



Sent by EMAIL ONLY to helen@programmeofficers.co.uk

17/6/2024

Dear Helen,

Response by the Home Builders Federation to Matters Issues and Questions for the Nuneaton and Bedworth (Block 1 and 2) Examination in Public, June 2023.

Please find below the Home Builders Federation (HBF) response to the Matters Issues and Questions for the Nuneaton and Bedworth Examination in Public, July 2024. 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.

HBF supports the plan-system and agrees that it is important for Nuneaton and Bedworth Council to have an up-to-date Local Plan. We wish to attend the Examination hearing sessions to ensure that views of housebuilders are properly represented and feed into the plan-making process.

HBF have not answered every MIQ question, only those of relevance to our members. As such we have provided answers to some of the MIQs in relation to:

- Matter 1- Compliance with statutory procedures and legal matters
- Matter 2- Vision, Strategic Objectives and Development Strategy
- Matter 3- Housing
- Matter 5- Strategic and Non-Strategic Site Allocations
- Matter 6- Detailed Policies
- Matter 7- Monitoring and Review

We have tried to avoid repetition of our Reg 19 responses but have cross referenced them where this was helpful. We have provided specific comments on the Council's Proposed Modifications and Proposed Additional Modification where these are relevant to our comments.

Please let me know if you have any further questions.

I look forward to attending the Examination sessions.

Yours faithfully

R. H. Danemann

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HBF Response to Nuneaton & Bedworth Borough Plan Review

Schedule of Matters, Issues and Questions (Block 1 and 2)

This document lists matters (topics), issues (points for consideration), and questions that will form the basis for discussions during the hearing sessions and supply the context for any further written statements. Matters and Issues may change as the examination progresses, although participants will be given an opportunity to comment on any new Matters and Issues that arise. If sufficient information is provided on any particular questions, we may decide not to pursue them further in any depth.

Answers to questions should be supported with reasons, unless exceptionally it is clear from the question that a simple yes or no answer is required. There may be some overlap between questions, in which case answers may be cross referenced as appropriate. Text that may be found in submitted evidence documents or within the Plan itself need not be repeated at length, but references (with page and paragraph numbers) to those documents should be provided where relevant. Responses to each Matter should start on a new page. All questions should be answered by the Council. Other participants may respond to issues relevant to points they have made in their earlier representations. At the hearing sessions, opportunity will be given to participants to raise any other soundness issues set out in their previous representations and not covered in these MIQs.

Please note that where reference is made to specific paragraphs of the National Planning Policy Framework (the Framework), these relate to the September 2023 version and not the December 2023 version.

A. LEGAL COMPLIANCE

MATTER 1 – Compliance with statutory procedures and legal matters

Issue 1: Has the Council met the statutory duty to co-operate ('DtC') as set out under sections 20(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 as amended?

1. Has the Council submitted robust evidence to demonstrate that the duty to co-operate has been met?

HBF note that a Duty to Cooperate statement, dated 2024 has now been prepared and made available on the EIP Core Documents list. We also note that Statement of Common Ground have now been made available. It is disappointing that this information was not available sooner, as the potential of an unmet housing need in Coventry and the need for this to be addressed through the Nuneaton and Bedworth Plan is a key strategic issue that should have shaped the development of the new Local Plan. HBF agree with CCC's view that additional flexibility is needed within the Plan to provide further flexibility to meet unmet needs of neighbouring authorities is needed. We also agree that removing allocations from the Plan because they have planning permission is premature, and the de-risking of sites provided through the certainty of allocations is important and should remain.

2. Has the Council carried out effective engagement with neighbouring local authorities and other prescribed bodies on all relevant strategic matters?

In particular has effective engagement taken place in respect of housing and employment needs and provision in a cross border context?

HBF remains disappointed by the lack of joined up work and a shared strategy for addressing unmet housing needs of the region. HBF request additional flexibility is included within the Plan, including additional site allocations, to enable this issue to be addressed.

3. Are there any remaining areas of dispute between relevant authorities and bodies relating to the duty to co-operate and its fulfilment by the Council? If so, please give details? Are they resolvable in terms of soundness?

HBF would observe that the issue of addressing unmet need from neighbouring authorities remains outstanding. The SoCG with Rugby Council notes that that Council reserves the right to ask Nuneaton and Bedworth to make a contribution towards meeting their needs. In HBF's view this means the Nuneaton and Bedworth Plan should include additional flexibility to enable additional housing to be brought forward quickly to address any unmet need without needed the need for a full review of this new Local Plan. A review of a Plan does nothing to address the housing crisis, and there are more immediate measures that could be undertaken to quickly address any unmet needs, including further flexibility within the current plan, proactive engagement with the development industry including small and medium house builders to identify new opportunities, permitting windfall sites and/or the release of reserve sites. This underlines the importance of robust monitoring of the delivery of this Plan,

and ongoing engagement with neighbouring authorities to ensure Nuneaton and Bedworth can move quickly to assist neighbouring authorities, including both Coventry and Rugby, with their unmet needs if asked to do so.

Issue 2: Does the Sustainability Appraisal (SA) adequately assess the environmental, social and economic effects of the Plan in accordance with the legal and national policy requirements?

4. Have the likely environmental, social and economic effects of the Plan's policies and proposals been adequately assessed in the SA?

It is important for the SA to recognise the need for new housing in Nuneaton and Bedworth and to recognise the importance of housing for the economy and regional growth. HBF are of the view that the level of housing needed will require additional green field and Green Belt release.

We welcome the recognition in the SA that the requirements for Biodiversity Net Gain will help to mitigate the impact of development. In fact, BNG will require development to leave the sites 10% better in terms of biodiversity than before the development took place.

5. Has the SA properly assessed the likely significant effects of all reasonable alternatives?

As HBF believe Nuneaton and Bedworth should be delivering a higher housing requirement, in our view the SA should have considered higher growth levels and green belt releases. Such an approach is necessary to meet the housing needs of Nuneaton and Bedworth in full and make a larger contribution to the unmet need of the region that are known to exist.

6. Have all potential site allocations been assessed on a comparable basis?

HBF would have wished for additional sites including some within the Green Belt to be considered. The failure to do so limits opportunity to bring forward additional sites that will require an SA. However, in HBF's view, it is possible to update the SA to reflect delivery of a higher housing requirement and consider new sites will be needed as part of the Main Modifications process. This includes seeking views on this new information as part of the Main Modifications consultation.

7. Is it clear how the SA has influenced the Plan and the choice of spatial strategy? Does it support the spatial strategy or is there anything in the SA which indicates that changes should be made to the Plan?

HBF would support the need for additional work on the SA to support Main Modification to the Plan, including the need for additional site allocations for housing to fully meet the housing needs of Nuneaton and Bedworth and make a contribution to the wider unmet needs of the area.

8. Is the methodology in the SA sound and is it consistent with relevant guidance including the National Planning Practice Guidance (PPG)?

HBF are of the view that there are exceptional circumstances that justify green belt release, as such the Council should have considered an approach to green belt release. This should, for example, include for example whether the sites in the Green Belt that are most accessible by public transport as required by the NPPF.

Issue 4: Has the Plan been prepared in accordance with other legal and procedural requirements?

13. Does the Plan conform with the Local Development Scheme?

The LDS needs updating to reflect an extension of the time period needed for the Local Plan. It will also need updating to reflect the timetable of the EIP sessions and to allow for consultations on Main Modifications which will be needed for the Plan to be made sound. Indeed, the Council is itself now proposing some Main Modifications, but this is not reflected in the most up to date LDS.

14. The Plan period is 2021-2039. Is this sufficient and in accordance with national policy?

No. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption', therefore the Plan period should be extended.

B SOUNDNESS

Matter 2 – Vision, Strategic Objectives and Development Strategy

Issue 1: Have the vision and strategic objectives been positively prepared, are they justified and consistent with national policy, and can all be realistically achieved?

20. Does the Plan set out an appropriate vision for the Borough based upon the evidence?

HBF suggests the Plan's vision should explicitly include meeting the housing needs of Nuneaton and Bedworth in full and making a positive contribution to meeting the wider housing needs of the wider region. This would be in keeping with a pro-growth agenda the necessity for additional greenfield and green belt releases.

As HBF believe the plan period needs extending, the vision should also be updated to reflect this.

21. Are the vision and strategic objectives justified, have they been positively prepared, and do they accord with the evidence and national policy?

As detailed in our Regulation 19 representations, HBF have requested that the Council considers the standard method calculations as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement. For the plan to be positively prepared it must consider and address all of these issues, This includes the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to

secure increased delivery of affordable housing. It is not just the unmet needs of Coventry and Rugby that may require the housing number to be increased. HBF considers that it is appropriate for the Council to identify housing, and the maintenance of the five-year supply as a strategic objective of the Plan.

22. What does 'a steady and adequate level of suitable housing' mean in the context of strategic objective 4?

The Council need to clearly set out what they mean by this phrase. Currently HBF are unclear what is intended by the wording and as such object to this policy as it is ineffective and unjustified, and therefore unsound.

HBF remain of the view that the housing numbers 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, and HBF believe changes are needed for the Plan to be sound.

The Plan's Monitoring Framework should set 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. Monitoring is essential to see if the Plan is delivery housing as expected. The monitoring framework is part of the way that the Plan delivers the flexibility is needed, so that the Council is able to respond to any changing circumstances. HBF assume the Council's intention in the term 'steady' supply of housing relates to ensuring delivery across the plan period and responding quickly to address any under delivery. Assuming this is the Council's intention HBF would support the principal, but the mechanism to ensure this needs to be more clearly set out to ensure the plan is effective.

HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under delivery, much more quickly than would be possible through the production of another plan, or plan review.

It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy and monitoring framework to the potential to bring forward additional housing supply earlier. As the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites and/or include policies that would allow for additional windfall housing sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring.

If a plan review were to be included this should include explicit triggers and timetables. This could include quantification of unmet need from neighbouring authorities, monitoring showing under delivery of housing, and/or failure of the housing delivery test.

23. Do the vision and strategic objectives have regard to and provide for the development needs of the area as well as any identified unmet needs in neighbouring areas?

HBF believe there needs to be explicit reference to helping to meet the needs of the neighbouring authorities within the housing objective for this plan. There is a known unmet need in Coventry, and indeed HBF believe this is higher amount than suggested by Coventry City Council who are not including the urban uplift in their housing requirements calculations. As such Nuneaton's and Bedworth Plan should be including flexibility to enable it to respond to meeting this unmet need.

24. Does the Plan address/meet any identified unmet needs in neighbouring areas? If not, why not?

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 still exist, as nothing has been done to address Coventry's unmet need in the intervening period, and indeed the SoCG with Rugby indicates they reserve the right to ask Nuneaton and Bedworth to accommodate some of their unmet need.

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.

HBF is aware of the challenges that Coventry have faced when seeking to calculate their housing need using the standard method. 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.

We do concede that, at this time, it does appear that the unmet need of Coventry has not yet been properly quantified, and indeed resolving HBF's are objection to Coventry's failure to include the mandatory urban uplift requirement within their housing requirement calculations would impact on any figure. As such HBF believe the housing requirements of Coventry should be higher, the result will be a higher level of unmet need, and therefore a higher level of unmet need that Nuneaton and Bedworth should be helping to accommodate. However, the existence of this 'known unknown' amount of housing need in Coventry does not prevent the Nuneaton and Bedworth Plan from taking practical steps to help to address the wider housing needs of the region. Indeed, as housing requirements are always minimum and not maximum figures, the Plan could be doing significantly more to assist with this issue through additional allocations, supportive policies and other interventions.

The issue of unmet need in neighbouring authorities may be crystalised as time progresses but in HBF's view it will not disappear, and as such need to be addressed in this Plan in some way.

25. Is it necessary for the Plan to consider the release of Green Belt land to meet identified development needs?

Yes. HBF believes the plan should have fully considered Green Belt release to help meet identified housing needs. HBF believe the housing requirement should be higher and such all reasonable options need to be explored to help to meet the housing needs of Nuneaton and Bedworth in full, including making a contribution to the needs of neighbouring authorities.

HBF would also observe that failure to plan for the wider needs of the area would result in leapfrogging of development over the greenbelt resulting in less sustainable patterns of growth. HBF believe the Council can demonstrate the exceptional circumstances necessary for green belt release.

26. Is there a need to re-designate previously allocated sites as Green Belt?

If not, is this decision supported by robust evidence?

This question relates to the vision and strategic objectives. Any statement made in response to it should not therefore refer to omission sites.

As detailed in our Regulation 19 response, HBF suggest that there is need for a higher housing requirement in Nuneaton and Bedworth. This need is likely to justify a Green Belt review and trigger the exceptional circumstances necessary to release land in the Green Belt land for development. As such HBF would not support the re-designation of sites previously allocated as Green Belt.

One of the purposes of plan-making is to provide certainty for the development industry and communities on where new development will be located. A lot of time, effort and expense is put into the plan-making process, including public consultation and engagement at the Reg 18 and Reg 19 stages and through the Examination in Public. Sites allocated for development in the Local Plan have therefore been subjected to robust site selection process supported by the Council and the Local Plan Inspector, and the HBF would not usually support deallocation of allocated sites.

As mentioned on our regulation 19 comments, if current allocations are not coming forward HBF would expect the Council to proactively engage with the landowner, site promoter and/or developer to ascertain the reasons why. We would then expect the Council to see if there are any actions it can and should be taking to enable the delivery of the allocated sites. Such measure could include a whole range of policy and/or practical measures. For example, proactive housing enabling, use of Council resources, policy relaxation, revised viability assessments, securing of grant funding, direct intervention, recognition of the current position of the economic cycle and allowing the site to be brought forward sooner, or later than envisaged. Only when it is certain that the non-delivery of a current allocation is completely insurmountable over the whole of the plan period should deallocation in the next round of plan-making be entertained. It must be noted that 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.

HBF would suggest that on the rare occasion that a site was to be de-allocated for housing, the sites should not be allocated, or reallocated, as Green Belt but remain as countryside or even as safeguarded deallocated green belt land.

Issue 2: Has the development strategy and the overall distribution of development been positively prepared, is it justified by a robust and credible evidence base, and is it consistent with national policy?

27. Does the development strategy in general, and Strategic Policy DS3 incorporate sufficient flexibility within it? Particularly with regard to the potential for unmet housing and employment need arising from neighbouring areas in the future.

As mentioned elsewhere in our Regulation 19 responses and in this MIQ response, HBF believe the Plan period needs extending and the housing requirements for Nuneaton and Bedworth should be higher. In addition, more flexibility is needed within the Plan to enable the Council to make a contribution to the unmet needs of neighbouring authorities. This should include additional allocations and enabling policies.

28. Strategic Policy DS1 requires all new development to contribute towards the need to achieve net zero carbon emissions. Does the Plan make it clear how this would be achieved?

As HBF said in our Regulation 19 response 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. HBF remain of the view that, 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.

We have already suggested that 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 would be refused unless other material considerations indicate otherwise (as it says in paragraph 5). HBF remain of the view that 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.

HBF do not support the Additional Modification suggested to policy DS1, and do not believe the suggested change should be considered to be an Additional Modification. In HBF's view the change is not rectifying a minor error or factual inaccuracy. It is seeking to introduce a minimum target, which is clearly a policy decision.

29. Part four of Strategic Policy DS1 sets out the approach to planning applications and refers to various policy, guidance and material considerations. Having regard to s38(6) of the 2004 Act which gives

primacy to the development plan, is the wording used sound?

Please see response to Question 28.

30. Has the development strategy been fully informed by the SA and other evidence? Is it soundly based? Does it accord with the Framework?

As mentioned in our response to MIQ Questions Five, Six and Seven, HBF would support a development strategy that delivered more housing, additional allocations and Green Belt release. We recognise that this may require additional SA work.

31. Is the site selection process clear and suitably robust, supported by the SA and other evidence, with particular regard to the proposal to not allocate some sites that are allocated in the adopted Plan?

As mentioned in our response to MIQ Question 26 HBF would not usually support the de-allocation of housing sites. Plan-making takes a considerable amount of time and resources and the allocation of sites for housing is a key role of the Local Plan. Removing sites from the Plan undermines this process and should only be entertained in exceptional circumstances.

32. Have reasonable alternatives been considered and clearly discounted on the evidence?

See response to Question 30

33. Would the policies in the Plan, taken as a whole, effectively implement the vision and strategic objectives?

HBF do not comment on individual site allocations but we would expect the Plan set out a logical settlement hierarchy which meets all the housing needs and addresses all areas of the housing market, with a range of sites proposed for allocation. HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested through the Local Plan Examination process.

HBF would support a higher housing requirement development strategy that delivered more housing, additional housing allocations and further Green Belt release.

34. Is the overall level, pattern and distribution of development set out in the development strategy viable and deliverable in general terms?

HBF have provided detailed comments in our Regulation 19 response in relation to viability study. The points we have raised have not been addressed by the Council.

35. Does Strategic Policy DS6 deal with strategic matters, or does it deal with more detailed matters?

HBF's views on the Green Belt are detailed elsewhere in this MIQ response and our Regulation 19 comments. We would suggest this policy as written is not strategic in nature, but in light of our view additional allocations including some within the Green Belt a strategic Green Belt policy may be needed within the Plan.

36. Is Strategic Policy DS6 consistent with national policy? In particular, part three which relates to Green Belt purposes and openness?

HBF's views on the Green Belt are detailed elsewhere in this MIQ response and our Regulation 19 comments.

Matter - 3 Housing

Issue 1: The approach to the housing requirement

37. Is the housing requirement figure of 545 dwellings annum/9,810 over the plan period as set out in Strategic Policy DS3 soundly based and does it accord with the evidence and national planning policy and guidance?

No. HBF continues to believe the housing requirement should be higher for the reasons set out in detail in our Regulation 19 comments. They are not repeated verbatim here.

As the plan period also need extending the total number of homes being plan for will consequentially need to be increased.

HBF continue to believe 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. In addition, further flexibility is needed to enable any unmet need from Rugby to be accommodated as well.

In HBF's view, for the Plan to be sound, the housing requirement for Nuneaton and Bedworth should be higher.

38. Is the proposed housing requirement consistent with the economic growth ambitions of the Plan?

HBF would support a higher housing requirement for the Nuneaton and Bedworth Plan to help deliver the economic growth ambitions of both Nuneaton and Bedworth and the wider Midlands area.

Issue 2: The five year supply and overall housing supply position

39. This issue will be considered in Block 3. MIQs relating to Block 3 will be issued once the Council publishes its updated housing supply information and evidence.

HBF will welcomes the opportunity to comment on the 5YLS information in Block 3 of the examination. We await the publications of the updated evidence.

Matter 5 – Strategic and Non-Strategic Site Allocations

Issue 1: Strategic Policy SA1 – Development Principles on strategic

Sites

HBF do not comment on individual sites proposed for allocation but have previously noted that the Council should provide a site-by-site analysis demonstrate deliverability of individual site allocations. It remains important that the Council's assumptions build rates, 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.

HBF remain of the view that for the plan to be sound, more detail is needed in the Housing Trajectory, and that this should be broken down on a site-by-site basis.

We note that an updated Housing Trajectory has been proposed as a Main Modification, but this does not address our concerns. A site-by-site breakdown should be provided.

46. Are the requirements within requirement 1 justified? Is this requirement a duplication of the requirement in policies H5, BE3 and to some extent policies H1 and H2 and is there consistency between the policies on the matters covered by requirement 1?

In our Regulation 19 representation HBF set out in detail why we do not support the requirement for NDSS, and why we object to SPDs being referenced in policy. These comments remain and are not repeated here.

HBF do not comment on individual sites proposed for allocation but as a general point have commented on the excessive, unnecessary and potentially confusing duplication of policy requirements throughout this draft Plan. As the plan should be read as a whole, such duplication is entirely unnecessary and unhelpful.

47. Is it reasonable and justified for requirements 6 and 8 to require conservation/retention and enhancement or is more flexibility required with regard to enhancement?

More flexibility is needed.

48. Requirement 7 requires the protection of local wildlife sites. Is this approach justified and consistent with other policies in the Plan and with national policy?

This should be part of the planning balance.

49. With regard to requirement 12, is it clear how proposals will be assessed against the Sport England's Active Design Guidance and its checklist?

HBF note the Council is intending to propose an additional modification which seeks to require a checklist to show compliance with the Design Guidance. HBF questions if this is appropriate and justified.

50. Is the water efficiency standard referred to in requirement 13 justified and if so, should it be referred to as a minimum standard (see question 160) in relation to Policy BE3.

No.

51. Is requirement 15 justified by evidence?

For Council and others to respond

52. Is requirement 16 requiring compliance with SPDs and design codes necessary and justified?

As we have detailed in our Regulation 19 response, and elsewhere in this MIQ response HBF do not believe it is appropriate to reference SPDs within Local Plan policy. Doing so seeks to give Local Plan Policy status which is contrary to national planning policy and guidance. Any reference to SPD should only be in the supporting text

Issue 2: Strategic Housing Allocations

HBF do not comment on individual site allocations other than to say that we would expect the plan to provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice to ensure that housing needs are met in full.

Issue 3: Non-Strategic Housing Allocations

59. Are the Non-Strategic Housing Allocations and their policy requirements soundly based? Are they justified, deliverable/developable, and supported by the evidence?

HBF do not comment on individual site allocations other than to say that we would expect range of sites. We would wish to see the Plan set out a logical settlement hierarchy which meets all the housing needs and addresses all areas of the housing market, with a range of sites proposed for allocation. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination. The Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice to ensure that housing needs are met in full.

60. Does the evidence support the expected delivery trajectory on each site?

For Council and Developers to respond.

However, a detailed site by site breakdown should be provided as part of the Housing Trajectory.

61. How will the supporting text be used in the determination of planning applications? Should any of the supporting text, particularly for those

sites without planning permission, be expressed as policy rather than guidance?

HBF do not comment on individual sites, but as a general point we would agree that it is policy should be used to determine planning decisions. Supporting text should explain the background, context and functioning of the policy, but obviously is not itself policy. Policy should be policy, and supporting text should be text that supports the policy. Clarity is needed.

62. Is the guidance in respect of Policy/Site allocation NSRA10 sufficiently clear so as to be effective particularly in the case of demonstrating that a need for a GP surgery is no longer needed and the requirements of Sport England in relation to the playing field?

HBF do not comment on site specific allocations, but we would expect policy requirements to be fully justified and effective.

MATTER 6 – Detailed Policies

Issue: Whether the non-strategic detailed policies reflect the Plan’s vision, strategic objectives and development strategy and accord with national policy and evidence?

General

85. Which policies in the Plan ensure that the residential amenity of existing residents is appropriately protected from new development?

For Council to respond.

86. Is it appropriate for detailed policies to make reference to Supplementary Planning Guidance or should these be referred to in the supporting text?

No. It is not appropriate to refer to SPD in Local Plan policy. Doing so in effect seeks to give them Local Plan policy status which is not appropriate. Policy should be set in the Local Plan and any SPDs should provide additional guidance on how the policy should be interpreted and/or implemented. SPDs are not, and should not be, policy.

Policy H1 – Range and mix of housing

87. Is Policy H1 justified and consistent with the evidence and national policy?

No. HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here. We note the Council is proposing some Main Modifications to the policy, but these do not address our concerns.

88. Is there a need for the first part of the policy to refer to housing tenure as well as type and size?

HBF’s objection to this policy remains outstanding, however if reference is to be made to type and size, tenure would seem to be a necessary inclusion as well. We note the proposed Main Modification to move the sentence from the start of the policy to the end, does not address this issue.

89. Is the requirement for homes for older people and other specialised housing to comply with M4(3) higher building regulations standards justified by evidence and consistent with national policy?

No. HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

90. Is the requirement to ‘strongly adhere to’ emerging technical guidance justified and effective?

No. HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

91. The last part of the policy relating to self-build and custom build homes refers to them being ‘sustainably located’ – what is meant by this? As worded is it sufficiently precise and unambiguous?

The policy wording is not precise and is ambiguous.

Policy H2 - Affordable housing

92. Is Policy H2 justified, and consistent with the evidence and national policy? Does the evidence indicate that a 25% requirement is deliverable?

No. HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

93. Are the requirements for affordable home ownership/First Homes clear and unambiguous so as to be effective?

No. HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

94. Is the requirement of two affordable dwellings to be provided on schemes of 11-14 dwellings justified?

No. HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

95. Are the requirements relating to M4 (2) compliance justified?

No. HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

96. What does ‘considered constructively’ mean? It is it clearly understood and necessary?

HBF is unclear what the term means. We have provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

97. Is the approach to exceptions clear, effective and justified?

No. The policy wording is muddled. There is no need to refer to the need to comply with other policies in the plan, within a policy, as the Plan should be read as a whole.

HBF made detailed responses in our Regulation 19 comments about the need for the policy to clearly set an affordable housing target. We note the Council’s proposed Main Modification does not address our point as the new wording says “at least 25%” not “25%”. Our other concerns about the policy still stand.

98. Is the reference to the Affordable Housing SPD justified?

No. As we have detailed elsewhere HBF believe any reference to SPDs should only be in supporting text. The Proposed Main Modification to policy H2 seeks to introduce new wording weight further reference to the SPD. This is simply not appropriate, in line with national policy, or sound.

Policy H4 Nationally Described Space Standards

99. Is Policy H4 justified, effective and consistent with the evidence and national policy?

No. HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here. We do not believe the requirement for NDSS is appropriate, justified, effective or in line with national guidance. As such the policy is unsound and should be deleted.

100. Is the policy sufficiently flexible?

See our response to Question 99 and our Reg 19 representations on this issue.

101. Is there duplication with Policy BE3 which also requires compliance with the NDSS?

Yes, and it is unnecessary. HBF object to the requirement to comply with NDSS for reasons detailed above and in our Reg 19 response, whichever policy seeks to require this,

102. Is the first part of the policy actual policy or background on the standards? If the latter, should it be in the supporting text rather than the policy itself?

See above.

Policy H5 Accessible and adaptable homes

103. Is Policy H5 justified, effective and consistent with the evidence and national policy?

No. HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

104. Is there unnecessary repetition of requirements in relation to standards set out in other policies which may make the policies unclear and ineffective?

Yes. HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

Policy HS1 – Ensuring the delivery of infrastructure

112. Is the policy wording sufficiently clear and are all of the policy requirements necessary or would it be more appropriate for some (e.g.

part 4 of the policy) to be included in supporting text?

HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

113.Is there a need for this policy and/or supporting text to refer to foul drainage and the water cycle study or is this addressed by Policy BE3?

HBF oppose any requirement for applicants to assess or demonstrate the capacity of the water company to connect a development with water services (e.g. the supply of fresh water and the treatment of wastewater).

HBF also rejects the requirement for applicants to demonstrate water neutrality, as the legal responsibility for the supply of water services falls to the water company.

These are not land use planning matters. They are matters managed under a separate statutory regime. Matters relating to water and sewerage infrastructure and its availability and/or network capacity are both controlled by separate, dedicated legislation, i.e., s37 (water) and s94 (sewerage) of the Water Industry Act 1991. The planning process should not be used as a route to subjugate established primary legislation.

HBF have provided further detailed comments on this matter in our Regulation 19 response, they are not repeated here.

114.Should the policy refer to EV charging stations?

Building regulations already require EV charging points to be provided in new homes, there is no need for this to be included in a Local Plan policy.

Policy HS4- Suggested Additional Modification

HBF object to the Suggested Additional Wording to H4. As with all consultee responses the comments of Sport England should be a consideration that is weighed into the planning balance when determining any application. The decision-maker on any planning application has to be the Local Planning Authority.

Policy HS5 – Health

122.The policy refers to Health Impact Assessment Screening Report and Health Impact Assessment. A Health Impact Assessment is defined in the glossary to the Plan, but a Health Impact Assessment Screening Report is not. In order for the policy to be effective should it be?

The term Health Impact Assessment Screening Report must be defined in the Plan, for the plan to be effective and justified. HBF's other comments in relation to this policy can be found in our Regulation 19 response.

Policy HS6 – Sport and exercise

123.Is this policy consistent with the Framework and Policy HS4 – Retaining and expanding community facilities? Is it necessary for the loss of sports pitches and playing fields to be addressed in both Policy HS4 and Policy

HS6?

There is no need for this matter to be addressed in more than one policy. Doing such creates potential confusion and conflict. HBF do not support the Proposed Additional Modifications to the supporting text of H4; this comment would also apply if this matter was addressed in H6.

124.Is the policy sufficiently clear about when sport and exercise facilities will be required to be provided on and off site?

125.Paragraph 11.54 refers to the need for developers to collaborate on the provision of infrastructure which is needed to serve more than one site.

Is there sufficient detail within the Plan about how this collaboration should be done?

This is unclear. Any requirements must be reasonable and proportionate.

Policy NE1 – Green and blue infrastructure

128.Green infrastructure is defined in the glossary to the Plan, but blue infrastructure is not. Should it be?

Yes. All the key terms in the Plan should be defined, otherwise the plan is ineffective and unsound.

129.Does the wording of the policy provide sufficient flexibility?

HBF have provided detailed comments on this matter in our Regulation 19 response, they are not repeated here. We believe additional flexibility is needed for this policy to be sound.

130.The first part of the policy states that new development proposals will enhance, sustain and restore existing green and blue infrastructure. Is it possible to achieve all three of these outcomes?

HBF have provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

131.Are the second and fourth parts of the policy actual policy requirements or are they statements that should be included in the supporting text?

HBF have provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

132.Part 5 of the policy refers to various set-backs. What justification is there for these?

HBF have provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

133.Is there a need for the policy to address flood resilience schemes within

green infrastructure?

HBF have provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

Policy NE2 – Open space and playing fields

134.Is this policy consistent with the Framework and other policies within the Plan relating to open space and playing fields (HS4 & HS6)?

HBF have provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

135.Does the wording of the policy provide sufficient flexibility?

HBF have provided detailed comments on this matter in our Regulation 19 response, they are not repeated here. We believe additional flexibility is needed for this policy to be sound.

136.Is the sentence after part 9 of the policy relating to climate change a policy requirement or a statement? Is it possible to demonstrate compliance with it?

HBF recognises that the Local Plan has a key role to play in helping adapt to, and mitigate, the impacts of climate change. We are however very concerned about the proliferation of climate change and energy policies that seek to go further and faster than national policy changes that result in patchwork of differing local standards. There is simply no need for Local Plans to include policies on matters already adequately addressed through Building Regulations, other consenting regimes and other regulations.

Policy NE3 – Biodiversity and geodiversity

It is important to note that Mandatory BNG for large sites came in on 12th Feb 2024, and for small sites on 4th April. The final version of the DEFRA Guidance was published on 12th Feb, but it was not until the 14th Feb 2024 that the new BNG PPG was published. All of this occurred after the close of the Regulation 19 consultation for this Plan.

137.Is the policy sufficiently flexible?

It will be important to understand the costs of BNG, in terms of both finance and land take, in order to ensure that individual site allocations are viable, and that the policies in the Plan when taken as a whole are not so burdensome on development they make delivery unachievable. It will be important to consider how BNG impacts on viability, and how this works with other policy requirements such as affordable housing, and other s106 contributions.

HBF would also encourage the Council to ensure the Local Plan fully considers, and evidences, how BNG has formed part of the site selection process. This should include understanding the BNG requirement, including undertaking an assessment of the baseline to support the allocation.

138.Is the first part of the policy which refers to legislation necessary? Would it be more appropriate to refer to this legislation in the supporting text

rather than in the policy itself?

HBF does not believe the policy needs to refer to the legislation. Background context to the policy, including an explanation of the legislative requirement should be provided only in the supporting text.

139.Should the policy or supporting text refer to the Local Nature Recovery

Strategy?

Yes, this is important. In the next round of local plan making HBF would expect that the Local Plan could designate /allocate sites for BNG delivery where scheme would be supported/are being delivered. These schemes that secure BNG credits may be being worked up in advance of a particular development as the off-site credit market emerges.

At this point in time, it is known that LNRS will emerge over the plan period, but is unlikely to be in final form when the Plan is adopted. An explanation of this fact and clearly setting out what role the LNRS will play in decision making in planning applications will be an important role in enabling the delivery of BNG, and it therefore essential to ensure the Plan is effective and deliverable, and therefore sound.

The LNRS will be an important part of setting a spatial strategy for nature in Nuneaton and Bedworth. The link between the Local Plan and the BNG will be very important as the LNRS emerges, and as such it will be important for this Local Plan to ensure that the interaction between the two documents is fully understood and/or changes to Local Plan policy to reflect the LNRS are made. HBF would welcome further public consultation on the LNRS as it emerges.

140.Is the policy consistent with national legislation and policy including the

Framework, particularly with regard to the mitigation hierarchy and

biodiversity net gain (BNG) requirements?

No. The current policy is unsound as it conflicts with national legislation, policy and guidance in relation to BNG.

As part of its March 2024 Proposed Main Modifications the Council is indicating that it intends to amend the BNG policy as follows

“Biodiversity Net Gain ~~offsetting~~

All applicable development must demonstrate a minimum 10% Biodiversity Net Gain with offsite ~~net gain offsetting~~ will being required as a last resort once all available options in the mitigation hierarchy have been explored. Developers must use ~~Warwickshire County Council biodiversity offsetting metrics (until such time this is superseded by the mandatory use of the national metrics)~~ **the Statutory Metric** to quantify the impact, and to calculate an appropriate level of compensation to replace the lost habitat. If the habitat loss cannot be replaced on site, the replacement habitat should be provided, in the Borough, in the following order:

- A biodiversity strategic location.
- A location adjoining and/or linking a biodiversity strategic location.

- A location which significantly increases connectivity between LBAP habitats – and/or any emerging Nature Recovery network location that aligns with targeted areas and corridors for increased ecological connectivity.

If this is not possible then the Warwickshire, Coventry and Solihull Green Infrastructure hierarchy is to be applied.”

This proposed Main Modification is still incorrect and contrary to national legislation, policy and guidance in relation to BNG. The purpose of mandatory BNG is to ensure that development leaves the site in a better condition in terms of biodiversity, than it was before development, and the statutory metric is used to undertake the calculation of the BNG baseline before development, and the BNG amount post development. It is not about ‘replacing lost habitat’ as BNG can be increased through improvement to existing habitat. ‘Replacement habitat’ is therefore the incorrect terminology to use, it does not comply with the national requirements for BNG and is therefore unsound.

National BNG legislation and guidance is clear that BNG can be achieved through on-site credits, off-site credits and as a last resort, statutory credits.

The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 defines the biodiversity gain hierarchy. The Regulations states that *“biodiversity gain hierarchy” means the following actions in the following order of priority—*

- (a) in relation to onsite habitat with a habitat distinctiveness score, applied in the biodiversity metric, equal to or higher than four—*
 - (i) avoiding adverse effects of the development, or*
 - (ii) insofar as those adverse effects cannot be avoided, mitigating those effects;*
- (b) in relation to any onsite habitat which is adversely affected by the development, compensating for that adverse effect by—*
 - (i) habitat enhancement of onsite habitat;*
 - (ii) insofar as there cannot be that enhancement, creation of onsite habitat;*
 - (iii) insofar as there cannot be that creation, the availability of registered offsite biodiversity gain for allocation to the development;*
 - (iv) insofar as registered offsite biodiversity gain cannot be allocated to the development, the purchase of biodiversity credits.’*

It is therefore not appropriate for the Council to seek to introduce a policy that departs from the national statutory BNG provisions. In particular, it is not appropriate to seek to restrict BNG offsetting to the within the borough. This delivery of off-site units simply may not be possible for practical and ecological reasons, for example the soil type, or because the emerging off-site credit markets has no suitable units available to purchase. The metric already rewards off-site units located close to the development sites and penalises the use of off-site units further away.

HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time and note that there is a lot of new information for the Council to work though and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been

finalised and published. HBF would encourage the Council to fully review this information and amend their policy accordingly. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase "at least 10%" would help to provide this.

There are significant additional costs associated with biodiversity gain, which will need to be fully accounted for in the Council's viability assessment. It is important that BNG does not prevent, delay or reduce housing delivery. Although the national policies requiring 10% BNG cannot be subject to site specific viability discussions, any policy requirements over 10% can be. Any policy seeking more than 10% BNG needs to reflect this position.

It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG. It would be helpful for the Plan to refer to this Guidance in the supporting text.

HBF also suggest particular care is needed in terminology to ensure the BNG policy reflects the national policy and guidance. For example, on-site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. Similarly, it will be important to differentiate between the long-standing environmental protection mitigation hierarchy, which seeks to avoid harm and then mitigate it in relation to protected habitats and the BNG hierarchy which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits. National BNG policy allows for all three of these options, and therefore the Plan should also reference statutory credits.

The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take, which will impact on densities achievable if BNG is provided on-site.

As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it was arrived at using the most up to date BNG costs information available.

HBF suggest that there is also a need for this policy and supporting text to say more about Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy to reflect the LNRS may be needed.

As previously mentioned, HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding of the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is a need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two different hierarchies. HBF therefore suggest that the council should take particular care to explain how the requirements of the two parts of the hierarchy work in different ways and that they seek to achieve different aims. The proposed Main Modification to this policy continues this muddled and incorrect view of BNG, and results in a policy that remains unsound as it is unjustified, ineffective and contrary to national policy.

Reference could also usefully be made within the Plan to the small sites metric. This is intended to be a less complex statutory metric that can be used to set out how 10% BNG will be secured on small sites. It can only be used for on-site BNG delivery. The national mandatory 10% BNG policy has applied to small sites since April 2024.

The new DEFRA and DHF guidance is clear that going beyond the mandatory 10% requires evidence and there is a need to show that this will not impact viability. No such evidence exists to support a higher figure in Nuneaton and Bedworth.

Our other concerns about this policy remain.

141. Is the term LBAP defined anywhere in the Plan?

Although the term LBAP is referred to in the wording of policy NE3 HBF have been unable to find any definition of a LBAP within the Plan, and note the Council is not currently proposing a Main Modification or an Additional Modification to seek to define LBAP within the Plan. This needs to be done.

142. Have the likely additional costs associated with BNG been accounted for in the viability assessment of the Plan?

No. HBF provided detailed comment in our Regulation 19 about Viability Assessment in general, and in relation to BNG and viability specifically. However, the Viability Assessment of August 2023 has not been updated to reflect the concerns and challenges HBF raised in our Regulation 19 response back in October 2023. We remain concerned that BNG is impacting on delivery of housing sites both in terms of the density implications in relation to site size and density, and the costs.

Since the introduction of Mandatory BNG in February 2024, and for small sites from April 2024, feedback from our membership suggests BNG is proving problematic in some areas, and for some sites. The costs of mandatory BNG are still emerging and the off-site market is emerging more slowly than many in the sector had hoped. The initial price of statutory credits is now known but owing to their deliberately high price to discourage their use HBF members experience to date is still finding that schemes that need to rely on statutory credits are unviable, particularly in lower value areas away from London and South East.

The lack of mature and functioning local markets for off-site credits is still causes viability problems because off-site credits, when on site deliverable is not practical or preferable for BNG reasons, offsite credits are simply not available. This national fallback option has been Whilst this intention is understandable, at present the lack of

The potential conflict between the Lawton principles of bigger better and more joined up, as set out in the Making Space for Nature report ([‘Making space for nature’: a review of England's wildlife sites published today - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/123456/Making_space_for_nature_a_review_of_England_s_wildlife_sites_published_today_-_GOV.UK.pdf)), and the fragmentation of BNG that would provided by on-site BNG delivery in small sites which may be disparate and disjointed, should also be recognised.

143.Is it acceptable to require replacement habitat to be provided in the Borough.

No. As mentioned in our earlier responses, this would be contrary to national guidance and as such unsound.

144.With regard to monitoring ref NE3a, is it realistic to expect no deterioration to a local wildlife site when it is affected by a strategic allocation?

HBF would question the compatibility of the proposed policy wording and the mitigation hierarchy which seeks to avoid harm where possible but does allow for mitigation.

Policy BE2 – Renewable and low carbon energy

150.Does the first part of the policy offer sufficient flexibility for other types of renewable and low carbon technologies to be supported and should it specifically refer to hydro power?

HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here.

151.The policy requires development to connect to any existing community/district heating schemes where appropriate or to consider installing new schemes. Is this approach justified, effective and consistent with national policy?

HBF provided detailed comments on this matter in our Regulation 19 response, they are not repeated here. We do not believe any requirement to connect to a district heating network is

justified, effective and consistent with national policy. Any such policy requirement is therefore unsound and should be deleted.

152.The policy refers to “low carbon” and “zero carbon”, is it clear what is meant by these terms?

If this policy is to be retained, the wording must be clear with terminology clearly defined. However, HBF have provided detailed comment on this policy in our Reg 19 response and these are not repeated here.

153.Does paragraph 3 of the policy provide sufficient clarity about how this part of the policy could be met?

No. HBF's detailed comment on this policy are in our Reg 19 response and are not repeated here.

154.Is the reference to higher building regulations requirements justified and appropriate?

No. As detailed more fully in our response to the Regulation 19 consultation, HBF do not support Local Plan policies on matters already addressed in Building Regulations.

155.Does the last part of paragraph 4 relating to the approval of community led initiatives need to be caveated to if in accordance with other policies in the Plan?

HBF's detailed comment on this policy are in our Reg 19 response and are not repeated here.

156.Is it necessary for the policy to refer to which locations low carbon developments and EV charging stations may be acceptable e.g. outside of settlement boundaries and/or to allocate specific sites?

HBF's detailed comment on this policy are in our Reg 19 response and are not repeated here.

157.Should the policy include a specific requirement for renewable/low carbon technologies in new residential development?

HBF's detailed comment on this policy are in our Reg 19 response and are not repeated here.

Policy BE3 – Sustainable design and construction

158.As worded, does the policy provide sufficient flexibility?

No. Further flexibility is needed to ensure the policy does not become a barrier to the delivery of much needed housing.

159.Part 1 of the policy refers to the ten characteristics of the National Design

Guide and National Model Design Codes. Is this necessary or does it introduce duplication with national policy?

HBF do not believe that reference to the ten characteristics of the National Design Guide and National Model Design Codes within this policy is necessary. It introduces duplication and potential confusion with national policy.

160.Part 3 of the policy refers to water consumption not exceeding 110 litres/person/day. Is this justified and supported by evidence? Is a lower maximum than this justified, and should this maximum be referred to as a minimum standard in order to encourage improved water efficiency standards? (110 litres/person/day is also referred to in Strategic Policy

DS1 – Sustainable development)

As mentioned in our response to Strategic Policy DS1, HBF do not support the inclusion of policies relating to water efficiency within the Local Plan, as this matter is already being addressed, and is best addressed through Building Regulations and the Future Homes Standard. The current Part G Building Regulations requires developments to compliance with a limit of 125 litres per day, which is a higher standard than that achieved by much of the existing housing stock. House builders are frequently delivering 115-110 litres per day which means the house building industry is already improving upon the regulations. HBF would caution against policies that seek to go further and faster than national policy changes that result in a patchwork of differing local standards.

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. The Council's proposed additional modification does nothing to address our concerns, as in our view there is no need for a policy on this matter in a Local Plan.

161.Part 4 of the policy requires adherence to the Future Homes and Buildings Standard prior to its introduction in 2025. Is this justified?

No. The requirements to comply with the Future Homes and Buildings Standard, prior to its introduction in 2025, is unreasonable and unjustified. It is the Government's intention to set standards for energy efficiency through the Building Regulations and as such Local Plan policies on this issue are not needed. The key to successful implementation of environmental standards for new homes is standardisation and avoidance of individual Council's specifying their own policies which undermines economies of scale for product manufacturers, suppliers and developers.

As we highlighted in our Regulation 19 response HBF information suggests that complying with the current Building Regulations 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. Therefore requiring compliance with the Future Homes and building standards in advance of its introduction will also impact on viability.

162. Is the Heritage assets section of the policy guidance or policy? How would a proposal demonstrate compliance with it?

If this wording is retained this should be in the supporting text as it is guidance, and not policy.

163. Is it necessary and justified to refer to 95% of residential development meeting M4(2) and 5% meeting M4(3) Building regulations standards for access? Is this requirement a duplication of the requirement in policies SA1, H5 and to some extent policies H1 and H2?

HBF's detailed comment on this policy can be found in elsewhere in our MIQ response and in our Reg 19 response and are not repeated here. There is not need for policy repetition, as the Plan must be read as a whole.

164. Is it necessary and justified for the policy to require compliance with the NDSS?

No. HBF's detailed comment on this policy are in our Reg 19 response and are not repeated here.

165. Is it necessary and justified for major development proposals to meet all of the 12 considerations in Building for a Healthy Life (part 17 of the policy)? Is it clear what would be required to meet this policy requirement?

HBF's detailed comment on this policy are in our Reg 19 response and are not repeated here. It is not clear how a developer could show compliance with the policy.

166. Does the last paragraph of the policy just refer to sustainable construction or to the wider policy? Is it necessary and justified to submit a viability assessment where a developer considers that meeting the requirements is not suitable to local circumstances?

HBF's detailed comment on this policy are in our Reg 19 response and are not repeated here. We do not believe the requirement to submit a viability assessment if a developer cannot comply with this policy requirement is reasonable, proportionate or justified.

MATTER 7 - Monitoring and Review (Block 2)

173. MIQs relating to Monitoring and Review will be issued prior to Block 3.

These will cover policies DS7 and DS8 and the general approach to monitoring of policies set out in the Plan.

HBF would wish to take the opportunity to comment on the Monitoring and Review section when the MIQs for these issues are available. Monitoring of this plan is essential to ensure that housing is being delivered, but it is not the monitoring per se but the actions that will be taken if monitoring shows under-delivery that is really important.