

Rutland County Council,
Catmose House,
Catmos Street,
Oakham,
Rutland
LE15 6HP



SENT BY EMAIL
Localplan@Rutland.gov.uk
09/12/2024

Dear Planning Policy Team,

RUTLAND LOCAL PLAN: REGULATION 19 CONSULTATION DRAFT

1. Thank you for consulting with the Home Builders Federation (HBF) on the Rutland Local Plan Regulation 19 consultation draft.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF notes a consultation on the NPPF and the standard method for calculating housing need has taken place just prior to this consultation on the Rutland Local Plan, and that this is likely to have implications for the production of the Plan and the policies it contains.
4. The HBF also notes that the 'Building the homes we need' the Written Ministerial Statement (WMS) from Angela Raynor on 30th July 2024¹ highlights the importance of everyone local authority having a development plan in place, and states that for plans at an advanced stage of preparation (Regulation 19), allowing them to continue to examination unless there is a significant gap between the Plan and the new local housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure.
5. The HBF is keen to ensure that Rutland prepares a sound Local Plan that can be taken through to adoption and offers the following comments on certain aspects of the Plan, which could help to create the most appropriate Plan.
6. Whilst not a matter of soundness it would be helpful if the council could include clause / paragraph numbers within all of the policies and supporting text. The numbering of each clause / paragraph within a policy and the justification text will aid referencing for those making representations on the local plan as well as for applicants and decision makers following the adoption of the plan.

¹ <https://questions-statements.parliament.uk/written-statements/detail/2024-07-30/hcws48>



Plan Period

7. The Council propose a plan period of 2021 to 2041. The HBF considers that any update should ensure that the Plan covers a period of 15 years from the adoption of the Plan. The NPPF² states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery. To ensure that the Plan covers the full 15 years on adoption, this requires the Plan to be adopted in 2026.

Vision and Objectives

8. The HBF considers that as per the vision it is important that the Plan supports the delivery of a range of high-quality housing that meets that County's minimum housing need and which meets the needs of all sections of the community.

Policy CC2: Design Principles for Energy Efficient Buildings

Policy CC2 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

9. This policy states that development proposals are expected to meet the highest standards possible energy efficiency standards. It sets out principles that development proposals will be expected to demonstrate within an Energy Statement.
10. The HBF considers that it is important that the Council does not set its own standards for development which may differ from the approach being taken by national Government, and that any such policy in relation to low carbon, local heat and energy solutions are implemented on a flexible basis, and that the Council recognise the decarbonisation of the national grid. This would be in line with the Written Ministerial Statement of December 2023³.
11. Building Regulations Part L 2013 is often used as a base line for measuring future building performance in terms of carbon reduction. Part L 2021 sees a 31% reduction in carbon use when compared to that of Part L 2013, it still sees the use of gas or fossil fuel heating used in new properties. The 31% improvement is achieved through enhanced performance to the design of the building fabric and within the appliances used within the home. Part L 2025 (known as the Future Homes Standard (FHS)) is expected to see a 75% to 80% reduction in carbon use when compared to Part L 2013. Any new home built to the Part L 2025 will not utilise any form of fossil fuel heating within the home, it will only contain sources of electric heating and electrical appliances. This means that the homes built to the FHS will be 'zero carbon ready'. This in turn means that as the National Grid decarbonises, no additional work will be needed to be carried out to those properties in order for them to function as 'zero carbon homes'. Therefore, the HBF considers that this policy should be amended to better reflect the national standards and processes.

² NPPF December 2023 Paragraph 22

³ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>

Policy CC4: Net Zero Carbon (Operational)

Policy CC4 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

12. This policy states that all development proposals should provide for the maximum generation of renewable electricity as practically and viably as possible on site. It also states that proposals supported by an energy statement should submit updated and accurate and independently verified 'as built' calculations of energy performance.
13. The HBF is concerned that the focus of on-site renewable energy may not be the most appropriate or sustainable option for all developments and that the Council should ensure that this policy is applied flexibly to ensure it achieves the most appropriate outcomes, rather than slavishly following the requirement for on-site renewable generation. The HBF notes the flexibility in relation to viability, however, it is considered this should be expanded further. The HBF also notes that the requirements do not appear to have been considered in detail in the Viability Assessment or Viability Note. The HBF has set out its concerns in relation to Viability and the Viability Assessment later in this response.
14. The HBF also has concerns in relation to the energy statement needing to set out 'as built' calculations in relation to energy performance. This seems an unnecessary duplication of what is already required by building regulations. The HBF would question what the Council considers that this policy is going to achieve over and above the Building Regulations requirements and that they intend to do with this information when they receive it? What actions would the Council take or expect the developers to take once the homes have been completed. The HBF considers that this policy is unnecessary and should be deleted.

Policy CC5: Embodied Carbon

Policy CC5 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

15. This policy states that where practicable and viable all development should take opportunities to reduce the development's embodied carbon content. It also suggests that there is a presumption in favour of repairing, refurbishing, re-using and re-purposing existing buildings over their demolition.
16. The HBF are unclear how a developer would show compliance with this policy, and whether the Council has the skills and expertise to undertake or critique embodied carbon assessments, has the Council identified who would be qualified to make judgements on accepting or rejecting carbon assessments, especially as the baseline and measures therein have not been established. The HBF is concerned that this policy is likely to be compromised by the lack of data across building materials as to their embodied carbon, and until there is greater accuracy and skills in this area, the HBF would question whether any assessment can be sufficiently robust at present as to be part of decision making.

17. The HBF considers that the Council will need to ensure that all other policies in the Local Plan are consistent with delivering reduced levels of embodied carbon, and in relation to the presumption of re-use rather than demolition. The housebuilding industry is working with the Future Homes Hub to develop a roadmap to reducing embodied carbon and whilst Council's may want to go further faster HBF have concerns that this will impact on the deliverability of development with a disproportionate impact on SME developers.
18. The HBF is therefore of the view that this policy is unnecessary, ineffective and overall unsound, and as such it should be deleted.

Policy CC6: Water Efficiency and Sustainable Water Management

Policy CC6 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

19. This policy states that all new developments should demonstrate that they are water efficient where practically viable and feasible. It goes on to state that all new dwellings should achieve the optimal housing standard of not exceeding 110 litres per day per person, and that proposals that go further than this will be encouraged. The Policy also sets out some further water related policy requirements including considering the potential for green roofs and the inclusion of a rain harvesting water butt.
20. The HBF notes that the current Part G Building Regulations requires developments to compliance with a limit of 125 litres per day. 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 patchwork of differing local standards.
21. The HBF does not consider that the requirement for providing green roofs or water butts is supported by evidence. The HBF would also question whether the use of green, blue or brown roofs, will always be the most sustainable development option, as it may be that the construction of this is not the most sustainable or the roof may be better utilized in other ways. The HBF is also not clear if the potential costs of green roofs have been considered as part of the viability assessment.
22. The HBF therefore considers that there is no need for a policy on this matter.

Chapter 5- Spatial Strategy

Policy SS1 - Spatial strategy for new development

Policy SS1 is not considered to be sound as it is not positively prepared, not justified, not effective and not consistent with national policy for the following reasons:

23. This policy states that the Local plan allocates sufficient land, together with existing commitments and developments, to deliver at least 123 dwellings per annum (dpa) (2,460 over the 20-year period 2021 to 2041).
24. The HBF notes that the current standard method identifies local housing need of 123dpa. The Council may also need to consider if it is appropriate to plan for a higher

housing need figure than the current standard method indicates as set out in the PPG⁴. The Housing Market Assessment (August 2023) identifies an affordable housing need of 78dpa. The HBF notes that this is a significant proportion of the housing requirement (63%). The PPG⁵ is clear that an increase in the total housing requirement may need to be considered where it could help to deliver the required number of affordable homes. The HBF notes that the proposed new standard method calculation of local housing need is 264dpa. The HBF considers that the Council may want to take this figure into consideration to reflect the latest government guidance in relation to the Written Ministerial Statement⁶, the proposed standard methodology and emerging NPPF.

25. The HBF considers that the Council will need to consider an appropriate balance of development, to ensure that all of their housing needs are met in terms of types and tenures; locations and markets, and to ensure that the Plan can deliver against its housing requirements. Although HBF does not comment on individual sites or allocations, we believe that the Plan should provide for a wide range of deliverable and developable sites across the Borough in order to provide competition and choice to ensure that housing needs are met in full. The HBF 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.
26. The HBF also notes that part (c) of the policy defines infill development, and suggests that this will usually be 1-2 dwellings, and exceptionally up to a maximum of 5 dwellings. The HBF does not consider that these limits are appropriate or necessary or in line with need to plan positively. The limitations appear to be arbitrary, and lacking in the flexibility required to deal with the wide range of sites which may come forward and provide valuable sources of housing supply. The HBF considers that in many cases this would be possible whilst maintaining the qualities of the local settlement. Therefore, the HBF recommends that the definition is amended to take a more positive approach to infill developments.
27. The NPPF⁷ 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.

⁴ PPG ID: 2a-010-20201216

⁵ PPG ID: 67-008-20190722

⁶ Building the Homes we need – Written Ministerial Statement 30th July 2024

<https://questions-statements.parliament.uk/written-statements/detail/2024-07-30/hcws48>

⁷ NPPF December 2023 paragraph 70

28. The HBF would therefore wish to see the 10% small sites allowance delivered through allocations (and not windfall). 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 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%.
29. The HBF also notes that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.
30. Although a policy that sets criteria to enable housing in smaller settlements is welcomed, HBF would support a Local Plan that included sites allocated sites in rural areas. HBF supports this being done through plan-making process in the Local Plan which provides certainty in meeting rural housing needs.
31. The Plan needs to set out how and when monitoring will be undertaken, and more is needed on what action(s) will be taken when if monitoring shows under delivery of housing.

Chapter 6 - Housing

Policy H1 – Sites proposed for residential development

Policy H1 is not considered to be sound as it is not positively prepared, not justified, not effective and not consistent with national policy for the following reasons:

32. This policy states that provision is made in the Local Plan for the delivery of at least 123dpa with an additional 10% allowance for flexibility. The Plan therefore makes provision for 2705 new dwellings.
33. The HBF does not comment on individual sites or allocations. The HBF generally supports the need for a contingency buffer to provide for a range of market choice. However, the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then considers if there are issues that result in the need for a higher housing requirement, including 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. The HBF suggests that Council should consider if these factors, individually and/or cumulatively result in the need for a higher housing requirement for Rutland, and a subsequent need for additional allocations.
34. The HBF would also encourage the Council to ensure the Local Plan fully considers the new Biodiversity Net Gain (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 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. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

35. It is important that housing delivery is effectively monitored so that if housing monitoring shows delays to housing delivery across Rutland action is taken to address this as soon as possible. The HBF believes that the Plan should provide for a wide range of deliverable and developable sites, including a buffer and small site allocations across Rutland in order to provide competition and choice to ensure that housing needs are met in full. As mentioned above we would also recommend the Council consider whether an extension to the plan period is needed.

Policy H2 – Cross-boundary development opportunity – Stamford North

36. HBF have no comments on this policy other than to note that cross-boundary strategic sites can be complex to deliver, which further underlines the need for flexibility in the plan through additional allocations, and robust monitoring to ensure effective housing delivery is achieved over the Plan period.

Policy H3: Housing Density

Policy H3 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

37. This policy states that new residential development is required to make the most efficient use of land whilst responding to local character, context and distinctiveness. It suggests that generally density should be no less than 25 dwellings per hectare (dph).
38. The HBF generally supports the need to optimise the use of land to meet local housing needs, and the flexibility recognised within this policy to give consideration to site specific circumstances. However, the HBF notes that the NPPF⁸ looks for policies to include minimum density standards for town centres, and other locations that are well served by public transport and suggests that this will be robustly tested at examination. The HBF would therefore expect the Council to have evidence that the 25dph is appropriate in these areas as well.

Policy H4 – Meeting all housing needs

Policy H4 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

⁸ NPPF Dec 2023 paragraph 129

39. This policy states that development proposals for sites of 10 or more dwellings should provide for a range of house types, sizes and tenures to meet the general and specialist needs for housing in Rutland. Table 4 sets out the proposed housing mix.
40. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. It is, however, important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to overly prescriptive requirements, requiring a mix that does not consider the scale of the site or the need to provide significant amounts of additional evidence. The HBF would expect the Council to ensure that the policy is applied flexibly, and makes allowance for home builders to provide alternative housing mixes as is required by the market.

Policy H5 – Accessibility standards

Policy H5 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

41. This policy states that all new homes are required to be adaptable and accessible as defined by M4(2) unless the M4(2) standard is impractical and unachievable. It also suggests that where practicable, new dwellings should also be provided with convenient external access, parking and storage facilities for mobility scooters. It goes on to state that on site of 50 or more dwellings a minimum of 2% of all dwellings are required to meet the M4(3) standard.
42. 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. There is therefore no need for a policy on this issue within the Rutland Local Plan.
43. There is also a need 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. Any policy, if it remained, would need to recognise this distinction. This issue should also be factored into the whole plan viability assessment as both M4(3)a and M4(3)b impact on viability, with M4(3)b being considerably more expensive. The HBF has set out its concerns in relation to Viability and the Viability Assessment later in this response.
44. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the M4(3) standard for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG. The PPG⁹ identifies the

⁹ ID: 56-007-20150327

type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for Rutland which justifies the inclusion of the M4(3) standards for accessible and adaptable homes in its Plan policy. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommends that an appropriate transition period is included within the policy. The HBF also considers that if the Council has the evidence to introduce this policy, it may want to consider the most appropriate way to deliver the homes they require to meet their needs. The HBF considers that this may not always be in the form of M4(3) homes, and may need further consideration.

45. The HBF notes that the justification text highlights that it is not considered appropriate to include the Nationally Described Space Standards (NDSS) in Rutland at this time. The HBF supports this position.

Policy H6 – Self-build and custom housebuilding

Policy H6 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

46. This policy states that larger development sites of between 30 and 49 dwellings will be encouraged to provide serviced plots for self-build and custom build homes. Sites of 50 dwellings and over will be required to provide at least 2% of the site capacity as serviced plots for self and custom build homes.
47. The Housing Market Assessment (August 2023) identifies that the Rutland Self-Build and Custom Housebuilding Register equates to an average of 9 plots per annum, or to 2 plots per annum if using Part 2 of the Register. It also highlights that the Council is permitting an average of 12 plots per annum. This evidence suggests that there is not any justification for the policy as currently proposed.
48. The HBF would recommend appropriate evidence is collated to identify the need for self and custom housing and to ensure that house building delivery from this source provides an additional contribution to boosting housing supply. This is likely to include engaging with landowners and working with self and custom build and community-led developers to maximise opportunities. The PPG¹⁰ sets out how custom and self-build housing needs can be assessed.
49. The PPG¹¹ also sets out how local authorities can increase the number of planning permissions which are suitable for self and custom build housing. These include supporting neighbourhood planning groups to include sites in their plans, effective joint working, using Council owned land and working with Home England. The HBF considers that policy mechanisms could be used to ensure a reliable and sufficient provision of self & custom build opportunities across the area including allocation of

¹⁰ PPG ID: 67-003-20190722

¹¹ PPG ID: 57-025-20210508

small and medium scale sites specifically for self & custom build housing and permitting self & custom build outside but adjacent to settlement boundaries on sustainable sites especially if the proposal would round off the developed form.

50. The HBF generally advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.
51. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.
52. However, if a self-build policy is to be pursued, then HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self and custom builders. The HBF would therefore suggest that any unsold plots should revert to the original developer after a six-month, not twelve-month marketing period.

Policy H7 - Affordable housing

Policy H7 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

53. This policy states that all major residential developments comprising 10 or more dwellings will be required to make provision for a minimum of 30% of the schemes total capacity as affordable housing. It goes on to state that in the designated rural areas, developments of between 6 and 9 dwellings inclusive will also be required to make affordable housing provision for a minimum of 30% of the scheme's total capacity.
54. The Housing Market Assessment (August 2023) identifies an affordable housing need of 78dpa. The Whole Plan Viability Assessment identifies the viability challenges in Rutland. Table 12.4a identifies the viability challenges in Oakham, Uppingham and wider Rutland, particularly for brownfield sites and large greenfield sites. Viability is

an important consideration when setting affordable housing policies, as set out in the NPPF¹², and it is important that such policies should not undermine the deliverability of the Plan. The HBF has set out its concerns in relation to Viability and the Viability Assessment later in this response.

55. The HBF notes that the policy states that the 30% affordable housing requirement applies to Use Class C2 supported housing where these meet the Council Tax definition of a dwelling. The HBF notes that the Viability Assessment¹³ states that Extra Care Housing has capacity to bear affordable housing, however, this is unlikely to be at policy compliant levels.

Policy H8 - Rural exception housing

Policy H8 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

56. HBF reiterate that there is no need to repeat national guidance or any specific reference to requirements set out in the NPPF and the PPG within the policy.

Chapter 8 - Sustainable Communities

Policy SC2 – Place shaping principles

Policy SC2 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

57. This policy states that all development proposals will be assessed in relation to Conservation Area Appraisals, adopted Supplementary Planning Documents (SPDs) and adopted site-specific design guides and design codes.
58. This policy seems to be seeking to give Local Plan status to an existing SPDs which is not appropriate. Planning policy must be made through the Local Plan process and be subject to mandatory requirements for public consultation and independent scrutiny through the Examination process.

Policy SC3 – Promoting good quality design

Policy SC3 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

59. This policy states that all major development must demonstrate compliance with Manual for Streets guidance, Building for Healthy Life and Streets for Healthy Life.
60. The HBF is concerned that again this policy appears to be seeking to elevate other elements of guidance to Development Plan status. The HBF considers that this is not appropriate and that this element of the policy should be amended. The HBF recommends changing the policy to '*all major development (as defined in the Glossary) should give consideration to: . . .*'.

¹² NPPF Dec 2023 paragraph 34

¹³ Whole Plan Viability Assessment paragraph 12.75

61. The HBF notes that again the justification text highlights that the NDSS are not required in Rutland at the current time. It does, however, suggest that the Council will keep this under review. The HBF notes that the NDSS as introduced by Government, are intended to be optional and can only be introduced where there is a clear need and they retain development viability. As such they were introduced on a 'need to have' rather than a 'nice to have' basis. PPG¹⁴ 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, Viability and Timing. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above.
62. The HBF considers that standards can, in some instances, have a negative impact upon viability, increase affordability issues and reduce customer choice. In terms of choice some developers will provide entry level two, three and four-bedroom properties which may not meet the optional nationally described space standards but are required to ensure that those on lower incomes can afford a property which has their required number of bedrooms. The industry knows its customers and what they want, our members would not sell homes below the enhanced standard size if they did not appeal to the market.
63. It should be noted that the HBF's Annual Industry Customer Satisfaction Survey¹⁵ published March 2023 and completed by over 60,000 new homeowners highlights that 90% of people who have bought a new home would do so again. It also highlights that 92% of homeowners are satisfied with the internal design and layout of their new home. This does not suggest that new homeowners have issues with the size of rooms provided or that there is a need for the NDSS to be introduced.

Policy SC5: Designing Safer and Healthier Communities

Policy SC5 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

64. This policy states that major development proposals of more than 10 dwellings will be expected to be accompanied by a Health Impact Assessment (HIA).
65. The HBF generally supports plans that set out how the Council will achieve improvements in health and well-being. In preparing its local plan the Council should normally consider the health impacts with regard to the level and location of development. Collectively the policies in the plan should ensure health benefits and limit any negative impacts and as such any development that is in accordance with that plan should already be contributing positively to the overall healthy objectives of that area.

¹⁴ PPG ID: 56-020-20150327

¹⁵ https://www.hbf.co.uk/documents/12362/18th_Survey_CSS_2023_Completions_October_2021_-_September_2022.pdf

66. The PPG¹⁶ sets out that HIAs are ‘a useful tool to use where there are expected to be significant impacts’ but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the local plan a HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring a HIA. In addition, the HBF considers that any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA for developments of more than 10 dwellings without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the PPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to substantially mitigate the impact.

67. Therefore, the HBF recommend that this policy is amended to state that ‘where major development proposals depart from the Plan and are likely to have a significant impact on the health and wellbeing of the local population, they should be accompanied by a Health Impact Assessment. The HIA should be commensurate in scale to the scale of the proposal and the significance of the impact’.

Policy SC7: Provision of New Open Space

Policy SC7 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

68. This policy states that all new residential developments of 10 dwellings or more will be required to provide new or enhanced publicly accessible open space, to meet the needs of their occupiers in accordance with this policy and the standards set out in Appendix 3 and in any subsequently prepared SPD.

69. Again, this policy seems to be seeking to give Development Plan status to as yet unwritten SPDs which is not appropriate. The HBF recommends that this policy is amended to ‘and should take into consideration any guidance provided by subsequently prepared SPD’.

Chapter 9 – Environment

Policy EN1 - Protection of Sites, Habitats and Species

Policy EN1 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

70. The HBF suggest that the policy is currently unclear and cumbersome. The reference to Biodiversity Net Gain (BNG), when there is also a separate BNG policy, is potentially confusing. In light of the new guidance on BNG that has recently been

¹⁶ PPG ID:53-005-20190722

published, the HBF strongly suggests the Council need to review this whole chapter to ensure it fully reflects all the new legislation, national policy and guidance. Our detailed comments about BNG can be found in response to Policy EN3.

Policy EN2 - Local Nature Recovery Strategy

Policy EN2 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

71. This policy states that development proposals will be expected to demonstrate that a positive contribution will be made to Local Nature Recovery Strategy (LNRS), and for maintaining or creating local ecological networks.
72. The HBF considers that the suggestion that all development proposals will be expected to demonstrate a positive contribution is not appropriate, and not in line with policies in relation to BNG or LNRS. The Government guidance suggests that LNRS will help people to see where action to recover nature in their area would be most effective. There is no requirement that any specific proposed action must be carried out.
73. Local Nature Recovery Strategies (LNRSs) are a new initiative, and one has yet to be prepared that covers Rutland. 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.
74. The HBF's comments about the BNG policy itself are detailed below under Policy EN3. The HBF suggests the environment section of the Plan and the policies within it are not as clear and logical as they could be. The HBF would suggest for example that the ordering of the issues/policies of the Plan could usefully be changed so that BNG is dealt with before LNRS.
75. The HBF suggests that the BNG policy (and the Environment Chapter in general) needs to more clearly set out how the Plan will adopt recommendations and guidance from the Local Nature Recovery Strategies (once these have been prepared) and set out the specific BNG solutions that the Council would like to be prioritised when off-site credits are needed to achieve BNG policy compliance. This is important to ensure that the plan provides certainty for developers, communities and decision-makers, and to ensure that BNG solutions are effectively targeted. The Plan needs to set out receptor sites and appropriate area(s) for BNG off-site unit delivery so that an ecologist can run the BNG statutory metric correctly, because the local significance of BNG is one of the inputs into the Metric.

Policy EN3 - Biodiversity Net Gain

Policy EN3 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

76. This policy states that development will only be permitted for qualifying developments where a Biodiversity Net Gain (BNG) of at least 10% is demonstrated and secured in perpetuity subject to a number of requirements.
77. The HBF notes the introduction of Biodiversity Net Gain which came in for large sites on February 12th, 2024, and for small sites from 2nd April 2024. It is therefore important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.
78. The HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. The HBF notes that this represents a lot of new information that the Council will need work through 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 published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.
79. 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.
80. The HBF considers that as BNG is still a relatively new concept that the Council may need to clarify what is meant by 'qualifying developments' and where an applicant may find this information. It should be clear to anyone reading the policy that there are exemptions to this requirement. The HBF also considers that the Council should amend the policy to make clear that BNG is a pre-commencement condition, and applies once planning permission has been granted, although it is useful for it to be considered throughout the planning process.
81. The HBF notes that part (d) of the policy refers to how the biodiversity gains align with the LNRS, as this Strategy is not yet prepared the Council may want to amend this text to refer to the LNRS once it is adopted.
82. It is not clear if the 'Policy Guidance on the requirements and processes for planning applications' is intended to be a title for part of the justification text or a suggestion that this guidance is part of the Policy. The HBF recommends that this text is amended to clarify that it is not part of the policy. The HBF considers that the Council will need to update the subsequent text, there are parts of this that do not appear to have been updated when the text of the policy has been. For example, the second paragraph suggests that on-site measures will still be required even where off-site is agreed, whilst this may be true in most cases it is not a certainty, and not a requirement of BNG. The justification text also suggests that evidence will need to be provided to the Council to demonstrate compliance with Policy EN3 and any subsequent SPD. As the HBF has set out before, the Local Plan should not be used to try to give additional weight to SPDs, as the policies of these documents are not to

be tested at examination there should not be a requirement within the Plan to comply with their content.

83. 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.
84. 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, and 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 remain 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.
85. 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 must 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.
86. The HBF welcomes the reference to the small sites metric, but requests more detail about it is provided within the Plan to explain that 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 and that it can only be used for on-site BNG delivery.
87. As mentioned in our response to Policy EN2, Local Nature Recovery Strategies are new initiative, and one has yet to be prepared that covers Rutland. 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.
88. HBF would encourage Rutland to ensure the Local Plan fully considers BNG as part of the site selection process. This should include understanding the BNG requirement, including undertaking an assessment of the baseline to support the allocation. Understand the BNG costs and viability for the site and considering how this may impact other policy requirements such as affordable housing, other s106 or CIL contributions.

Policy EN4 – Trees, woodland, and hedgerows

Policy EN4 is not considered to be sound as it is not consistent with national policy for the following reasons:

89. The HBF believes it should be clearer how this policy relates to the wider BNG and LNRS objectives.

Policy EN7: Green and Blue Infrastructure Network

Policy EN7 is not considered to be sound as it is not consistent with national policy for the following reasons:

90. The HBF recommends that this policy needs to be clearer about how it links into BNG policies, especially the BNG Metric for watercourses.

Chapter 11 – Infrastructure and Delivery

Policy INF1 - Infrastructure and connectivity

91. Policy EN7 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

92. This policy states that CIL, together with the policy requirements in this Plan and assumed S106 contributions have been assessed as being viable for the development types and sites allocated in this Plan.
93. The HBF is concerned that this not an accurate statement and that the Viability Assessment clearly sets out viability challenges for some areas and site typologies within Rutland. The HBF considers that this inaccurate statement is not an appropriate starting point for a policy that is considering the need for viability assessments.
94. The policy also states that development proposals should demonstrate that adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development ahead of its occupation. The HBF considers it is not for the applicant to demonstrate this, an applicant is not the provider of water services and they are not in a position to rectify this issue. The level of development proposed in the Plan should be something that the Council are discussing with service providers and ensuring that action can be taken to ensure that this development is deliverable. Water companies are under a legal duty to provide water and sewerage services to new development. Section 37 of the Water Industry Act 1991, as amended by the Water Act 2014
95. The revised IDP will form an essential part of the evidence base in support of this Local Plan, and it is important that this is reviewed regularly, kept up to date and used to feed into the viability and deliverability of the Plan.

Viability

96. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative costs of all relevant policies will not undermine deliverability of the Plan. The Council need to ensure that policy requirements should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned development to be deliverable without need for further viability assessment at the decision-making stage.

97. The NPPF¹⁷ is clear that Plans should set out the contributions expected from development and that such policies should not undermine the deliverability of the Plan. It is noted that the Viability Assessment has been updated in the form of a Viability Note. In conclusion this notes states that *'overall values have increased a little, whilst the Council's policy requirements do not significantly to the costs of development if the Government goes ahead and introduces the Future Homes Standard Option 1 (Zero Carbon Ready), there will be an increase in build costs. This increase in build costs is approximately equal to the increase in values. On this basis the Council can continue to rely on the 2023 Viability Assessment to inform the plan-making process'*. The 2023 Viability Assessment states that 'if the Council were to follow this advice it would be necessary to be cautious in relying on brownfield sites in the five year housing land supply, and overall housing trajectory'. The viability challenges are clearly set out within the tables in section 12 of the report.
98. In addition, the HBF have some remaining concerns in relation to the assumptions made in the Viability Assessment. The HBF would argue that 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.
99. 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. These factors need to be fully considered in the whole plan viability assessment.
100. The viability study, and therefore the policy requirements and section 106 asks, must be kept under review as the Plan progresses, especially as the costs of BNG and Future Homes emerge.

Future Engagement

101. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
102. The HBF would like to participate in the hearing sessions for the Rutland Local Plan in order to represent the homebuilding industry and to respond to any points that are raised.
103. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

¹⁷ NPPF December 2023 paragraph 34

Yours faithfully



Rachel Danemann MRTPI CIHCM AssocRICS
Planning Manager – Local Plans (Midlands and South West)
Home Builders Federation
Email: rachel.danemann@hbf.co.uk
Phone: 07817865534