

Sent by email to: ldf@wealden.gov.uk

08/10/2018

Dear Sir/ Madam

Response by the House Builders Federation to the Wealden Local Plan

Thank you for consulting the Home Builders Federation (HBF) on the proposed submission draft of the Wealden Local 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.

We would like to submit the following representations on the Local Plan and we would welcome, in due course, participating in hearings of the Examination in Public.

Duty to Co-operate

The Duty to Co-operate (S110 of the Localism Act 2011 which introduced S33A into the 2004 Act) requires the Council to co-operate with other prescribed bodies to maximise the effectiveness of plan making by constructive, active and on-going engagement. The high level principles associated with the Duty are set out in the National Planning Policy Framework (NPPF) (paras 156, 178 – 181) and in twenty three separate paragraphs of the National Planning Practice Guidance (NPPG). In determining if the Duty has been satisfactorily discharged it is important to consider the outcomes arising from the process of co-operation and the influence of these outcomes on the Local Plan. One of the required outcomes is the delivery of full objectively assessed housing needs (OAHN) for market and affordable housing in the housing market area (HMA) as set out in the NPPF (para 47) including the unmet needs of neighbouring authorities where it is reasonable to do so and consistent with sustainable development (NPPF para 182).

The Council's evidence base suggests that Wealden is in a housing market area (HMA) alongside Eastbourne BC, Tunbridge Wells BC, Rother DC, Lewes DC and Mid Sussex DC. What is also evident from this evidence is that the Council has not looked to commission any evidence jointly with these Borough in relation to housing needs. The Council have instead considered housing needs and delivery in isolation rather than as part of a wider HMA. The only relevant commentary with regard to housing needs across the HMA is provided in the Duty to Co-operate statement. This sets out that the only authority that required support from Wealden with regard to housing needs was

Eastbourne BC (EBC). Poor delivery rates in EBC and the geography of the area mean that the authority will struggle to meet needs and as such needs support. Wealden state that they cannot meet any shortfall due to the constraints they face with regard to protected habitats and infrastructure.

Whilst this may be the case we would suggest that Wealden should recognise EBCs situation in the Local Plan. Wealden wholly surrounds EBC and we would have expected at the very least a clear memorandum of understanding as to how both authorities will work together in future to meet needs. At present the only statement in the Core Strategy is that the Duty to Co-operate is not a duty to agree. Whilst this may be the case paragraph 9-010-201140306 states that:

“Inspectors testing compliance with the duty at examination will assess the outcomes of cooperation and not just whether local planning authorities have approached others.”

In addition paragraph 9-011-20140306 outlines that effective co-operation is likely to require sustained joint working with concrete actions and outcomes. This paragraph goes on to state that the duty:

“...is unlikely to be met by an exchange of correspondence, conversations or consultations between authorities alone.”

As there are no concrete outcomes with regard to the needs of EBC, and as such the HMA, the plan cannot be considered effective or consistent with national policy.

Policy AF1 – Air Quality and Wealden Local Plan Growth

The need for a Habitats Regulation Assessment (HRA) as part of this plan is not in question. However, we do have some broad concerns regarding the approach that has been taken by the Council with regard to assessing the potential impacts on the Ashdown Forest Special Area of Conservations (SAC), Pevensey Levels SAC and Lewes Downs SAC. To begin with the approach has not been transparent with little in the way of evidence being shared with the development industry or neighbouring authorities in order to ensure that the Council’s evidence is properly scrutinised. Secondly, we are concerned that the evidence presented by the Council does not take into account, for example, improvements in background trends in relation to nitrogen deposition and in general takes a pessimistic view with regard to the impact from new residential development and actual harm caused – especially given the Council’s policies in this plan that will support their use.

Whilst the HBF does not have the resources to undertake an in depth analysis of the highways data and the impact of nitrogen deposition on the SAC we would suggest that close consideration be given to the work undertaken by the Ashdown Forest Stakeholder Forum on this matter and the specific concerns they raise with regard to the quality of the evidence presented. Whilst we recognise the Council’s responsibilities with regard to protected habitats, it is essential for the consideration of those impacts to be realistic and not used as a way of restricting development unnecessarily.

In addition to these broad concerns we would also suggest that the Council provide more detail with regard the timeframes for the delivery of mitigation measures are included within the Local Plan. This will provide improved certainty and allow the development industry to move forward with the delivery of sites in Wealden. The Council must also set out in policy the approach to be taken with regard to site specific HRAs. This will be an onerous test for many developers and could preclude sites from coming forward. Given that an HRA has already been undertaken by the Council a site specific HRA can draw on the HRA prepared for the Local Plan in order to reduce the potential burden of this policy.

Policy AF2 Air Quality Mitigation

This policy provides an outline of the mitigation that will be required in order to mitigate the impacts of development on the two SACs within Wealden. As outlined above we are concerned that the pessimistic approach with regard to the impact of new development on the SACs will mean that the approach to mitigation set out in AF2 is disproportionate to the actual impacts.

Setting aside whether or not the mitigation measures are supported by the evidence we would question the approach taken with regard to payments from development to support the proposed mitigation measures and the fact that these do not seem to have been considered in the Council's viability assessment. The Council have not defined within AF2 how the contributions to support the mitigation outlined in this policy will be collected. However, it will be important for any contributions to be in line with the relevant CIL regulations and the pooling restrictions they place on financial contributions for infrastructure outside of CIL. Recent draft guidance produced by the Council outline that the Council intends to apply a tariff on each dwelling in relation to measures a) to g) in this policy. However, we are concerned that these measures include items of infrastructure which should be funded through the Community Infrastructure Levy due to the pooling restrictions on financial contributions. Whilst it may be appropriate to use financial contributions for the provision of management and monitoring purposes it would be inappropriate for infrastructure items set out in parts e), f) and g) to be funded through a S106 tariff.

Finally, the additional impact of these costs on development has not been considered within the Council's Viability Study (July 2017). We recognise that this evidence was produced prior to the mitigation measures set out in AF2 being established but it will be essential for these to be considered prior to submission of the plan. At present the Council cannot say whether or not the additional costs being placed on development as part of AF2 will, alongside the other policies in the plan, make development unviable.

Plan period

Plan period is unsound as it is inconsistent with national policy

We have some concerns regarding the approach taken by the Council in setting their plan period. At present the plan period runs from 2013 to 2028 which will mean that on

adoption this plan would have less than 9 years left. Such a short time period is contrary to the 15 year time frame for plans recommended in paragraph 157 of the NPPF. This short plan period means that any delays in the delivery of the strategic allocations in the plan will lead to the Council being unable to meet its long term housing needs. In order to plan effectively for longer term needs the Council must look at adopting a plan of at least 15 years from the point of adoption.

Policy WLP1 – Provision of homes and jobs.

This policy is unsound as the housing requirement is based on evidence that is inconsistent with national policy and as such is unjustified.

The Council are proposing to deliver some 14,228 new dwellings between 2013 and 2028. This is 22 homes short of the 14,250 homes that the Council state in paragraph 6.1 is their objectively assessed need for housing. The Council acknowledge this in paragraph 6.3 of the local plan that this does not meet the level of housing need identified by the as being required between 2013 and 2028 delivery in the National Park is expected to meet the identified difference between the housing requirement and OAN.

In assessing the Council's objective assessment of housing need we have examined the two updates to the 2016 Strategic Housing Market Assessment (SHMA), published in February and March 2017. The methodology used in both these assessments is the same but they do not provide clarity as to the approach taken by the Council as they present a range of approaches but provide no clear recommendation. However, the Council set out in the Housing Background Paper more detail on their decision to set their housing requirement at 950 dwelling per annum (dpa). Paragraph 4.3.2 considers the evidence and on the basis that 4 of the 6 outputs show a range of 930 to 972 dpa a mid-point of 950 is considered reasonable. This ignores high estimates of housing need suggesting that these are 'outliers'. However, the discarded estimates of need are those based on the official projections and to suggest that these are outliers is surprising. Our assessment of the Council's approach to assessing housing needs its soundness is set out below.

Demographic starting point

The Council's evidence states that the 2014 household projections have been used as the basis for assessing housing needs. For the 2013 to 2028 plan period this is identified in table 1.1 of the March OAN paper as being 913 dwelling per annum (dpa). However, it is not clear from the Council's evidence whether this has formed the starting point for considering housing needs or whether a long trend has been used leading to reduced demographic starting point. The Council have considered a long term migration trend in one of the options. The use of this long term trend is outlined in paragraph 1.9 of the March OAN update and results in a demographic starting point of 625 dpa – 288 dwellings fewer than when using the official projections. Whilst it is unclear as to the degree to which this option informed the Council's assessment of housing needs we are concerned that it has influenced the Council's decision to potentially disregard the higher assessments of housing need that were put forward in the OAN paper.

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 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 12-year migration trend or a 5-year migration trend. Whilst there has been some support for the 12-year trend the HBF still considers the official household projections to provide the most appropriate and, importantly, consistent baseline for considering OAN.

What is not set out in the Council’s evidence base is why they consider the longer term trend to be appropriate for Wealden. In fact it would appear that the Council’s own evidence base cautions against their use highlighting in paragraph 1.9 of the March OAN paper that *“Long term migration trends are thought to have been influenced by the economic recession, resulting in overall lower internal in-migration flows”*. This is correct and it is a concern that the Council have then decided to continue with this approach given that it is expected that migration trends are unlikely to stay at the levels seen during the recessionary period. PPG sets out in paragraph 2a-017-20140306 that any local changes will need to be clearly explained and justified and highlights the sort of circumstances where this might be the case. The Council have not provided the necessary justification and, as such, should use the unadjusted household projections as the demographic starting point.

A further concern regarding the use of a longer term trend is the potential for inconsistency between needs assessments across the Country. Those that favour the longer migration trend outline that it provides a smoother trend that removes the peaks and troughs of migration compared to shorter trends. However, 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. 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.

As there is no justification for adjusting the demographic starting point the Council must give greater weight to those options that use the official projections. For the stated plan period using the 2014 household projections would result in a starting point of 913 dwellings per annum. However, it may be appropriate to consider the latest 2016 based household projections which would constitute the most up to date data available. These latest projections show that household growth between 2018 and 2028 to be 852 dpa. Even the latest projections would see a demographic starting point some 223 dpa higher than is being suggested by the Council.

Market signals

It is not clear from the evidence provided on housing needs as to how the Council have approached market signals. The 2016 SHMA suggested a relatively small uplift for market signals. However, as this was less than the adjustment made for economic growth of 11.5% it was considered that this uplift would address any affordability concerns. The latest updates produced by Regeneris then examines the impact of a 10% uplift to household formation. In addition the Council have considered an approach to market signals based on that suggested by the Local Plan Expert Group in their Appendix 6 of their final report. Using this approach the Council have applied a 25% uplift the demographic starting point (adjusted to take account of vacancies). It would appear that the LPEG method set out in paragraph 1.28 has been adopted but some clarity on the approach taken by the Council with regard to market signals is clearly needed to inform the examination in public of the local plan.

Given the market signals present within Wealden we would consider the higher uplift of 25% to be the most appropriate response. For example, the latest affordability data published by MHCLG shows that for someone on lower quartile earnings would now need to borrow 12.86 times their salary to afford a lower quartile priced home. This ratio is now double what it was in 2000 when the ratio stood at 6.10. The situation is now worse than it was prior to the recession where the lower quartile affordability ratio was just over 12.

Standard methodology

As the intention of the Council is to submit this plan prior to the end of the transitional period this standard methodology cannot be considered at the examination into the Wealden Local Plan but it does provide an indication as to the levels of delivery the Government consider necessary to address affordability across the Country. Based on the most recent household projections and affordability ratios the standard method would require a capped uplift of 40%¹ and result in a housing need figure of 1,193 dpa. However, it must be remembered that the Government are intending to review its approach to the standard method in the light of the latest household projections to ensure that the Government's objective of delivering 300,000 new homes by the mid-2020s can still be achieved.

¹ Uplift is 46% but would be capped at 40% in the standard methodology.

Affordable housing needs

The approach set out at paragraph 1.28 of the March 2017 OAN update considers the need for affordable housing by considering how many homes would be needed to deliver 331 affordable units if 35% of all homes built were affordable. The application of an adjustment to take account of affordable housing needs is supported by paragraph 2a-029-20140306 of PPG. Our only comment on this approach is that the Council's affordable housing policy would require all residential development to contribute 35% of their delivery as affordable housing. Given that sites below 11 units will make no contribution due to national policy a higher number of homes would be required to address affordable housing needs.

Conclusions and recommendations on OAN

The Council's OAN is not considered to be a sound assessment of needs as it reduces the demographic starting point by using a longer term migration trend without providing the necessary justification required by PPG. Even when this reduced demographic starting point is uplifted to revert household formation rates to those found in 2001 the starting point is still considerably below that suggested in the latest 2016 based household projections published in September 2018.

We would therefore recommend that the demographic starting point reflect those set out in the 2016 based household projections of 852 household per year. This should then be adjusted to take account of vacancy rates (2.4%) results the dwellings need each year to meet household growth of 872. Applying the market signals uplift of 25% results in a final OAN of 1,090 dpa for the plan period 2013 to 2028. This level of housing provision would support the expected level of jobs growth for the Borough and ensure that affordable housing provision is addressed given that not all sites will provide affordable housing.

Policy WLP12 Managing the Delivery of Housing Land

The policy is unsound as it is inconsistent with national policy and ineffective

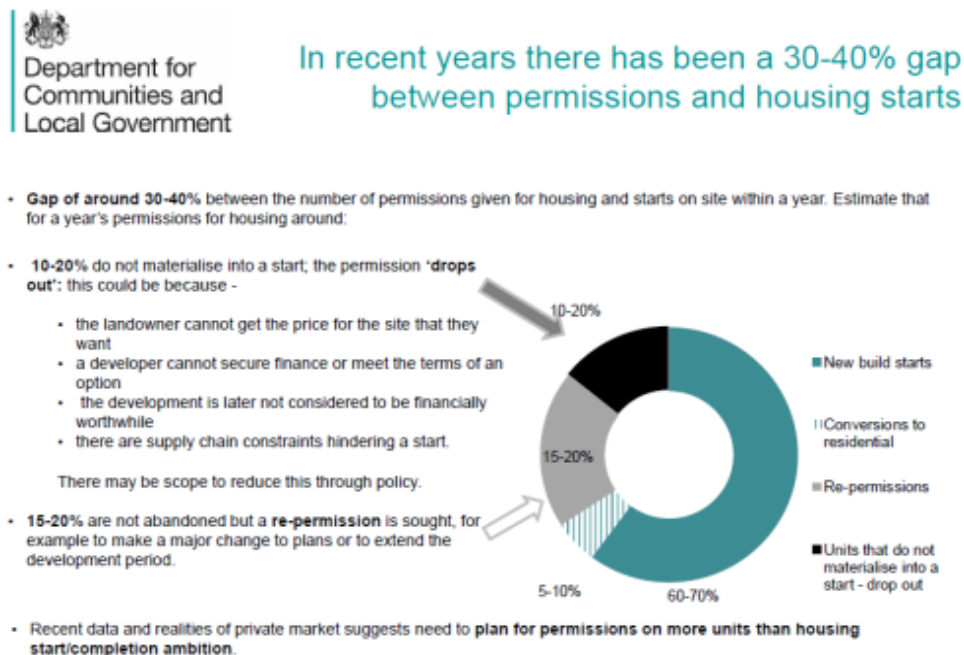
This policy states that the Council will deliver a minimum of 14,228 homes and in order to manage delivery of these homes proposes a stepped trajectory. This sets expected delivery between 2013/14 and 2020/21 being set at 750 dpa before delivery is expected to increase for the rest of the plan period at 1,179 dpa. Delivery against this trajectory is set out in figure 3 of the local plan. In addition to the stepped trajectory the Council proposes that the five year housing land supply will only be calculated from September 2017 onwards and as such there is no backlog to be included within the Council's five year land supply.

Delivery expectations

Whilst the HBF does not comment on the specific sites allocated for development nor those included in the Strategic Housing and Economic Land Availability Assessment (SHELAA) it is important that the Council ensures its delivery expectations across any existing permissions and proposed allocations are realistic. However, away from delivery

on allocated sites we are concerned regarding the Council's approach to windfall. This forms a considerable element of supply going forward with the expectation that 2,516 homes will be delivered as windfall. This level of windfall delivery is based in part on adjustments to some village boundaries to facilitate windfall development but given that some areas see significant increases in windfall compared to previous years we are concerned that the expected levels of windfall will not come forward. Given the short time frame left within which to deliver this plan we do not consider the Council's evidence to show that this allowance is realistic and deliverable. If the Council expects these communities to deliver at higher rates it should set these out as allocations within the local plan and set a more realistic level of windfall.

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 10 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. 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.

Trajectory

Policy WLP sets out the Council's proposals for a step trajectory. The justification for this step is set out in paragraph 8.3.4 of the Housing Background Paper. The Council outline in this paragraph that a stepped trajectory is required due to the:

- Limited ability of the Council to grant planning permission owing to the potential impacts on protected habitats
- The fact the previous target of was 450 dpa and that to deliver 950 dpa is a such a step change in delivery that stepped trajectory is required to ensure delivery is made a sustainable rate and that infrastructure is in place at the correct time

We recognise and appreciate the position the Council is in and the fact that the Council are looking to substantially increase development in Wealden. However, the approach taken to the trajectory would seem to bring in the step at a point where the Council are already delivering significantly above the annualised housing requirement of 950 dpa.

The Council's approach to the stepped trajectory is further confused by the decision not to consider delivery in relation to the five year land supply prior to September 2017. In effect the Council are proposing to ignore delivery between 2013/14 and 2016/17 and the backlog that has arising against the proposed trajectory during that period. Therefore the trajectory for this period is meaningless as it is not being taken into account. Whilst we do not agree with the decision to ignore this backlog, if the Council are only going to consider delivery from the period 2017/18 we cannot see why the Council did not apply the annualised delivery rate of 950 dpa across the plan period.

Five year housing land supply

The Council outline in section 8.5 of the Housing Background Paper their position with regard to the 5 year housing land supply. It is acknowledge that using the Sedgfield approach and even with a stepped trajectory the Council does not have a five year land supply. We would agree. However, rather than seeking to allocate sufficient sites to address its backlog within the first five years following the adoption of the plan the Council have taken the somewhat unique decision, as set out in paragraph 8.5.2 of the Housing Background Paper, to ignore any under supply during the first 4 years of the plan. In doing so, and by applying the 5% buffer from paragraph 47 of the NPPF, the Council state that they will have a five year land supply on adoption of the local plan. The detailed position is set out in table 17 of the Housing Background Paper. However, this table looks at the position between October 2017 and September 2018 – the mid-points in two monitoring periods. This in itself makes the effective scrutiny of the Council's position difficult as it does not conform to previous monitoring periods. This table also reflects our first concern with regard to this position is that the approach taken by the Council to ignore undersupply is not consistent with national policy. PPG establishes that backlog should

be addressed within the first years of the plan where possible. However, national policy or guidance does not state backlog should be ignored. The approach is therefore inconsistent with national policy and should not be used in assessing five year land supply as it spreads the delivery of unmet needs across the remaining plan period and does not address back log in the first five years as required by national policy. Without a 5-year land supply on adoption the plan cannot be considered sound on the basis of paragraph 49 of the NPPF.

Secondly, we would disagree with the Council's assessment that they should not apply the 20% buffer that is required where there has been a persistent record of under delivery. The evidence of delivery in the past shows that the Council has under delivered against either its RSS target or its own assessment of housing needs in 7 out of the ten years between 2006/07 and 2016/17.

Year	Requirement	Delivery	Shortfall
06-7	550	230	-320
07-8	550	415	-135
08-9	550	349	-201
09-10	550	337	-213
10-11	550	709	+159
11-12	550	619	+69
12-13	550	674	+124
13-14	950	556	-394
14-15	950	576	-374
15-16	950	519	-431
16-17	950	561	-389

Even if the stepped trajectory for the 2013/14 to 2016/17 period is used the Council position is still one where delivery has not met identified supply. This suggests an area where there has been persistent supply and one where a 20% buffer is required to ensure that the homes needed for the area are delivered. Applying the 20% buffer to the Council's assessment of its 5 year housing land supply in Table 17 of the Housing Background Paper would show that the Council has a 4.67 year housing land supply. Self-evidently the position would be even worse if backlog were to be addressed in the first five years as required by national policy.

Using the Council's approach to the five-year housing land supply, which ignores backlog between 2013/14 and 2016/17 and applies a stepped trajectory, we calculate that, on the basis of the Council delivery expectations in figure 3 of the local plan, the Council would not be able to show a 5 year housing land supply on adoption of the local plan in 2019/20 if the 20% buffer is applied. Even if with the lower 5% buffer the supply position is marginal and places the plan at significant risk of having to apply the presumption in favour of sustainable development.

	Liverpool method with 5% buffer	Liverpool with 20% buffer	Sedgefield with 5%	Sedgefield with 20%
Basic five year requirement 2019/20 to 2023/24	5037	5037	5037	5037
Backlog 2017/18 to 2018/19	302	302	543	543
total 5 year requirement 2018/19 - 2022/23	5339	5339	5580	5580
Buffer applied (5%/20%)	5606	6406	5859	6696
Supply 2018/19 to 2022/23	6037	6037	6037	6037
Surplus/shortfall	431	-369	178	-659
Years supply 19/20 to 23/24	5.38	4.71	5.15	4.51

Recommendation

The Council must:

- Assess its five year housing land supply in a policy compliant manner and ensure that it has sufficient sites allocated in the local plan to address backlog within the first five years following adoption of the plan through the allocation of additional sites.
- Include a more reasonable assessment of windfall sites that reflects the evidence as to what is deliverable and the correct definition of windfall
- Reconsider the application of the stepped trajectory

Policy RAS1 Core Areas

This policy is not sound as it is not effective or justified

The Council delivery expects over 2,500 new homes to come from windfall development. However, we are concerned that policy RAS1 will limit the Council's delivery of small scale windfall sites in those settlements identified in RAS1 as the boundaries are not drawn to the edge of the settlement. There seems to be no clear justification for only allowing development to be permitted in such a small area of these settlements. For example, Frant appears to exclude the majority of the existing developed area but includes the village green.

Recommendation

The boundaries within which development will be permitted should be amended to take into the entire village. The wording of the policy should also be amended to support this proposed change.

Policy HG2 Provision of affordable housing

The policy is not sound as it has not been justified

This policy seeks the provision of 35% affordable housing on all sites delivering 11 or more residential units with a combined floor space of over 1,000 sqm, with the exception of sites in the AONB where the site threshold has been reduced to 6. The Council also set out in this policy that it expects 80% of these homes to be provided for rent with the remainder for intermediate accommodation. The policy provides scope for the consideration of viability and sets out the Council's approach as to revising affordable housing provision where the policy is considered unviable.

Whilst we welcome the flexibility set out in the policy we are concerned, as outlined in relation to policy AF2, that the full costs on development have not been tested as part of the viability study. As mentioned earlier in our representation it is essential that the costs of any mitigation proposed in relation to the air quality impacts on the SACs in the Borough are included in any assessment. At present these have not been undertaken and as such the Council cannot say with any confidence that the proposed level of affordable housing is viable. Given that contributions to support the mitigation set out in AF2 cannot be negotiated any flexibility with regard viability will need to be made to policy HG2.

In addition to these costs that have not been taken into account the Council's viability Study sets the developer profit at 17% of GDV for market housing and 6% for affordable housing. We would recommend a 20% margin is set within any viability study which is the expectation from lenders with regard the expected return from such an investment. Paragraph 173 clearly outlines that policies must ensure that competitive returns must be considered to enable development to be deliverable and there is a risk that the proposed profit margins do not reflect the return expected and the deliverability of development in Wealden. Given that the Viability Study states in paragraph 2.1 that it does not seek to take an optimistic view of viability we would suggest that a profit margin of 20% be applied in any assessment of viability.

Recommendations

The Council must undertake a further assessment of viability that includes the costs of mitigation set out in AF2 and a developer return of 20% on GDV for market housing.

Policy HG7 Self and Custom Build

The policy unsound as it is inconsistent with national policy and unjustified

Whilst we support the encouragement of self-build custom housebuilding through the local plan we do not consider the requirement for sites of over 20 to provide at least 5% service plots for self and custom house building to be justified or consistent with national policy. To begin with it would seem that there is little evidence to support this level of provision. At present the Council have stated that there are 39 individuals on their self-build register. Whilst this may increase over time there would appear to be little evidence supporting the need for 5% of sites over 20 to be provided as serviced plots for self-build and custom house-building. In table 13 of the Housing Background Paper the Council have identified that 3,823 homes will be delivered on allocated sites in the Local Plan. Figure 5 of the appendices in this paper shows that just one of these will deliver fewer than 20 dwellings. Delivery on these allocated sites alone would deliver 190 serviced plots for self-build and custom housebuilding. Nearly 5 times more than is currently required on the self-build register.

In addition to the policy requirement not being justified on the basis of need we do not consider the Council to have looked at sufficient options with regard to how it can provide plots to support self-builders. Paragraph 57-024 of the PPG sets out a variety of approaches that need to be considered – including the use of their own land. This is reiterated in para 57-14 of the PPG which sets out the need for Council's to consider how they can support the delivery of self-build custom housebuilding plots through their housing strategy, land disposal and regeneration functions. We could not find any evidence that the Council have examined these options and have instead looked to place the burden of their duty on to the house building industry. We also consider the policy to be inconsistent with the third bullet point of paragraph 57-025 of PPG. This outlines that the Council should engage with landowners and encourage them to consider self-build and custom housebuilding. The approach taken by the Council moves beyond encouragement and requires land owners to bring forward plots.

We do not consider the requirement self-build and custom build plots that have been appropriately marketed and have not sold within 12 months to be offered to the Council or Housing Associations for the provision of affordable housing. Homes being provided through self and custom build housing are just another form of market housing and as such should return to the developer. 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.

Recommendation

We recommend that the policy is amended to encourage the provision of self-build and custom housebuilding plots on sites of over 20 units in order to be consistent with national policy. Paragraph 2 should also be amended to ensure homes revert to the developer in the first instance if they remain unsold. We would suggest the following amendment:

“Where a developer is required to provide self-build and custom build plots, the plots should be made available and marketed through relevant trade organisations for at least 12 months. Where plots have been appropriately marketed and have not sold within this time period the plots should be offered to the Council or Housing Associations for the provision of affordable housing in addition to that required by Policy HG2. If the plots are

~~not secured by the Council or Housing Associations for affordable housing the dwellings can be built out for sale on the open market”~~

HG9 - Housing Mix

The policy is unsound as it is not effective

HG9 prescribes the mix of housing to provide on all sites and provides for no flexibility in the housing mix to be provided on a site by site basis. Whilst it is important to provide an indication of the mix the Council is expecting to achieve across the Borough it is not appropriate to limit the scope of house builders to meet the needs of the market. Those developing sites are best placed to understand the need of the market and ensure the most effective mix is provided for that maximises the viability of site in order to try and meet other policy requirements set by the council. As such we would suggest the Council delete the requirements for mix set out in the policy and provide an indicative mix in the supporting text.

Recommendation

The policy be redrafted to provide less prescriptive approach to housing mix.

HG11 Space Standards

Whilst the Council have stated that it is important that homes meet minimum national minimum standards we could find no evidence to justify the need for the nationally described space standards to be applied. Government guidance in paragraph 56-020 of PPG clearly requires there to be evidence that these standards are required and states:

“need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.”

Without such evidence the policy should be deleted.

Policy HG 12 - Accessible Housing

We are concerned that the Council has not provided the necessary evidence to support the adoption optional standard for accessible homes. WDC need to have very strong evidence to justify the expected level of provision in this policy.

In particular the requirement for at least 10% of all homes on sites above 50 net dwellings to be built to part M4 (3) of Schedule 1 of the Building Regulations is contrary to national policy. PPG advises in paragraph 56-009² that the standard for wheelchair accessible homes only applies to properties where the local authority is responsible for allocating or

² ID: 56-009-20150327

nominating a person to live in that dwelling. This means that M4(3) providing wheel chair accessible can only be applied to affordable homes and the policy should be amended to reflect this position.

We note that some flexibility will be considered with regard to viability but it will also be important to provide clarity in the relation to the feasibility of providing accessible homes. In PPG states that:

“Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”

Additional wording should be included outlining that the optional standard will not be applied where it is not technically feasible.

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:

- Whether the evidence on the harm set out in the HRA is accurate and supports the Council approach to mitigation
- The housing requirement is not supported by a sound objective assessment of housing needs;
- Delivery expectations with regard to windfall are not justified
- No buffer in supply has been provided to offset the risk of delays, slower than expected delivery or lapsed permissions;
- The council will not have a five year housing land supply on adoption of the Local Plan;
- The viability assessment does not accurately reflect the policy costs being placed on development and the profit margin required to ensure development comes forward;
- HG7 is not justified or consistent with national policy.
- Space standard have not been justified as required by 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