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Dear Sir / Madam,

MIDDLESBROUGH LOCAL PLAN: PUBLICATION DRAFT

Thank you for consulting with the Home Builders Federation on the Middlesbrough Local Plan Publication draft 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 Council will be aware that the HBF have commented on this document as it has progressed, and we are pleased to note that the Council has progressed swiftly and responded positively to some of the issues raised. We do, however, have a number of outstanding concerns with the plan which are considered to affect its soundness, and these are detailed below.

Policy H1 - Housing Strategy

The HBF does not consider that Policy H1 is sound, as it is not effective for the following reasons:

Within part d, the policy suggests that the Council will work with partners to deliver housing accessible to all. Given the numerous uses of the word 'accessible' the HBF would seek further clarity as to what is expected by this policy. Particularly, if it related to the implementation of the optional housing standards in relation to M4(2) or M4(3) requirements. The Council should note the requirements in PPG for the introduction of the optional standards.

The HBF generally supports the Council in seeking to deliver housing that both supports and facilitates the aspirations for economic growth and regeneration, and meets the needs of residents.

The HBF considers that the policy should be modified as follows in order to make the document sound:

- *Further clarity in relation to 'housing accessible to all'.*

Policy H2 - Housing Requirement

The proposed policy looks to deliver a minimum of 7,650 net additional dwellings between 2016 and 2034 (425 net additional dwellings per annum). It also looks to maintain a rolling five-year supply of deliverable housing sites with the Council working with landowners and the development industry to address any shortfall.

The HBF are generally supportive of utilising a housing figure that reflects the OAN and considers the economic aspirations of the Council and the SEP. The HBF are also supportive of the need to maintain a five-year housing land supply.

Policy H3 - Housing Allocations

Policy H3 is not considered to be sound as it is not positively prepared, effective or consistent with national policy for the following reasons:

It is noted that the Local Plan housing requirement for the plan period is 7,650 dwellings, whilst the Local Plan suggests that there have been 919 dwellings completed, 1,239 dwellings with planning permission and a further 6,006 dwellings allocated, bringing the supply to 8,164 dwellings. The HBF consider that it is important that the plan should seek not only to provide sufficient development opportunities to meet the housing requirement but also to provide a buffer over and above this requirement. The reasons for the inclusion of such a buffer are two-fold. Firstly, the NPPF is clear that plans should be positively prepared, aspirational and significantly boost housing supply. In this regard the housing requirements set within the plan should be viewed as a minimum requirement, this interpretation is consistent with numerous inspectors' decisions following local plan examination. Therefore, if the plan is to achieve its housing requirement as a minimum, it stands to reason that additional sites are required to enable the plan requirements to be surpassed. Secondly, to provide flexibility. A buffer of sites will therefore provide greater opportunities for the plan to deliver its housing requirement. The HBF would normally recommend a buffer in the order of 20%, for the Middlesbrough Local Plan this would be an additional 1,530 dwellings over and above the 7,650 dwellings in the housing requirement. Therefore, the HBF would encourage the Council to allocate further sites to ensure that there is a sufficient and flexible supply available.

The HBF does not wish to comment upon the acceptability or otherwise of individual sites. It is, however, important that all the sites contained within the plan are deliverable over the plan period. The Council's assumptions on sites in relation to delivery and capacity should be realistic based on evidence supported by the parties responsible for housing delivery and sense checked by the Council based on local knowledge and historical empirical data.

The HBF considers that the policy should be modified as follows in order to make the document sound:

- *Additional sites should be allocated, and an appropriate buffer of supply created.*

Policy H4 – Housing Mix and Type

The HBF does not consider that Policy H4 is sound as it is not justified, effective or consistent with national policy for the following reasons:

The HBF generally supports the need to deliver a wide-ranging mix of house types and sizes to meet the needs of communities and to support economic growth, but would like to ensure that flexibility is maintained within this policy to reflect market demand and aspirations, not just housing need. The HBF would like to ensure flexibility within this policy as it goes forward to acknowledge that the mix can vary both geographically and over the plan period.

Again, the HBF generally supports the provision of specialist housing to meet the needs of older people and those who are disabled. However, if the Council are seeking to introduce parts of the new optional housing standards then the PPG (ID 56-07) identifies the type of evidence required to introduce such a policy, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for Middlesbrough which justifies the inclusion of optional higher standards for accessible and adaptable homes. Evidence of an ageing population does not in itself justify the requirements of this policy, and without appropriate evidence the HBF would not support the introduction of this policy.

The HBF considers that the policy should be modified as follows in order to make the document sound:

- *Include reference to aspiration as well as need within part a.*
- *Ensure that part a is implemented flexibly taking into account the need to consider that the mix can vary both geographically and over the plan period.*
- *Provide more clarity as to what will be expected by part c of the policy.*

Policy H5 - Affordable Housing

The HBF does not consider that H5 is sound, as it is not justified, effective or consistent with national policy for the following reasons:

The proposed policy is looking to require housebuilders to provide a minimum of 15% affordable homes on development of 10 or more with specific wards. Whilst the HBF support the recognition of the change in policy requirements as set out in the NPPF 2018, it is not considered necessary for these to be repeated within Policy H5.

The HBF supports the need to address the affordable housing requirements of the borough. The NPPF is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability. The Viability Report shows that there are viability issues with the larger sites on the fringe, it also shows that as additional developer contributions, over and above the affordable housing requirement are included that there are increasing affordability issues.

Policy does not appear to include any reference to how a decision maker will consider an application where the affordable housing requirement is not viable.

The HBF considers that the policy should be modified as follows in order to make the document sound:

- *Give further consideration to the viability of the policy.*
- *Provide further clarity as to what will happen for a site where the full affordable housing requirement is not considered viable.*

Policy INFRA5 - Communications Infrastructure

The HBF does not consider that INFRA 5 is sound, as it is not justified, effective or consistent with national policy for the following reasons:

Government has made clear its intentions in a number of documents such as set out in Fixing the Foundations, the Housing Standards Review, planning practice guidance and the Written Ministerial Statement of 2015 that they are looking to reduce red tape associated with planning. Part R of the Building Regulations clearly sets the appropriate standards for high speed electronic communication networks. It is not considered appropriate for Middlesbrough to seek additional local technical standards over and above this requirement.

The HBF generally consider that digital infrastructure is an important part of integrated development within an area. However, the inclusion of digital infrastructure such as high-speed broadband and fibre is not within the direct control of the development industry, and as such it is considered that this policy could create deliverability issues for development and developers. Service providers are the only ones who can confirm access to infrastructure. Whilst, paragraph 112 of the NPPF establishes that local planning authorities should seek support the expansion of electronic communications networks it does not seek to prevent development that does not have access to such networks. The house building industry is fully aware of the benefits of having their homes connected to super-fast broadband and what their customers will demand.

The HBF consider that in seeking to provide broadband and fibre to homes the Council should work proactively with telecommunications providers to extend provision and not rely on the development industry to provide for such infrastructure. Whilst the requirements of the policy in relation to a Connectivity Statement setting out the current connectivity of the site and the potential for future provision, may seem reasonable the Council should be aware that some providers are no longer able to provide Connectivity Statements which may limit the information available to applicants and may again cause delay and limit deliverability.

The HBF continue to propose that the policy is modified as set out below, this would make it much clearer that the Council re only expecting developers to undertake actions that are reasonably within their control:

- ***Proposals for new residential and commercial development must demonstrate engagement with infrastructure providers and show how they will work with infrastructure providers to provide future occupiers with sufficient digital connectivity.***

Development proposals must:

- ~~a. Demonstrate early engagement with infrastructure providers;~~
- ~~b. Be accompanied by a 'Connectivity Statement' which explains the current internet connectivity in the site's locality and the potential for the site to be provided with high speed broadband; and~~
- ~~c. Make provision for premises to be provided with high speed (superfast) broadband or, if this is not feasible, ensure new development is broadband ready through the installation of appropriate ducting and equipment.~~

Future Engagement

I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

The HBF would like to be kept informed of production of the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



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