

Sent by EMAIL ONLY to localplans@sstaffs.gov.uk

31/05/2024

Dear Sir/ Madam

**Response by the Home Builders Federation to the South Staffordshire Publication Plan (Reg 19) consultation**

1. Please find below the Home Builders Federation (HBF) response to the South Staffordshire Local Plan Pre-Submission Draft 2023-2041 (Reg 19) consultation. 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.
2. HBF have not commented on every policy only those of relevance to our members.

**General Comments and Legal Compliance**

3. HBF are concerned that this second Regulation 19 consultation is a significant rowing back from the amount of housing that was being planned for in South Staffordshire under the previous Reg 18 and Reg 19 consultations. The failure to address the full housing needs of the area, and to make a greater contribution to the wider needs of the region when previous evidence supported such an approach, means that the plan is not proactively planning for development and would therefore fail the tests of soundness. In our view the housing requirement for South Staffordshire should be higher and additional housing allocations are needed.

**Duty to Cooperate**

4. HBF is disappointed that the DTC statement simply sets out what has happened but gives no explanation of what has been agreed upon and why. Merely noting that there is an unmet need, does nothing to address it. HBF is supportive of the need for the Council to have an up to date Local Plan which is why it is so disappointing that there is a total lack of collective thinking around how the unmet need of the whole Housing Market Area will be addressed.



## **PART A: Context and Development Strategy**

### **Chapter 1. Introduction**

#### **Para 1.2- consequential change required**

5. As detailed elsewhere HBF responses, we believe that for the plan to be positively prepared and in line with national guidance, the plan period needs extending to ensure that the Plan has a 15-year timeframe post adoption. As such para 1.2 needs amending to reflect an extended time period. It will be importance the evidence also covers the whole plan period.

#### **Para 1.11 -consequential change required**

6. As detailed elsewhere in our representation, HBF believe that this is currently unsound as it fails to plan positively for the future development needs of South Staffordshire. This is illustrated by the wording of para 1.11 which disappointing fails to fully set out the benefits of planning system. These benefits have not been fully captured as there is no mention of positive benefits of new development to current residents and businesses with South Staffordshire who stand to benefit from getting to live in a new home, , benefiting from new sustainable development, accessing new affordable housing, securing employment within a new employment sites or benefitting from a more energy efficient new home. This paragraph should be revised to show the positive benefits of plan-making and house building. As currently drafted it fails to show the plan has been positively prepared.

#### **Para 1.12- consequential change required, and amendment needed to ensure soundness**

7. HBF is disappointed that the Council has rowed back from the level of housing being proposed in the previous Reg 19 consultation, which sought to do much more to help meet the wider housing needs of the HMA, and deliver the benefits of growth. We are very disappointed to see the Council's change in direction, and do not agree that the changes to the NPPF require the Council to take this approach. A positively prepared Local Plan for South Staffordshire would require a consequential amendments to this section.
8. In addition, HBF request that additional information be providing in the monitoring and review section of the Table One. The Council needs to monitor other things and not just planning applications if they are to use monitoring effectively to ensure that the new Local Plan for South Staffordshire is delivering.
9. It will be important for the Council to also monitor the progress of ongoing discussions with neighbouring authorities and other regional partners. In particular the Council should monitor the policy making and evidence gathering activities around the issue of unmet need within the Greater

Birmingham and Black Country Housing Market Area (GBBCHMA). This should include both the level of that need, and how this could/should/is be re-distributed across the HMA. HBF have also commented on the need for an early Plan Review policy to be an essential component of this plan. This will also need to be detailed in this section.

### **Policies Map- para 1.18**

10. Consequential changes will be needed to the policies map to reflect the HBF's comment on this plan and to make it sound, most notably additional housing allocations.

## **Chapter 2. South Staffordshire: Setting the scene**

### **Para 2.3**

11. HBF note the importance of investment and economic growth in the district. In HBF's view this necessitates a higher housing number to support ongoing inward investment as envisaged in the Plan. Additional wording should be added to this paragraph to explain the importance of new housing in supporting economic growth.

## **Chapter 3. What does the Local Plan need to consider?**

### **Para 3.6 and 3.7 Cross boundary Issues and the Duty to Cooperate**

*HBF believe the plan is unsound because it has not been positively prepared and question whether the Duty to Cooperate has been met*

12. HBF would expect South Staffordshire's Plan to be an ambitious plan that plans for the future development of South Staffordshire, recognising the wider regional context. The new Local Plan should detail where new housing will go, fully meeting housing needs, providing certainty for the house building industry and set out a positively prepared long-term vision for the area in accordance with the NPPF, one of the fundamental purposes of good plan-making.
13. Instead, we have a document that is rowing back on the housing numbers planned for in the earlier Regulation 19 consultation. The result is a plan to deliver less housing than was already being planned for, which it itself was not enough. HBF is very disappointed that in the midst of a Housing Crisis the Council is changing direction in this way. We do not agree with the Council's characterisation of the changes resulting from the changes to the NPPF or the Council's response to it. There is nothing in the changed NPPF that would force the Council to change tack in this way. If the Council remained committed to meeting their own housing needs and contributing to wider growth agenda of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) there is nothing in the NPPF changes that would

prevent them from continuing on the path proposed in the original Reg 19 consultation.

14. The change of tack proposed in the new Reg 19 consultation fails to take the longer-term view needed on the future growth in South Staffordshire. The failure of the joint-working and cross-boundary collaboration between the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) LPAs including South Staffordshire failing to recognise and address the scale of housing need, does not result in the housing need disappearing, it simply makes the situation worse as the unmet housing needs of the region continue to grow. The Government remains committed to the 300,000 a year housing target, and this Plan does nothing to help address the housing crisis. Additional housing allocations are needed.
15. Paragraph 22 of the NPPF requires that “strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger-scale developments such as new settlements or significant extensions to existing villages and towns 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 into account the likely timescale for delivery”. HBF would wish to see the South Staffordshire Plan take this approach, and it is very disappointing it does not.
16. This version of the South Staffordshire plan seems to be a deliberate attempt to scale back on the delivery of housing that the Council had already accepted was needed and sustainable in the previous Regulation 19 consultation. Failure to address the wider housing needs of the HMA and the refusal to consider further Green Belt release serves to show the Council is failing to positively plan for the future of its area, as national planning policy and guidance requires it to do.
17. The LPAs that make up the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) have a long and unfortunate history of unsuccessful collaboration around plan-making, (as set out in the Council’s own Duty to Cooperate statement 2024) which has led to the housing needs of the Birmingham City Region and the Black Country being unplanned for and unmet for many years.
18. HBF are very concerned that this plan will not delivery against the national, regional and local housing objectives, which are even more important as we are in the midst of a housing crisis. As such we are concerned that the plan is unsound and the Duty to Cooperate requirements have not be met.
19. The failure of the Council to consider the wider benefits of plan-making and the role of South Staffordshire with the wider area runs counter to the purpose and the ethos of the planning system which seeks to deliver positive planning

which sets a vision for an area and directs new development accordingly. In failing to acknowledge the need for a longer-term vision and additional housing in South Staffordshire within this Plan, the Council is merely kicking decisions on where much needed new development needs to go further down the road rather than grasping the difficult issue of where much needed additional housing (and other) development should go. In the HBF's view the ongoing, unaddressed and increasing housing needs of the wider HMA will necessitate the release of additional greenfield and additional greenbelt land to meet its housing needs. This was acknowledged by the Council in its previous Reg 19 consultation.

20. This new Reg 19 consultation is therefore not a positive plan for the future development of South Staffordshire. the housing issues across the wider Greater Birmingham and Black Country Housing Market Area (GBBCHMA), the housing needs of the Council area and the wider area are simply not being adequately addressed.
21. HBF cannot see how adopting a constraint-based approach to plan-making for South Staffordshire in the midst of a housing crisis is appropriate. We have made the same comments to all of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) LPAs whose individualistic approach to plan-making means that the wider housing needs of the region continue to grow.
22. In other areas, such as Leicestershire, joint working on the issue of housing needs has resulted in agreed approaches, Statements of Common Ground and Memorandums of Understanding around the challenges Leicester City faces in seeking to meet its own need within its tightly drawn boundary. There is an agreement amongst most Leicestershire authorities that they should play their part in meeting this need, and discussions have been ongoing as to the re-distribution of this unmet need between the partners. This is an illustrating of proactive planning making and effective joint work to adequately plan for the housing needs of the area. Proper plan-making in action. It is disappointing that the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) LPAs have been unable to work together in this way.
23. HBF do not agree with the Council that the Strategic Growth Study (2018) should simply be abandoned, and its age means it cannot longer be relied upon. The evidence set out with the DTC Topic Paper (April 2024) shows that clearly that less, not more is being done to address the housing crisis facing the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). As housing need continues to grow, the unmet housing need continued to grow and the social and economic negative effects of a lack of housing continue to impacts on the local economy and regional economy.
24. HBF recognise the challenges facing Greater Birmingham and Black Country Housing Market Area (GBBCHMA) LPAs including the apparent difficult

relationships with neighbouring authorities in recent times, the closely bounded nature of the built-up areas, the challenges of Green Belt release, and the ongoing debates around the level of housing need and unmet in the constituent parts of the GBBCHMA. These however must be reasons to work harder at collaboration and good plan-making and not excuses for a failure to meet housing need.

25. Instead of progressing their previous Reg 19 Plan which sought to meet some of the housing needs of the GBBCHMA, the Council has instead sought to bring forward a new Reg 19 version of the Plan. A new Plan that is seeking to reduce the amount of housing planned for in South Staffordshire under the auspices of reflecting the new NPPF. The new NPPF does not change things, the Council can, and in HBF's view still should, be doing more to ensure they are planning to meet their housing needs in full. This still can, and in the HBF's view still should, include consideration of additional green belt released where needed. Additional housing should be being planned for.

#### **Evidence base- paras 3.8 to 3.15 Consequential amendments needed**

26. HFB cannot see how the evidence underpinning the previous Reg 19 plan has changed to an extent that failing to meet the already identified housing needs is a reasonable approach or represents a positively prepared plan for South Staffordshire.
27. In adopting a new "local need" approach to housing, with a minimal contribution to the wider housing needs of the area, the Plan seems to be in conflict with itself. The evidence base behind the previous Reg 19 consultation remains, and this was supportive of the previous approach where South Staffordshire was able to make a greater contribution to the wider housing needs of the HMA, enabling it to benefit from the value of current and future inward investment, attract new jobs and provide a range of employment land to ensure a range and choice of sites for that sector.
28. In failing to plan for a higher housing number the burden of developer contribution must be bound by less developments which will increase viability pressures and may serve to undermine the IDP and its existing evidence base. It will be essential for the deliverability of the Plan for the Council to demonstrate that the infrastructure needed to support new development remains viable with the new significant lower levels of housing growth now being planned for in this new Reg 19 consultation.

#### **Issues and Challenges for South Staffordshire, para 3.15- Omission**

29. As the SWOT analysis in Table 2 in para 3.15 acknowledges South Staffordshire faces an ageing demographic, reliance on neighbouring areas for its economic health and access to employment. However, the opportunities for growth to generate inward investment and prosperity is

noted. In HBF's view this should lead to a positive plan seeking to deliver housing and employment to ensure South Staffordshire can benefit from these opportunities. It is therefore disappointing that this version of the plan is rowing back on previous ambitions, which in HBF's view were in themselves already not ambitious enough.

30. It is incredibly disappointing that this new Reg 19 is in fact actively seeking to deliver less housing than previously, despite the ongoing and deepening housing crisis. NPPF requires that Council should start with the standard method as a basis and then consider if there are any factors that justify variations to this, but South Staffordshire continue to seek to use local housing need.
31. HBF acknowledges the changes to the NPPF have removed the "requirement" for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. However, as this section of the Plan notes authorities may still choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified. HBF believes the current housing crisis, the scale of unmet need within the GBBCHMA and the failure of joined up strategic planning in both Birmingham and the Black Country provide just such exceptional circumstances that justify further green belt releases. We would request the Council revisits its approach to this matter in order to enable the South Staffordshire new Local Plan to be positively prepared, justified and effective.
32. HBF would request changes are made to this section to join the different elements of spatial planning together. In order to be positively prepared, effective and justified, it is important that the plan views South Staffordshire in the round, considering housing and employment, growth and jobs together. These factors are inextricably linked and the failure to proactively plan for more housing will impact negatively on the area's ambitions for growth. Similarly, the failure to do more to contribute to meeting the wider housing needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), will negatively impact on the economic aspirations of the wider area.

#### **Chapter 4. Vision and Objectives**

##### **Para 4.1- consequential amendment**

33. As mentioned elsewhere in our representation, HBF believes the plan period needs to be extended for the plan to conform with national policy, as such this paragraph will need updating to reflect the new longer plan period.

##### **The vision**

***The vision is unsound as it is not positively prepared***

34. HBF believes the vision for South Staffordshire should explicitly refer to the need for new development and growth and meeting the housing needs of the area in full.

### **Chapter 5. Development Strategy**

#### **Policy DS1 Green Belt**

***Policy DS1 is unsound because it is not positively prepared, is not effective or justified, and does not comply with national policy.***

35. Although HBF is supportive of changes to the Green Belt boundary that will enable housing allocations to be brought forward, we believe additional changes are needed to the policy because additional housing allocations including green belt releases are required to meet the housing needs of South Staffordshire and the wider HMA.
36. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process. If the Council wish to provide additional advice on the interpretation of any policy, this should be done through a Supplementary Planning Document, which is prepared and consulted on after the Local Plan policy has been adopted. Any reference to any future SPD should be moved from the policy to the supporting text.

#### **Policy DS4: Development Needs**

***Policy DS4 is unsound because it is not positively prepared and does not comply with national policy.***

37. HBF does not agree with the Council that the current proposed strategy sufficiently recognises the pressing need to deliver additional housing, and we do not agree that the Council has struck the right balance when considering the sustainability factors which may affect the plan's ability to deliver housing growth.
38. In HBF's view the current housing crisis and the ongoing inability of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) authorities to work together to establish a joint way forward that would ensure that the HMA can meet its housing needs in full creates exactly the exceptional circumstances envisaged to justify additional green belt release. Indeed, the Plan opportunities and need for Green Belt release has already been acknowledged as an important factor in the South Staffordshire context because the plan already includes some housing allocations on sites being released from the Green Belt.
39. HBF remain supportive of the previous spatial strategy options tested through plan preparation which sought to find enough sites to deliver against the Council's earlier intentions to deliver the full "top down housing requirement".



This should have ensured that South Staffordshire was able to meet its own housing needs and make a more substantial contribution to the housing needs of the wider HMA area. Such an approach would indicate a plan that is being positively prepared to ensure that the Plan is doing all it can to help address the housing crisis and meet housing needs in full.

40. HBF would request that the Plan is amended to reflect a higher housing requirement for South Staffordshire which will enable a greater contribution to be made to meeting the wider housing needs of the HMA. This figure should then be included in criteria a of the policy.

**Policy DS5: The Spatial Strategy to 2041**

***Policy DS5 is unsound because it is not effective or justified and does not comply with national policy.***

41. As HBF believes the housing requirement for the South Staffordshire Plan should be higher and a greater contribution should be made to meeting the wider housing needs of the HMA, we are of the view that the spatial strategy needs to be reviewed and expanded to enable additional housing allocations. This is likely to include the need for further green belt release.

**Part C: Homes and Communities**

**Chapter 7. Delivering the right homes**

**Policy HC3: Affordable Housing**

***Policy HC3 is unsound because it is not positively prepared, is not effective or justified, and does not comply with national policy.***

42. To be fully effective this policy should allow for some flexibility and negotiation around housing mix and type to enable site specific considerations to be taken into account.
43. Whole Plan viability testing is an important part of the plan-making process. However, as noted in PPG (ID: 10-003-20180724) assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable. HBF would therefore request that additional flexibility should be included within this policy. This was needed because whole plan viability assessments use methodologies that test typologies of sites, and not the detailed circumstances of individual sites. As such there may be individual sites that are already not viable, for example if the costs or values of a specific site fall outside the parameters used of a typology that was tested. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. Therefore, additional flexibility is needed in the policy, and without this flexibility the plan is unsound because it was neither justified nor effective.

44. HBF suggest the policy wording should include the opportunity for negotiation around policy requirements for site specific reasons, as any sites whose circumstances fall outside the parameters of the typologies tested could already be unviable under the proposed Local Plan policies. The PPG viability guidance which does allow for site specific viability considerations to be taken into account, and the wording of this policy should reflect that.
45. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process. If the Council wish to provide additional advice on the interpretation of any policy, this should be done through a Supplementary Planning Document, which is prepared and consulted on after the Local Plan policy has been adopted. Any reference to any future SPD should be moved from the policy to the supporting text. Seeking to give Local Plan status to an existing, or emerging SPD is not appropriate.

**Policy HC4: Homes for older people and others with special housing requirements**

***Policy HC3 is unsound because it is not positively prepared, is not effective or justified, and does not comply with national policy.***

46. The policy should not require all development to meet M4(2), however this standard 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. There is therefore no need for this element of the proposed new policy.
47. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

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

48. Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”
49. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) compliant dwellings. Such factors include flooding, topography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this.

**Policy HC8: Self-build and Custom Housebuilding**

***Policy HC3 is unsound because it is not effective or justified, and does not comply with national policy.***

50. HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. 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. HBF also question is there is a mismatch between the kind of plots and locations that self-builders are looking for, and the kind of plots that would result from this policy.
52. 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. Any self-build policy would therefore need to make it clear that unsold plots remaining after a certain period would revert back to the original developer. HBF suggest this should be a maximum of six months.

**Chapter 8. Design and space standards**

**Policy HC10: Design Requirements**

***Policy HC10 is unsound because it is not positively prepared, is not effective or justified, and does not comply with national policy.***

53. It is not appropriate for Criterion a) and Criterion m) of this policy to seek to give Local Plan status to the existing South Staffordshire Design Guide SPD and the Affordable Housing SPD, especially when the policies that the SPD hangs from are to be replaced by the new Local Plan. Reference to the SPD should be relocated to the supporting text.

**Policy HC12: Space about dwellings and internal**

***Policy HC10 is unsound because it is not positively prepared, is not effective or justified, and does not comply with national policy.***

54. HBF does not support the introduction of the optional Nationally Described Space Standard through policies in individual Local Plans. If the Council wanted to do this they would need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”.
55. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.

Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.

Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

56. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.
57. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.
58. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.
59. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

## **Part E: The natural and built environment**

### **Chapter 13. Climate change and sustainable development**

#### **Policy NB6A: Net zero new build residential development (operational energy)**

***Policy NB6A is unsound because it is not positively prepared, is not effective or justified, and does not comply with national policy.***

60. The proposed wording suggests that the Council is seeking to move away from the carbon reduction methods set out in Part L of the Building Regulations. HBF supports the Council in seeking to minimise carbon emissions and reduce heat and power demand through energy efficient design. However, the HBF does not consider that the Council setting its own standards is the appropriate method to achieve these outcomes.
61. Whilst the ambitious and aspirational aim to achieve zero carbon is lauded, the HBF is concerned that the Council is adding to the complexity of policy,

regulations and standards that housebuilders are already expected to comply with. The key to success is standardisation and avoidance of individual Councils specifying their own policy approach, which undermines economies of scale for product manufacturers, suppliers and developers. The impact of this requirement along with others in this Plan may have considerable viability implication and may lead to the non-delivery of homes and needs to be fully considered within the Viability Assessment.

62. HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.
63. HBF would highlight the latest publication 'Future Homes, One Plan Building a generation of high quality, affordable and sustainable homes and communities, together' [https://irp.cdn-website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan\\_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf](https://irp.cdn-website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf). This was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes.
64. In particular HBF, would highlight 'Issue 9. The Partnership Imperative' on page 15 which states in the Local Government section that "Local planning requirements must align with the overall plan for improving performance standards at national level. For example, avoiding divergence of local energy standards that make it harder to accelerate improvement in standards at national level, and avoiding conflict between local planning conditions and new requirements of building regulations."
65. The government has also recently provided further advice for local authorities through the Written Ministerial Statement which says "the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale." See <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>
66. To be consistent with national policy, HBF request the Council rely on the Building Regulations process as the way to manage improving energy efficiency standards and as such no policy on this issue is needed in the Local Plan.
67. The Written Ministerial Statement clearly states that any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned building regulations should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures: that development remains viable, and the impact on housing supply and affordability is considered in accordance with the NPPF; and the additional

requirement is expressed as a percentage uplift of a dwellings Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP). The HBF does not consider that the Council have a well-reasoned and robustly costed rationale. The HBF does not consider that development remains viable and the HBF does not consider that the impact on the housing supply and affordability have been fully considered by the Council.

68. However, if the policy is to be retained, the WMS goes on to state that where plan policies go beyond current or planned building regulations, those policies should be applied flexibly to decisions on planning applications and appeals where the applicant can demonstrate that meeting the higher standards is not technically feasible, in relation to the availability of appropriate local energy infrastructure and access to adequate supply chains. Therefore, the HBF considers that if this policy is to be retained there is a need for significant amendment to allow for greater flexibility to reflect the issues identified in the WMS.
69. HBF also, do not consider requirements to offset carbon emissions to be explicitly supported by national policy. At no point does the NPPF suggest that offsetting should be used in local plans. As we note above new homes will be zero carbon ready from 2025 and will be zero carbon once the national grid is decarbonised. As such the emissions from these homes will reduce progressively over time making it almost impossible for the Council or others to accurately assess how much carbon should be offset for each home built. As set out earlier house builders recognise the need to reduce carbon emissions arising from new homes, but these must be fair and related to what is being built.
70. However, if the policy is kept in the local plan, it is unclear as to how much offsetting would be required. The policy states that it may be required to meet the requirements of policy but CE1 sets no specific standards which development is seeking to meet and therefore it is impossible to know how much carbon needs to be offset to ensure compliance with the policy. This in turn means that it is impossible to know how much this policy will cost a developer and its potential impact on the viability of new development. Whilst the HBF object to the principle of the policy the lack of clarity or justification add to the weight that the policy should be deleted.
71. HBF also note efforts to decarbonise the national grid, and this raises questions about the whether it is actually appropriate and sustainable to have on-site renewables and/or energy storage when the grid is moving to renewable sources. HBF does not believe the Council has fully considered the costs, design, impact on layout and density of these policies, and as such they are not justified or deliverable.
72. In relation to the performance gap, HBF would query whether the time and costs associated with these methods of calculation have been thoroughly considered particularly as there are limited numbers of people with the skills

to undertake these assessments. In HBF views this is not needed given the WMS.

73. In relation to post-occupancy evaluation, HBF would question the justification and deliverability of this. Who is reading the monitoring information? What would they do about it? Why would a customer agree to it, if a customer runs a massive online facility from their home or for example has a huge energy need for medical reasons, what would the developer be expected do? What would the Council do? These elements of the policy are therefore not justified or effective and should be deleted.

### **Chapter 15. Monitoring the plan**

**The monitoring framework in the Plan is unsound because it is not positively prepared, is not effective or justified, and does not comply with national policy.**

74. In light of the failure of this plan to properly address the issue of unmet need and the wider role South Staffordshire should play in meeting the housing needs of the wider West Midlands region, and the economic impacts of not doing so, HBF would request that this plan is subject to an early review policy. This will be essential to ensure that the Plan delivers the housing needed and action is taken to address the unmet needs of the wider HMA as soon as possible.

### **Future Engagement**

75. The HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.
76. 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.

Yours faithfully



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