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Dear Sir / Madam

## **SWINDON LOCAL PLAN REVIEW (LPR) PRE-SUBMISSION CONSULTATION**

### **Introduction**

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

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

As set out in the 2019 National Planning Policy Framework (NPPF) the Council is under a Duty to Co-operate with other Local Planning Authorities (LPA) and prescribed bodies on strategic matters that cross administrative boundaries (para 24). This collaboration should identify the relevant strategic matters to be addressed (para 25). Effective and on-going joint working is integral to the production of a positively prepared and justified strategy (para 26). The Council should demonstrate such working by the preparation and maintenance of one or more Statements of Common Ground (SoCG), which identifies the cross-boundary matters to be addressed and the progress of co-operation in addressing these matters. SoCG should be made publicly available throughout the plan-making process to provide transparency (para 27). The LPR 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).

As explained in the latest National Planning Practice Guidance (NPPG), a SoCG sets out where effective co-operation is and is not happening throughout the plan-making process (ID : 61-010-20190315). The NPPG also sets out that by the time of publication of Draft Plan, a SoCG should be available on the



Council's website. Once published, the Council should ensure that the SoCG continues to reflect the most up-to-date position of joint working (ID : 61-020-20190315).

To fully meet the legal requirements of the Duty to Co-operate, the Council should engage on a constructive, active and on-going basis with neighbouring authorities to maximise the effectiveness of plan-making. 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 when Local Plans are adopted (ID : 61-010-20190315 & 61-031-20190315).

The HBF note that the Council's supporting evidence for the LPR pre-submission consultation contains no SoCG. This omission should be rectified by the Council. The HBF may submit further representations on the Council's compliance with the Duty to Co-operate in Written Examination Hearing Statements or orally at Examination Hearing Sessions.

## **STRATEGIC AND NON-STRATEGIC POLICIES**

As set out in the 2019 NPPF, the LPR should make explicit which policies are strategic policies (para 21) and clearly distinguish non-strategic policies from strategic policies (Footnote 13). Strategic policies should address the Council's identified strategic priorities for the development and use of land in the plan area (para 17). These strategic policies should set out an overall strategy for the pattern, scale and quality of development (para 20). Non-strategic policies should set out more detailed policies for specific areas and / or types of development including site allocations, design principles and development management policies. Before the LPR is submitted for examination, the Council should clarify and identify which policies in the LPR are strategic and non-strategic policies.

## **Local Housing Needs (LHN) and Housing Requirement**

Under the 2019 NPPF the Council should establish a housing requirement figure for their whole area (para 65). As set out in the 2019 NPPF the determination of the minimum number of homes needed should be informed by an LHN assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 60). The standard methodology is set out in the updated NPPG.

The LHN for Swindon is set out in the Swindon Borough Council & Wiltshire Council LHN Assessment dated April 2019 by Opinion Research Services. Swindon's minimum LHN is calculated as 18,720 dwellings (1,040 dwellings per annum) between 2018 – 2036. This calculation is based on 2014 Sub National Household Projections (SNHP), 2019 as the current year and 2018 affordability ratio of 7.62. The calculation is mathematically correct. As set out in the NPPG, the LHN is calculated at the start of the plan-making process however this number should be kept under review until the LPR is submitted for examination and revised when appropriate (ID 2a-008-20190220). The minimum LHN for

Swindon may change as inputs are variable and this should be taken into consideration by the Council.

LHN assessment is only a minimum starting point. The Government's objective of significantly boosting the supply of homes remains (para 59). It is important that housing need is not under-estimated. Any ambitions to support economic growth, to deliver affordable housing and to meet unmet housing needs from elsewhere may necessitate a housing requirement figure above the minimum LHN.

It is noted that the Council only refers to the minimum LHN of 1,040 dwellings per annum in the LPR (para 4.2.1). However the employment growth projections identified by the 2017 EDNA would require a larger number of homes to be provided than the minimum LHN in order to ensure there will be sufficient workers to align with the forecast jobs growth without any change to the net commuting rates recorded by the 2011 Census. If there is a balance between jobs and homes then the Council's modelling identified that 1,080 dwellings per annum were needed.

There is justification for a housing requirement above the minimum LHN to support economic growth. An uplift to 1,080 dwellings per annum remains below the adopted Local Plan's housing requirement of 1,100 dwellings per annum and maintains the status quo of average net additional dwellings built per annum was 1,071 dwellings achieved over the last twenty years rather than significantly boosting housing supply.

The NPPG states that total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments. As set out in the NPPG, an increase in the total housing figures may be considered where it could help deliver affordable housing (ID : 2a-024-20190220). The Council has not undertaken a re-assessment of affordable housing since the 2017 SHMA.

**Policy SP2** states that there will be a Housing Land Supply (HLS) for at least 20,450 dwellings between 2018 – 2036. The LPR contains no specific reference to a housing requirement figure or its derivation. Before the LPR is submitted for examination, the Council should clarify and clearly state both its minimum LHN and housing requirement figures. There should also be a distinction between the housing requirement and HLS.

### **Policy SP2 – The Spatial Strategy**

The LPR's strategic policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver the Borough's housing requirement. This sufficiency of HLS should meet the housing requirement, ensure the maintenance of a 5 Years Housing Land Supply (YHLS) and achieve Housing Delivery Test (HDT) performance measurements.

The Council's overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided therefore strategic sites should be complimented by smaller non-strategic sites. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. A diversified portfolio of housing sites offers 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.

Under **Policy SP2**, there will be HLS for at least 20,450 dwellings between 2018 – 2036 comprising of dwellings completed since 2018, existing commitments and site allocations.

The spatial strategy combines a concentration of development at Swindon and Strategic Site allocations with a graduated dispersal strategy of development outside of Swindon.

Strategic Sites are allocated at Wichelstowe (**Policy SA1**), Kingsdown (east of the A419) (**Policy SA2**), the New Eastern Villages (including Rowborough & South Marston Village Expansion) (**Policy SA3**), Badbury Park (Commonhead) (**Policy SA4**) and Tadpole Garden Village (**Policy SA5**).

There are 22 residential Local Site Allocations for 376 dwellings on 6 sites in Swindon Urban Area (**Policies LA9 – LA14**) and 1,276 dwellings elsewhere across the Borough on 3 sites in Wroughton for 608 dwellings (**Policies LA16, LA17 & LA27**), 4 sites in Highworth for 516 dwellings (**Policies LA18 – LA21**) and 9 sites in other Villages for 152 dwellings (**Policies LA22 – LA26 & LA28 – LA29**).

Outside of Swindon development will be primarily located at Highworth and Wroughton considered to be the most accessible of the rural settlements with the largest range of facilities. At other villages in the Borough, development proportional to their size and function will be supported within rural settlement boundaries as shown on the Policies Map and at Local Site Allocations or allocation in made Neighbourhood Plans. Outside settlement development boundaries and site allocations development will not be supported unless allowed for by other policies in the LPR.

The Council's proposed housing delivery of at least 20,450 dwellings incorporates a 20% buffer for a 5-year period to increase the likelihood of maintaining 5 YHLS even in the event of any slippage in housing delivery from Strategic Site allocations. The HBF is supportive of the inclusion of a contingency buffer to provide increased flexibility. However, the Council's proposed flexibility contingency is very minimal. 20,450 dwellings is only 1,730 dwellings (9%) above the minimum LHN assessment of 18,720 dwellings or 1,010 dwellings (5%) above alignment of jobs / homes of 19,440 dwellings. There is no numerical formula to determine the appropriate quantum for a

buffer but where a Local Plan is highly dependent upon one or relatively few large strategic sites or a specific settlement / locality as in Swindon then 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%) to maximise flexibility.

The Council's overall HLS is estimated as 20,612 dwellings comprising of 1,124 completions, windfall allowance of 798 dwellings (57 dwellings per annum from 4<sup>th</sup> year onwards), existing consents on non-strategic sites for 2,533 dwellings, Neighbourhood Plan site allocation of 42 dwellings, Swindon Local Plan (adopted in July 2015) Strategic Sites allocations for 14,463 dwellings and proposed non-strategic sites in LPR for 1,652 dwellings.

There is a small amount of headroom (162 dwellings) between overall HLS of 20,612 dwellings and proposed housing delivery of at least 20,450 dwellings as not all sites with planning permission will be implemented. This represents only a minimal lapse rate.

As set out in the 2019 NPPF (para 68a) at least 10% of the housing requirement should be identified on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 69a). The Council should confirm that this national policy requirement has been achieved.

The HBF would not wish to comment on the merits or otherwise of individual sites proposed 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 housing trajectory in Appendix 4 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.

Before the LPR is submitted for examination, the Council should distinguish between its housing requirement and HLS. It is important that more clarity is provided because as set out in the NPPG, the housing requirement figure identified in adopted strategic housing policies should be used for calculating the 5 YHLS (ID : 68-005-20190722). The Council should also re-consider the proposed HLS contingencies, which are minimal and provide very limited flexibility.

## **Development Management Policies**

### **Policy DM4 : Residential Quality and Standards**

Under **Policy DM4**, all residential development including extensions must meet the Nationally Described Space Standards (NDSS).

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 states that "*policies may also make use of the NDSS where the need for an internal space standard can be justified*". As set out in the 2019 NPPF, all policies should be underpinned by relevant and up to date evidence which

should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The Council should gather evidence to determine whether there is a need for NDSS in Swindon. The NPPG sets out that *“where a need for internal space standards is identified, Local Planning Authority (LPA) should provide justification for requiring internal space policies. LPA should take account of the following areas need, viability and timing”* (ID: 56-020-20150327). The Council should provide a local assessment evidencing the case for Swindon. If it had been the Government’s intention that generic statements justified adoption of the NDSS then the standard would have been incorporated as mandatory in the Building Regulations, which is not the case. The Council should consider the impacts on need, viability and timing before adopting the NDSS.

The Council’s evidence in the Space Standards Topic Paper dated December 2019 does not provide evidence to justify this policy requirement. Need is generally defined as *“requiring something because it is essential or very important rather than just desirable”*. The NDSS should only be introduced on a “need to have” rather than a “nice to have” basis. The identification of the need for the NDSS must be more than simply stating that in the past some dwellings have not met the standard. The Council should identify the harm caused or may be caused in the future and identify if there is a systemic problem to resolve.

The HBF is not aware of any evidence that market dwellings not meeting the NDSS have not sold or that those living in these dwellings consider that their housing needs are not met. There is no evidence that the size of houses built are considered inappropriate by purchasers or dwellings that do not meet the NDSS are selling less well in comparison with other dwellings. The HBF in partnership with National House Building Council (NHBC) undertake an annual independently verified National New Homes Customer Satisfaction Survey. The 2018 Survey demonstrates that 90% of new home buyers would purchase a new build home again and 87% would recommend their housebuilder to a friend. The results also conclude that 93% of respondents were happy with the internal design of their new home which does not suggest that significant numbers of new home buyers are looking for different layouts or house sizes to that currently built.

Under the 2019 NPPF, it is the Council’s responsibility to robustly viability test the LPR in order that the cumulative impact of policy compliant requirements are set so that most development is deliverable without further viability assessment negotiations (para 57) and the deliverability of the LPR is not undermined (para 34). The Council has not viability tested this policy requirement. The HBF understands that the Council is still awaiting the outcome of a Local Plan Viability Assessment currently been undertaken by Aspinall Verdi.

There is a direct relationship between unit size, cost per square metre, selling price per metre and affordability. Where the NDSS is to be adopted the impact on affordability should be assessed. The Council cannot simply expect home

buyers to absorb extra costs. Affordability in the Borough is worsening. In Swindon in 1997 the median affordability ratio was 3.02 which has increased to 7.62 in 2018. The Council should assess the potential impact on meeting demand for starter homes and first-time buyers because the impact of the NDSS is greatest on smaller dwellings. It should also be recognised that customers have different budgets and aspirations. An inflexible policy requirement for adoption of the NDSS for all dwellings may reduce choice and effect affordability. Non-NDSS compliant dwellings may be required to ensure that those on lower incomes can afford a property, which has their required number of bedrooms. The introduction of the NDSS may lead to people purchasing larger homes in floorspace but with fewer bedrooms potentially increasing overcrowding and reducing the quality of their living environment. It is also possible that additional families, who can no longer afford to buy a NDSS compliant home, are pushed into affordable housing need whilst the Council is undermining delivery of affordable housing.

The requirement for NDSS reduces the number of dwellings per site therefore the amount of land needed to achieve the same number of dwellings must be increased. The efficient use of land is less because development densities have been decreased. At the same time, infrastructure and other contributions fall on fewer dwellings per site, which may challenge viability, delivery of affordable housing and release of land for development by a willing landowner.

The Council should not require the NDSS for all residential development. The Council should take into consideration any adverse effects on delivery rates of sites included in its 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. If the NDSS is adopted, then the Council should put forward proposals for transitional arrangements. The land deals underpinning identified strategic site allocations will have been secured prior to any proposed introduction of the 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 the NDSS.

In **Policy DM4**, the Council should not require adherence to the separation distances set out in the Swindon Borough Design Guide, which has not been subject to the same process of preparation, consultation and examination as the LPR and does not form part of the LPR. The Council should not convey the weight of a Development Planning Document onto a Design Guide / Supplementary Planning Document (SPD). The Regulations indicate that an SPD does not have statutory force and is not the subject of examination. It is defined as something that is not a Local Plan. This requirement should be deleted.

Before the LPR is submitted for examination, **Policy DM4** should be modified. There should be a more flexible policy approach to residential standards.

## **Policy DM6 : Affordable Housing**

Under **Policy DM6**, on all developments of 10 or more dwellings (except in Swindon Town Centre) 10% of dwellings should be for affordable home ownership and 20% should be affordable or social rented dwellings or where it is robustly demonstrated to be inappropriate, a proportionate contribution should be provided towards affordable homes off-site. Within Swindon Town Centre 10% affordable housing will be sought as affordable home ownership housing. This policy requirement is also applicable to any self-contained C2 units of accommodation. If a development proposal is not meeting this policy requirement then an open book approach will be taken on viability assessment and the onus will be on the applicant to clearly demonstrate the circumstances justifying a lower contribution.

The Council has not undertaken a re-assessment of affordable housing since the 2017 SHMA. The recently published Planning Inspectorate Guidance for Local Plan Examination sets out that evidence base documents, especially those relating to development needs and land availability, that date from two or more years before the submission date may be at risk of having been overtaken by events, particularly as they may rely on data that is even older. Any such documents should be updated as necessary to incorporate the most recent available information (para 1.11).

There is also no updated evidence on viability. The HBF understands that the Council is still awaiting the outcome of a Local Plan Viability Assessment currently been undertaken by Aspinall Verdi. As set out in the NPPG evidence needs to inform what is in the LPR and shape its development rather than being collected retrospectively (ID : 61-038-20190315). The Council should prepare a viability assessment in accordance with guidance to ensure that policies are realistic and the total cost of all relevant policies are not of a scale that will make the LPR undeliverable (ID : 61-039-20190315). 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. The Council should understand and test the influence of all inputs on viability. The cumulative impact of infrastructure, other contributions and policy compliant requirements should be set so that most sites are deliverable without further viability assessment negotiations (2019 NPPF para 57). The deliverability of the LPR should not be undermined (2019 NPPF para 34).

There are a number of changes between the LPR and Policy HA1 of the adopted Local Plan, the site threshold for seeking affordable housing is reduced from 15 to 10 dwellings, at least 10% of dwellings are required as affordable home ownership products and “extra care” residential units in planning use class C2, which are self-contained are expected to contribute to the provision of affordable housing. All these proposed policy changes should be viability assessed.

The proposed lower requirement for affordable housing (10% rather than 30%) in Swindon Town Centre is supported to encourage development in this area and recent planning applications have been unable to viably support the delivery of affordable housing.

It is noted that there is no glossary in the LPR. The Council should clarify compliance with 2019 NPPF affordable housing definitions and affordable housing tenure mix requirements including exemptions for specialist accommodation (para 64).

The Council's supporting evidence for the LPR pre-submission consultation contains no updated assessment of affordable housing need and no Local Plan Viability Assessment. Before submission of the LPR for examination, these omissions should be rectified by the Council. The HBF may submit further representations on **Policy DM6** and the Council's supporting evidence in Written Examination Hearing Statements or orally at Examination Hearing Sessions.

### **Policy DM7 : Housing for Older People and Policy DM8 : Accessible Housing**

Under **Policy DM7** all housing for older people should accord with optional Building Regulations Part M Category 2 – Accessible and adaptable dwellings (M4(2)) and under **Policy DM8** on sites of 10 or more dwellings all new housing should accord with M4(2).

Under **Policy DM7** at least 50% of all housing for older people should be suitable for occupation by wheelchair users, or easily adaptable for residents who are wheelchair users in accordance with optional Building Regulations Part M Category 3 – Wheelchair user dwellings (M4(3)) and under **Policy DM8** on sites of 25 or more dwellings at least 10% of the dwellings should be suitable for occupation by wheelchair users in accordance with M4(3).

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) and NPPG. Footnote 46 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”*. As set out in the 2019 NPPF, all policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The Council should gather evidence to determine whether there is a need for M4(2) and M4(3) standards in Swindon. The NPPG sets out the evidence necessary to justify a policy requirement for M4(2) and M4(3) standards. The Council should apply the criteria set out in the NPPG (ID 56-005-20150327 to 56-011-20150327) to ensure that an appropriate evidence base is available to support its proposed policy requirements. This evidence includes identification of :-

- the likely future need ;

- the size, location, type and quality of dwellings needed ;
- the accessibility and adaptability of the existing stock ;
- variations in needs across different housing tenures : and
- viability.

If the Government had intended that evidence of an ageing population alone justified adoption of higher optional standards then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case. The Council should provide a local assessment evidencing the specific case for Swindon, which justifies the inclusion of optional standards. The optional standards should only be introduced on a “need to have” rather than a “nice to have” basis. Need is generally defined as “*requiring something because it is essential or very important rather than just desirable*”. The Council’s evidence set out in Specialist Housing Topic paper dated July 2019 does not provide evidence to justify proposed policy requirements for M4(2) and M4(3).

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 and benefit less able-bodied occupants. These standards are likely to be suitable for most residents.

In determining the quantum of M4(2) and M4(3) homes the Council should focus on the ageing population living in the Borough compared to national / regional figures and the proportion of households living in newly built homes. Many older people already live in the Borough and are unlikely to move home. There may be a need for some new dwellings to be built to M4(2) especially specialist housing but there is not the need for all new dwellings to be built to M4(2) as not all existing older residents will move home and those that do move may not choose to live in a new dwelling. The under-occupancy of new family homes by older people or individuals runs at odds with the aim of making the best use of the housing stock.

As set out in the 2019 NPPF, policies should be clearly written and unambiguous (para 16). The Council should clarify if the requirement for M4(3) is for Category (a) “wheelchair adaptable” homes where the provision made must be sufficient to allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs or Category (b) are “wheelchair accessible” homes where the home is readily useable by a wheelchair user at the point of completion. 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 56-008-20150327). The Council should also justify the proposed proportion of M4(3) homes, which has changed from the requirements of Policy HA3 in the adopted Local Plan for development of 50 or more dwellings to provide at least 2% of dwellings suitable for occupation by wheelchair users.

There is also no updated evidence on viability. The HBF understands that the Council is still awaiting the outcome of a Local Plan Viability Assessment currently been undertaken by Aspinall Verdi. 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. These quoted costs are only indicative because since 2014 there will have been inflationary build cost increases.

In **Policy DM8**, the Council states to demonstrate that a dwelling meets the provisions for a wheelchair user, furnished plan layouts that show the access zones and other provisions should be provided to a scale of at least 1:100. The NPPG sets out that where a Council adopts a policy for accessible and adaptable homes they should do so only by reference to M4(2) and / or M4(3) of the optional requirements in the Building Regulations and the Council should not impose any additional information requirements for instance provision of furnished layouts (ID: 56-008-20160519). This requirement is inappropriate and it should be deleted.

Before the LPR is submitted for examination, **Policies DM7** and **DM8** should be modified.

### **Policy DM21 : Transport and Development**

**Policy DM21** states that parking provision including electric vehicle charging points (EVCP) should be provided in accordance with the Council's adopted parking standards as set out in Appendix 1. Appendix 1 states that residential houses should be provided with 1 EVCP per dwelling as a wall box and for residential apartments 30% of parking spaces should be fitted with an EVCP and further 30% of parking spaces should be fitted with the necessary infrastructure to enable installation of EVCPs in the future.

The Council should not convey the weight of a Development Planning Document onto these standards, which have not been subject to the same process of preparation, consultation and examination as the LPR itself. The provision of car parking should have "regard to" rather than "in accordance with" the Council's adopted car parking standards.

The HBF is supportive of encouragement for the use of electric and hybrid vehicles via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. Recently the Department for Transport held (ended on 7<sup>th</sup> October 2019) a consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings. This consultation set out the Government's preferred option to introduce a new functional requirement under Schedule 1 to the Building Regulations 2010, which is expected to come into force in the first half of 2020. The inclusion of EVCP requirements within the Building Regulations 2010 will introduce a standardised consistent approach to EVCP in new buildings across the country. The requirements proposed apply to car parking spaces in or adjacent to buildings and the intention is for there to be one charge

point per dwelling rather than per parking space. It is proposed that EVCPs must be at least Mode 3 or equivalent with a minimum power rating output of 7kW (expected increases in battery sizes and technology developments may make charge points less than 7 kW obsolete for future car models, 7 kW is considered a sufficiently future-proofed standard for home charging) fitted with a universal socket to charge all types of electric vehicle currently on the market and meet relevant safety requirements. All charge points installed under the Building Regulations should be un-tethered and the location must comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M.

The Government has estimated installation of such charging points add on an additional cost of approximately £976. The Government has also recognised the possible impact on housing supply, where the requirements are not technically feasible. The Government's consultation proposed introducing exemptions for such developments. The costs of installing the cables and the charge point hardware will vary considerably based on site-specific conditions in relation to the local grid. The introduction of EVCPs in new buildings will impact on the electricity demand from these buildings especially for multi-dwelling buildings. A requirement for large numbers of EVCPs will require a larger connection to the development and will introduce a power supply requirement, which may otherwise not be needed. The level of upgrade needed is dependent on the capacity available in the local network resulting in additional costs in relation to charge point instalment. The Government recognises that the cost of installing charge points will be higher in areas where significant electrical capacity reinforcements are needed. In certain cases, the need to install charge points could necessitate significant grid upgrades which will be costly for the developer. Some costs would also fall on the distribution network operator. Any potential negative impact on housing supply should be mitigated with an appropriate exemption from the charge point installation requirement based on the grid connection cost. The consultation proposes that the threshold for the exemption is set at £3,600. In the instances when this cost is exceptionally high, and likely to make developments unviable, it is the Government's view that the EVCP requirements should not apply and only the minimum Energy Performance of Buildings Directive requirements should be applied.

The Council has not recognised the technical feasibility and viability impacts as identified by the Government. It is the HBF's opinion that the Council should not be getting ahead of Government proposals for Building Regulations. Before the LPR is submitted for examination, the requirement for EVCPs should be deleted from **Policy DM21**.

#### **Policy DM24 : Water Supply and Wastewater and Sewerage Infrastructure**

Under **Policy DM24** residential development must not exceed the Building Regulations optional water efficiency standards of 110 litres per person per day.

If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day then the Council should justify doing so by applying

the criteria set out in the NPPG (ID 56-013-20150327 to 56-017-20150327). The Written Ministerial Statement (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 NPPG refers to *“helping to use natural resources prudently ... to adopt proactive strategies to ... take full account of water supply and demand considerations ... whether a tighter water efficiency requirement for new homes is justified to help manage demand”* however the Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas.

Swindon is part of Thames Water’s Swindon and Oxfordshire Water Resources Zone (SWOX). Across Thames Water’s whole region there is an acknowledged increasing pressure on water resources as a result of planned housing growth. The whole region, including SWOX, is classified as being seriously water stressed however the Swindon Water Cycle Study (2014) concluded that, with demand management measures, there would be sufficient water supplies to deliver the anticipated level for population growth in Swindon Borough up to 2026.

Under current Building Regulations, all new dwellings achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure.

The Council has provided no updated supporting evidence to demonstrate the changed circumstances in Swindon Borough to justify a policy requirement not exceeding the optional water efficiency standard. Before the LPR is submitted for examination, this requirement should be deleted from **Policy DM24**.

## **Policy DM32 – BIODIVERSITY**

**Policy DM32** states that all development must secure a minimum of 20% measurable net gains for biodiversity or as set out in legislation, whichever is the greater.

The Government’s Draft Environment Bill required a mandatory 10% biodiversity gain from development for which the DEFRA Impact Statement estimated an average cost of £19,000 per hectare. There is no evidence on the viability impact of the Council’s proposed higher requirement for 20% biodiversity gains. It is the HBF’s opinion that the Council should not be getting ahead of Government proposals. Before the LPR is submitted for examination, **Policy DM32** should be modified to align with Government proposals.

## **Conclusion**

For the Swindon LPR to be found sound under the four tests of soundness as defined by the 2019 NPPF (para 35), the LPR must be positively prepared,

justified, effective and consistent with national policy. The pre-submission LPR is considered unsound due to :-

- no SoCG in supporting evidence to demonstrate compliance with the Duty to Co-operate ;
- no justification based on evidence for proposed policy requirements in **Policies DM4, DM6, DM7, DM8, DM21, DM24 and DM32** ;
- no up to date viability assessment in supporting evidence to test the cost impacts on deliverability of proposed policy compliant requirements in **Policies DM4, DM6, DM7, DM8, DM21 and DM32** ;
- an inconsistency with national policy by the lack of identification of strategic and non-strategic policies ;
- an inconsistency with national policy with no clear and unambiguous statement of the Borough's housing requirement (**Policy SP2**) ; and
- the lack of flexibility in the HLS to ensure its sufficiency.

It is hoped that these comments are helpful to the Council. Before the LPR is submitted for examination, the Council should re-consider the LPR and modify accordingly. In the meantime, if any further assistance or information is required please contact the undersigned.

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



**Susan E Green MRTPI**  
**Planning Manager – Local Plans**