

Bassetlaw District Council  
The Bassetlaw Plan  
Planning Policy  
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Dear Sir / Madam

## **BASSETLAW DRAFT LOCAL PLAN CONSULTATION**

### **Introduction**

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations.

### **Duty to Co-operate**

To fully meet the legal requirements of the Duty to Co-operate Bassetlaw District Council should engage on a constructive, active and on-going basis with its neighbouring authorities to maximise the effectiveness of plan making. The Bassetlaw Local Plan should be prepared through joint working on cross boundary issues such as where housing needs cannot be wholly met within the administrative areas of individual authorities. As set out in the 2019 National Planning Policy Framework (NPPF) the Bassetlaw Local Plan should be positively prepared and provide a strategy which as a minimum seeks to meet its own local housing needs in full and is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated (para 35a). The meeting of unmet needs should be set out in a Statement of Common Ground (SoCG) signed by all respective authorities in accordance with the 2019 NPPF (paras 24, 26 & 27). The Local Plan should be based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred as evidenced by a SoCG (para 35c). One key outcome from co-operation between authorities should be the meeting of housing needs in full.



A key element of Local Plan Examination is ensuring that there is certainty through formal agreements that an effective strategy is in place to deal with strategic matters such as unmet housing needs when Local Plans are adopted.

Bassetlaw District adjoins seven other Local Planning Authorities (LPA) which are Bolsover, Doncaster, Mansfield, Newark & Sherwood, North Lincolnshire, Rotherham, and West Lindsey. It has been determined that Bassetlaw District Council is a part of the North Derbyshire & Bassetlaw Housing Market Area (HMA) together with North East Derbyshire, Bolsover and Chesterfield Councils. There is also an identified overlap between this HMA and the Sheffield City Region HMA (including neighbouring authorities of Doncaster & Rotherham) with recognised functional economic links between the two HMAs. Bassetlaw is a non-constituent member of the Sheffield City Region Local Enterprise Partnership (LEP) and a full member of the Derbyshire & Nottinghamshire D2N2 LEP.

At the time of this consultation no SoCG explaining cross boundary working was available on the Council's website. It is understood that the Council is proposing to deliver all its development requirements within its own boundaries and no requests to address the development needs of neighbouring local authorities have been received. From attendance at recently held Local Plan Examinations for North East Derbyshire and Bolsover it is known that the Council has signed a SoCG. It is also known that the Council has previously received requests to meet unmet needs from Sheffield. Currently the Inspector's Interim Findings on the North East Derbyshire Local Plan indicated an insufficient land supply in years 6 -10 to meet housing needs with potential implications across the HMA. At the time of the pre-submission consultation the Council should provide further evidence on the outcomes of cross boundary working. If new evidence is provided by the Council the HBF may wish to submit further comments on the Council's legal compliance with the Duty to Co-operate and any implications for the soundness of the Local Plan.

## **Housing Need**

**Policy 2 : Housing & Economic Growth** proposes a housing requirement of 6,630 dwellings (390 dwellings per annum) between 2018 – 2035. The housing requirement in **Policy 2** should be expressed as a minimum figure.

The derivation of 390 dwellings per annum is not transparent. The latest Objective Assessment of Need (OAN) is set out in North Derbyshire & Bassetlaw OAN Update Final Report dated October 2017 by G L Hearn. This report concludes with an OAN in Bassetlaw of 374 dwellings per annum (see Table 92) based on a demographic calculation comprising of 2014 Sub National Population Projections (SNPP) plus adjustments for 10 year migration trends & household formation rates in younger age groups (340 dwellings per annum set out in Table 17) plus an uplift to enhance affordable housing delivery. There is no uplift associated with economic growth as the baseline job growth (2,600 jobs) scenario equals a housing growth of 341 dwellings per annum (see Table 30).

As the Council has reset the plan start date at 2018 rather than 2014 it is assumed that housing delivery shortfalls between 2014 – 2018 have been added to the OAN of 374 dwellings per annum between 2014 – 2035 using a Liverpool approach which results in the figure of 390 dwellings per annum. Under the revised National Planning Practice Guidance (NPPG) (ID 3-044) if the Council wishes to deal with past under delivery over a longer period than 5 years using a Liverpool rather than Sedgefield approach then this should be considered as part of the Local Plan Examination.

It is also noted that there may be a disconnection between the Council's proposed housing and economic strategies. The demographic led OAN of 340 dwellings per annum equals the baseline job growth (2,600 jobs) scenario of 341 dwellings per annum but is 77 dwellings per annum less than the 417 dwellings per annum resulting from the jobs-led (4,800 jobs) scenario (see Table 31). The OAN of 374 dwellings per annum after the affordability adjustment is also less than the jobs led scenario by 43 dwellings per annum. The missed opportunity for more housing growth should not harm economic growth ambitions. The 2019 NPPF sets out that overarching economic and social objectives should be pursued in mutually supportive ways to achieve sustainable development (para 8). The positive and proactive encouragement of sustainable economic growth should address potential barriers to investment such as inadequate housing provision (paras 81a & 81c).

The Local Plan will be submitted for examination after 24<sup>th</sup> January 2019 so it will be examined under 2019 NPPF and revised NPPG. As set out in the 2019 NPPF the determination of the minimum number of homes needed should be informed by a local housing need assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 60). In summary the standard methodology as set out in the revised NPPG (ID 2a-004) comprises :-

- Demographic baseline based on annual average household growth over a 10 year period ;
- Workplace-based median house price to median earnings ratio ;
- Adjustment factor =  $\frac{\text{Local affordability ratio} - 4}{4} \times 0.25$  ;
- Local Housing Need = (1 + adjustment factor) x projected household growth.

Using this methodology the OAN is 324 dwellings per annum based on 2014 Sub National Household Projections (SNHP) & 2017 affordability ratio of 5.8 (see Table 93). This OAN figure increases to 329 dwellings per annum based on 2014 SNHP & 2018 affordability ratio of 6.04 in accordance with the methodology set out in the revised NPPG (ID 2a-004 & 2a-005) published on 20<sup>th</sup> February 2019.

It should be remembered that this figure is only the minimum starting point. Any ambitions to support economic growth, to deliver affordable housing and to

meet unmet housing needs from elsewhere are additional to the local housing need figure. The Government's objective of significantly boosting the supply of homes remains (para 59). It is important that housing need is not underestimated. The Council is encouraged to have an ambitious plan for housing growth in order to support economic growth.

At the time of the pre-submission consultation if the Council's OAN calculation or proposed housing requirement change the HBF may wish to submit further comments.

### **Housing Land Supply (HLS)**

As set out in the 2019 NPPF the strategic policies of the Local Plan should provide a clear strategy to bring sufficient land forward and at a sufficient rate to address housing needs over the plan period by planning for and allocating sufficient sites to deliver strategic priorities (para 23). The Council should have a clear understanding of land availability in the plan area by preparing a Strategic Housing Land Availability Assessment (SHLAA) which should be used to identify a sufficient supply and mix of housing sites taking into account availability, suitability and economic viability. The policies of the Local Plan should identify a supply of specific deliverable sites for years 1 – 5 of the plan period and specific developable sites or broad locations for growth for years 6 – 10 and where possible years 11 – 15 (para 67). The identification of deliverable and developable sites should accord with the definitions set out in the 2019 NPPF Glossary. The Council should also identify at least 10% of the housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 68). The Local Plan should include a trajectory illustrating the expected rate of housing delivery over the plan period. A minimum 5 years supply of specific deliverable sites including a buffer should be maintained (paras 73 & 74).

The proposed housing requirement will be distributed in accordance with the Draft Local Plan's spatial strategy. This distribution is :-

- 1,777 dwellings (27% of the proposed housing requirement) in rural settlements (**Policy 8 : Rural Bassetlaw**). This will be delivered via existing planning permissions and sites allocated in either Neighbourhood Plans or the Local Plan. New housing will also be supported within settlements and / or on non-allocated sites where appropriate to the character of the area and highway safety is not adversely affected ;
- 1,600 dwellings (24% of the proposed housing requirement) in Worksop (**Policy 9 : Worksop**). This will be delivered via existing planning permissions and new site allocations in the Local Plan. New housing will also be supported within the development boundary on non-allocated sites where appropriate. This will deliver development in addition to the housing requirement. The maximising of densities will be sought where appropriate such as on brownfield sites and locations close to major transport hubs ;

- 853 dwellings (13% of the proposed housing requirement) in Retford (**Policy 10 : Retford**). This will be delivered via existing planning permissions and new site allocations located within the settlement boundary and on extensions to the urban area. New housing will also be supported within the development boundary on non-allocated sites where appropriate. This will deliver development in addition to the housing requirement. Opportunities to maximise densities will be sought where appropriate ;
- 1,400 dwellings (21% of the proposed housing requirement) in Harworth & Bircotes (**Policy 11 : Harworth & Bircotes**). This will be delivered via existing planning permissions and new site allocations in the Local Plan. New housing will also be supported within the development boundary on non-allocated sites where appropriate. This will deliver development in addition to the housing requirement. Opportunities to maximise densities will be sought where appropriate ;
- 1,000 dwellings in New Villages (**Policy 12 : North Nottinghamshire Garden Villages**). The Council will support the delivery of a new Garden Community in two new villages located at Gamston Airport for circa 2,500 dwellings (625 dwellings in the plan period up to 2035 & 1,875 dwellings beyond) and the former Bevercotes Colliery for circa 1,500 dwellings (375 dwellings in the plan period up to 2035 & 1,125 dwellings beyond).

It is noted that as proposed there is no contingency in the Council's overall HLS. The Council should provide flexibility within its planned HLS to respond to changing circumstances, to treat the housing requirement as a minimum rather than a maximum and to provide choice and competition in the land market. The HBF acknowledge that there can be no numerical formula to determine the appropriate quantum for a flexibility contingency but where a Local Plan is highly dependent upon one or relatively few large strategic sites or a specific settlement / locality greater numerical flexibility is necessary than in cases where HLS is more diversified. The HBF always suggests as large a contingency as possible (at least 20%) because as any proposed contingency becomes smaller so any built-in flexibility reduces. If during the Local Plan Examination any of the Council's assumptions on lapse rates, windfall allowances and delivery rates are adjusted or any proposed housing site allocations are found unsound then any proposed contingency is eroded.

**Policy 2: Housing and Economic Growth** proposes that 10% of the housing requirement will be delivered on sites of 1 hectare or less. A wide range of sites by both size and market locations should provide access to suitable land for small local, medium regional and large national housebuilding companies which will offer the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector.

The HBF would not wish to comment on the merits or otherwise of individual sites selected for allocation but it is critical that the Council's assumptions on lapse rates, non-implementation allowances, lead in times and delivery rates contained within its overall HLS, 5 YHLS and trajectory are correct and realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council using historical empirical data and local knowledge.

The two new settlements as proposed should be considered as part of a wide portfolio of allocated housing sites to ensure delivery of housing growth in both the short and longer term. New settlements may address some of the District's housing need but delivery would be towards the end of the Local Plan period.

The Council should provide evidence of its 5 YHLS position on adoption of the Local Plan. The HBF's preferences are a 20% buffer applied to both the housing requirement and the recouping of past shortfalls within the first 5 years (a Sedgefield approach). If the Council wishes to deal with past under delivery over a longer period than 5 years (a Liverpool approach) then this should be considered as part of the Local Plan Examination as set out in the revised NPPG (ID 3-044).

At the time of the pre-submission consultation if the Council provides additional evidence on HLS then the HBF may wish to submit further comments.

## **Housing Policies**

### **Affordable Housing & Viability Assessment**

As set out in 2019 NPPF the housing needs of different groups should be assessed to justify any policies on the size, type and tenure of housing including a need for affordable housing (paras 61 & 62). The Updated OAN Report sets out an affordable housing net need of 134 dwellings per annum (see Table 48).

Under **Policy 3: Affordable Housing** on sites of 10 or more dwellings or 5 or more dwellings in Designated Rural Areas on-site contributions will be required of 10% for brownfield and 20% for greenfield subject to viability. In circumstances where specific site viability is raised, the developer will be required to provide an Open Book Financial Viability Statement in accordance with **Policy 23 - Strategic Infrastructure**.

It is noted that for sites of 5 or more dwellings in Designated Rural Areas commuted sum payments may be more appropriate than on-site provision as set out in the Written Ministerial Statement (WMS) dated 28 November 2014.

Under the 2019 NPPF the Local Plan should set out the level and type of affordable housing provision required together with other necessary infrastructure but such policies should not undermine the deliverability of the Local Plan (para 34). The cumulative burden of policy requirements should be set so that most development is deliverable without further viability assessment

negotiations (para 57). Therefore it is the Council's responsibility to robustly viability test the Local Plan in order that the cumulative burden of policy requirements are set so that most development is deliverable without further viability assessment negotiations (para 57) and the deliverability of the Local Plan is not undermined (para 34).

Viability assessment is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on the viability or otherwise of development. It is important that the Council understands and tests the influence of all inputs on viability as this determines if land is released for development. The Council's viability evidence is set out in Bassetlaw Interim Whole Plan & Community Infrastructure Levy (CIL) Viability Assessment by NCS Nationwide CIL Services dated August 2018. The final report should include detailed background evidence to substantiate used assumptions and to facilitate thorough examination of the Council's viability assessment by other parties.

At the time of the pre-submission Local Plan consultation the HBF may submit further comments on the Council's assessment of viability.

### **Accessible & Adaptable Homes**

**Policy 6 : Specialist Housing** on sites of 10 or more dwellings a minimum of 45% of dwellings must meet Building Regulations Part M Category 2 accessible and adaptable homes (M4(2)) standards and a minimum of 10% of dwellings must meet Building Regulations Part M Category 3 wheelchair user homes (M4(3)) standards.

If the Council wishes to adopt the higher optional standards for M4(2) and M4(3) then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46). The WMS dated 25<sup>th</sup> March 2015 stated that "*the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG*". Footnote 46 of 2019 NPPF states that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing where this would address an identified need for such properties. Furthermore the Council should apply the criteria set out in the NPPG (ID 56-005 to 56-011).

The Council should gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in the Local Plan. In determining the quantum of M4(2) and / or M4(3) homes the Council should focus on the ageing population living in the District compared to national / regional figures and the proportion of households living in newly built homes.

All new homes are built to Building Regulation Part M Category 1 (M4(1)) standards which include level approach routes, accessible front door

thresholds, wider internal doorway and corridor widths, switches and sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. These standards are not usually available in the older existing housing stock (if built circa more than 10 years ago) and benefit less able-bodied occupants. The population aged 65+ in Bassetlaw is increasing (see Updated OAN Report section on Disability & Older population) but if the Government had intended that evidence of an ageing population alone justified adoption of the higher M4(2) and M4(3) optional standards then such standards would have been incorporated as mandatory in the Building Regulations which the Government has not done. It is incumbent on the Council to provide a local assessment evidencing the specific case for Bassetlaw which justifies the inclusion of optional higher standards and the quantum thereof in **Policy 6**. As set out in the 2019 NPPF all policies should be underpinned by relevant and up to date evidence which should be adequate and proportionate focussed tightly on supporting and justifying the policies concerned (para 31).

The Council is reminded that the requirement for M4(3) should only be required for dwellings over which the Council has housing nomination rights as set out in the NPPG (ID 56-008). Any requirement for higher optional standards especially M4(3) should be thoroughly viability tested. In September 2014 during the Government's Housing Standards Review EC Harris estimated the cost impact of M4(3) per dwelling as £15,691 for apartments and £26,816 for houses. The Council's viability assessment only tested on the basis of 10% M4(2) and 4% M4(3) at a cost assumption of £1 – 2 per square metre and £4 per square metre respectively.

This policy requirement should be modified before publication of the pre-submission Local Plan.

### **Nationally Described Space Standards (NDSS)**

**Policy 22 : Design Bullet Point (h)** requires that dwellings meet or exceed the NDSS for new homes.

If the Council wishes to adopt the optional NDSS then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46). Footnote 46 of the 2019 NPPF states that policies may also make use of the NDSS where the need for an internal space standard can be justified. The Council should gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in the Local Plan. The NPPG sets out that *“Where a need for internal space standards is identified, LPAs should provide justification for requiring internal space policies. LPA should take account of the following areas need, viability and timing”* (ID: 56-020). The Council should consider the impacts on need, viability and timing before introducing the NDSS.

It is incumbent on the Council to provide a local assessment evidencing the specific case for the need for adoption of the NDSS in Bassetlaw. If it had been the Government's intention that generic statements justified adoption of the



NDSS then the logical solution would have been to incorporate the standards as mandatory via the Building Regulations which the Government has not done. The NDSS should only be introduced on a “need to have” rather than a “nice to have” basis. The identification of a need for the NDSS must be more than simply stating that in some cases the standard has not been met it should identify the harm caused or may be caused in the future and identify if there is a systemic problem to resolve.

The impact on viability should be assessed to test the cumulative impact of policy burdens. The Council’s viability assessment is incorrect by only testing an averaged NDSS rather than the actual NDSS. If the Council introduces the NDSS as a policy requirement this also involves the introduction of minimum dimensions for bedroom sizes so it is inappropriate to use an average rather than the actual NDSS as an averaged sized unit may not comply with minimum bedroom sizes.

There is a direct relationship between unit size, cost per square metre, selling price per metre and affordability. The Council cannot simply expect home buyers to absorb extra costs in a District where affordability pressures exist as evidenced by a worsening affordability ratio. The Council should assess potential impact on meeting demand for starter homes and first-time buyers as the impacts are especially significant on 2 and 3 bed dwellings. Where NDSS is to be adopted the impact on affordability should be assessed. At the same time as pushing additional families into affordable housing need because they can no longer afford to buy a NDSS compliant home delivery of affordable housing may be undermined. The Council has provided no evidence of considering these impacts.

The requirement for NDSS reduces the number of units per site therefore the amount of land needed to achieve the same number of units must be increased. The efficient use of land is less because development densities have been decreased. At the same time the infrastructure and regulatory burden falls on fewer units per site which intensifies the challenge of meeting residual / existing use plus land values which determines if land is released for development by a willing landowner especially in lower value areas and on brownfield sites.

The Council should take into consideration any adverse effects on delivery rates of sites included in the housing trajectory. The delivery rates on many sites will be predicated on market affordability at relevant price points of units and maximising absorption rates. An adverse impact on the affordability of starter home / first time buyer products may translate into reduced or slower delivery rates.

Consequentially the Council should put forward proposals for transitional arrangements. The land deals underpinning identified allocated sites will have been secured prior to any proposed introduction of NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any outline or detailed approval prior to the specified date and any reserved matters applications should not be subject to NDSS.

This policy requirement should be modified before publication of the pre-submission Local Plan consultation.

## Other Policies

### Optional Water Efficiency Standards

**Policy 16 : Water Efficiency and Water Quality** requires new developments to meet the Building Regulations optional requirement of 110 litres per person per day.

All new dwellings achieve a mandatory level of water efficiency of 125 litres per day per person under Building Regulations which is higher than that achieved by much of the existing housing stock. The WMS dated 25<sup>th</sup> March 2015 confirmed that *“the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”*. The Council should justify the requirement for the higher water efficiency standard in **Policy 16** in accordance with the criteria set out in the NPPG (ID 56-013 to 56-017). The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas.

The Council’s own evidence states that areas in Bassetlaw covered by Severn Trent Water are not classed as water stressed. The Council should also clarify if Bassetlaw District is totally or only partially in the area covered by Anglian Water which is classed as an area of serious water stress.

This policy requirement should be modified before the publication of the pre-submission Local Plan consultation.

### Community Infrastructure Levy (CIL)

#### **Policy 24: Protection and Delivery of Infrastructure**

**Policy 24** sets out the Council’s proposed CIL charge of £30 per square metre for residential development however this CIL charge has not yet been subject to independent examination. The setting out of this charge in **Policy 24** is inappropriate.

This policy requirement should be modified before the publication of the pre-submission Local Plan consultation.

## Conclusions

For the Bassetlaw Local Plan to be found sound under the four tests of soundness as defined by the 2019 NPPF (para 35) the Plan should be positively prepared, justified, effective and consistent with national policy. In summary the Draft Local Plan is unsound (not positively prepared, unjustified, ineffective and inconsistent with national policy) because of :-

- No supporting evidence on cross boundary working to confirm whether or not the Duty to Co-operate has been satisfied ;
- Lack of clarity on derivation of housing requirement. The lack of alignment between housing and economic strategies may stifle economic growth (**Policy 2**) ;
- No contingency in overall planned HLS ;
- An unknown 5 YHLS position on adoption of Local Plan ;
- Inadequate evidence on viability testing and inappropriate referencing to proposed CIL charges (**Policy 24**) ;
- Unjustified policy requirements for accessible / adaptable and wheelchair user housing standards (**Policy 6**), NDSS (**Policy 22**), and higher water efficiency standards (**Policy 16**).

It is hoped that the Council will consider these representations and undertake modifications to the Local Plan before the pre-submission consultation. If any further assistance or information is required please contact the undersigned.

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



**Susan E Green MRTPI**  
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