

Sent by email to: [planning.policy@stalbans.gov.uk](mailto:planning.policy@stalbans.gov.uk)

24/09/2023

Dear Sir/ Madam

1. Thank you for consulting the Home Builders Federation (HBF) on the St Albans Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

### **SP1: A spatial strategy for St Albans District**

#### *Plan period*

2. Whilst the Council have stated that the end date of this plan is 2041 there is no clear indication in the plan as to the start date. The only reference we could find to the start date is in Table 3.2 which states in the final column that the total refers to 2024/25 – 2040/41. In order to ensure clarity to the reader the proposed plan period should be clearly stated in SP1.

#### *A brownfield first approach*

3. The policy states in the second paragraph that the approach being taken by the Council seeks to develop Brownfield Land first. The National Planning Policy Framework requires the Council to give substantial weight to the value of using suitable brownfield land<sup>1</sup> and, when preparing its strategy to meet development needs, make as much use as possible of brownfield land<sup>2</sup>, especially with regard to any decision to amend green belt boundaries<sup>3</sup>.

---

<sup>1</sup> Paragraph 120

<sup>2</sup> Paragraph 119

<sup>3</sup> Paragraph 141a

However, where development needs cannot be met on previously developed land the NPPF does not prioritise the delivery of these sites ahead of greenfield sites identified as being suitable for development. The HBF are therefore concerned that SP1 is misleading to the general public and could be used by decision makers to try and prevent the delivery allocated green field sites should these come forward prior to the delivery of brown field sites identified as being suitable and available for development. Whilst the HBF recognises that this may not be the Council's intention it is important that there is no confusion on this matter. As the Council will be aware in many cases green field sites can be delivered more quickly than brownfield sites as they, in general, have far fewer issue to address prior to commencing development and there should be no doubt that these sites can come forward as planned. The HBF would therefore suggest that first two sentences of the second paragraph of SP1 are deleted and replaced with "*Growth will be located to make the most sustainable use of land giving substantial weight to the value of using brownfield land within settlements to meet development needs whilst recognising it is necessary to amend Green Belt boundaries to ensure those needs are met in full*".

#### *Housing needs*

4. The HBF concurs with the Council that the minimum number of homes that need to be delivered in St Albans is 888 dwellings per annum (dpa) which amounts to 15,096 homes over the plan period. However, as the Council is aware this is a capped figure with the uncapped level of need identified using the standard method being 1,198 dpa due to the worsening affordability of homes in St Albans. Planning Practice Guidance notes that "*The cap reduces the minimum number generated by the standard method but does not reduce housing need itself*" and "*Where the minimum annual local housing need figure is subject to a cap, consideration can still be given to whether a higher level of need could realistically be delivered*". The Council will therefore need to give close consideration as to whether the uncapped level of housing need is deliverable – a point we will come to later with regard to the Sustainability Appraisal.
5. With regard to housing needs the Council also state in paragraph 3.12 that there may be significant changes in Government's approach to the way housing needs are assessed by local planning authorities. In particular the Council notes that new household projections based on the 2021 census are due in early 2024 and that the Council considers the use of the 2014 projections in the standard method to be "*an illegitimate use of data*". The Council fail to acknowledge that the use of the 2014 projections was in part to try and address the

suppression in household growth that has occurred in many areas, such as St Albans, due to their failure to plan for sufficient housing growth in relation to what was needed. It is inevitable that in areas that have failed to build sufficient homes to meet identified needs will in future have lower levels of housing growth as the ability of households to form in those areas has been restricted.

6. At the time of writing this response the Government has not set out how it intends to housing needs should be assessed. However, it is worth noting the impacts arising from the Council's failure to build sufficient homes to meet needs. Firstly, the lack of supply in St Alban's and across south west Hertfordshire has meant, as the Council note in paragraph 1.27, that average house prices are very high with St Albans being one of the least affordable parts of the Country. The HBF recognises that housing supply is not the only factor with in house price growth, however, it was inevitable that a failure to meet housing needs locally and regionally will see house prices increase rapidly. Only by delivering a significant uplift in delivery, at a minimum the LHN, will the Council have any hope of seeing the affordability of housing stabilise and potentially improving over time.
7. The second important reason for delivering at least 888 dpa as proposed is the need for affordable housing in St Albans. The Council most recent local housing needs assessment indicates that there is a net annual need of 443 affordable homes for rent and a net need of 385 dpa for affordable home ownership. This significant level of need reflects the under delivery of housing in general which has resulted in the average annual delivery of affordable homes since 1994/95 of just 73 dpa. Given that the principal mechanism for delivering affordable housing is through market led housing development it is self-evident that housing delivery should be maximised, and no thoughts given to reducing this from what is being proposed in this consultation.
8. The Council will also need to give close consideration as to how many homes are required to support economic growth. The Council has stated in SP5 that it is seeking to over deliver employment development in order to assist Dacorum Borough and potentially other South West Herts Authorities. In particular policy LG2 notes that 8,000 new jobs will be created in the Hertfordshire Innovation Quarter and around 2,000 further jobs in education, retail, health, and leisure as part of the growth of Hemel Hempstead. In line with paragraph 82 of the NPPF housing should not be a barrier to this level of investment and the latest Local Housing Needs Assessment that is being prepared will need to ensure that there are

sufficient homes planned for across both Dacorum and St Albans to support the proposed growth resulting from the stated ambitions for South West Hertfordshire.

*Unmet needs from other areas*

9. The risk of unmet needs in neighbouring areas has been highlighted by the Council in the interim Sustainability Appraisal. Since the start of this consultation this risk appears to have increased with Three Rivers Council proposing to consult on a local plan that will meet just 57% of its housing needs. Whilst these unmet needs are still to be confirmed it will be important that these and any other unmet needs are considered through this local plan, as set out in paragraph 61-022 of PPG, and not be deferred to a review or indeed to the preparation of the SW Herts JSP.
10. The Council will also need to consider the unmet needs of London. However, no reference is made in the discussion on unmet needs in Box 5.2 of the interim Sustainability Appraisal (SA) as to the significant level of unmet needs across the capital. It is important to recognise when considering unmet needs in the capital that London is a single housing market area. As such it is necessary for those authorities in HMAs adjoining the capital's housing market to take account of its unmet needs when considering the number of homes to be planned for.
11. Over the next ten years there is projected to be a shortfall of 14,000 homes per annum in the capital that resulted from the over assessment of delivery from small sites and the subsequent amendments by the Panel examining the London Plan. Whilst the mayor intends to produce a revised London Plan before the termination date of the new London Plan with revised targets, the constraints on the capital will continue make it very difficult for the city's needs to be met in full and it will be important for areas that adjoin London, such as St Albans, to consider how it could increase its own housing supply to address some of these unmet needs.
12. No recognition is given in the SA to the fact that the GLA informed Council's across the South East that it could not meet need and was seeking willing partners to provide support. This position is set out in paragraph 2.3.4 which states:

*“... the Mayor is interested in working with willing partners beyond London to explore if there is potential to accommodate more growth in sustainable locations outside the capital ...”.*

So, even if there is no direct plea for assistance there is a clear call for support that must inform the Council’s decision making on housing needs and supply. Without any in depth consideration of London’s unmet needs in the SA or through the duty to co-operate there is a risk that the plan will not be considered legally compliant and as with the previous two attempts at plan making see this plan fail at the first hurdle. In particular it will require the Council to at least consider reasonable alternative spatial strategies in the SA that plan for a housing requirement that is substantially above the current requirements.

#### *Reasonable alternatives for housing needs*

13. Given the uncapped need for housing in St Albans is 1,198 dpa, that there identified unmet needs for housing in London and the risk of shortfalls elsewhere in the SW Herts HMA is high it is surprising that the Council decided that a spatial strategy delivering a housing requirement of 1,200 dpa was not a reasonable alternative. The interim SA recognises that there are strategic arguments for considering a housing requirement both above and below LHN and tests levels of growth of 300 dpa, 600 dpa, 900 dpa and 1200 dpa. However, this testing was only with regard to that level of housing delivery and not on the basis of a spatial strategy that would deliver this number of homes. As such it is of limited value in considering whether the delivery of a higher level of growth than the LHN was sustainably and whether the Council could address some of the unmet housing needs of neighbouring areas.
14. However, even this cursory assessment does not suggest higher levels of growth are unreasonable and should be dismissed at this stage of plan making. Appendix IV of the interim SA indicates that the assessment of a plan that delivers 1,200 homes per annum was not significantly different in terms of overall sustainability compared to one delivering 600 dpa, which was considered a reasonable alternative. The assessment, in our opinion, indicates this higher growth option to be a reasonable alternative, especially given the potential of unmet housing needs arising in other areas. As such it warrants further detailed consideration as a reasonable alternative within the SA.

#### **SP2 – responding to the climate emergency.**

15. The Council have again referred in part b to prioritising the development of previously developed land. As set out in our comments on SP1 we are concerned that such statements could lead to decision makers trying to prevent greenfield development being delivered ahead of brownfield land identified as being suitable and available for development. The HBF recognises that this may not be the intention of the policy but would recommend that the phrase is deleted to ensure that no unintended consequences arise from this statement.

### **CE1 – Promoting Sustainable Design, Construction and Building Efficiency.**

16. Part a of this policy requires applicants to ensure all new build development minimises carbon, pollution and energy impacts of their design and demonstrate how this will be achieved taking into account the various “standards” set out in subsection a)i. The HBF objects to the inclusion of these standards in the policy.
17. Firstly, these are not, as is stated by the Council, nationally adopted standards. This statement suggests that the Council considers these are of a similar status to Building Regulations, the NPPF or PPG. They are not, they are guidance promoted by a range of organisations and the Council must be clear as to their status.
18. Secondly, it is unclear as to the degree to which development should seek to deliver against any of the proposed guidance documents. How will the decision maker know whether the development has taken sufficient account of the guidance? Will accreditation be required adding additional burdens on the developer? What elements of each standard should the developer have regard to? This lack of clarity is clearly inconsistent with paragraph 16d) of the NPPF which requires local plans to “*contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*”.
19. Finally, it is not clear whether the application of any of the highlighted guidance documents relates only to the design, location, and orientation of a development, or to the technical standards of the homes themselves. If it is the latter the HBF would consider this to be inconsistent with national policy. As the Council will be aware section 5 of Planning and Energy Act 2008 which states that energy policies in local plans “... *must not be inconsistent with relevant national policy*”. Current Government policy was first established in the Written Ministerial Statement and then reiterated in paragraph 6-012 of PPG. These both set out that Council’s should not go beyond a 20% improvement on the 2013 building regulations

(an improvement equivalent to the long-abolished level 4 of the Code for Sustainable Homes). Given that this has now been exceeded by Building Regulations it is evident that the Government's intention is to use building regulations as the main focus for change on this matter, which is further reinforced by paragraph 154b of the NPPF states in relation to greenhouse gas emissions that "... *any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards*".

20. This would suggest that whilst the Government have accepted some uplifts to technical standard can be made through local plans, they are seeking to deliver major changes to energy efficiency standards through building regulations and not through local plans. Certainly, it cannot be argued that they are expecting Council's to set standards in excess of the Future Homes Standard. However, as written the policy currently lacks any clarity that this is the case and will just lead to confusion for all parties. The HBF recognise and support the need for residential development to reduce its carbon emissions. However, we consider that the most effective way of achieving this is through building regulations. Only through a nationally consistent set of standards can the development industry and its supply chains effectively deliver these improved standards in way that maintains customer satisfaction and continues to deliver the homes we need. In contrast to this the Council's proposed policy lacks clarity as to what is required and how either the applicant or decision maker should act.
21. It is important to note the significant improvements in energy efficiency that have been delivered by the housebuilding industry in recent years. Research by the HBF has identified that 85% of new build properties are rated A or B for energy performance compared to just 4% of existing homes. This means they require much less energy for day to day running, using approximately 9,400 kWh a year compared to older properties averaging over 21,000 kWh per year. This improvement can also be seen when size is taken into account with the average new build using 105kWh per m<sup>2</sup> per year compared to 246 kWh per m<sup>2</sup> in an existing property. New homes are already making a significant contribution towards meeting the national carbon reduction targets by allowing more people to live in more energy efficient homes.
22. This situation will only improve with the proposed changes to the Building Regulations. New homes are already being built to higher energy efficiency standards set out in the 2021 Building Regulations which will deliver a 30% improvement on previous regulations, with further improvements expected from 2025 with the introduction of the Future Homes

Standard. The Future Homes Standard will mean that all new homes built as a result of this plan will be zero carbon ready. These improved technical standard means that the Local Plans approach to climate change should not focus on technical standards for energy efficiency as these are being addressed through building regulations. This approach is not just one supported by the HBF and its members. its development being supported by energy and water providers, bodies such as RSPB and three Government departments. The framework developed will ensure that the transition to zero carbon homes is feasible whilst maintaining house building levels that can address the current housing crisis facing the country. To then place additional requirements with regard to such matters is unnecessary and unjustified.

23. The HBF therefore suggests that part a is amended to state that that proposals must demonstrate that they are seeking to limit greenhouse gas emissions and mitigate the impacts of climate change through the location, orientation, design, and landscaping of the development. Any references to alternative standards must be removed from the policy to avoid confusion and conflict with building regulations.
24. Part B of the policy requires water conservation measures to reduce household consumption to 110 litres per person per day. If the council is to adopt this lower standard it must ensure that it has the necessary justification as required by paragraph 56-015 of PPG.
25. Part d requires developer to adopt sustainable construction and demolition methods including the of material with low embodied carbon. The HBF recognises the importance of minimising waste and reducing the use of material with high embedded carbon however this must be left to the developer to decide based on the nature of the site and the type of development being proposed. We would therefore suggest that the Council encourages the use of sustainable construction and demolition methods that where possible use materials with low embodied carbon. This will ensure that there is flexibility in the policy to take account of the variety of development scenarios that will occur in St Albans.
26. Part e requires developers to minimise waste during the construction and operation phases of development by using the circular economy approach. Whilst the HBF recognises the importance of reusing and recycling materials there are limits as to how much of the industry's materials can come from such sources at present. We would therefore suggest that the phrase as far as possible is included in this policy.

### **CE3 – Carbon offsetting**

27. This policy requires major development to compensate for emissions that cannot be avoided onsite by paying for an equivalent amount of emissions to be removed elsewhere in order to meet the requirements of policy CE1. Firstly, the HBF 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.
28. Secondly, even 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 CE1, 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 CE1. 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.

### **SP3 – Land and the Green Belt.**

29. Policy SP3 sets out the number of homes the council is required to deliver over the plan period and that whilst the Council seeks overall to protect the Green Belt acknowledges that boundary will need to be amended. The supporting text contains the housing trajectory for the draft local plan which includes a stepped requirement.
30. Firstly, it is unnecessary to repeat the housing requirement that has already been stated in SP1. In fact, this unnecessary repetition is not only between policies but also within the policy itself with the Council clarifying that the requirement is the same as the standard method. Whilst the Council may feel it is necessary to explain this it is not necessary to do so in policy and should be left to the supporting text. The HBF considers the most

appropriate policy in which to state the housing requirement is SP1. It would be more appropriate for SP3 to clearly state that the Council intends to meet housing needs in full as set out in SP1 and that in order to achieve this objective it will need to amend Green Belt boundaries.

*Amendments to the Green belt boundary*

31. The HBF supports the Council's decision to amend Green belt boundaries in order to meet the areas housing needs. As the Council note the NPPF allows for Green belt boundary amendment to be amended in exceptional circumstances where it can be demonstrated that as much use as possible has been made of brownfield sites and underutilised land, densities have been optimised and where it has not been possible to accommodate identified need elsewhere. On the basis of the evidence presented this council appears to have met all these tests. As such the Council can consider amending Green Belt boundaries and whether the exceptional circumstances exist to support changing the boundary. However, the Council have not yet set out the exceptional circumstances they consider to be justification for amending Green Belt boundaries. Given that the Council are proposing such amendments it would have been helpful to have the Council's justification set out in the evidence supporting this consultation.
32. For the record, the HBF consider there to be exceptional circumstances to support amendments to the Green belt boundary. The significant shortfalls in housing supply that would occur if boundaries were not amended, the back log in the supply of affordable housing and the fact that this supply will grow ever more rapidly without amending green belt boundaries and the significant affordability issues in St Albans all contribute to the exceptional circumstances required to amend green belt boundaries. The consequences of not amending Green belt boundaries are also significant with more households having to live in temporary accommodation, more people living in less energy efficient homes and increased commuting into St Albans as fewer people will be able to live close to where they work. In short, the consequences of not amending Green Belt boundaries are to make St Albans a less inclusive and sustainable borough in contrast to the vision set out in paragraph 1.30 of the draft local plan.
33. In addition to the overarching circumstances that justify Green Belt boundary amendments the Council will also need to set out the site-specific circumstances that support each of the allocations that are being proposed taking into account the relative harm to the Green Belt

from each allocation. Again, the HBF is supportive of the allocations made however we are concerned that the approach taken in the Stage 2 Green Review and the use of buffers is flawed.

34. As the Stage 2 Study notes the inspectors examining the previous local plan raised concerns that the Green belt Boundary Review supporting that plan made no assessment of how the small-scale sub areas contributed to the purposes of the Green belt and that any site of less than 14ha or 500 dwellings were excluded from further consideration. As such the Council have commissioned a new stage 2 report to provide a more granular approach to identifying potential sub areas to assess within the Green Belt. The approach adopted in the study uses settlement buffers to define the area of search and exclude consideration of sites that fall outside of these buffers on the basis that they would not contribute to the sustainable pattern of development or undermine the integrity of the Green Belt. This approach also seems to ignore paragraph 142 of the NPPF and the fact that consideration needs to be given to land that is well served by public transport. There may well be sites beyond the buffer zones that are well served by public transport and their automatic exclusion from further assessment will prevent such considerations.
35. Rather than use the broad assumptions as to site suitability to exclude sites outside of the buffer zones from further consideration the HBF is of the opinion that the only reasonable approach is for the Council to consider all submitted sites in the part 2 assessment. Only once these assessments have been undertaken should the Council then consider what is the appropriate strategy for St Albans. Without a full and proper assessment of all sites against the purposes of Green Belt the Council are at risk of repeating the mistakes made in the previous local plan that failed to give proper consideration to all sites submitted for allocation.

#### *Housing trajectory*

36. Table 3.2 sets out the Council's housing trajectory. The Council are proposing to adopt a stepped trajectory that would see a housing requirement of 398 homes in the first two years of the plan period, stepping up to 710 dpa in years 2026/27 to 2030/31, 1,200 dpa between 31/32 to 35/36. The remaining 5 years of the plan sees the requirement fall to 950 dpa. As set out in paragraph 68-021 of PPG the Council will need to provide evidence as to why they consider the use of a stepped trajectory is necessary and that the proposed trajectory does not seek to unnecessarily delay meeting identified development needs.

37. Delivery over the plan period is expected to be 15,938 giving a buffer between needs and supply of just under 900 homes, around 5%. This is insufficient to take account of the risks that some of the larger allocations do not come forward as expected. There is no hard and fast rule as what buffer is appropriate over a whole plan period, but the HBF would expect to see a buffer of at least 10% to 15%. This provides the necessary certainty that the plan will meet its objectives over the plan period but also provide head room for the inevitable changes in delivery assumptions as the plan moves to submission and examination.

*Delivery on sites of one hectare or less*

38. Paragraph 69a of the NPPF requires LPAs to identify through the development plan and brownfield registers sufficient land to accommodate at least 10% of the housing requirement on sites no larger than one hectare. Using appendix 1 the HBF note that the Council is proposing allocate a little over 800 homes on sites of one hectare or less, some 700 homes short of the 1,500 homes required by paragraph 69a. Additional small sites will need to be identified and allocated in the local plan. It is also important to note that expected windfall development on small sites cannot be counted as contributing to the 10% requirement as this would be wholly contrary to the policy which is to support SME developer by providing them with the certainty of an allocation in the local plan. It is also important to note that paragraph 69d sets out separately that policies should be included in local plans that support windfall development. There is a clear separation between identifying small sites for allocation and supporting windfall.

39. A failure to allocate small sites will contribute to the decline in small and medium sized house builders. Recent research by the HBF has found that there are 85% fewer small house builders today than there was 20 years ago and that of a survey of 202 SME house builders 87% said they were considering winding up their residential activities in the next three years. Whilst this decline is due to a range of factors more allocations of small sites would ease the burden on many SME developers and provide more certainty that their scheme will be permitted allowing them to secure the necessary finance that is often unavailable to SMEs until permission is granted. The effect of an allocation is to take some of the risk out of that development and provide greater certainty that those sites will be granted planning permission. This in turn will allow the SME sector to grow, increase the diversity of the new homes that are available as well as bringing homes forward earlier in the plan period.

## **HOU1 – Housing Mix**

40. The updated LHNA will provide further information this mix of homes needed to meet future needs. However, such studies are snap shots in time and take a generalised view across the whole borough and the HBF would therefore recommend that some flexibility is included within the policy to allow for consideration of additional or updated evidence, monitoring information on the mix of homes that has been delivered, the different needs of different areas and the type and location of the site being developed. The need for flexibility is partially recognised paragraph 4.6 but in order to be effective flexibility needs to be introduced into the policy itself.
41. The council will also need to provide further evidence as to whether this mix is deliverable on the basis of the densities that are being proposed in DES3. The Council are proposing a minimum net density of 40dph, and it is not clear as to how these assumptions relate to the proposed housing mix in this policy.

## **HOU2 – Affordable housing**

42. As outlined above without a viability assessment or up to date strategic housing market assessment it is not possible to comment on whether this policy is sound or whether it will, in combination with all the other policies in the plan, make development undeliverable. It will be important that all development costs are fully accounted for and that there is sufficient head room in development viability to take account of an uncertain costs.

## **HOU3 – Specialist Housing**

43. Paragraph 4.14 notes that specialist housing is allocated on some sites set out in appendix 1 but it is not clear whether this will meet needs. This should be clearly stated in the plan. However, the expectation that some ad hoc sites will be required to meet needs suggests that is not the case and the Council should seek to identify and allocate sites for specialist accommodation. The HBF recognises that it may not be possible to meet all needs on identified sites and therefore welcomes the inclusion of how many homes are required to meet the specialist accommodation needs of St Albans. It is important that the quantum of units needed are included the policy to support decision makers in taking a positive approach to applications for specialist accommodation. Though it is noted that part d states

that these are a broad assessment of needs. As with other housing these should be set as a minimum to ensure that a ceiling is not placed on such development in St Albans.

44. The policy also states that specialist housing will be required to meet the affordable housing requirements set out in policy HOU2. As stated elsewhere it is not possible to say whether this is sound without an up-to-date viability assessment. However, it will be important that such a study includes a specific typology that tests the cumulative impact of the policies the plan on specialist accommodation for older people taking into account the additional costs faced by such development such as larger communal and non-saleable areas and higher build costs. It should also be recognised that retirement housing is best located on close to services which means they are more often delivered on brownfield sites with higher existing use values. Further information on the viability of retirement housing can be found at the Retirement Housing Group website <https://retirementhousinggroup.com/rhg-publications/>.

#### **HOU4 – Accessible and Adaptable Housing**

45. Part b of policy HOU4 requires all residential development to be built to part M4(2). Under the current guidance in PPG the Council will need to provide the evidence to justify this policy. However, the situation regarding the status of Part M4(2) is currently uncertain with the government currently committed to making this standard mandatory. If this is the case, then the council will need to delete part b to avoid any repetition with building regulations.
46. Part c requires 5% of market housing and 10% of affordable dwellings on developments of 10 or more homes to be built M4(3)(a) and M4(3)(b) respectively. As the Council will be aware these requirements will need to be justified on the basis of both need and viability. The HBF assumes these will be available alongside the submission local plan and will comment in more detail at that stage if necessary.
47. Part d of the policy states that housing built to part M4(2) and M4(3) are located where possible with good access to public transport and local facilities. With regard to homes built to M4(2) this would seem to be an unnecessary statement as this relates to all housing.

#### **HOU5 – Self Build and Custom Build Housing**

48. The Council are proposing to require housing sites of 100 or more homes to provide 3% of developable plots for self-build housing. In general, the HBF does not consider it appropriate

for a blanket requirement for self-build homes to be appropriate as the deliverability of self-build plots will vary from site to site. On some sites it will not be possible for example 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.

49. As such the HBF considers it more appropriate for the Council to work with land owners and developers to identify where self-build might be appropriate and allocate land to meet those needs. The Council will also need to have considered other opportunities to meet their duties to meet demand for self-build housing set out in paragraph 57-029, such as how any land being disposed of for development by the Council could be used to support self-builders. The Council should also consider whether it might be more appropriate to release more small sites for self and custom build housing in the Green Belt rather than rely on larger sites which are less likely to meet the needs of many self-builders. Such an approach would not only better meet the expectations of those looking to build their own home but also ensure the Council meets the government's expectation for delivery on small sites set out in paragraph 69 of the NPPF.
50. In brief the Council must have evidence that they have considered a range of approaches to meet the needs of self-builders and not simply looked to place the burden of their duty on the house building industry.
51. If the Council chooses to continue with the proposed approach in HOU5 then they will need to provide the evidence to support this policy. Whilst the self-build register will provide a key part of this evidence the Council will need to ensure that it is robust and has been reviewed to ensure that those on the list are still looking to self-build and have the means to do so. The policy must be proportionate and relate to what is needed and not lead to a level of provision that is beyond what is needed.
52. Finally, the part d provides a mechanism as to when self-build plots should return to the developer to be built out. The HBF supports such an approach but does not consider it necessary for these homes to be offered to the Council or a registered provider prior to being built out by the developer. These are not part of the affordable housing provision on

site and should be retained as such and following marketing return directly to the control of the developer.

### **HOU6 - Gypsies, Travellers, and Travelling Show People**

53. It is unclear what policy HOU6 requires from development coming forward in a Broad Location. Policy HOU6 states the in considering proposals for new accommodation for Gypsies, Travellers and Travelling Show People the Council will have regard to the suitability and potential of new sites as part of Broad Locations for development and that such sites should accommodate a maximum of 20 pitches. Whilst the HBF would assume that this is a development management policy used to determine applications for pitches it could be interpreted by a decision maker or applicant as requiring pitches on all applications for development in a broad location. The HBF would suggest that the wording is amended to provide greater clarity as to the Council's intentions.
54. Having said that the HBF is concerned that the Council is seeking to prioritise delivery of pitches for Gypsy, Travellers, and Travelling Show People to the broad locations seemingly without any up to date assessment of needs or the suitability of such sites to meet those needs. The provision of pitches to meet the needs of Gypsy, Traveller and Travelling Show People is an essential part of the local plan but as with other policy requirements its impact on the viability and deliverability of development will need to be properly assessed by the Council .

### **TRA4 - Parking**

55. Parts f and g seek contributions for the provision of car clubs and bike share schemes. The HBF does not consider such requirements to be sound. Both car clubs and bike share schemes operate on a commercial basis and do not require contributions from developers to support their operations. There may be a need to provide identified parking spaces to support the operation of such schemes but to requires a financial contribution is not appropriate or necessary.

### **UIN1 – Broadband**

56. The policy requires appropriate onsite infrastructure to enable homes to be connected to full fibre broadband. The HBF and its members recognise the importance of high-speed

internet access, however, the Council must recognise that it is not in the gift of the developer to deliver the wider infrastructure required to ensure connection full fibre broadband and the HBF would suggest that clarity is provided to this effect in the policy. A possible change for example would be: *“Planning applications for major developments must demonstrate that appropriate onsite infrastructure is to be provided during construction, sufficient to enable all the development to be connected to full fibre broadband from the point in time at which it is available.”* This will ensure that new development is ready to access full fibre broadband but is not delayed where providers are slow to provide the necessary infrastructure.

### **NEB1 – Woodland, Trees, and Landscape Features**

57. The policy requires developers to provide for at least one semi mature tree for each dwelling. Whilst the HBF recognises the importance and benefits of tree planting in developments the approach being suggested in NEB1 is overly prescriptive and takes no account of existing trees, the nature of the site or the type of BNG that must be delivered on site. The HBF would suggest that tree planting should be considered as a whole within the design of development and the approach to delivering BNG and other open spaces in the development rather than through the application of an arbitrary number of trees per house.

### **NEB6 – Biodiversity Net Gain**

58. The Council should be clear that there are exemptions with regard to the provision of BNG in relation to sites of less than 25 sqm and for self-build homes. The Council should therefore state that BNG will only be necessary where required by legislation. This will also ensure that any changes in potential regulations with regard to exemptions will also be covered.

59. The policy states that national credits should only be used in exceptional circumstances. Whilst the HBF would agree that national credits should be the last resort their use will depend on the ability of net gains to be delivered on site and the availability of credits within the local area or indeed elsewhere. Given that national credits will be more costly and that the BNG metric used to calculate net gains for each site already builds in an uplift to the units required to deliver net gains where these are proposed to be delivered offsite and out of the borough there is no need to place additional considerations as to whether their use

is appropriate within the decision-making process. The HBF would suggest that this sentence is deleted from the policy NE6.

### **NEB11 – Green Space Standards and New Green space provision**

60. It is not clear where the quantity standards for new green space set out in this policy have been taken from. For example, the 4.5 sqm per person quantity standard for allotments is derived from the latest Open Space Study indicates that the current level of provision is 0.28 hectares per 1,000 people with the standard set by the National Society of Allotments suggesting a standard of 0.25 ha per 1,000 people. This would result in a per person standard of 2.5 sqm of allotment per person. The higher standard set out in the policy is therefore inconsistent with Council's evidence and is unjustified and not related in scale to the development. The 4.5sqm per person requirement would also result in the delivery of around 20ha of allotments on sites of 100 units or more which would significantly reduce the developable area of those sites and their viability. At present the quantity standards seem excessive and the Council must provide the evidence to support the quantity standards in the policy.

### **DES5 – Residential Amenity Standards**

61. Part b subsection i. requires development to accord with BRE guide to site layout Planning for Daylight and sunlight. Given that this is guidance the policy should be amended to read:  
*"Take account of the BRE Guide ... "*

62. Part c – of the policy requires development to meet or exceed the nationally described space standards (NDSS). At present there appears to be no evidence to support the introduction of the NDSS. As required by paragraph footnote 49 of the NPPF and paragraph 56-022 the Council will need to provide evidence as to both the need for such homes and the impact on the affordability of housing within the area. It is important that there is an actual need for such a policy as it will restrict the flexibility to meet the needs of some households.

63. Whilst the HBF share the Council desires to see good quality homes we also consider that space standards can, in some instances, have a negative impact upon affordability issues and reduce customer choice. In terms of choice, for example, some developers will provide entry level two, three and four-bedroom properties which may not meet all the optional nationally described space standards, but which would allow on lower incomes can afford

a property which has their required number of bedrooms. Therefore, even if there is evidence to support the introduction of such standards, we would suggest that some flexibility is added into the policy to allow well designed homes below space standards that seek to meet an identified need for such homes in St Albans.

64. If the proposed requirement for NDSS is carried forward, then the Council should also 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.

### **DES7 – Building Services**

65. Part a. requires development to accord with current county council guidance. Given that this is guidance set outside of the local plan we would suggest the wording is changed to “... *should have regard to ...*”

### **HW3 – Health Impact Assessments**

66. The HBF does not consider it to be justified to request Health Impact Assessments (HIA) on all residential development proposals of 100 or more dwellings. Where such sites are allocated then the health impacts of such a development will have been considered through the preparation of the local plan and the health impact assessment that should be undertaken by the Council. This assessment will ensure that the plan and the policies it contains will address any negative health outcomes that may arise from the development being proposed and as such not require further assessment when applying for planning permission.

### **IMP1 – Additional Infrastructure requirements for strategic scale development**

67. The HBF both part b and c to be overly onerous and will impact on the timescales at which major development can be brought forward. With regard to part b whilst the HBF recognise the benefits of co-ordinating infrastructure delivery there is a risk that this policy will mean new development coming forward on the basis of the slowest site. Whilst we appreciate this is not the intention of the council, we would suggest that the policy seek to encourage joint

working but remove the need to justify why this cannot be achieved. Such justifications are always open to judgement and there is a risk that development could be slowed down unnecessarily if decision makers seek to require a co-ordinated approach.

68. Turning to part c, which requires development of 100 homes or more to provide evidence that there sufficient utilities capacity to support that development. The HBF do not consider this approach to be sound. In preparing this local plan the Council should, as required by paragraph 24 of the NPPF, have engaged with utility providers and be ensure, as required by paragraph 20 of the NPPF that there is the sufficient capacity in utlitiies to support the level of development being proposed – including any strategic scale development. If as part of plan preparation, it is identified that there is insufficient capacity, then the Council should ensure this is addressed prior to submission. It is not the responsibility of the applicant to show that there is sufficient capacity for utilities to meet the needs of their development.

## **Conclusions**

69. There are still a number of key evidence documents that are still to be published such as the housing needs assessment and viability evidence and without which it is not possible to comment on the overall soundness of the local plan. In preparing these documents evidence it will be important for the Council to engage with the development industry to ensure that it reflects the experiences of delivering new homes and other development within St Albans. In particular the viability evidence will need to ensure that it reflects the delivery of development based on the policies that are being proposed in the local plan.
70. The Council have set out a number of prescriptive policies for residential development that will not only place an additional cost on the developer but could also reduce the number of homes that can be delivered on site. Careful attention will need to be given as to how policies relating to density, energy efficiency parking, amenity, open space, and Biodiversity Net Gain etc. all interact with regard to the developable area, the number of homes that can delivered and ultimately the viability of development in St Albans
71. Given the track record of the Council it will also be vital that the Council actively engages its partners as part of the duty to co-operate. The HBF is supportive of a plan led system, but LPA must take proper account of unmet development needs in all neighbouring areas. This may not lead to any of these needs being met but without proper consideration the

Council cannot say it has co-operated effectively on relevant strategic and cross boundary issues.

72. We trust these comments have been helpful and if you require clarification on any of the matters raised, please do not hesitate to contact us.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Behrendt', with a stylized flourish at the end.

Mark Behrendt MRTPI  
Planning Manager – Local Plans  
Home Builders Federation  
Email: [mark.behrendt@hbf.co.uk](mailto:mark.behrendt@hbf.co.uk)  
Tel: 07867415547