

## Alison Osborne-Newbold

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**From:** Jade Bagley  
**Sent:** 07 November 2023 16:44  
**To:** Planning Policy  
**Subject:** FW: HBF comments on Nuneaton and Bedworth Reg 19 Submission Local Plan  
**Attachments:** Nuneaton and Bedworth Reg 19 Submission Local Plan Sept 23.pdf

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**From:** Rachel Danemann [REDACTED]  
**Sent:** Monday, October 9, 2023 1:35 PM  
**To:** Planning Policy <planning.policy@nuneatonandbedworth.gov.uk>  
**Subject:** HBF comments on Nuneaton and Bedworth Reg 19 Submission Local Plan

Hi  
Please find attached the HBF's comments on Nuneaton and Bedworth Reg 19 Submission Local Plan.  
As stated at the end of the letter HBF would wish to participate in the EIP.  
Please could you confirm safe receipt.  
Many thanks

**Rachel Danemann** MRTPI CIHCM AssocRICS  
Planning Manager – Local Plans (Midlands and South West)  
Home Builders Federation

[REDACTED]  
A: HBF House, 27 Broadwall, London SE1 9PL

Sent by EMAIL ONLY to [planning.policy@nuneatonandbedworth.gov.uk](mailto:planning.policy@nuneatonandbedworth.gov.uk)

9/10/2023

Dear Sir/ Madam

**Response by the Home Builders Federation to the Nuneaton and Bedworth Reg  
19 Submission Local Plan**

1. Please find below the Home Builders Federation (HBF) response to the Nuneaton and Bedworth Proposed Submission 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.
2. We have not commented on every policy on those of interest to our members.

**Unsound- Need to change the format of the Policies**

3. HBF comments begin with a general observation and concern that as currently written nearly all the policies in the plan will create problems for plan users when seeking to refer to them. Most of the policies are just written as paragraphs of text one after another with no paragraph numbering or lettering. This will make it very difficult for a developer, a planning officer, an elected member, or a member of the public to make specific reference to a particular part of the policy when preparing a planning application, writing a report, making a decision or making a representation on a planning application. The policies should be reformatted to improve the usability of the whole Plan, or the Plan will not be effective and therefore fail the tests of soundness.

**It is unclear if Duty to Cooperate has been met**

4. HBF notes there is a significant interaction between housing issues in Nuneaton and Bedworth and the wider Coventry and Warwickshire Housing Market Area. This includes the relationship Coventry Council area with its closely bounded nature, and debates around the level of housing need and unmet in the City.



5. HBF is aware of the challenges that Coventry have faced when seeking to calculate their housing need using the standard method, as the concerns about the 2014 population projection are longstanding. However, HBF have objected to the proposed approach that Coventry is now taking in relation to its housing need, in particular its failure to apply the urban uplift that is required by national policy. As such HBF are concerned that there remains an unmet need generated from within Coventry and that the neighbouring authorities should be looking to meet some of this need through their Local Plans.
6. HBF have been unable to locate a current Duty to Cooperate Statement.
7. In order to comply with the Duty to Cooperate, the Council needs to demonstrate that it has, and remains, in proactive engagement with Coventry City Council and the other neighbouring authorities around the issue of the housing, particularly the housing requirement. Information on this engagement should be publicly available.
8. HBF suggest that in order to avoid any Duty to Cooperate issues emerging later in the plan-making and Examination process, the Council should include within the Plan what it would do if there is an unmet need for housing generated from Coventry, which HBF argues there still is. As such we would expect the issue of unmet need to re-emerge in relation to the Coventry Plan, especially in light of the consultation responses from house builders on this issue.
9. To avoid potential future conflicts or delays to plan-making, HBF suggest the Nuneaton and Bedworth plan should address this matter explicitly. There are a number of different ways this could be done, for example increasing the housing number by a specific amount and making this clear this would only come forward additionally if and when an unmet need was identified, and quantified. Alternatively, and/or in addition, further allocations could be made that are specifically identified to be made available to meet Coventry's unmet need, if and when, an unmet need is identified and quantified.
10. HBF feel these proactive approaches are better than simply including a policy requiring an urgent review of the plan if Coventry has an unmet need. Such a policy would do nothing to address the unmet need, which HBF believes exists now and is not being addressed. A proactive approach is needed for the plan to be sound.
11. At the moment, HBF does not have enough information about the Duty to Cooperate between Nuneaton and Bedworth and Coventry, and the other neighbouring authorities within the HMA, to be sure that the Duty to Cooperate has been met. We hope this evidence will be forthcoming, and in light of the known issue around housing numbers and unmet need if Coventry, it is essential that does.
12. If Coventry were to use the standard method to calculate its housing requirement there is a resulting unmet need. If, Coventry use the standard

method approach, including the urban uplift, but do not rely on the 2014 figures that are in controversy, there would still be an unmet housing need, though it is likely to be for a smaller amount. It would therefore seem prudent for Nuneaton and Bedworth Plan to include what would happen in these circumstances. The Plan should allow for some of Coventry's unmet need to be addressed within Nuneaton and Bedworth and include policies in the Plan that would enable this.

13. The HBF has been unable to locate a signed Statement of Common Ground between the Council and the neighbouring authorities particularly Coventry City Council. Such a statement will be essential as the Plan progresses.
14. HBF notes the Council's stated intention to be proactive and pro-growth. However, the issue of potential unmet need requires clearly evidenced and ongoing cooperation. Ongoing work will still be needed as the Plan progresses.

## **CHAPTER 6: Development Strategy**

### **Strategic Policy DS1: Sustainable Development**

*Policy DS1 is not considered to be sound as it is not effective, justified or consistent with national policy*

15. The wording and layout of the policy does not aid its clarity. The policy includes five different sections with different elements jumbled together. The result is a seemingly catch all policy which seems to cover everything but in fact actually adds nothing to the other policies in the Plan. All the matters swept up in the first three paragraphs of this overarching policy are already addressed elsewhere in the plan and addressed better in those places. As such the first three paragraphs should be deleted.
16. If the matters covered in the first three paragraphs are to remain in this policy, which HBF suggests they should not, then there needs to be some kind of numbering/lettering to improve the usability of the policy. This comment applies to the majority of other policies in this plan. Currently HBF are unclear how a DM officer could or should refer to any particular issue covered by this sweeping broad and seemingly fairly random policy. As a minimum the policy needs to be reformatted to show different criteria, and each item/topic made into a specific point.
17. The first three parts of the policy reads as an overarching policy that just outlines issues already dealt with by more specific policies in the plan. They seem to have been shoehorned into what could have been a sensible overarching policy that sets out the importance on the Local Plan for decision making purposes when considering planning applications. It is not clear from the policy wording what a developer would need to do to show compliance with this policy. As such the wording needs significantly amending, or preferably the first three paragraphs of the policy should be deleted entirely.



18. An overarching policy on sustainable development could usefully set out that applications should accord with the policies in the plan (as it currently says in paragraph 4) and that where applications do not comply with the plan applications could be refused unless other material considerations indicate otherwise (as it says in paragraph 5). Combining this process type policy with matters around climate change and net zero confuses the purpose of the policy and undermines its usefulness making it confusing, repetitive and unhelpful, and unsound. The revised policy could also more usefully be called the presumption in favour of sustainable development. HBF suggest this policy should be refocused to provide this role.
19. HBF comments in relation to water efficiency standards and net zero can be found in our response to Policy BE3 – Sustainable design and construction. HBF view this policy is the appropriate place to consider these particular topics, and request that these matters are removed from Policy DS1. However, for completeness HBF do not support the introduction of a requirement for a water efficient standard of 110 litres/person/day or the requirement to go faster than the Building Regulation Standards of 2025, whichever policy in the Plan seeks to require it.

### **Strategic Policy DS3: Overall Development Needs**

*Policy DS3 is not considered to be sound as it is not justified or consistent with national policy*

20. The Plan seeks to provide for 9,810 homes over the plan period to 2039, equating to 545 dwellings per year. HBF strongly support the need for more housing in the Nuneaton and Bedworth Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing, supporting employment growth and allowing for some of the unmet needs of Coventry to be accommodated within the District.
21. The Council's approach to calculating their housing requirement is set out in the paper 'Towards a Housing Requirement' prepared by their consultant's Icen. This report notes, in para 6.1, that the 'Oct 2022 Coventry and Warwickshire HEDNA' suggests a figure of 409 dwellings per annum in the Nuneaton and Bedworth area. The report notes that this considerably less than the consideration 646 dwellings per annum that were required in the Nuneaton and Bedworth HEDNA prepared in May 2022, the same year.
22. The report explains that difference is because the Coventry and Warwickshire HEDNA makes use of the 2021 Census data, which was not available at the time the Nuneaton and Bedworth HEDNA was prepared. Although this may be true, what the report fails to reflect is that the Nuneaton and Bedworth 2022 HEDNA uses the standard method for calculating housing need, as required by the NPPF, whereas the Coventry and Warwickshire HEDNA seeks to depart from the standard method in two significant ways.
23. Firstly, the Oct 2022 HEDNA use of 2021 trend data rather than the 2014 figures as the starting point for the calculations, which was supported by Icen

who also prepared both the Coventry HEDNA and the 'Towards a Housing Requirement' report. However, secondly in a move not supported by the consultants, Coventry Council is seeking to disapply the urban uplift required in the standard method for the largest 20 urban areas. The urban uplift is part of securing the delivery of the government's ambition for 300,000 dwellings per annum across the country.

24. This approach raises problems for Nuneaton and Bedworth in responding to the unmet need of Coventry, which we will return to later. However, first we need to consider how the proposed number in this Plan, of 545 dwellings per annum for Nuneaton and Bedworth, has been reached.

25. Paragraph 61 of the NPPF clearly that:

“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.”

26. Any departure from the standard method can only be justified in exceptional circumstances. The Government has made it clear that it still supports the national target of 300,000 new homes per year. The standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

27. Para 6.4 of the Iceni report explains the that “the Planned Economic Growth Scenario” would require the delivery of around 545 dpa over the period modelled (2021-39) to support the Borough's economy and align planning for homes, jobs and infrastructure. This aligns closely to a sensitivity analysis run based on more recent demographic trends which identified indicatively a need for 549 dpa”. Therefore, the Council's own consultants recommend a higher level of housing need (than in the Oct 22 HEDNA) to accommodate the economic growth aspirations of Nuneaton and Bedworth. HBF support this aspiration.

28. Para 6.7 of the report explains that “the need for affordable housing is high relative to the overall housing need in Nuneaton & Bedworth at 407 dpa. The affordable housing need is a consideration in setting the housing target within the Nuneaton & Bedworth Local Plan Review and the high level of need for affordable housing adds further justification for setting a housing requirement above the need identified in the sub-regional HEDNA.” Again, HBF agree that the high level of affordable housing need within the Borough justifies additional housing over and above the locally assessed housing need level.

29. In conclusion Iceni recommend the provision of a housing target of around 545 dpa as necessary to positively support economic growth, the sustainable regeneration of the Borough's Town Centres, and the delivery of affordable housing. This is between 108 and 136 more dwellings per annum over and above the housing requirement identified in Oct 2022 sub-regional HEDNA, but still significantly less than the 646 dwellings per annum that were required in the Nuneaton and Bedworth May 2022 HEDNA. The 545 dwellings per annum is the figure that the Council have now chosen to include within the proposed plan.
30. The HBF would support ambitious growth aspirations in Nuneaton and Bedworth and would highlight the interaction between employment and housing, which the Council has acknowledged. HBF would support further recognition that an increased number of jobs in the Borough can in itself generate a requirement for additional housing. The HBF would also encourage the Council to also consider the role that housebuilding plays in the local economy, both when the houses are under construction and when the houses are occupied as people's homes.
31. Therefore, HBF agree that there is a clearly evidenced reason to go beyond the Oct 2023 HEDNA figure, to support economic growth aspiration and no reason to plan for less than this number. HBF would also suggest that there are additional reasons that would support the local housing figure being even higher than this, notwithstanding Coventry's unmet need (which is addressed later).
32. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.
33. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Nuneaton and Bedworth, and the Council should consider planning for an additional amount of housing to address each reason in turn. The result is likely to be a higher number than the 545 currently included in the Plan. This would be in addition to addressing Coventry's unmet needs.

#### Addressing Coventry's unmet need

34. HBF sympathise with the Council's challenge in preparing a Local Plan for its area against a change in approach from Coventry City Council and a long established and unresolved issue with the 2014 figures for Coventry which have a knock-on implication for the regional HMA calculations of which the needs of Coventry City, and any resulting unmet should form a component.
35. HBF note that Coventry's current approach to calculating their housing numbers has the effect of seemingly shrinking housing requirement across

the sub-regional HMA, to the point where any unmet need from Coventry disappears and neighbouring authorities therefore do not have the firm basis of an acknowledgement or quantification of any unmet need from Coventry's to plan for, despite the likelihood that such a need exists.

36. The issue is further complicated by the Nuneaton and Bedworth Local Plan being at a much more advanced stage than the Coventry City Council Local Plan. However, HBF supports the importance of plan-making and the need for all Local Authorities to have and maintain an up-to-date local plan.
37. The continued progression of the Nuneaton and Bedworth Local Plan, even in these circumstances is very important. Indeed, such circumstances are shared by other Local Planning Authorities progressing their Local Plans. For example, Charnwood Borough Council held the Examination into their Plan earlier this year, and although Leicester City is known to have an unmet need, but it is yet to be quantified and distributed, this did not prevent Charnwood from proactively planning how they would make a contribution to meeting any unmet from the City within their Plan. HBF is supportive of a finding a sensible and pragmatic way forward, to ensure the Plan is sound and meets the Duty to Cooperate requirements.
38. HBF believes there is an unmet need of housing generated from within the Coventry City Area that should be accommodated within the Nuneaton and Bedworth, and as such the Plan should include provision for meeting some of Coventry's unmet need.
39. HBF have questioned Coventry Council's current approach which seeks to depart significantly from the Government's standard method. Although HBF are cognisant of the challenges and concerns around the 2014 figures for Coventry and recognise this may constitute the kind of exceptional circumstances envisaged in the NPPF, HBF does not believe there is a justification for any further departure from the approach required by the standard method and the resulting calculation.
40. In our response to the Coventry Local Plan consultation HBF have recognised that there may be sufficient justification to warrant substitution of the 2014 figures for an alternative baseline figure, possibly informed by the census. Although, HBF are also aware of the challenges of seeking to rely on census data as an alternative, as this was undertaken during the pandemic when many students were studying remotely. However, HBF do not support the other changes that Coventry Council are seeking to use in particular the non-inclusion of the urban uplift.
41. HBF believe the non-inclusion of the urban uplift for Coventry is unjustified, contrary to national policy and unsound, but we recognise this matter may not be resolved before the submission of the Nuneaton and Bedworth Local Plan to the Inspector.
42. HBF consider that the urban uplift for Coventry is an integral part of the standard method, addressing the national housing crisis and the need to



focus development in the most sustainable and accessible locations- the existing major built up areas which already have good access to services and facilities and good transport links.

43. The Government has made it clear that it still supports the national target of 300,000 new homes per year. The urban uplift is part of securing this delivery across the country. The standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders. There is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.
44. HBF suggest that, in order to be found sound, the Nuneaton and Bedworth Plan needs to plan proactively for what it would do if and when an unmet need from Coventry is quantified.

#### The Need for Small Sites

45. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.
46. The HBF would wish to see the Plan's policies and evidence base to set out how the plan will deliver 10% of homes on sites of less than one hectare, as required by paragraph 69 of the NPPF. Indeed, the HBF would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.
47. Although HBF does not comments on specific sites and our responses are submitted without prejudice to any comments made by other parties, HBF acknowledges and welcomes the Councils inclusion of non-strategic sites for allocations within Strategic Policy DS4 – Residential allocations. However, of

the fifteen smaller sites allocated for housing only nine are on sites of less than one hectare and this results in only 195 dwellings, considerably less than the 10% of allocations required in the NPPF. To address this issues the Council should allocate additional small sites, or demonstrate robustly why this is not possible.

48. Although small sites may come forward as windfall, the small sites requirements should be met through allocations.

The Need for Affordable Housing

49. As mentioned above, HBF would suggest that the high level of affordable housing need within the Borough justifies additional housing over and above the locally assessed housing need level. With the current housing requirement of 545dpa set against an affordable housing need of 407 dpa and a policy looking to deliver 25% affordable housing on sites of 15 units or more, and slightly less on sites of 11+ units, more open market housing will be needed if the plan is to deliver anything near the level of affordable housing evidenced as being needed.

Housing Supply, Windfalls and the Need for a Buffer

50. Para 6.26 of the Plan explains that housing delivery of 12,085 dwellings is expected over the Borough Plan Review time period, broken down as follows:

Status	Total
Net Completions (1 April 2021- 31 March 2023)	1,790
Committed supply of dwellings (at 1 April 2023)	4,207
Residual need for plan period	3,813
Strategic housing allocations	4,769
Non-strategic housing allocations	689
Borough Plan Review allocations	5,458
Windfall sites (from year of adoption 2024)	630
Total Housing Supply	12,127

51. The plan explains that this means that “supply is in excess of the minimum housing requirement of 9,810 homes within Strategic Policy DS3 – Overall Development Needs. This buffer provides flexibility in the housing supply across the plan period in the unforeseen event that some of the identified sites do not come forward as predicted”.

52. The HBF recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. Any buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and choice within the market. Such an approach is consistent with the NPPF requirements for the plan to be positively prepared and flexible. HBF is therefore supportive of the housing allocations ensuring there is a housing supply buffer but would question if the buffer needs to be bigger, especially as HBF are of the view that the housing requirement itself should to be increased.

53. HBF would also question the amount of windfall allowance included in the Plan. NPPF (para 70) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. The Council seeks to rely on the Small Site Windfall Housing Study (2022) but this simply adopts historic windfall trends as an indicator of likely future rates of windfall, and approach which HBF finds is unlikely to be robust, especially because small sites suitable for development should be being allocated in the Local Plan.
54. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe). They should therefore not form part of the housing supply until 2027 at the earliest, assuming the 2024 adoption date is realistic, which HBF would question.
55. HBF suggest that windfalls should be considered as additional to the housing requirements may provide some additional housing numbers, as windfalls do not provide the same choice and flexibility in the market as additional allocations.
56. HBF reiterate that although small sites may come forward as windfall, the small sites requirements should be met through allocations.

#### The Need for a More Detailed Housing Trajectory

57. The NPPF sets out that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period and if appropriate to set out the anticipated rate of development for specific sites (para 74). The Housing Trajectory in Appendix B is not very detailed. The housing trajectory only provides information collated into five categories of development namely: windfalls and prior approvals, strategic sites, non-strategic sites, prior notifications and outline permissions. This is insufficient detail to fulfil any monitoring function. In order to be sound and justified, a detailed housing trajectory including for specific sites should be inserted into Appendix B.
58. HBF do not comment on individual sites proposed for allocation, but it is noted that the Council will need to provide a site-by-site analysis to check of the deliverability of individual site allocations. HBF note that the new site allocations will be tested in due course at the Local Plan Examination. It is critical that the Council's assumptions on lapse rates, non-implementation allowances, lead in times and delivery rates contained within its overall Housing Land Supply, 5 Year Housing Land Supply and housing trajectory are correct and realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council.

59. In order for the plan to be sound, more detail is needed in **Appendix 2** which sets out the Housing Trajectory. This should be broken down on a site-by-site basis.

#### The Plan Period

60. HBF note that the Plan Period runs to 2039. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'. HBF question whether the plan period need extending. HBF question how realistic is it to have the plan submitted, examined (including a Main Modifications consultation) and adopted within the next 15 months. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue.

#### A Housing Figure for Nuneaton and Bedworth

61. In conclusion, HBF suggest that Nuneaton and Bedworth should calculate its housing need using the standard method as required by the NPPF. It should then consider whether there is justification for increasing the minimum number provided by the standard method for reasons of supporting economic growth, addressing affordability issues and/or accommodating any unmet need from Coventry. Each of these issues should be considered on its own and additional housing added to the baseline figure to reach a final figure for the total housing requirement, remembering of course this is a minimum.
62. HBF suggest the evidence already shows a need for the housing requirement to be higher than the housing need figure due to the Council's economic growth aspirations, as set out in the Iceni report. Additional housing is also required to help deliver much needed affordable housing (see affordable housing policy comment) and to provide for a range and choice of sites, and a buffer, as required in the NPPF. The Council needs to fully consider each of these factors both on their own, and in combination, to see if additional housing is required. This is the approach needed for the plan to be sound.
63. HBF would then argue that even more housing is then needed to address the unmet needs of Coventry. However, HBF acknowledge that this matter is currently in dispute. Coventry City Council's current position, as of September 2023, seems to be that they simply do not wish to include the urban uplift in their calculation, and this means in their view there is no unmet need. HBF strongly disputes these assertions. We do not believe the proposed approach of Coventry is sound.
64. Therefore, notwithstanding the current Regulation 18 consultation on the emerging Coventry Local Plan, HBF suggest it would be prudent for Nuneaton and Bedworth to plan for some additional housing to meet Coventry's unmet need, or at the very least for the Plan to acknowledge this is an outstanding issue and set out what would happen if and when an unmet need for Coventry is quantified. This would seem a necessary step for the Plan to take, in order for it to be found sound.



65. HBF would therefore support a housing figure that is higher than 545 dwellings per annum in the Nuneaton and Bedworth Local Plan. Indeed, even if the Council was still seeking to rely on the May 2023 Nuneaton and Bedworth HEDNA figures of 646 homes per annum as their local housing need, there may still be a need for the housing requirement figure to be higher to address the issue outlined above.
66. HBF are of the view that the housing number should be increased to support economic growth, provide a range and type of sites, support small and medium house builders, provide a range and choice of sites, provide for flexibility and viability considerations, to deliver more affordable housing and to address the uncertainties of windfall delivery. All of these issues need to be fully considered within the final housing requirement for Nuneaton and Bedford changes are needed for the Plan to be sound.

### **Strategic Policy DS6: Green Belt**

*Policy DS6 is not considered to be sound as it is not justified or consistent with national policy*

67. HBF suggest that there is need for a higher housing requirement in Nuneaton and Bedworth, for the reasons detailed in full in our response to Chapter 6. This need could trigger the exceptional circumstances necessary to justify a Green Belt review.
68. HBF note that the New Green Belt Technical Report by Ove Arup of March 2023 sets out the Council's intention to de-allocate two strategic sites (Bedworth Woodlands HSG4 and East of Bulkington HSG7) which are currently allocated in the adopted Borough Plan, due to lack of delivery and potential viability issues relating to these sites. Although HBF do not comment on individual sites, it is noted that these additional sites are proposed to be allocated in the urban area to substitute these sites. It is important that enough housing is planned for and enough sites are allocated for housing in the plan.
69. HBF hope that the Council fully understand the reasons for the non-delivery of the current allocations and have done everything they can to help bring forward the schemes for development. Large strategic sites can take a long time to bring forward and often encounter complex and sometime unexpected issues. The current economic climate and increasing requirements could also create viability challenges. Whilst not commenting on the appropriateness or not of deallocating these sites, HBF would support the conclusion that any deallocated site should not be allocated as new Green Belt but should remain as countryside.
70. HBF would question whether a full Green Belt review is needed in order to allocate enough sites to meet the housing requirement, which HBF suggests need to be higher. This is another factor that should be considered when coming to a view on how Nuneaton and Bedworth could best manage the

issue of unmet need from Coventry, when Coventry is seeking to artificially minimise their own need, and thus avoid any issues of unmet need that neighbouring authorities. Another proactive action that this Plan could take would be to recognise that it may need to address the Green Belt issue if and when Coventry declare an unmet housing need. It may therefore be sensible for the Plan to include additional wording about what would need to happen on order for the Plan to address some of Coventry's unmet need and be explicit that this may need to include a Green Belt review.

71. As para 6.69 of the draft Plan says, Green Belt release was considered necessary to meet the overall housing and employment needs determined at the time that the Borough Plan was adopted in 2019. At that time, the objectively assessed need for the Borough was informed by demographic based need, supporting economic growth, improving affordability and accommodating overspill from Coventry's unmet need, and this justified Green Belt release. HBF suggest that these circumstances may well exist again once the appropriate housing figure for Coventry is agreed.
72. Additional wording should be added to the end of policy DS6 that says in the event of their being an unmet housing need from Coventry then a Green Belt review may be needed as part of the solution to addressing this unmet housing need.
73. The sections of the policy also need numbering to ensure the policy is useable.

#### **Policy DS7: Monitoring of Housing Delivery**

*Policy DS7 is not considered to be sound as it is not justified or consistent with national policy*

74. The policy states that the Council will monitor the delivery of housing and publish progress against the Housing Trajectory shown in Appendix B. The Housing Trajectory in Appendix B does not provide sufficient detail to enable robust monitoring to be undertaken. Housing monitoring should be undertaken on a site-by-site basis. Therefore, in order to be sound and justified, a detailed housing trajectory including for specific sites should be inserted into Appendix B.
75. The policy is currently written as follows:

The Council will monitor the delivery of housing and publish progress against the trajectory (as shown in Appendix B). Where it is apparent that delivery rates are falling short of what was anticipated, then the Council will take the necessary action to address any shortfall. Such action may include (but are not limited to):

- Working with developers and site promoters, particularly of the two largest strategic sites, to review the requirements and phasing of infrastructure provision, where such re-phasing would assist with viability.

- Working with developers, site promoters and other interested parties to help unlock potential sources of funding for identified infrastructure, or;
  - o considering the use of compulsory purchase powers to help address known land acquisition issues; or
  - o bringing forward additional sites where it can be demonstrated that such sites will assist with delivery to address short-term needs.

Where additional housing sites need to be brought forward, initial priority will be given to sustainable sites, including town centre redevelopment opportunities in Nuneaton and edge of settlement sites, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

76. This formatting is confusing and suggests greater weight is being given to the re-phrasing of sites to assist viability and seeking to secure external funding, rather than the other two options of using CPO powers or releasing more sites.
77. In reality, the suggestion to use CPO and seek to securing additional funding would take some time to implement and ultimately may not be successful. Although working with the developers of existing sites to help resolve site specific issues is important, granting planning permission for additional new homes is likely to be the most effective way to address any delivery of housing. It would be helpful for the Plan to be more explicit about this.
78. As previously suggested the Council may also want to consider allocating additional, and/or reserve sites, in the Plan that could be realised if monitoring showed under delivery and/or there was an unmet housing need from Coventry that needed addressing. This would enable the under delivery to be addressed promptly, without the need for a full or partial review of the Plan.
79. HBF suggest the policy should be reformatted so that the policy clearly sets out that if monitoring shows that the plan is not delivering housing as required the Council will grant permissions for additional housing, release reserve sites and undertake other actions to help bring schemes forward, in that order. It is important for any under-delivery of housing to be addressed as soon as possible.

**Policy DS8: Review**

*Policy DS8 is not considered to be sound as it is not justified or effective consistent with national policy*

80. The policy says that:
- “The plan will be reviewed (either wholly or partly) in accordance with the requirements set out in national guidance. In the event of one or more of the following circumstances, a quicker review may be required:
- If there is clear evidence that the Borough’s local housing need or employment need has changed significantly since the adoption of the plan.

Updated evidence or changes to national policy suggest that the overall development strategy should be significantly changed.

- Any other reason that would render the plan, or part of it, significantly out of date.

81. At the very least, this policy needs reformatting so that 'updated evidence or changes to national policy suggest that the overall development strategy should be significantly changed' is also shown as a bullet point. Assuming that the intention of this policy is that each of the factors is of equal weight, and each would trigger an early review of the Plan.
82. HBF suggest additional detail is needed within this policy because, at the moment, the triggers for the review are too vague to be effective. What evidence of housing need or employment need would be reviewed and when? If this the authority monitoring report, it should say so, if it is failure to meet the Housing Delivery Test, this should be set out. If it is monitoring against the Housing Trajectory in Appendix B, this needs to say that, although HBF have commented elsewhere on the shortfalls currently suffered by Appendix B. Similarly, the Plan should set out how much change would be enough to trigger the review 5% fall, a 10% reduction, or is a fall of 50 % against the 545 dpa requirements (or whatever the housing requirement ends up being) needed for action to be taken. There is also a need to set out the time period for the monitoring, will this be looked at annually, as an average of over three years, only when a new HEDNA is commissioned? Further clarity is needed within the policy.
83. In addition to the need for the policy to be more specific about the triggers that would lead to an early review of the Plan, it should also include a timeframe for the actions that would occur once each of the possible triggers has been reached. This is particularly important because the policy is setting out the factors that would lead to an urgent review, in advance of the timeframe(s) required in national guidance. Therefore, the policy should include the timescales for undertaking any, and all, of the actions required by this policy.
84. For example, the wording could say something like... if annual monitoring shows annual completions of dwellings delivery less than 80% of the housing target (less than 436 if the annual requirement is 545) then the Council will immediately begin work on a new Plan with the consultation on Reg 18 within 12 months and consultation of Reg 19 within 20 months and submission for examination within 24 months. Without a clear timeframe for undertaking the action to requirement to review the policy would do little to address the under delivery of housing or economic development, that the requirement for an early review is seeking to urgently address. Similarly, clarity should be provided for the other two bullet points.
85. HBF suggest specific reference should also be made within this policy to the potential for Coventry City to declare an unmet need that requires Nuneaton and Bedworth to contribute meeting that need. Although HBF does not believe a policy merely requiring review of this new Plan if Coventry has an



unmet need in the future would represent the proactive and pro-growth aspirations of the Plan. HBF support the inclusion of additional and/or reserve sites as a way to be more proactive in addressing this issue. This would also mean that any unmet housing need could be addressed more quickly than if a full or partial review of the Plan is needed first.

## **CHAPTER 7: Strategic Allocations**

### **Strategic Policy SA1 – Development principles on strategic and Strategic Allocations SHA1, SHA2 and SHA5**

#### Policy

*Policy SA1 is not considered to be sound as it is not consistent with national policy. The wording of Strategic Allocations SHA1, SHA2 and SHA5 is not consistent with national policy.*

86. Policy SA1, is the first of many policies within the Plan that seeks to introduce a requirement for 95% of residential development to meet M4(2) and 5% to meet M4(3) of Building Regulations. HBF do not support this requirement, and in particular do not believe it needs referring to in five separate policies, this one, and policies H1, H2, H5 and BE3. If reference were needed this seems excessive and potentially confusing. However, HBF does not support the policy requirement in the first place.
87. HFB detailed comments about this issue can be found in the Housing Policies Section and are so not repeated in detail here. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. Any such requirements would also need to be fully considered from a viability perspective.
88. The policy also states that “residential development must meet... the Nationally Described Space Standards... Building for a Healthy Life and the Future Homes and Building Standards”. HBF comments on these issues can be found in our response to Policies H4, which specifically covers NDSS, BE3 – Sustainable design and construction which has requirements for meeting Building for a Healthy Life and going above and beyond building Regulations. A policy requirement also set out in Policy H1 – Range and mix of housing, Policy H2 – Affordable housing and Policy H5 – Accessible and adaptable homes.
89. HBF question the need for these issues to be repeated here within Policy SA1, when they have already been addressed elsewhere within the plan, and the plan should be read as a whole.
90. Criteria 1 of the policy is also seeking to give Local Plan policy status to SPD in the following policies which is not appropriate and contrary to national guidance.

## Allocations

91. HBF do not comment on specific sites, however again the Council is seeking to give Local Plan policy status to SPD in the following policies which is contrary to national guidance. For these reasons the following policies are unsound:

**Strategic Policy SA1** – Development principles on strategic sites which says “Proposals should comply with the requirements of the relevant Concept Plan SPD and Design Code for the site (where extant/adopted).”

**Strategic Policy SHA1** – Land at Top Farm, North of Nuneaton, which says “36. Development will be required to come forward in accordance with the HSG1 concept plan above, as well as the extant HSG1 Concept Plan SPD.”

**Strategic Policy SHA2** – Arbury, which says “37. Development proposals should comply with the requirements of the latest adopted Concept Plan SPD and Design Code SPD.”

and

**Strategic Policy SHA5:** Land West of Bulkington, which says: “26. Development proposals should be in accordance with the extant HSG8 Concept Plan SPD”

92. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process. Seeking to give Local Plan status to the existing SPDs is not appropriate.
93. If the Council wish to provide additional advice on the interpretation of this policy, this should be done through a Supplementary Planning Document, which is prepared and consulted on after the Local Plan policy has been adopted. It cannot be done through trying to give Local Plan policies status to an existing SPD, especially as the existing SPD hangs from the adopted policies in the Local Plan, which will be replaced when this new Local Plan is adopted. Supplementary Planning Documents, should be just that, supplementary to the Local Plan.

## **CHAPTER 8: Housing**

### **Policy H1: Range and Mix of Housing**

*Policy H1 is not considered to be sound as it is not justified or effective or in compliance with national policy.*

94. The **General market housing** section of this policy seeks to ensure a range and mix of housing types and sizes which should be informed by the latest HEDNA but paragraph 8.8 of the supporting text says that developers should

also consider the character of the local area and surrounding types and sizes of housing. It is therefore unclear from the policy wording how a developer would show compliance with this part of the policy. The policy should include flexibility to allow for any site-specific issues to be addressed.

95. The **Homes for older people** section of this policy requires:

Development of extra care housing, residential care homes and other housing options, which allow older people to stay in their own homes, will be supported where a local need can be demonstrated. These types of buildings will need to comply with M4(3) higher Building Regulations standards and will be strongly encouraged to adhere with the emerging Warwickshire County Council Technical guidance for Specialised Supported housing and Housing with Care developments.

96. The **Other specialised housing** section of this policy requires:

Development proposals for specialised housing and care accommodation will be supported where a local need can be demonstrated. These types of buildings will need to comply with M4(3) higher Building Regulations standards and will be encouraged to adhere with the emerging Warwickshire County Council Technical guidance for Specialised Supported housing and Housing with Care developments.

97. This suggests that all homes for older people and other specialised housing will be required to comply with M4(3) standards, but M4(3) is a standard has two parts. Any policy wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M4(3)a sets out standards for wheelchair adaptable housing, where M4(3)b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights.

98. Both M4(3)a and M4(3)b impact on viability, with M4(3)b being considerably more expensive. However, Paragraph 17 of the Viability Assessment to support the Borough Plan Review, Final Report, Aug 2023 prepared by DixonSearle says:

The one area that the BPR exceeds national policy expectations on – as affects viability - is the provision of a targeted 5% new dwellings to meet Building Regulations Part M4(3). This exceeds the requirement for all new dwellings to meet M4(2) standards. A cost assumption has been made for both elements.

99. Paragraph 24 of the same report says:

Although there are now additional policy costs to reflect, and assumptions have been made accordingly, only the 5% dwellings to M4(3) enhanced accessibility standards exceeds the updated national requirements. In all other respects as regards assessing viability in

plan making, the Council's BPR approach is consistent (i.e does not exceed) the wider expectations.

100. Page 40 of the report continues:

Accessible homes

(Former draft Policy BE3 – 'Sustainable Design & Construction'; SA1 – 'Development principles on strategic sites'. Now H5 – Accessible and Adaptable Homes). Requirement for all dwellings on major developments to meet the requirement for the optional higher Building Regulations of M4(2) with 5% required to meet the more onerous M4(3) standard.

The assumed cost of achieving the M4(3)(b) and M4(2) standards are set out in Appendix I (Table 1c) - based on details set out within the Government's consultation on raising the accessibility standards of new home

101. The Whole Plan Viability Appraisal therefore does not accurately reflect the policy wording of H1 which requires all housing for older people to meet Part M(4)3. This document should be an essential part of the evidence base, as the Council must be able to demonstrate that the policy requirements being sought are viable and deliverable, and the issue of viability has been properly considered.

102. The Whole Plan Viability Assessment should be used to test different amount of affordable housing and other policy requirement to arrive at a level that is viable. Without this information and analysis being robust and credible, the plan is unsound as it has not been shown to be deliverable or effective. Therefore, HBF would question the soundness of a Plan that seeks to rely on a viability assessment that has not included a key part of the policy ask- namely that all older peoples housing and all specialist housing schemes should meet Part 4(3) of the buildings regulations, not the five per cent of schemes over 10 units that Appendix 1 of the Viability indicates has been applied.

103. The PPG states:

**“What accessibility standards can local planning authorities require from new development?”**

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the



requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

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.”

Paragraph: 008 Reference ID: 56-008-20160519  
Revision date: 19 05 2016

104. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.
105. It is also not appropriate for the Council to seek to give Local Plan policy status to the emerging Warwickshire County Council Technical guidance for Specialised Supported housing and Housing with Care developments firstly it still an emerging policy document. And secondly, planning policy should be made through the Local Plan process and be subject to mandatory requirements for public consultation and independent scrutiny through the Examination process.
106. The reference to this emerging strategy should therefore be removed, or if retained moved from within the policy wording to become a reference in the supporting text. If the Council wish to provide additional advice on the interpretation of this policy, this should be done through a Supplementary Planning Document, which is prepared and consulted on after the Local Plan policy has been adopted.
107. Again, the sections of this policy also need numbering to ensure the policy is useable.
108. In relation to Homes for Older People and Specialist Housing, HBF is supportive of measures to increase the supply of specialist older people's housing and supports the view of the Retirement Housing Group (RHG) that the planning system can do more to reflect the aging population, including allocating sites for this use. A recent RHG report may provide a useful point of reference for the Council <https://retirementhousinggroup.com/how-better-use-of-the-planning-system-can-increase-provision-of-specialist-housing-for-older-people/>

## **Policy H2: Affordable Housing**

*Policy H2 is not considered to be sound as it is not justified or effective or in compliance with national policy.*

109. The **Proportion of affordable housing** section of this policy seeks to require 25% affordable housing on schemes of 15 dwellings or more. The policy also requires the provision of two dwellings on schemes of 11 to 14 dwellings.

110. Affordable housing policies usually seek to require a percentage of affordable housing units on schemes over a certain size. In line with the NPPF, affordable housing policies also usually set out the circumstances where on-site provision may not be required and where a financial contribution in-lieu of the affordable would be sought instead.

111. The differentiation between the affordable housing requirements in this way is confusing and illogical. The requirement for 2 units on schemes of 11-14 will have a very different impact on a scheme of 11 flats to a scheme and 14 houses, however under the proposed policy both schemes would be required to provide two units. Even assuming that the type of housing on a smaller scheme is the same, requiring two units on a scheme of 11 houses represents a requirement for 18% affordable housing whereas on requiring two units on a scheme of 14 units represents 14% affordable housing. Whilst HBF recognise and welcome that a lower affordable housing target is being sought on smaller sites, framing the policy in this way creates a range of affordable housing requirements of 14-18% on these sites, which is contrary to PPG (Reference ID: 10-001-20190509) which says:

“Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. To provide this certainty, affordable housing requirements should be expressed as a single figure rather than a range. Different requirements may be set for different types or location of site or types of development.”

112. Paragraph 8.24 of the Reg 19 Local Plan suggest the reason the reason the Council is seeking two units on sites of 11-14 is due to rounding. This is not appropriate as it means that these smaller developments are being asked to provide more affordable housing units due to rounding. It is more usual for any contributions for affordable housing that results in a fraction of a unit for that fraction to be provided as a developer contribution. HBF request the Council adopt this approach.

113. HBF are also of the view that finding a Registered Provider partner to take on the management of just two units of affordable housing it likely to be incredibly difficult and present management challenges, especially during a period of time when many RPs are scaling back their development aspirations to focus on improving the quality of their existing stock. An in-lieu cash payment would seem more appropriate in these circumstances.

114. HBF not that the proportion of affordable housing section of this policy also makes reference to ‘, a contribution of two affordable housing units will be required, irrespective of any demolitions. This is inappropriate, unjustified and contrary to national policy, as affordable housing calculations should be based on net new units. It should also be noted that any demolition would also have cost which can impact on viability of the scheme. The wording ‘irrespective of demolitions’ should be deleted from the policy.
115. Paragraph 63 of the NPPF states that:
- ‘Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
- (a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- (b) the agreed approach contributes to the objective of creating mixed and balanced communities.
116. The PPG on Viability and Plan-making requires that:
- “Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).
- These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and Section 106.”
117. The Plan makes reference in paragraph 8.23 to work undertaken by DixonSearle Partnership that showed an affordable housing target of 35% was viable. However, HBF have some concerns about the Whole Plan Viability Assessment. We do not believe that it fully considers all the issues that can impact viability, and some of the assumptions and values used are incorrect.

#### Comments on Whole Plan Viability Assessment

118. HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot.

119. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the fact that the cost of living crisis has also impacted the housing market making borrowing more expensive for potential future purchasers. HBF suggest these changes may not be limited to only the “short term” as suggested by the whole plan viability assessment, as these factors are likely to also have mid to longer term impacts.
120. The costs of mandatory BNG are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needed to rely on statutory credits would become unviable.
121. HBF also suggest the allowance of £15.5 per metre squared for Housing Standards M4(2) Accessible and adaptable dwellings compliance, and Housing Standards - M4(3) Wheelchair user dwellings compliance is too low. Again, a distinction needs to be made between M4(3)a wheelchair adaptable housing and M4(3)b wheelchair accessible housing. The whole plan viability assessment should have been explicit in whether it was applying M4(3)a or M4(3)b but as the latter can only be sought on affordable housing where the Council has nominations, it is assumed the study means the former when referring to M4(3) standards.
122. Whole Plan viability testing is an important part of the plan-making process. However, as noted in PPG (ID: 10-003-20180724) assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable, and therefore flexibility in the amount of affordable housing sought may be needed to deal with site specific issues.
123. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there may be a “deviation” from the detail of the policy- in this example a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. This is another reason why flexibility within the Affordable Housing policy is needed.

#### Changes need to the Affordable Housing Policy

124. The affordable housing part of this policy therefore needs significant amendments for it to be sound:
- Firstly, HBF would question if 25% affordable housing is deliverable.
  - Secondly, the wording ‘irrespective of demolitions’ needs deleting.



- Thirdly, the approach to sites of 11-14 dwellings need revisiting. At present HBF is unable to locate the viability evidence in support of this policy, and even if this were available the wording of the policy is confusing and therefore ineffective. HBF suggest if the evidence justifies an affordable housing contribution on site of 11-14 units this should be expressed as a %, not a specific number of units.
- Fourthly, the policy needs to be amended to include reference to off-site contributions, and the supporting text expanded to include how these would be calculated, and
- Fifthly, this part of the policy should be amended include the opportunity for flexibility where there are site specific viability issues.
- And finally, the policy need reformatting with numbers adding to aid usability.

125. In addition to the problems of a lack of numbering/referencing within the policy HBF would question the logic and formatting of this policy as well. It does not follow a logical flow, if the next section was about on-site provision, this rearrangement of the different section could go some way to address the confusion of this policy wording.

126. The next section of the policy is however called **Tenure Mix and First Homes**, HBF suggests there is merit in splitting and reordering this section of the policy, which is currently confusing and as such ineffective. In order to ensure the usability of the plan and aid understanding we would suggest the different elements of this part of the policy should be taken in the following order:

- 1) Proportion of Affordable Housing Required
- 2) Tenure Split
  - a) the tenure split and affordable housing mix sought will be based on evidence and agreed on a site by site basis with the housing
  - b) Mix- How much is affordable home ownership and how much is to be affordable and social rent, for example “as a starting point the Council will be looking to secure XXX and YYY...”
- 3) Then explaining how First Homes are a type of affordable housing that is prioritised nationally and the first amount of affordable home ownership homes should be first homes and any remainder shared ownership
- 4) If national or local policy requirements around First Homes change, the most up to date requirements will apply.

127. As currently wording is not sufficiently clear to a developer how much affordable housing of what kind and type will be sought on a proposed development, and as such the section of the affordable housing policy is unsound.



128. HBF have already set out the reasons we do not support the policy distinction between a 25% affordable housing target on sites of 15 or more and the requirement for 2 units to be provided on sites of 11 to 14 dwellings. Therefore, in HBF's view the requirement for one unit of social or affordable rented housing and one First Home to be provided on sites or 11-14 dwellings is not justified, effective or necessary. As such this element in this part of the policy should be deleted and replaced with wording that reflects the revisions HBF is suggesting to the affordable housing section earlier in this policy.
129. The next section of the policy relates to **Design standards** introducing specific design standards for Affordable Housing. HBF question whether this is necessary at all, and if it is necessary whether this is the right place for this policy wording to be. In HBF's view, if there is a need for any policy on this issue within the Local Plan, which HBF questions, then it would make more sense for this to be an element of a design policy. However, given the general expectation that affordable housing should be indistinguishable from market housing, the need for a specific policy on design of affordable housing seems redundant.
130. However, this part of the policy is not in fact about design, rather it is another place in the Plan that seeks to require housing to above Building Regulation Standards. The Design standards section of this policy is seeking to require all affordable housing to meet M4(2) of Building Regulations and 5 % to meet M(4)3.
131. In any respect, the requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary, and this requirement should be revoked.
132. As already mentioned above there is a differential within M4(3) of the Building Regulations which must be recognised and reflected in the policy. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. There are cost implications for providing housing that meets M4(3)a standards, and the costs for meeting M4(3)b can be very significant. The whole plan viability assessment will therefore need to consider the implications of this policy requirements on the viability of the policies in the plan. Without this being clearly shown the plan is unsound as it is not justified and ineffective.
133. Although HBF acknowledge that this M4(3) policy is the one that has been captured in the Whole Plan Viability Assessment, as mentioned above we would question if the allowances made in the viability assessment for the

costs of meeting these standards used are robust. In addition, seeking to go further and faster the Building Regulations creates added and unnecessary complexity for house builders who are focusing their efforts on achieving the national standards. A patchwork of different local standards undermines this work.

134. The next section of this policy is called **Exceptions** but it covers two different types of exceptions First Homes exception sites, guided by national policy in the NPPF, and rural exception sites which require a Local Plan policy. HBF suggest this distinction should be reflected in the heading used within this policy, to ensure it is effective. The supporting text is split in this way, but the policy is not.
135. The **Affordable Housing SPD** section of this policy yet again seeks to give Local Plan status to the existing Affordable housing SPD. This is not appropriate. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process.
136. If the Council wish to provide additional advice on the interpretation of this policy, this should be done through a Supplementary Planning Document, which is prepared and consulted on after the Local Plan policy has been adopted. It cannot be done through trying to give Local Plan policies status to an existing SPD, especially as the existing SPD hangs from the adopted policies in the Local Plan, which will be replaced when this new Local Plan is adopted
137. The reference to the SPD must be removed from policy. If the Council wish to prepare an SPD for this subject, this could be referenced in the supporting text.
138. In conclusion HBF are of the view that this this policy needs significant changes to each of its individual sections, and the section themselves need reordering and numbering to ensure the usability of the plan and aid understanding. Currently it is not easy for a developer to use this policy to establish what affordable housing is required in Nuneaton and Bedworth. As such the policy is unsound

#### **Policy H4 Nationally Described Space Standards**

*Policy H4 is not considered to be sound as it is not justified or effective or consistent with national policy.*

139. HBF does not support the introduction of the optional Nationally Described Space Standard though policies in individual Local Plans.
140. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

141. Any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF (para 130f & Footnote 49), which 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 NPPF (para 31), 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.
142. The PPG identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:
- 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.
  - Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
  - Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.
143. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.
144. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.
145. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may 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 reserved matters applications or any outline or detailed approval prior to a specified date.

146. Yet again the Council is seeking to give Local Plan status to the existing SPD, this time the Sustainable Design and Construction SPD, which is not appropriate. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process.
147. If the Council wish to provide additional advice on the interpretation of this policy, this should be done through a Supplementary Planning Document, which is prepared and consulted on after the Local Plan policy has been adopted. It cannot be done through trying to give Local Plan policies status to an existing SPD, especially as the existing SPD hangs from the adopted policies in the Local Plan, which will be replaced when this new Local Plan is adopted.
148. The reference to the SPD must therefore be removed from the policy. If the Council wish to prepare an SPD on this subject, this could be referenced in the supporting text.

#### **Policy H5: Accessible and adaptable homes**

*Policy H5 is not considered to be sound as it is not justified or effective or in compliance with national policy.*

149. HBF's substantial comments in relation to any requirement for planning policy to require development to address M4(2) and M4(3) of Building Regulations, can be found in our response to Policy H1 and H2 and are therefore not repeated here.
150. The Design standards section of Policy H2- Affordable Housing Policy, also policy requires all affordable housing to meet M4(2) of Building Regulations and 5 % to meet M(4)3. This is a repetition of the requirements in policy H5 policy which applies to all new major residential development. These standards, if needed at all, does not need to be in both places.
151. Policy H1 also requires that all older people's housing and all specialised housing schemes, whether major development or not, must meet M(4)3 Building Regulations. So the Building Regulations are reference differently in three different policies, with the result being confusing, contradictory and unhelpful policy. If any reference at all in needed to Building Regulations, which HBF believe it is not, this should be confined to a single mention in a single policy with a distinction made between H4(3)a and H4(3) requirement. H2 has been superseded by events and does not need referencing at all. There is no need for planning policy to seek to secure something that is already delivered through the Building Regulations process.

152. It is interesting to note that policy H5 does make the distinction between adaptable dwellings, M4(3)a) and wheelchair accessible housing M4(3)b) but does not refer to the specific subsection of the Building Regulation which is needed for this policy to be accurate and correct. In contrast of course Policy H1- range and mix of housing, and H2- Affordable Housing, does not make the differentiation at all.
153. HBF would question the justification for half of adaptable units to be provided as affordable housing and half the units to be market housing and half as market housing, such a policy seems unduly restrictive and may limit the opportunity of the Council to negotiate around any site specific factors, or even individuals circumstances of those individuals with specific needs that are at the top of the housing waiting lists and whose need are much more difficult to meet in the second hand housing market. HBF suggests flexibility is needed and therefore the explicit split between open market and affordable units should be removed.
154. M4(3)a and M4(3) b dwellings in this policy are referred to as if they are interchangeable from a viability perspective. This is simply incorrect. There is a considerable differential in the costs of providing to M4(3)a and M4(3)b, the latter being significantly more expensive.
155. The plan also seems to be making a correlation between M4(3)a and M4(3)b housing and meeting the needs of an ageing population, an assumption that HBF would challenge. Open market housing can be sold to any buyer and so there may be no correlation between the provision of an open market M4(3)a unit and the needs of the end purchaser.

## **CHAPTER 11: Healthy safe and inclusive communities**

### **Policy HS1- Ensuring delivery of infrastructure**

*Policy HS1 is not considered to be sound as it is not justified or effective or consistent with national policy.*

156. Once again this policy need numbering to improve its usability. In this policy the Council also makes reference to Supplementary Planning Documents within the Policy wording, which is not appropriate. Although in this case it is not clear from the wording whether these are existing SPDs, or new ones that will be prepared. Either way policy cannot give Local Plan status to SPDs. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process.
157. If the Council wish to provide additional advice on the interpretation of this infrastructure policy, this can be done through a Supplementary Planning Document(s), that are prepared and consulted on after the Local Plan policy has been adopted. It cannot be done through trying to give Local Plan policies status to an existing SPD(s), especially as the existing SPD hangs



from the adopted policies in the Local Plan, which will be replaced when this new Local Plan is adopted.

158. The reference to the SPD must be removed from both the first and sixth section and the policy. If the Council wish to prepare an SPD for this subject, this could be referenced in the supporting text. Criteria 7 references the National Design Guide, National Model Design Code and Warwickshire Design Guide. Although HBF support the National Design Guide, National Model Design Code reference of them does not need to be repeated in

### **Policy HS5- Health**

*Policy HS5 is not considered to be sound as it is not justified or effective or consistent with national policy.*

159. Once again, the wording of the policy seeks to give Local Plan status to the existing SPD, this time the Health Impact Assessment SPD. Again, this is not appropriate. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process.

160. The policy requires major development to undertake a Health Impact Screening Report or a Health Impact Assessment, where there will be likely significant impacts. However only the term Health Impact Assessment is defined in the glossary to the Local Plan. Both terms should be explained so the difference between them can be understood. HIA should also be added to the list of acronyms on the final page of the Plan.

161. HBF would suggest the difference between HIA and an HIA screening should also be explained in the supporting text to the Plan, in order for the policy to be effective and justified and positively prepared.

162. If the Council wish to provide additional advice on the interpretation of this policy, this should be done through a Supplementary Planning Document, which is prepared and consulted on after the Local Plan policy has been adopted. It cannot be done through trying to give Local Plan policies status to an existing SPD, especially as the existing SPD hangs from the adopted policies in the Local Plan, which will be replaced when this new Local Plan is adopted.

163. The reference to the SPD must be removed from policy. If the Council wish to prepare an SPD for this subject, this could be referenced in the supporting text.

### **Policy HS6- Sport and exercise**

*Policy HS6 is not considered to be sound as it is not justified or effective.*

164. Section 106 contributions can only be sought to ensure a development mitigates its own impact. They cannot be required to address existing

shortfalls. It will therefore be essential for the Council to have robust and up-to-date evidence around play space provision, open space provision and playing pitches and calculate any developer contributions arising at the time a planning application is made.

165. The policy wording should therefore be amended to include wording that explicitly states an assessment of provision will be undertaken at the time of an application to ensure any requests for s106 contributions remain evidenced and justified.

## **CHAPTER 12: Natural environment**

### **Policy NE1- Green and blue infrastructure**

*Policy NE1 is not considered to be sound as it is not justified or effective or consistent with national policy.*

166. Yet again, the wording of the policy seeks to give Local Plan status to the existing SPD. On this occasion the Open Space and Green Infrastructure. This is not appropriate.
167. The policy wording is also seeking to give Local Plan policy status to the “emerging studies”. Again, this is also not appropriate. Planning policy must be made through the Local Plan process and be subject to the mandatory requirements for public consultation and independent scrutiny through the Examination process.
168. The fifth and final section of wording in this policy seeks to require developments which have a watercourse classified as a main river within their boundary to be set back a minimum of 8m from the top of the bank or landward toe of any flood defence. An 8m easement is also required on smaller watercourses, and the policy notes greater widths are appropriate where forming green infrastructure, open space or ecological corridors such as 50m buffers for ancient woodland, 30m buffers around all semi-natural woodland and broad-leaved plantation woodland and 5m buffers either side of intact hedgerows. Whilst the wording of the policy is clear an unambiguous neither the policy or the supporting text sets out where the numbers used to reach these easements have come from. This element of the policy therefore requires justification to be sound.

### **Policy NE2- Green and blue infrastructure**

*Policy NE2 is not considered to be sound as it is not justified or effective.*

169. HBF note that by using a numbered list, the formatting and layout of this policy is much more useable and effective. We would request that in order for the plan to be effective and sound all policies should be set out in a similar way. However, the inclusion of what seems like a statement, rather a policy on climate change after the policy is confusing.

170. It is unclear how a developer could show compliance with the climate change sentence section of the policy. It therefore either needed deleting, or if the intention of this sentence is to explain the potential role of open space in providing flood storage to address climate, the two sentences that are below the numbered list should be rolled together so that the policy says:

New development must demonstrate how it will improve the green network of publicly accessible and linked open spaces to support growth by:

List of factors 1-9

Climate change will be fundamental to new development, including open spaces which must play a part in delivering long-term mitigation and adaptation. New open space can be used multi-functionally as flood storage except for formal”.

This would make sense if that was the Council's intention of this part of the policy.

### **Policy NE3- Biodiversity and geodiversity**

*Policy NE3 is not considered to be sound as it is not justified or effective or consistent with national policy.*

171. The wording of the **Biodiversity offsetting** part of the policy is not consistent with national policy, not effective and not justified, and will need significant amendments to be sound.
172. This proposed policy wording does not reflect the Environment Act which required 10% Biodiversity Net Gain, or the emerging policy, guidance and Best Practice on how Mandatory Biodiversity Net Gain will be implemented in practice.
173. Guidance is still emerging as preparation for the introduction of Biodiversity Net Gain continues. See for example this June 2023 Government Blog that details the work so far, and what additional work still to come <https://defralanduse.blog.gov.uk/2023/07/20/bng-whats-happened-and-whats-coming-next/>. Although this has been delayed from Nov 2023 to January 2023, it will still be important for the Local Plan to address this issue.
174. As the PAS guidance <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs> explains the Environment Act amends the Town & Country Planning Act (TCPA) to secure BNG. This will be calculated using the Biodiversity Metric, and local planning authorities will need approve a biodiversity gain plan. Habitat will be secured for at least 30 years via planning obligations or conservation covenants, and BNG can be



delivered on-site, through off-site units or via the new statutory biodiversity credits scheme. A national register for net gain delivery sites will be established, initially for all off-site BNG.

175. The proposed policy wording needs to reflect to the current position as set out above. As such there needs to be a variety of further amendments to the policy wording for it to be accurate and up to date. Significant changes are needed.
176. Firstly, biodiversity offsetting is not the right heading for this section as offsetting is but one of the ways that biodiversity net gain can be delivered. This section of the policy should therefore be titled Biodiversity Net Gain.
177. Secondly, the Environment Act is clear that BNG requirements can be met on-site, off-site or as a last resort through statutory credits (see <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>). Whilst on-site provision should be explored first there may be many reasons, including for example design and practicality, why on-site BNG is not deliverable and/or not the preferred approach of the applicant and/or the Council and/or the community and/or statutory consultees.
178. Factors that may need to be considered in reaching a view that off-site BNG may be acceptable, could include for example, whether the site is suitable for the type of BNG to be provided, what the priorities of the Local Nature Recovery Strategy are and/or the opportunity to coordinate contributions from a range of sites to provide for large landscape scale BNG schemes. The metric already compensates for off-site BNG provided when this is provided further away from the site, including outside of the LPA area. The Local Plan policy therefore cannot seek to limit BNG provision to within the Borough. To seek to do so is in direct conflict with national policy.
179. Thirdly, the policy requirement that developers must use Warwickshire County Council's biodiversity offsetting metrics and only that metric, is unreasonable, not justified and contrary to national policy and guidance at this point in time (Oct 2023).
180. Currently, Natural England encourage developers to use their Biodiversity Metric version 4.0. to calculate biodiversity net gain. See <https://naturalengland.blog.gov.uk/2023/03/28/measuring-biodiversity-net-gain-publication-of-biodiversity-metric-4-0/>. Once mandatory Biodiversity Net Gain comes in in Jan 2024, the legislation requires that the statutory metric should be used. HBF understand from Natural England statutory metric will not be Metric 4.0 but a slightly updated version that will include a section on how to calculate statutory credits. The requirement for mandatory BNG for small sites has been put back to March 2024 and small sites will be able to use the small site metric.
181. Once mandatory net gain come in, the policy requirements as drafted in this policy, will have been superseded by events as the statutory metric will

have to be used. Either way the policy should remove the requirement for developers to use the Warwickshire County Council metric as this is unjustified, contrary to national policy, and therefore unsound.

182. Fourthly, the policy begins with the sentence that says 'Biodiversity net gain offsetting will be required as a last resort once all available options in the mitigation hierarchy have been explored'. However, no mention is made of mitigation hierarchy is and how this relates to BNG. Indeed, the two issues appear to have been conflated together within the policy which is unhelpful and confusing.
183. If the Council wish to refer to the mitigation hierarchy within this policy, then the policy should start with a section on the mitigation hierarchy which sets out the principles of the mitigation hierarchy and that as a point of principle the loss of any biodiversity should be avoided in the first instance wherever possible. Only then should you move down the mitigation hierarchy to the minimise, restore and then offset phases. Paragraph 12.34 of the Local Plan references the mitigation hierarchy, but again this is under a Biodiversity offsetting heading. It would be better to split the two issues of mitigation hierarchy (avoid, minimise, restore, offset) and BNG (on-site, off-site, then statutory credits) out in the text as well.
184. The requirement for mandatory 10% BNG as required in the Environment Act is a related but slightly different issue to the mitigation hierarchy. Even where a development created no loss at all of any biodiversity the aim mandatory BNG is that sites have more biodiversity after development than before. So, even a site that avoided all BNG loss would need to demonstrate how it provides 10% more BNG after it has been developed that was there before.
185. Fifthly, the policy should include a separate section on mandatory biodiversity net gain. This should explain the national requirement for 10% mandatory BNG and the need to assess this against the baseline using the relevant Metric. The policy could usefully say on-site biodiversity should be fully explored before moving to consider off-site units or statutory credits.
186. The bullet point list in the biodiversity offsetting section does not comply with the BNG national guidance and policy and as such must be removed for the policy to be sound.
187. If the Council wants to explain how it would like to see BNG off-site delivery prioritised, this could be included within the supporting text, as strategic importance of a BNG asset is a factor considered in the metric. However, this list cannot be part of a policy. HBF agree that it would be useful for the Council to set out how it's approach to BNG links into the wider Local Nature Recovery Strategy, especially as Warwickshire has been a leader in this area of policy development and implementation.
188. Sixthly, the current Natural England BNG 4.0 Metric considers not only the type of the biodiversity asset, but also its condition and rarity. The metric



requires any lost biodiversity to be replaced with either a like-for-like asset(s) or one of a better quality. It is not possible to 'trade down'. The metric also incentivises the implementation of BNG closest to the site, through the multipliers applied to off-site provision and the deliberately high cost of statutory credits. The statutory credits system is deliberately set up to be more expensive than providing on-site BNG or delivering BNG units off-site. A policy that seeks to restrict BNG replacement habitat to be provided only within the Borough is ineffective unjustified and contrary to national policy. The BNG policy in the Nuneaton and Bedworth Local Plan should clearly set out the range of ways BNG can be delivered.

189. Seventh, the BNG national policy and guidance require the BNG to be secured for 30 years. There is no mention of this in the policy and there should be. This is an important factor for developers to consider when making planning applications and has viability implications.
190. Eighth, it should be noted that BNG within the policy and/or text that BNG can be delivered via either a Section 106 agreement or through a Conservation Covenant. Although best practice on conservation covenants is still emerging recent guidance on how to apply to be a Responsible Body, sets out who can become a Responsible Body, an option not limited to just Local Authorities (see <https://www.gov.uk/government/publications/conservation-covenants-apply-to-become-a-responsible-body>).
191. It is therefore possible that a developer could deliver their BNG requirements through BNG off-site unit payments to a Responsible Body who is not the LPA. The policy should therefore seek to secure BNG for the period of 30 years without specifying how this will be achieved.
192. The policy also refers to LBAP without expanding on what LBAP stands for. HBF suggest the policy should say Local Biodiversity Action Plans and should include LBAP as an acronym on the list of acronyms (starting on Page 269) and include a definition in the Glossary (page 261). In light of the intention for Local Nature Recovery Strategies to have a role in helping to prioritise off-site BNG, these should be referred to in the Plan, and ideally the supporting text to the BNG policy should set out how the Council intends to manage the interaction between LNRS and the planning system, particularly through the implementation of BNG. The final paragraph of the policy should be updated to reflect the current national policy advice and guidance.
193. There are significant additional costs associated with mandatory biodiversity net gain, which should be fully accounted for in the Council's viability assessment. It is important that BNG does not prevent, delay or reduce housing delivery.

## **CHAPTER 13: Built environment**

### **Policy BE2- Renewable and low carbon energy**

*Policy BE2 is not considered to be sound as it is not justified or effective or consistent with national policy.*

194. The policy seeks to ensure that developments connect to any existing community/district heating schemes where appropriate. HBF does not support any policy that would require new development to connect to existing district heating or cooling networks or provide new networks. Heat networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired.
195. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery, but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Councils should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies.
196. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies. All heat network domestic consumers should have ready access to information about their heat network, a good quality of service, fair and transparently priced heating and a redress option should things go wrong. Research by the Competition and Markets Authority (CMA) found that a significant proportion of suppliers and managing agents do not provide pre-transaction documents, or what is provided contains limited information, particularly on the on-going costs of heat networks and poor transparency regarding heating bills, including their calculation, limits consumers' ability to challenge their heat suppliers reinforcing a perception that prices are unjustified. The monopolistic nature of heat networks means that future price regulation is required to protect domestic consumers.
197. The CMA have concluded that "a statutory framework should be set up that underpins the regulation of all heat networks." They recommended that "the regulatory framework should be designed to ensure that all heat network customers are adequately protected. At a minimum, they should be given a comparable level of protection to gas and electricity in the regulated energy sector." The Government's latest consultation on heating networks proposes a regulatory framework that would give Ofgem oversight and enforcement powers across quality of service, provision of information and

pricing arrangements for all domestic heat network consumers. The Plan should therefore not include a policy requiring connections to heating networks.

### **Policy BE3- Sustainable design and construction**

*Policy BE2 is not considered to be sound as it is not justified or effective or consistent with national policy.*

#### **Criteria 1**

198. HBF note again that by using a numbered list, the formatting and layout of this policy is much more useable and effective. We would request that in order for the plan to be effective and sound all policies should be set out in a similar way. However, the interspersed section headings within the numbering undermines the clarity of the layout beyond the first list number 1-9. HBF suggest further thought should be given to the numbering of additional sections as the current form and layout is confusing.
199. Once again, the Council is seeking to give Local Plan status to the existing Sustainable Design and construction SPD. This is not appropriate. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process.
200. If the Council wish to provide additional advice on the interpretation of this policy, this should be done through a Supplementary Planning Document, which is prepared and consulted on after the Local Plan policy has been adopted. It cannot be done through trying to give Local Plan policies status to an existing SPD, especially as the existing SPD hangs from the adopted policies in the Local Plan, which will be replaced when this new Local Plan is adopted.
201. The reference to the SPD must be removed from policy. If the Council wish to prepare an SPD for this subject, this could be referenced in the supporting text.
202. As paragraph 13.28 of the Plan says "NPPF 110 specifically refers to the requirement for development proposals to reflect Borough Plan Review - Publication Draft Plan 196 current national guidance which includes the ten characteristics of the National Design Guide and National Model Design Codes". HBF would question therefore why this national guidance need to be repeated in the Local Plan.

#### **Criteria 3**

203. Criteria 3 seeks to introduce water efficiency standards calculator, not exceeding 110 litres/person/day (or any future reduction stated within an updated version of the Building Regulations 2010).

204. Building Regulations require all new dwellings to 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 Optional Technical Housing Standard is 110 litres per day per person.

#### **Criteria 4**

205. Criteria 3 seeks to require Development to adhere to the Future Homes and Buildings Standard, prior to its introduction in 2025. This is unreasonable and unjustified.

206. It is the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Council does not need to set local energy efficiency standards to achieve the shared net zero goal because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard.

207. HBF does not consider that the Council has provided the justification for why Nuneaton and Bedford require a policy above the requirements set out nationally in the building regulations requirements. Therefore, this part of the policy is not justified, unsound and should be deleted. Indeed there is a wider question of whether planning policy should be getting involved in matter that are properly being addressed through the Building Regulations system at all.

208. HBF is concerned that the Council setting their own standards over and above those set nationally may lead to issues for home builders as this adds to the cost and complexity of development. The impact of this requirement along with others in this Plan may have considerable viability implication and may lead to the non-delivery homes. The HBF recommends that the policy requirement to go further and faster than the 2025 implementation date should be deleted.

#### **Residential Section**

209. This section of the policy is yet again referring to 95% of development meeting M4(2) and 5% meeting M4(3). This issue has already been addressed several times in the Housing Policies. HBF's substantial comments in relation to any requirement for planning policy to require development to address M4(2) and M4(3) of Building Regulations, can be



found in our response to Policy H1 and H2 and H5 and are therefore not repeated here.

210. This part of the policy is yet another repetition of the requirements set out in the Housing Policies. HBF does not support these requirement whichever policy or policies they are included within. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue in planning policy is therefore unnecessary.

### **Criteria 17**

211. Although HBF is also supportive of the use of 'Building for a Healthy Life' as best practice guidance, its use should remain voluntary rather than becoming a mandatory policy requirement.
212. The policy requires that all major development must meet all 12 considerations of the Building for a Healthy Life standard. HBF is supportive of use of Building for a Healthy Life toolkit but note that it is not really a 'standard' to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places. Is it unclear how a developer they could show that they had met the standard, or what mitigation measures would be needed to offset this if meeting the standard was not possible.
213. The Local Plan needs to be clear about what 'meeting the standard' would entail, and what information would be needed to show that a development would achieve it. It would be helpful for the supporting text to include reference to the latest version of Building for a Healthy Life <https://www.udg.org.uk/publications/othermanuals/building-healthy-life> and its companion technical guide <https://www.gov.uk/government/publications/streets-for-a-healthy-life>
- The Council should signpost such guidance in its supporting text rather than in policy wording.
214. HBF's views on NDSS are set out in our response to Policy Policies H4, which specifically covers NDSS. The Council would need robust justifiable evidence to introduce the NDSS. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

### **Omission- Lack of Monitoring Framework**



*The Plan is not considered sound as is not effective without a Monitoring Framework*

215. The Plan should include a Monitoring Framework which sets out the targets for housing (and other matters) that will be monitored and the triggers for action being taken, and what that action will be.

### **Appendix 2: Housing Trajectory**

*The Housing Trajectory is not considered to be sound as it is not justified or effective or in compliance with national policy.*

216. The HBF Housing Trajectory need to be expanded to provide a site by site breakdown

### **Future Engagement**

217. The HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Yours faithfully



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