is unnecessary and an additional burden on applicants. The PPG sets out that HIAs “*may be a useful tool to use where there is expected to be significant impacts*” but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these.

We consider that the Local Plan should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Where a development is in line with policies in the local plan an

HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring an HIA.

Recommendation

Requirement for residential development to undertake an HIA as set out in part 1 in the second paragraph of INF3 be deleted

INF4: High quality communications infrastructure and superfast broadband

The policy is unsound because they are unjustified and contrary to national policy.

Following the Government's *Housing Standards Review*, the Written Ministerial Statement of 25 March 2015 announced that local planning authorities preparing Local Plans "*should not set any additional standards or requirements relating to the construction, internal layout or performance of new dwellings*". In terms of the construction, internal layout and performance of new dwellings local planning authorities are only allowed to adopt the three optional technical standards subject to evidence of need and viability.

Council's should not seek higher standards than Building Regulations on any other technical standard – including Part R1 Physical infrastructure for high speed electronic communications networks. However, it is not clear whether this policy seeks to require a higher standard but it would appear to merely reflect Part R1. If no increase in the technical standard is expected then the policy is redundant and should be deleted. Similarly if the objective is to seek a higher standard this is not consistent with Government policy and will require MP7 to be deleted.

D4: Development Frameworks and Codes

This policy is unsound as it has not been justified and is ineffective

This policy requires all development of 100 units or more to be supported by a development framework that must be approved by the Council prior to submission of a planning application. Whilst we appreciate that for new communities that there is likely to be significant pre-application engagement to require this down to sites of 100 units is completely unjustified and will slow down delivery. The Government is seeking to improve the pace at which applications are considered and new development is not delayed unnecessarily, and this policy is contrary to that aim. It is also unclear as to who will approve the development framework, will it be officers or members and what recourse would there be if a framework was rejected. The policy seeks to introduce an additional requirement into the planning applications process for sites of more than 100 units which is unjustified and ineffective.

Recommendation

That the policy should be deleted.

D8: Sustainable Design and Construction

Policy unsound as it is not consistent with national policy

The second paragraph requires development to demonstrate as part of any application how it is consistent with appropriate Building Regulations. Such an approach is not appropriate and could lead to significant confusion as to the grounds on which an application should be refused. It must be assumed when considering an application that it will be built to the required regulation and it will be for that system to determine whether or not these have been met.

Recommendation

The second paragraph of D8 should be deleted.

D9 Minimising Carbon Dioxide Emissions

Policy is unsound as it is inconsistent with Government policy

The HBF does not generally object to local plans encouraging developers to include renewable energy as part of a scheme, and to minimising resource use in general, however it is important that this is not taken forward into the plan as a mandatory energy efficiency requirement. This would be contrary to the Government's intentions, as set out in ministerial statement of March 2015⁵, the Treasury's 2015 report 'Fixing the Foundations'⁶ and the Housing Standards Review, which specifically identified energy requirements for new housing development to be a matter solely for Building Regulations with no optional standards.

The Deregulation Act 2015 was the legislative tool used to put in place the changes of the Housing Standards Review. This included an amendment to the Planning and Energy Act 2008 to remove the ability of local authorities to require higher than Building Regulations energy efficiency standards for new homes. Transitional arrangements were set out in a Written Ministerial Statement (WMS) in March 2015. It must also be remembered that policy has moved on since 2015. The Government have set out the optional technical standards that can be adopted in local plans. These do not include measures to improve energy efficiency above Building Regulations.

Finally, it is important to consider how such policies will be applied under the revised NPPF. Whilst the Government have stated that all plans submitted to the Secretary of State for examination before January 2019 will be examined under the previous Framework it is helpful in providing clarity on some issues. One of these is in relation to requiring energy efficiency standard higher than those set out in building regulations. Paragraph 150 (b) of the revised NPPF states that:

⁵ www.gov.uk/government/speeches/planning-update-march-2015

⁶ <https://www.gov.uk/government/speeches/fixing-the-foundations-boosting-britains-productivity>

“Any local requirements for sustainable buildings should reflect the Government’s policy for national technical standards.”

The Government have provided guidance on the optional technical standards which do not include requirements for lower emissions rates and as would be out of date when considered against the revised NPPF.

Recommendation

That the policy be deleted.

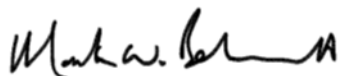
Conclusion

At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 182 of the NPPF, in the following key areas:

- The assessment of housing needs uses an approach to assessing demographic trends that is inconsistent with national policy. IN addition the market signals uplift fails to reflect the severity of the affordability issues within the HMA and Uttlesford. as well as apply a market signals uplift that insufficiently;
- Insufficient account has been given to the risks that the Garden Communities will not meet the timetables established in the plan. No buffer has been applied to take account of this risk placing delivery of the requirement in doubt should there be any delays.
- The stepped housing target and Liverpool approach to assessing housing land supply are not consistent with national policy which requires backlog to be addressed in the first five years of the plan.
- Policy H8 is not effective or consistent with national policy and must be amended to be considered sound;
- Requirements with regard to accessible homes in H10 have not been adequately justified and are inconsistent with guidance in PPG;
- Implementation of HIAs on developments of over 50 units is ineffective and inconsistent with national policy which places the emphasis on plan makers to ensure the development it proposes supports improvements in health outcomes;
- The higher than building regulation standard for broadband provision and minimising CO₂ emissions is not justified or consistent with national policy;

We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and examination. I would also like to express my interest in attending any relevant hearing sessions at the Examination in Public. Should you require any further clarification on the issues raised in this representation please contact me.

Yours faithfully



Mark Behrendt MRTPI
Planning Manager – Local Plans
Home Builders Federation
Email: mark.behrendt@hbf.co.uk
Tel: 020 7960 1616