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Dear Sir / Madam

SHROPSHIRE LOCAL PLAN REVIEW (LPR) PRE-SUBMISSION CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above-mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional 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. We would like to submit the following representations to the LPR pre-submission consultation and attend future Examination Hearing Sessions to discuss matters in greater detail.

Duty to Co-operate

As set out in the 2019 National Planning Policy Framework (NPPF), the Council is under a Duty to Co-operate with other Local Planning Authorities (LPA) and prescribed bodies on strategic matters that cross administrative boundaries (para 24). To maximise the effectiveness of plan-making and fully meet the legal requirements of the Duty to Co-operate, the Council's engagement should be constructive, active and on-going. This collaboration should identify the relevant strategic matters to be addressed (para 25). Effective and on-going joint working is integral to the production of a positively prepared and justified strategy (para 26). The Council should demonstrate such working by the preparation and maintenance of one or more Statements of Common Ground (SoCG) identifying the cross-boundary matters to be addressed and the progress of co-operation in addressing these matters. A SoCG should be made publicly available throughout the plan-making process to provide transparency (para 27).

The National Planning Practice Guidance (NPPG) confirms that a key element of Local Plan Examination is ensuring that there is certainty through formal agreements that an effective strategy is in place to deal with strategic matters



when Local Plans are adopted (ID : 61-010-20190315 & 61-031-20190315). The NPPG explains that a SoCG sets out where effective co-operation is and is not happening throughout the plan-making process (ID : 61-010-20190315). The NPPG also sets out that by the time of publication of a Draft Plan, a SoCG should be available on the Council's website. Once published, the Council should ensure that the SoCG continues to reflect the most up-to-date position of joint working (ID : 61-020-20190315). The HBF note that there are no SoCGs accompanying the LPR pre-submission consultation. The Council has stated that a full SoCG will be made available ahead of submission of the LPR for examination (para 2.27). This is inconsistent with national policy.

Shropshire adjoins twelve other LPAs namely Telford & Wrekin, Cheshire West, Chester, Cheshire East, Wrexham, Powys, Herefordshire, Malvern Hills, Wyre Forest, South Staffordshire, Stafford and Newcastle under Lyme. The HBF would expect the Council to prepare and maintain one or more SoCG with these LPAs.

There is also a functional relationship with the Black Country authorities of Dudley, Sandwell, Walsall and Wolverhampton, where there is an identified unmet housing need of up to 29,000 dwellings. It is proposed that 1,500 dwellings included in Shropshire's housing requirement will support housing needs from the Black Country. There is correspondence dated 30th September 2019 from the Black Country authorities supporting the proposed strategic allocation at J3 M54 in the Shropshire Local Plan. These strategic matters should be set out in a SoCG.

In the absence of one or more published SoCG, it is difficult for the HBF and other interested parties to assess if the Council has satisfied the legal requirements of the Duty to Co-operate and the LPR is sound. The HBF may submit further comments in written Hearing Statements or orally during Examination Hearing Sessions.

Local Housing Need (LHN) & Housing Requirement

Under **Strategic Policy SP2** around 30,800 dwellings (1,400 dwellings per annum) will be delivered between 2016 to 2038.

As set out in the 2019 NPPF, strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period (para 65). The determination of the minimum number of homes needed should be informed by a LHN assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 60). In Shropshire, there are no exceptional circumstances to justify an alternative approach.

The NPPG sets out the standard methodology for calculating the LHN figure using demographic data (based on 2014 MHCLG Sub National Household

Projections (SNHP)) and an affordability adjustment (based on the latest ONS affordability ratios) (ID 2a-004-20190220). Using the standard methodology, the minimum LHN for Shropshire is 1,177 dwellings per annum equivalent to 25,894 dwellings over the plan period 2016 – 2038. This calculation is based on 2014 SNHP, 2020 as the current year and 2019 affordability ratio of 7.97. As set out in the NPPG, the LHN is calculated at the start of the plan-making process but this number should be kept under review and when appropriate revised until the Local Plan is submitted for examination (ID 2a-008-20190220). The minimum LHN for the County may change as inputs are variable, which should be borne in mind by the Council.

The NPPG clearly states that the standard methodology is the minimum starting point in determining the number of homes needed. It does not produce a housing requirement figure (ID 2a-010-20190220). The NPPG explains that “circumstances” may exist to justify a figure higher than the minimum LHN (ID 2a-010-20190220). The “*circumstances*” for increasing the minimum LHN are listed in the NPPG, but the NPPG emphasises that the listed “*circumstances*” are not exhaustive. The listed “*circumstances*” include, but are not limited to, situations where increases in housing need are likely to exceed past trends because of growth strategies, strategic infrastructure improvements, agreeing to meet unmet need from neighbouring authorities or previous levels of housing delivery / assessments of need, which are significantly greater than the outcome from the standard methodology (ID: 2a-010-20190220). In Shropshire, there is justification for a housing requirement above the minimum LHN.

The NPPG indicates that if previous housing delivery has exceeded the minimum LHN, the Council should consider whether this level of delivery is indicative of greater housing need (ID : 2a-010-20190220). The adopted Core Strategy housing requirement of 1,375 dwellings per annum is above the minimum LHN. Housing Delivery Test (HDT) Results identify housing completions of 1,876 dwellings in 2017/18, 1,843 dwellings in 2018/19 and 1,493 dwellings in 2019/20, which exceed the minimum LHN as well as both adopted and proposed housing requirements.

The wider aspirations of the Economic Growth Strategy for Shropshire are to increase economic growth, productivity and diversification of the labour force. These economic ambitions require an increase in the housing requirement above the minimum LHN so that a lack of labour is not a constraint on realising the economic growth potential of the County. The 2019 NPPF seeks to achieve sustainable development by pursuing economic, social and environmental objectives in mutually supportive ways (para 8). The Council is seeking to support the long-term sustainability of the County by achieving a sustainable balance between employment and housing growth.

The Council should also recognise economic benefits of housing development in supporting local communities as highlighted by the HBF’s latest publication Building Communities – Making Place A Home (Autumn 2020). The Housing Calculator (available on the HBF website) based on The Economic Footprint of House Building (July 2018) commissioned by the HBF estimates for every one

additional house built in Shropshire, the benefits for the local community include creation of 3 jobs (direct & indirect employment), financial contributions of £27,754 towards affordable housing, £806 towards education, £297 towards open space / leisure, £1,129 extra in Council tax and £26,339 spent in local shops.

The NPPG states that total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments. As set out in the NPPG, an increase in the total housing figures may be considered where it could help deliver affordable housing (ID : 2a-024-20190220). Affordable housing delivery is a key priority for the Council. It is proposed that circa 7,700 affordable dwellings will be delivered between 2016 - 2038. The NPPG also sets out that households whose needs are not met by the market, which are eligible for one or more of the types of affordable housing set out in the definition of affordable housing in Annex 2 of the 2019 NPPF are considered to be in affordable housing need (ID : 67-005-20190722). The Council should calculate its affordable housing need as defined by the NPPG. This figure may be significant in comparison to the minimum LHN. A higher overall housing requirement will contribute towards delivery of a greater number of affordable homes. It is acknowledged that the Council may not be able to meet all affordable housing needs but an uplifted housing requirement above the minimum LHN will make some contribution to meeting affordable housing needs.

As set out in the 2019 NPPF, the Local Plan should be positively prepared and provide a strategy, which as a minimum seeks to meet its own LHNs in full and is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated (para 35a). It is proposed that Shropshire's housing requirement of 30,800 dwellings includes 1,500 dwellings to support the unmet housing needs of the Black Country (also see HBF response to the Duty to Co-operate).

As set out in the NPPG, the Government is committed to ensuring that more homes are built and supports ambitious Councils wanting to plan for growth (ID : 2a-010-20190220). The NPPG states that a higher figure "*can be considered sound*" providing it "*adequately reflects current and future demographic trends and market signals*". The Council has demonstrated that "*circumstances*" exist to justify a housing need higher than indicated by the standard methodology.

The HBF support the Council in identifying a housing need, which is greater than the minimum standard methodology LHN figure. However, the NPPG does not set any limitations on a higher figure, which is a matter of judgement. The Government's objective of significantly boosting the supply of homes set out in the 2019 NPPF remains (para 59). The HBF believe that the Council should have been more ambitious. The proposed housing requirement of 1,400 dwellings per annum is only 25 dwellings per annum above the adopted housing requirement of 1,375 dwellings per annum. Whilst the proposed housing requirement is greater than the minimum LHN of 1,177 dwellings per annum, it is below previous completion figures identified by the HDT. The proposed

housing requirement is a “business as usual” scenario rather than a significant boost to the supply of homes. A higher housing requirement would provide greater flexibility to support economic growth, to deliver more affordable housing and to contribute to unmet housing needs from the Black Country. The HBF also note that the housing requirement set out in **Policy SP2** is not expressed as a minimum figure.

Before submission of the LPR for examination, the Council should re-consideration its housing requirement. **Policy SP2** should be amended to set out the housing requirement as a minimum figure.

Housing Land Supply (HLS)

The LPR’s strategic policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver the County’s housing requirement. This sufficiency of HLS should meet the housing requirement, ensure the maintenance of 5 Years Housing Land Supply (YHLS) and achieve HDT performance measurements.

The LPR promotes a sustainable pattern of growth by directing majority of new development towards larger settlements with the most extensive range of services / facilities and infrastructure. **Strategic Policy SP2 – Strategic Approach** sets out a spatial strategy based on :-

- Strategic Centre (Shrewsbury) ;
- Principal & Key Centres ;
- Strategic Settlements & Sites ;
- Community Hubs ; and
- Community Clusters

Policies SP7 – Managing Housing Development, SP8 – Managing Development in Community Hubs and SP9 – Managing Development in Community Clusters support sustainable housing development within development boundaries (subject to not exceeding residential development guidelines set out in individual Settlement Policies). **Policy SP10 – Managing Development in the Countryside** strictly controls new development outside development boundaries.

As set out in 2019 NPPF, where fully evidenced and justified Green Belt boundaries can be altered in “exceptional circumstances” through the preparation or updating of Local Plans (paras 136 & 137). The HBF supports the findings of the Council’s Green Belt Release Exceptional Circumstances Statement dated August 2020, which justifies the release of Green Belt land for allocation and safeguarding at locations in Albrighton, Alveley, Cosford, Shifnal and Stanmore.

The Council’s overall HLS set out in **Appendix 5 : Residential Development Guidelines & Residential Supply** is 30,930 dwellings. This HLS is summarised below :-

	Completions to 2018/19	Existing consents	Saved SAMDev Allocations	Proposed Local Plan Allocations	Windfalls
Strategic, Principal & Key Centres	3,748	6,716	3,034	5,755	2,022
Community Hubs	952	1,289	530	1,605	660
Rural Area	929	2,078	62	0	0
Strategic Settlements	0	0	0	1,550 (expected delivery by 2038)	0
TOTAL	5,629	10,083	3,626	8,910	2,682

Housing delivery is maximised, where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector. There is a wide range of sites by both size and market locations, which should provide access to suitable land for small local, medium regional and large national housebuilding companies as well as providing opportunities for a wide range of different types of dwellings to meet the housing needs of all households. Under the 2019 NPPF, the Council should identify at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 68). For Shropshire, 10% of the housing requirement is 3,080 dwellings. The Council should confirm compliance with this aspect of national policy.

The Council's overall HLS should provide some flexibility to respond to changing circumstances, to treat the housing requirement as a minimum rather than a maximum and to provide choice and competition in the land market. There is no numerical formula to determine the appropriate quantum for a contingency but greater numerical flexibility is necessary where HLS is dependent on a few large strategic sites or locations than in cases where HLS is more diversified. The HBF always suggests as large a contingency as possible (at least 20%). The Council's HLS surplus is only 130 dwellings (0.4%). This lack of headroom provides no flexibility. If during the LPR Examination, any of the Council's assumptions on lapse rates, windfall allowances and delivery rates are changed or any proposed housing site allocations are removed then any contingency is eradicated.

The Council's windfall allowance comprises 8.67% of HLS, which should be justified by the Council. National policy only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply.

The soundness of strategic and non-strategic site allocations will be tested in due course at the LPR Examination. The HBF would not wish to comment on

individual sites proposed for allocation but it is noted that the Council has provided no site by site analysis of the deliverability of individual site allocations. Our responses are submitted without prejudice to any comments made by other parties but it is critical that the Council's assumptions on lapse rates, lead in times and delivery rates contained within its overall HLS, 5 YHLS and housing trajectory are correct and realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council.

The 2019 NPPF sets out that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period and if appropriate to set out the anticipated rate of development for specific sites (para 73). **Appendix 7 : Forecast of Delivery Timescales for Local Plan Allocations** is not a housing trajectory. The omission of a detailed housing trajectory is inconsistent with the 2019 NPPF. A housing trajectory should be incorporated into the LPR.

The Council's 5 YHLS Statement dated 3rd March 2019 estimates the 5 YHLS between 2019/20 – 2023/24 against the adopted Local Plan housing requirement is 6.42 years or against the minimum LHN is 8 years (based on a stepped trajectory, Sedgefield approach to shortfalls and 5% buffer). However, the Council has not provided a 5 YHLS Statement for the proposed housing requirement and trajectory. If the Council cannot demonstrate a 5 YHLS on adoption of the LPR and maintain a 5 YHLS throughout the plan period, then the LPR should not be found sound.

Deliverability & Viability

In plan-making, viability is inseparable from the deliverability of development. As set out in the 2019 NPPF, the contributions expected from development including the level & types of affordable housing provision required and other infrastructure for education, health, transport, flood & water management, open space, digital communication, etc. should be set out in the LPR (para 34). As stated in the 2019 NPPF, development should not be subject to such a scale of obligations that the deliverability of the LPR is threatened (para 34). The viability of individual developments and plan policies should be tested at the plan making stage.

Viability is a key issue in determining the soundness of the LPR at Examination. Without a robust approach to viability assessment, land will be withheld from the market and housing delivery will be threatened, leading to an unsound LPR and housing delivery targets not being met. Viability assessment should not be conducted on the margins of viability. This will be particularly important in the aftermath of uncertainties caused by the Covid-19 pandemic and Brexit. If the resultant Benchmark Land Value (BLV) is lower than the market value at which land will trade, then the delivery of housing targets will not be met.

The pre-consultation and post consultation Residential Price Assumptions (Tables 4.8 & 4.9) identify significant price variations of £2,560 – 3,500 per square metre across the County. As illustrated in the Savills / HBF CIL Getting

It Right publication dated January 2014 viability is challenging where residential sales values are circa £225 per square foot. Viability assessment is an iterative process, whereby “trade-offs” between affordable housing provision, CIL, S106 contributions and compliance with policy requirements may be necessary.

The Council’s viability evidence is set out in Local Plan Delivery & Viability Study dated July 2020 by HDH, which demonstrates viability challenges across the County. The Baseline Appraisal (20% affordable housing, NDSS, 100% M4(2), 10% M4(3), optional water efficiency, EVCPs, Future Homes Standards Option 1, 10% Biodiversity Net Gain, S106 developer contributions & CIL) shows the following results :-

- South (Table 10.2a) Greenfield sites of 10 or more dwellings are only marginally viable and Urban sites are unviable ;
- South Higher (Table 10.2b) all sites are viable ;
- Shrewsbury (Table 10.2c) Greenfield sites of 10 or more dwellings are only marginally viable and Urban sites are unviable ; and
- North (Table 10.2d) Greenfield sites and Urban sites are unviable.

It is noted that in Table 12.7 47.4% of planned development is proposed on greenfield sites in the North, which are unviable and 40% of planned development is proposed on greenfield sites in the South, which are only marginally viable.

The HBF response to the Council’s draft Viability Study consultation raised concerns about numerous standard inputs and the cumulative impact of policy compliant requirements. A number of concerns have been addressed in the Council’s final version of the Viability Study however the following concerns remain :-

- Benchmark Land Values (BLV) of brownfield - Existing Use Value (EUV) of £500,000 per hectare (see Table 6.4) plus 20%, greenfield - EUV of £25,000 per hectare for agricultural land or £100,000 per hectare for paddock / amenity land (see Table 6.4) plus £400,000 per hectare and strategic sites EUV plus £300,000 per hectare (para 6.56). These premiums are low and may provide insufficient incentive to landowners. HCA Area Wide Viability Model (Annex 1 Transparent Viability Assumptions) dated August 2010 identified that “benchmarks and evidence from planning appeals tend to be in a range of 10% to 30% above EUV in urban areas. For greenfield land, benchmarks tend to be in a range of 10 to 20 times agricultural value”. The Council’s Viability Study acknowledges that this assumption has not been agreed with parties involved in the stakeholder consultation (para 6.58) ;
- All abnormal costs (excluding an allowance of 5% for brownfield sites) are ignored. It is assumed that if residual land value excluding abnormal costs is greater than BLV, development is viable. If the residual land value including abnormal costs falls below BLV, development remains viable because such abnormal costs are deductible from BLV. If abnormal costs are high, then the premium

uplift should be reduced and borne by the landowner rather than by a loss of planning gain however if the resultant figure provides insufficient incentive for a reasonable landowner to bring forward their land for development then the deliverability of the Local Plan is threatened. If the BLV is lower than the market value at which land will trade the delivery of housing targets will not be met. The NPPG specifically states (ID : 10-014-20190509) that BLV should “reflect the implications of abnormal costs” therefore abnormal costs should be recognised and acknowledged as forming an integral part of establishing BLV and a reasonable incentive for landowners to sell ;

- Assumed professional fees 8%. The Harman Report recommended 8% – 10% of all costs (unit build costs, external costs & abnormal infrastructure costs & policy compliant requirements) up to 20% for complex strategic sites ;
- Contingencies assume 5% brownfield sites and 2.5% elsewhere. Assessment should not be conducted on the margins of viability. CIL Regulations were changed in 2019 and one critical change was that CIL and Local Plan Viability Assessment must use the same evidence base. In CIL viability assessment a buffer should be included to allow for changing economic circumstances. It is suggested that such a buffer should also be part of the Local Plan Viability Assessment to ensure that minor changes in economic circumstances do not necessitate a full-scale review of Local Plan policy requirements and viability assessment. The need for a substantial “cushion” is particularly important on greenfield sites, where as noted by the Harman Report, “prospective sellers are often making a once in a lifetime decision and are rarely distressed or forced sales”.
- Assumed sales costs of 3.5% but Harman Report recommends 3% - 5% ;
- Assumed 1.5% for acquisition costs and legal fees but Harman Report recommends 1% - 2% for agent fee costs and 1% - 2% for legal fees ;
- **Policy DP1 Bullet Points 4 & 5** (see detailed response below). The additional costs for M4(2) and M4(3) compliant dwellings are assumed as £610 (£521 plus 17% inflationary increase) and £11,830 (£10,111 plus 17% inflationary increase). The Government’s consultation “Raising Accessibility Standards for New Homes” (ending on 1st December 2020) estimates the additional cost per new dwelling is approximately £1,400 for dwellings, which would not already meet M4(2). In September 2014 during the Government’s Housing Standards Review EC Harris estimated the cost impact of M4(3) per dwelling as £15,691 for apartments and £26,816 for houses. M4(3) compliant houses are also larger than NDSS (DCLG Housing Standards Review Illustrative Technical Standards Developed by the Working Groups August 2013) therefore larger sizes should be used when calculating additional build costs for M4(3) and any other input based on square meterage. The assessment also omits to consider the interplay between achievable density and proposed policy requirements on housing mix / unit sizes (NDSS & M4(2)/(3)) ;

- **Policy DP1 Bullet Point 6** (see detailed response below). The financial dynamics of older persons housing are different to general housing. Build costs are higher due to specific design criteria suited to the needs of older people, a greater gross to net floor area for non-saleable shared facilities, elongated construction / sales periods and cashflows as no individual units can be occupied until communal areas are completed, which means substantial upfront investment before any return on capital is received. It is noted that sheltered and extra care housing schemes have not been tested. Such schemes will be subject to viability assessment at planning application stage (para 4.78) ;
- **Policy DP12** (see detailed response below). There are significant additional costs associated with biodiversity gain. The DEFRA Biodiversity Net Gain & Local Nature Recovery Strategies : Impact Assessment Table 14 : Net Gain Delivery Costs (Residential) sets out regional costs (based on 2017 prices) in West Midlands of £18,527 per hectare of development based on a central estimate but there are significant increases in costs to £63,725 per hectare for off-site delivery under Scenario C. The Council's assessment tests £21,000 per hectare. There may also be an impact on gross / net site acreage ratio, which is not considered. The Government is committed to continued engagement with the housebuilding industry to address concerns and risks. The Government has confirmed that more work needs to be undertaken to address viability concerns raised by the housebuilding industry in order that net gain does not prevent, delay or reduce housing delivery ;
- **Policy SP3 Bullet Point 2a & Policy DP11 Bullet Points 1a – 1d** The Council's updated viability assessment should include additional costs for the Future Homes Standard. The Government's estimated cost for Option 2 (interim step of 31% reduction in carbon emissions compared to the current Part L 2013 requirements) is £4,847 per dwelling ;
- **Policy SP3 Bullet Point 1f & Policy DP28 Bullet Point 3d.** The Department for Transport - Electric Vehicle Charging in Residential & Non-Residential Buildings consultation estimated an installation cost of approximately £976 per EVCP plus any costs for upgrading local electricity networks, which under the Government's proposal automatically levies a capped figure of £3,600 on developers therefore this figure should also be included in the Council's viability assessment. The supply from the power grid is already constrained in many areas across the country. The HBF and its Members have serious concerns about the capacity of the existing electrical network in the UK. Major network reinforcement will be required across the power network to facilitate the introduction of EVCPs and the move from gas to electric heating as proposed under the Future Homes Standard. These costs can be substantial and can drastically affect the viability of developments. If developers are funding the potential future reinforcement of the National Grid network at significant cost, this will have a significant impact on their businesses and potentially jeopardise future housing delivery. The Council's assessment excludes any costs for upgrading the local network.

Viability assessment is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on the viability of development.

After sensitivity testing, the Viability Study concludes that :-

- within the South area, it is recommended that the Council only includes larger and medium sized greenfield sites if there is a confirmation from the landowner or site promoters that a policy compliant scheme can be delivered. Alternatively, the Council could seek more smaller sites (below 50 units) and substitute these for the larger sites (paras 12.92 & 12.93) ;
- in the North area, the Council should be cautious about relying on development (para 12.97) ; and
- no firm conclusions are drawn about the strategic sites around Shrewsbury because the Council is still working up the assessment of the strategic infrastructure and mitigation requirements. It is recommended that that the Council continues to engage with developers / landowners (paras 12.78 – 12.80).

As identified in the Council's own Viability Study, there are significant viability challenges to the deliverability of development across the County. The HBF suggest that the Council's policy approach to Development Management Policies should be flexible.

Climate Change

Strategic Policy SP3 - Climate Change requires :-

- **Bullet Point 1f** - wherever possible, integration of electric vehicle charging infrastructure into new development in line with Policy DP11 ;
- **Bullet Point 2a** - integration of renewable and low carbon energy systems into all residential developments in line with Policy DP11 ;
- **Bullet Point 2c** - the development or extension of district heating & cooling networks ; and
- **Bullet Point 4d** - integration of water efficiency measures.

The Council is committed to an overall goal of making Shropshire net greenhouse gas neutral by 2030. It is the HBF's opinion that the Council's policy approach to climate change should reflect the Government's proposals on for Future Homes Standard, heat networks, electric vehicle charging points (EVCP) and water efficiency.

Under **Development Management Policy DP11 - Minimising Carbon Emissions**, new residential development will reduce the impact of climate change by :-

- **Bullet Point 1a** - maximising fabric energy efficiency ;

- **Bullet Point 1b** - all proposals for 10 or more dwellings achieving a minimum of 19% improvement in the energy performance requirement in Part L of the 2013 Building Regulations, until such time as the Building Regulations are increased to a level which exceeds this uplift ;
- **Bullet Point 1c** - all proposals providing a minimum of 10% of the predicted energy needs of the development from on-site renewable and low carbon energy sources ; and
- **Bullet Point 1d** - encouraging all proposals in particular residential development of 50 or more dwellings to achieve zero net-carbon emissions, to use on-site district heating / cooling systems, and to connect to wider heating / cooling networks both for energy supply and export, especially where these utilise renewable energy.

The Council's policy approach is commendable however it is important that the Council's proposals do not conflict or go beyond the Government's proposals for Building Regulations. As set out in the Future Homes Standard consultation (ended on 7th February 2020), the UK has set in law a target to bring all its greenhouse gas emission to net zero by 2050. The Government intends to future proof new homes with low carbon heating and world-leading levels of energy efficiency by uplifting standards for Part L (Conservation of Fuel & Power) and changing Part F (Ventilation) of the Building Regulations.

Today's new homes are very energy efficient with lower heating bills for residents compared to existing older homes. Energy performance data has shown that around 8 out of 10 new build dwelling have an A or B energy efficiency rating, compared to just 3% of existing properties. An HBF report published in November 2019 found that, as a result, the average new build buyer in England and Wales saves £442.32 every year on heating costs compared to owners of existing dwellings.

The HBF recognise and support the need to move to The Future Homes Standard but there are difficulties and risks to housing delivery given the immaturity of the supply chain for the production / installation of heat pumps and the additional load that would be placed on local electricity networks in combination with Government proposals for the installation of electric vehicle charging points (EVCP) in new homes (also see HBF comments to Policy DP28 below).

The Government Response to The Future Homes Standard : 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings dated January 2021 provides an implementation roadmap, the Government's aim is for the interim Part L (Conservation of fuel and power), Part F (Ventilation) and Overheating Regulations to be regulated for in late 2021 and to come into effect in 2022. The 2021 interim uplift will deliver homes that are expected to produce 31% less CO2 emissions compared to current standards. The second Part L consultation is published alongside the Government's Response. To ensure as many homes as possible are built in line with new energy efficiency standards, transitional arrangements will apply to individual homes rather than an entire

development and the transitional period will be one year. This approach will support successful implementation of the 2021 interim uplift and the wider implementation timeline for the Future Homes Standard from 2025.

The Future Homes Standard will ensure that new homes will produce at least 75% lower CO2 emissions than one built to current energy efficiency requirements. Homes built under the Future Homes Standard will be future-proofed with low carbon heating and world-leading levels of energy efficiency. By delivering carbon reductions through the fabric and building services in a home rather than relying on wider carbon offsetting, the Future Homes Standard will ensure new homes have a smaller carbon footprint than any previous Government policy. In addition, this footprint will continue to reduce over time as the electricity grid decarbonises.

The HBF support moving towards greater energy efficiency via a nationally consistent set of standards and a timetable, which is universally understood and technically implementable. The Government Response to The Future Homes Standard consultation confirms that the Planning and Energy Act 2008 will not be amended, which means that the Council will retain powers to set local energy efficiency standards for new homes. The HBF acknowledges that the Council may stipulate energy performance standards that exceed the Building Regulations but consider that the Council should comply with the Government's intention of setting standards for energy efficiency through the Building Regulations. It is the HBF's opinion that the Council should not be setting different targets or policies outside of Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which would undermine economies of scale for product manufacturers, suppliers and developers. As set out in the Planning for the Future White Paper a simpler planning process improves certainty. The higher levels of energy efficiency standards for new homes proposed in the 2021 Part L uplift and Future Homes Standard means that the Council should not need to set local energy efficiency standards in order to achieve the shared net zero goal.

The Council's policy approach should not compromise the viability of development, additional costs for Future Homes Standard Option 2 should be included in the Council's viability assessment (see Detailed HBF comments on Deliverability & Viability above).

The Council's proposed policy approach is unnecessary because of the Government's Future Homes Standard proposals. **Policy SP3 Bullet Point 2a** and **Policy DP11 Bullet Points 1a – 1c** should be deleted.

The Council is also referred to the Department for Business, Energy and Industrial Strategy consultation on Heat Networks : Building A Market Framework (ended on 1st June 2020). To meet the Government's legal commitment on reducing greenhouse gas emissions virtually all heat in buildings will require decarbonising. Heat networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is gas combined heat and power

(CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies.

Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies. All heat network domestic consumers should have ready access to information about their heat network, a good quality of service, fair and transparently priced heating and a redress option should things go wrong. Research by the Competition and Markets Authority (CMA) found that a significant proportion of suppliers and managing agents do not provide pre-transaction documents, or what is provided contains limited information, particularly on the on-going costs of heat networks and poor transparency regarding heating bills, including their calculation, limits consumers' ability to challenge their heat suppliers reinforcing a perception that prices are unjustified. The monopolistic nature of heat networks means that future price regulation is required to protect domestic consumers. The CMA have concluded that *"a statutory framework should be set up that underpins the regulation of all heat networks."* They recommended that *"the regulatory framework should be designed to ensure that all heat network customers are adequately protected. At a minimum, they should be given a comparable level of protection to gas and electricity in the regulated energy sector."* The Government's latest consultation on heating networks proposes a regulatory framework that would give Ofgem oversight and enforcement powers across quality of service, provision of information and pricing arrangements for all domestic heat network consumers.

The Council's policy approach is ineffective, **Bullet Point 2c of Policy SP3** and **Bullet Point 1d of Policy DP1** should be deleted.

Development Management Policy DP20 - Water Efficiency

Under **Bullet Point 1** new housing will be expected to meet the Building Regulations 110 litres per person per day standard for water.

Under Building Regulations, all new dwellings must achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the NPPG. The NPPG states that where there is a *"clear local need,*

Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day” (ID : 56-014-20150327). The NPPG also states the “it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement” (ID : 56-015-20150327). The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The Shropshire Water Cycle Study (2020) reports that the Environment Agency and Natural Resources Wales assess the Severn Trent and United Utilities supply regions as areas of only “moderate” water stress (para 4.6.1) rather than an area of serious water stress.

The Council’s policy approach is unnecessary and unjustified **Bullet Point 4d** of **Policy SP3** and **Bullet Point 1** of **Policy DP20** should be deleted.

Development Management Policy DP28 - Communications & Transport under **Bullet Point 3d** requires provision of infrastructure investment including domestic charging points in dwellings.

The HBF recognise that electric vehicles will be part of the solution to transitioning to a low carbon future. The Department of Transport consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings (ended on 7th October 2019) set out the Government’s preferred option to introduce a new requirement for EVCPs under Part S of the Building Regulations. The inclusion of EVCP requirements within the Building Regulations will introduce a standardised consistent approach to EVCPs in new buildings across the country. The requirements proposed apply to car parking spaces in or adjacent to buildings and the intention is for there to be one charge point per dwelling rather than per parking space. It is proposed that charging points must be at least Mode 3 or equivalent with a minimum power rating output of 7kW fitted with a universal socket to charge all types of electric vehicle currently on the market.

The Council’s policy approach should not compromise the viability of development (see detailed HBF comments on Deliverability & Viability above).

The Council’s policy approach is unnecessary because of the Government’s proposals to change Building Regulations. **Bullet Point 1f** of **Policy SP3** and **Bullet Point** of **3d Policy DP28** should be deleted.

However, if **Policy DP28 Bullet Point 3d** is retained, the HBF consider that the physical installation of active EVCPs is unnecessary. The evolution of automotive technology is moving quickly therefore a passive cable and duct approach is a more sensible and future proofed solution, which negates the potential for obsolete technology being experienced by householders. A passive cable and duct approach means that the householder can later arrange and install a physical EVCP suitable for their vehicle and in line with the latest technologies.

Other Strategic Policies

Policy SP4 – Sustainable Development

The 2019 NPPF confirms that Local Plans should avoid unnecessary duplication including repetition of policies in the NPPF itself (para 16f). The presumption in favour of sustainable development is clearly set out in the 2019 NPPF (para 11). In attempting to repeat national policy in **Policy SP4**, there is a danger that some inconsistencies creep in and lead to small but critical differences between national and local policy causing difficulties in interpretation and relative weighting.

Policy SP4 is unnecessary, which should be deleted.

Policy SP5 – High Quality Design

Under **Bullet Point 2** of **Policy SP5** development should be designed in accordance with the West Midlands Design Charter.

The Council's policy approach to high quality design should align with the 2019 NPPF, the latest NPPG, the National Design Guide and the National Design Code. The HBF is supportive of the use of best practice guidance, however the use of such guidance should remain voluntary rather than becoming a mandatory policy requirement. The West Midlands Design Charter is not intended to set a local design policy (see para 3.36 of the supporting text of the LPR), yet all planning applications for new development must set out their compliance with Policy SP5 and the West Midlands Design Charter (see para 3.40 of the supporting text of the LPR). Policy SP5 and its supporting text should not convey development plan status onto the West Midlands Design Charter, which has not been subject to the same process of preparation, consultation and examination as the LPR.

Policy SP5 Bullet Point 2 should be deleted. The Council should signpost guidance in its supporting text rather than in policy.

Policy SP6 - Health & Wellbeing

Policy SP6 Bullet Point 6b ensures access for all to high-speed broadband and on-line services.

Under Policy DP27 residential developers are expected to provide broadband and mobile communication infrastructure (see HBF response to Policy DP27 below), the developer should not also be expected to ensure access to on-line services, which is beyond the control of a developer. This Bullet Point is inappropriate, **Bullet Point 6b** should be deleted from **Policy SP6**.

Under **Policy SP6 Bullet Point 10**, major development proposals (more than 10 dwellings) must be accompanied by a proportionate Health Impact

Assessment (HIA) detailing how they respond to contributors to health and well-being, including details of ongoing management or mitigation of issues where necessary.

The NPPG confirms that a HIA can serve a useful purpose at planning application stage and consultation with the Director of Public Health as part of the process can establish whether a HIA would be a useful tool for understanding the potential impacts upon wellbeing that development proposals will have on existing health services and facilities (ID : 53-004-20140306). Any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the NPPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to mitigate the impact.

Policy SP6 Bullet Point 10 should be deleted.

Other Development Management Policies

Policy DP1 - Residential Mix

Under **Bullet Point 3**, all affordable dwellings will achieve the Nationally Described Space Standard (NDSS) and all market dwellings are encouraged to comply with the NDSS.

If the Council wishes to apply the optional NDSS to new build dwellings, then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46). Footnote 46 states that “*policies may also make use of the NDSS where the need for an internal space standard can be justified*”. As set out in the 2019 NPPF, 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 (para 31). Therefore, a policy requirement for NDSS for all affordable housing must be justified by credible and robust evidence. The NPPG sets out that “*where a need for internal space standards is identified, the authority should provide justification for requiring internal space policies. Authorities should take account of the following areas need, viability and timing*” (ID: 56-020-20150327). Before adopting the NDSS for all affordable housing, the Council should provide a local assessment evidencing its case.

The Council has not demonstrated in its supporting evidence the need for all affordable housing to meet NDSS. The Council’s evidence only identified overcrowding in 11% of social rented accommodation (para 4.11) as opposed to all affordable housing tenures. The Council also suggested that such overcrowding may be an unintended consequence of the “bedroom tax” (para 4.13) rather than a systemic problem to resolve.

The NDSS should only be introduced on a “need to have” rather than a “nice to have” basis. Need is generally defined as “*requiring something because it is essential or very important rather than just desirable*”. The identification of a need for the NDSS should identify the harm caused or may be caused in the future. If it had been the Government’s intention that generic statements simply stating in some cases the NDSS had not been met justified adoption of the NDSS then the standard would have been incorporated as mandatory in Building Regulations, which is not the case.

There is a direct relationship between unit size, cost per square metre, selling price per metre and affordability. The Council should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all affordable housing will impact on affordability and effect customer choice for affordable homeownership products such as First Homes. The introduction of the NDSS for all dwellings may lead to customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs. This may lead to the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. Non-NDSS compliant dwellings may be required to ensure that those on lower incomes can afford a property, which meets their bedroom requirements.

The Council should assess any potential adverse impacts on meeting demand for First Homes and other affordable homeownership products, which may adversely slowdown affordable housing delivery rates of sites included in the housing trajectory.

The requirement for NDSS for all affordable housing is unjustified **Policy DP1 Bullet Point 3** should be deleted. If the proposed requirement for NDSS for all affordable housing is retained, 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.

Under **Policy DP1 Bullet Point 4**, all dwellings specifically designed for older people or those with disabilities or special needs will be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations. Under **Policy DP1 Bullet Point 5**, on sites of 5 or more dwellings, at least 5% of the dwellings will be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations and a further 70% of the dwellings will be built to the M4(2) (accessible and adaptable dwellings) or higher standard within Building Regulations, unless site-specific factors indicate that step-free access cannot be achieved.

If the Government implements proposed changes to Part M of the Building Regulations as set out in the “Raising Accessibility Standards for New Homes”

consultation, which closed on 1 December 2020, the Council's amendment to **Bullet Points 4 & 5 of Policy DP1** will be unnecessary.

In the meantime, if the Council wishes to adopt the optional standards for accessible & adaptable dwellings, then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46) and the NPPG. Footnote 46 states "*that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing where this would address an identified need for such properties*". As set out in the 2019 NPPF, 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 (para 31). Therefore, a policy requirement for M4(2) and M4(3) dwellings must be justified by credible and robust evidence. The NPPG sets out the evidence necessary to justify a policy requirement for optional standards. The Council should apply the criteria set out in the NPPG (ID 56-005-20150327 to 56-011-20150327). The NPPG sets out that evidence should include identification of :-

- the likely future need ;
- the size, location, type and quality of dwellings needed ;
- the accessibility and adaptability of the existing stock ;
- variations in needs across different housing tenures : and
- viability.

Detailed information on the accessibility and adaptability of the existing housing stock, the size, location, type and quality of dwellings needed and variations in needs across different housing tenures in the County should be incorporated into the Council's supporting evidence.

Many older householders already live in the County. Many will not move from their current home but will make adaptations as required to meet their needs, some will choose to move to another dwelling in the existing stock rather than a new build property and some will want to live in specialist older person housing. Recent research by Savills "Delivering New Homes Resiliently" published in October 2020 shows that over 60's households "*are less inclined to buy a new home than a second-hand one, with only 7% doing so*". The existing housing stock (146,126 dwellings in 2019) is considerably larger than the new build sector (only 0.8% annual addition to existing stock) so adapting the existing stock is likely to form part of the solution.

The optional standards should only be introduced on a "need to have" rather than a "nice to have" basis. Need is generally defined as "*requiring something because it is essential or very important rather than just desirable*". If the Government had intended that evidence of an ageing population alone justified adoption of optional standards then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case.

The Strategic Housing Market Area (SHMA) Report dated March 2020 identified that the percentage of Shropshire residents reporting "very good" or

“good” health was higher than comparisons with England & Wales and West Midlands (para 3.76). The number of households containing someone with a health problem is in line with the proportion for England & Wales and slightly lower than that found in West Midlands (para 3.81). Long Term Health Problem or Disability is in line with England and slightly lower than West Midlands (para 3.83). It is important to note that not all health problems affect a household’s housing needs therefore not all health problems require adaptations to homes.

All new homes are built to Building Regulation Part M Category 1 (M4(1)) standards, which include level approach routes, accessible front door thresholds, wider internal doorway and corridor widths, switches and sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. These standards are not usually available in the older existing housing stock and benefit less able-bodied occupants. M4(1) standards are likely to be suitable for most residents.

There is no rationale for the selection of 5 dwellings as the threshold for qualifying developments or the percentage provisions of 5% for M4(3) and 70% for M4(2) sought.

The Council state that the requirement for M4(3) is for a wheelchair adaptable home (which includes features to make a home easy to convert to be fully wheelchair accessible) rather than a wheelchair accessible home (which includes the most common features required by wheelchair users) (para 4.34). This distinction should be set out in the policy wording rather than in the supporting text. The Council is also reminded that the requirement for M4(3) should only be required for dwellings over which the Council has housing nomination rights as set out in the NPPG (ID 56-008-20150327).

The Council’s policy approach should not compromise the viability of development (see detailed HBF comments on Deliverability & Viability above).

Bullet Points 4 & 5 of Policy DP1 should be deleted.

Under **Policy DP1 Bullet Point 6**, on sites of 50 or more dwellings an appropriate range of specialist housing designed to meet the diverse needs of older people, such as age-restricted general market housing, retirement living or sheltered housing, extra care housing or housing-with-care and / or residential care homes / nursing homes and an appropriate range of specialist dwellings to meet the needs of those with disabilities and special needs will be provided.

As set out in 2019 NPPF, the housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing including a need for affordable housing (paras 61 & 62). All households should have access to different types of dwellings to meet their housing needs. Market signals are important in determining the size and type of homes needed. When planning for an acceptable mix of dwellings types to meet people’s housing needs, the Council should focus on ensuring that there are appropriate sites

allocated to meet the needs of specifically identified groups of households such as the elderly without seeking a specific housing mix on individual sites. The LPR should ensure that suitable sites are available for a wide range of developments across a wide choice of appropriate locations.

The requirement for all developments of 50 or more dwellings to incorporate an unspecified range of older persons and specialist housing is an ineffective policy approach. There is no rationale for the selection of 50 dwellings as the threshold for qualifying development proposals.

The policy approach to the proportion, type and tenure of older persons housing is unclear, ambiguous and defers negotiation of the precise scale and type of older persons and specialist housing on all developments of 50 or more dwellings to the planning application process. The vagueness of this Bullet Point causes uncertainty and means that neither the applicant nor the decision maker know the Council's expectations from a development proposal. Housing delivery on sites of 50 or more dwellings will be delayed whilst applicants and decision makers interpret and negotiate the precise requirements of this Bullet Point at planning application stage.

The Council's policy approach should not compromise the viability of development (see detailed HBF comments on Deliverability & Viability above).

Policy DP1 Bullet Point 6 should be deleted. An alternative policy approach to support older persons and specialist housing, where it's well-located in respect of services & facilities, would be a positive, proactive and proportionate ways of meeting need for older persons housing. It is also noted that the SHMA Report identifies that 14.3% of Shropshire's existing housing stock are bungalows (para 3.144) substantially exceeding the national (England 9.4%) and regional (West Midlands 7.6%) provision of bungalows, which are often occupied by older households.

Policy DP3 - Affordable Housing Provision

Policy DP3 requires new residential development of 5 or more dwellings in Designated Rural Areas and 10 or more dwellings elsewhere to provide onsite affordable housing of 10% in the north and 20% in the south as defined by geographical areas in Figure DP3.1. Onsite affordable housing tenure to comprise of 70% social or affordable rent accommodation and 30% intermediate or other affordable housing unless local need evidence indicates otherwise.

The Council's own viability assessment identified viability challenges across the County and the cumulative impact of proposed policy requirements threatens housing delivery (see HBF response under Deliverability & Viability). A differentiated policy approach to affordable housing provision across the County is justified.

The 2019 NPPF promotes affordable home ownership by requiring at least 10% of new dwellings built to be available for this tenure leaving only the remainder

for other affordable housing tenures (para 64). The Council's policy approach to affordable housing tenure is inconsistent with national policy. The Government's Changes to the Current Planning System (ended on 1st October 2020) and The Government's consultation on Draft Revisions to the NPPF (ending on 27th March 2021) also propose further changes to delivering First Homes. The Council's affordable housing tenure mix set out in **Policy DP3** should be amended to accord with national policy.

Policy DP12 - The Natural Environment

Under **Bullet Point 3**, all development delivers at least a 10% net gain for biodiversity in accordance with the Environment Act, any future Local Nature Recovery Strategy (LNRS) and Policies DP14, DP15, DP16 and DP22.

It is the HBF's opinion that the Council should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Bill. This legislation will require development to achieve a 10% net gain for biodiversity. It is the Government's opinion that 10% strikes the right balance between the ambition for development and reversing environmental decline. 10% gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. 10% will be a mandatory national requirement, but it is not a cap on the aspirations of developers who want to voluntarily go further. The Government will use the DEFRA Biodiversity Metric to measure changes to biodiversity under net gain requirements established in the Environment Bill. The mandatory requirement offers developers a level playing field nationally and reduced risks of unexpected costs and delays. The Council should not specify a requirement above 10%. The prefix "at least" in **Bullet Point 3** of **Policy DP12** should be deleted.

The Council's policy approach should not compromise the viability of development (see detailed HBF comments on Deliverability & Viability above).

The Government will make provision in the Environment Bill to set a transition period of two years. The Government will work with stakeholders on the specifics of this transition period, including accounting for sites with outline planning permission, and will provide clear and timely guidance on understanding what will be required and when.

It is the HBF's opinion that the Council should not be setting biodiversity gains greater than 10% or deviating from Government proposals set out in the Environment Bill including transitional arrangements. The cross referencing to other Development Management Policies is confusing, which should be deleted.

Policy DP12 should be modified by the Council.

Development Management Policy DP27 - Broadband & Mobile Communications Infrastructure

Under **Policy DP27 Bullet Point 3a**, residential developments will be expected to deliver gigabit-capable broadband infrastructure using “fibre to the premises” technology wherever practical (provision in residential developments of less than 10 dwellings may be subject to viability constraints) or under **Bullet Point 3b** alternative gigabit-capable technologies where justified for reasons including viability, distance from the network or other constraints preventing “fibre to the premises”. Under **Bullet Point 4**, residential developments will also deliver passive ducting wherever possible, to facilitate the delivery of competitive fibre broadband services.

The Council should not impose new electronic communications requirements beyond the provision of infrastructure as set out in statutory Building Regulations. In the Budget (11th March 2020), the Government confirmed future legislation to ensure that new build homes are built with gigabit-capable broadband. The Government will amend Part R “Physical Infrastructure for High Speed Electronic Communications Networks” of the Building Regulations 2010 to place obligations on housing developers to work with network operators to install gigabit broadband, where this can be done within a commercial cost cap. The Department for Culture, Media and Sport (DCMS) has outlined its intentions on the practical workings of this policy, which will apply to all to new builds. Any type of technology may be used, which is able to provide speeds of over 1000 Mbps. All new build developments will be equipped with the physical infrastructure to support gigabit-capable connections from more than one network operator.

The Council’s approach in **Policy DP27** is unnecessary and repetitive of Building Regulations, **Bullet Points 3a, 3b & 4** should be deleted.

Conclusions

For the Shropshire LPR to be found sound under the four tests of soundness as defined by the 2019 NPPF (para 35), the LPR must be positively prepared, justified, effective and consistent with national policy. The following aspects of the pre-submission LPR are considered unsound :-

- no accompanying SoCG ;
- housing requirement should be expressed as a minimum figure in **Policy SP2** ;
- lack of flexibility in overall HLS, no 5 YHLS calculation and no detailed housing trajectory ;
- not all policy compliant requirements included in the Council’s viability study, which threatens deliverability ;
- **Policy SP4** is repetitive of national policy and unnecessary ;
- no justification for optional standards for accessible & adaptable housing, NDSS and water efficiency in **Policies DP1 & DP20** ;
- affordable housing tenure mix in **Policy DP3** is inconsistent with national policy ;

- unnecessary requirements in **Policies SP3, SP6, DP11, DP27 & DP28** because of the Government's proposed changes to Parts, F, L, R & S of the Building Regulations ;
- **Policy DP12** should align with the Environment Bill ; and
- inappropriate referencing to West Midlands Design Charter in **Policy SP5**.

If any further information or assistance is required, please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**

Susan E Green MRTPI
Planning Manager – Local Plans

Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

Part B: Representation

Name and Organisation:	Sue Green / HBF
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Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="DP1"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy DP1 - Residential Mix

Under **Bullet Point 3**, all affordable dwellings will achieve the Nationally Described Space Standard (NDSS) and all market dwellings are encouraged to comply with the NDSS.

If the Council wishes to apply the optional NDSS to new build dwellings, then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46). Footnote 46 states that "policies may also make use of the NDSS where the need for an internal space standard can be justified". As set out in the 2019 NPPF, 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 (para 31). Therefore, a policy requirement for NDSS for all affordable housing must be justified by credible and robust evidence. The NPPG sets out that "where a need for internal space standards is identified, the authority should provide

justification for requiring internal space policies. Authorities should take account of the following areas need, viability and timing” (ID: 56-020-20150327). Before adopting the NDSS for all affordable housing, the Council should provide a local assessment evidencing its case.

The Council has not demonstrated in its supporting evidence the need for all affordable housing to meet NDSS. The Council’s evidence only identified overcrowding in 11% of social rented accommodation (para 4.11) as opposed to all affordable housing tenures. The Council also suggested that such overcrowding may be an unintended consequence of the “bedroom tax” (para 4.13) rather than a systemic problem to resolve.

The NDSS should only be introduced on a “need to have” rather than a “nice to have” basis. Need is generally defined as *“requiring something because it is essential or very important rather than just desirable”*. The identification of a need for the NDSS should identify the harm caused or may be caused in the future. If it had been the Government’s intention that generic statements simply stating in some cases the NDSS had not been met justified adoption of the NDSS then the standard would have been incorporated as mandatory in Building Regulations, which is not the case.

There is a direct relationship between unit size, cost per square metre, selling price per metre and affordability. The Council should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all affordable housing will impact on affordability and effect customer choice for affordable homeownership products such as First Homes. The introduction of the NDSS for all dwellings may lead to customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs. This may lead to the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. Non-NDSS compliant dwellings may be required to ensure that those on lower incomes can afford a property, which meets their bedroom requirements.

The Council should assess any potential adverse impacts on meeting demand for First Homes and other affordable homeownership products, which may adversely slowdown affordable housing delivery rates of sites included in the housing trajectory.

Under **Policy DP1 Bullet Point 4**, all dwellings specifically designed for older people or those with disabilities or special needs will be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations. Under **Policy DP1 Bullet Point 5**, on sites of 5 or more dwellings, at least 5% of the dwellings will be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations and a further 70% of the dwellings will be built to the M4(2) (accessible and adaptable dwellings) or higher standard within Building Regulations, unless site-specific factors indicate that step-free access cannot be achieved.

If the Government implements proposed changes to Part M of the Building Regulations as set out in the “Raising Accessibility Standards for New Homes” consultation, which closed on 1 December 2020, the Council’s amendment to **Bullet Points 4 & 5 of Policy DP1** will be unnecessary.

In the meantime, if the Council wishes to adopt the optional standards for accessible & adaptable dwellings, then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46) and the NPPG. Footnote 46 states *“that planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing where this would address an identified need for such properties”*. As set

Office Use Only	Part A Reference:
	Part B Reference:

out in the 2019 NPPF, 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 (para 31). Therefore, a policy requirement for M4(2) and M4(3) dwellings must be justified by credible and robust evidence. The NPPG sets out the evidence necessary to justify a policy requirement for optional standards. The Council should apply the criteria set out in the NPPG (ID 56-005-20150327 to 56-011-20150327). The NPPG sets out that evidence should include identification of :-

- the likely future need ;
- the size, location, type and quality of dwellings needed ;
- the accessibility and adaptability of the existing stock ;
- variations in needs across different housing tenures : and
- viability.

Detailed information on the accessibility and adaptability of the existing housing stock, the size, location, type and quality of dwellings needed and variations in needs across different housing tenures in the County should be incorporated into the Council's supporting evidence.

Many older householders already live in the County. Many will not move from their current home but will make adaptations as required to meet their needs, some will choose to move to another dwelling in the existing stock rather than a new build property and some will want to live in specialist older person housing. Recent research by Savills "Delivering New Homes Resiliently" published in October 2020 shows that over 60's households "*are less inclined to buy a new home than a second-hand one, with only 7% doing so*". The existing housing stock (146,126 dwellings in 2019) is considerably larger than the new build sector (only 0.8% annual addition to existing stock) so adapting the existing stock is likely to form part of the solution.

The optional standards should only be introduced on a "need to have" rather than a "nice to have" basis. Need is generally defined as "*requiring something because it is essential or very important rather than just desirable*". If the Government had intended that evidence of an ageing population alone justified adoption of optional standards then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case.

The Strategic Housing Market Area (SHMA) Report dated March 2020 identified that the percentage of Shropshire residents reporting "very good" or "good" health was higher than comparisons with England & Wales and West Midlands (para 3.76). The number of households containing someone with a health problem is in line with the proportion for England & Wales and slightly lower than that found in West Midlands (para 3.81). Long Term Health Problem or Disability is in line with England and slightly lower than West Midlands (para 3.83). It is important to note that not all health problems affect a household's housing needs therefore not all health problems require adaptations to homes.

All new homes are built to Building Regulation Part M Category 1 (M4(1)) standards, which include level approach routes, accessible front door thresholds, wider internal doorway and corridor widths, switches and sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. These standards are not usually available in the older existing housing stock and benefit less able-bodied occupants. M4(1) standards are likely to be suitable for most residents.

There is no rationale for the selection of 5 dwellings as the threshold for qualifying developments or the percentage provisions of 5% for M4(3) and 70% for M4(2) sought.

Office Use Only	Part A Reference:
	Part B Reference:

The Council state that the requirement for M4(3) is for a wheelchair adaptable home (which includes features to make a home easy to convert to be fully wheelchair accessible) rather than a wheelchair accessible home (which includes the most common features required by wheelchair users) (para 4.34). This distinction should be set out in the policy wording rather than in the supporting text. The Council is also reminded that the requirement for M4(3) should only be required for dwellings over which the Council has housing nomination rights as set out in the NPPG (ID 56-008-20150327).

The Council's policy approach should not compromise the viability of development (see detailed HBF comments on Deliverability & Viability).

Under **Policy DP1 Bullet Point 6**, on sites of 50 or more dwellings an appropriate range of specialist housing designed to meet the diverse needs of older people, such as age-restricted general market housing, retirement living or sheltered housing, extra care housing or housing-with-care and / or residential care homes / nursing homes and an appropriate range of specialist dwellings to meet the needs of those with disabilities and special needs will be provided.

As set out in 2019 NPPF, the housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing including a need for affordable housing (paras 61 & 62). All households should have access to different types of dwellings to meet their housing needs. Market signals are important in determining the size and type of homes needed. When planning for an acceptable mix of dwellings types to meet people's housing needs, the Council should focus on ensuring that there are appropriate sites allocated to meet the needs of specifically identified groups of households such as the elderly without seeking a specific housing mix on individual sites. The LPR should ensure that suitable sites are available for a wide range of developments across a wide choice of appropriate locations.

The requirement for all developments of 50 or more dwellings to incorporate an unspecified range of older persons and specialist housing is an ineffective policy approach. There is no rationale for the selection of 50 dwellings as the threshold for qualifying development proposals.

The policy approach to the proportion, type and tenure of older persons housing is unclear, ambiguous and defers negotiation of the precise scale and type of older persons and specialist housing on all developments of 50 or more dwellings to the planning application process. The vagueness of this Bullet Point causes uncertainty and means that neither the applicant nor the decision maker know the Council's expectations from a development proposal. Housing delivery on sites of 50 or more dwellings will be delayed whilst applicants and decision makers interpret and negotiate the precise requirements of this Bullet Point at planning application stage.

The Council's policy approach should not compromise the viability of development (see detailed HBF comments on Deliverability & Viability).

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally

Office Use Only	Part A Reference:
	Part B Reference:

compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The requirement for NDSS for all affordable housing is unjustified **Policy DP1 Bullet Point 3** should be deleted. If the proposed requirement for NDSS for all affordable housing is retained, 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.

Bullet Points 4 & 5 of Policy DP1 should be deleted.

Policy DP1 Bullet Point 6 should be deleted. An alternative policy approach to support older persons and specialist housing, where it's well-located in respect of services & facilities, would be a positive, proactive and proportionate ways of meeting need for older persons housing. It is also noted that the SHMA Report identifies that 14.3% of Shropshire's existing housing stock are bungalows (para 3.144) substantially exceeding the national (England 9.4%) and regional (West Midlands 7.6%) provision of bungalows, which are often occupied by older households.

(Please continue on a separate sheet if necessary)

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Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The HBF wish to attend the Hearing sessions to discuss matters in greater detail.

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Part A Reference:

Part B Reference:

(Please continue on a separate sheet if necessary)

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature: Date:

Office Use Only	Part A Reference:
	Part B Reference:

Representation Form

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We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

Part B: Representation

Name and Organisation:	Sue Green / HBF
------------------------	-----------------

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="DP3"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy DP3 requires new residential development of 5 or more dwellings in Designated Rural Areas and 10 or more dwellings elsewhere to provide onsite affordable housing of 10% in the north and 20% in the south as defined by geographical areas in Figure DP3.1. Onsite affordable housing tenure to comprise of 70% social or affordable rent accommodation and 30% intermediate or other affordable housing unless local need evidence indicates otherwise.

The Council's own viability assessment identified viability challenges across the County and the cumulative impact of proposed policy requirements threatens housing delivery (see HBF response under Deliverability & Viability). A differentiated policy approach to affordable housing provision across the County is justified.

The 2019 NPPF promotes affordable home ownership by requiring at least 10% of new dwellings built to be available for this tenure leaving only the remainder for other affordable housing tenures (para 64). The Council's policy approach to affordable housing tenure is inconsistent with national policy. The Government's Changes to the Current Planning System (ended on 1st October 2020) and The Government's consultation on Draft Revisions to the NPPF (ending on 27th March 2021) also propose further changes to delivering First Homes.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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The Council's affordable housing tenure mix set out in **Policy DP3** should be amended to accord with national policy.

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

- No, I do not wish to participate in hearing session(s)
- Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Office Use Only	Part A Reference:
	Part B Reference:

The HBF wish to attend the Hearing Sessions to discuss matters in greater detail.

(Please continue on a separate sheet if necessary)

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Signature:

Date:

26/02/2021

Office Use Only

Part A Reference:

Part B Reference:

Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

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Part B: Representation

Name and Organisation:	Sue Green / HBF
------------------------	-----------------

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="DP12"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy DP12 - The Natural Environment

Under **Bullet Point 3**, all development delivers at least a 10% net gain for biodiversity in accordance with the Environment Act, any future Local Nature Recovery Strategy (LNRS) and Policies DP14, DP15, DP16 and DP22.

It is the HBF's opinion that the Council should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Bill. This legislation will require development to achieve a 10% net gain for biodiversity. It is the Government's opinion that 10% strikes the right balance between the ambition for development and reversing environmental decline. 10% gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. 10% will be a mandatory national requirement, but it is not a cap on the aspirations of developers who want to voluntarily go

further. The Government will use the DEFRA Biodiversity Metric to measure changes to biodiversity under net gain requirements established in the Environment Bill. The mandatory requirement offers developers a level playing field nationally and reduced risks of unexpected costs and delays. The Council should not specify a requirement above 10%. The prefix “at least” in **Bullet Point 3 of Policy DP12** should be deleted.

The Council’s policy approach should not compromise the viability of development (see detailed HBF comments on Deliverability & Viability).

The Government will make provision in the Environment Bill to set a transition period of two years. The Government will work with stakeholders on the specifics of this transition period, including accounting for sites with outline planning permission, and will provide clear and timely guidance on understanding what will be required and when.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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It is the HBF’s opinion that the Council should not be setting biodiversity gains greater than 10% or deviating from Government proposals set out in the Environment Bill including transitional arrangements. The cross referencing to other Development Management Policies is confusing, which should be deleted.

Policy DP12 should be modified by the Council.

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Office Use Only	Part A Reference:
	Part B Reference:

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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(Please continue on a separate sheet if necessary)

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Signature: [] Date: 26/02/2021

Office Use Only	Part A Reference:
	Part B Reference:

Representation Form

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Part B: Representation

Name and Organisation:	Sue Green / HBF
------------------------	-----------------

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="DP27"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Development Management Policy DP27 - Broadband & Mobile Communications Infrastructure

Under **Policy DP27 Bullet Point 3a**, residential developments will be expected to deliver gigabit-capable broadband infrastructure using “fibre to the premises” technology wherever practical (provision in residential developments of less than 10 dwellings may be subject to viability constraints) or under **Bullet Point 3b** alternative gigabit-capable technologies where justified for reasons including viability, distance from the network or other constraints preventing “fibre to the premises”. Under **Bullet Point 4**, residential developments will also deliver passive ducting wherever possible, to facilitate the delivery of competitive fibre broadband services.

The Council should not impose new electronic communications requirements beyond the provision of infrastructure as set out in statutory Building Regulations. In the Budget (11th March 2020), the Government confirmed future legislation to ensure that new build homes are built with gigabit-capable broadband. The Government will amend Part R “Physical Infrastructure for High Speed Electronic Communications Networks” of the Building Regulations 2010 to place obligations on housing developers to work with network operators to install gigabit broadband, where this can be done within a commercial cost cap. The Department for Culture, Media and Sport (DCMS) has outlined its intentions on the practical workings of this policy, which will apply to all to new builds. Any type of technology may be used, which is able to provide speeds of over 1000 Mbps. All new build developments will be equipped with the physical infrastructure to support gigabit-capable connections from more than one network operator.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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The Council’s approach in **Policy DP27** is unnecessary and repetitive of Building Regulations, **Bullet Points 3a, 3b & 4** should be deleted.

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Office Use Only	Part A Reference:
	Part B Reference:

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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(Please continue on a separate sheet if necessary)

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Signature: [] Date: 26/02/2021

Office Use Only	Part A Reference:
	Part B Reference:

Representation Form

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Part B: Representation

Name and Organisation:	Sue Green / HBF
------------------------	-----------------

Q1. To which document does this representation relate?

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- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="SP2"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Local Housing Need (LHN) & Housing Requirement

Under **Strategic Policy SP2** around 30,800 dwellings (1,400 dwellings per annum) will be delivered between 2016 to 2038.

As set out in the 2019 NPPF, strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period (para 65). The determination of the minimum number of homes needed should be informed by a LHN assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 60). In Shropshire, there are no exceptional circumstances to justify an alternative approach.

The NPPG sets out the standard methodology for calculating the LHN figure using demographic data (based on 2014 MHCLG Sub National Household Projections (SNHP)) and an affordability adjustment (based on the latest ONS affordability ratios) (ID 2a-004-20190220). Using the standard methodology, the minimum LHN for Shropshire is 1,177 dwellings per annum equivalent to 25,894 dwellings over the plan period 2016 – 2038. This calculation is based on 2014 SNHP, 2020 as the current year and 2019 affordability ratio of 7.97. As set out in the NPPG, the LHN is calculated at the start of the plan-making process but this number should be kept under review and when appropriate revised until the Local Plan is submitted for examination (ID 2a-008-20190220). The minimum LHN for the County may change as inputs are variable, which should be borne in mind by the Council.

The NPPG clearly states that the standard methodology is the minimum starting point in determining the number of homes needed. It does not produce a housing requirement figure (ID 2a-010-20190220). The NPPG explains that “circumstances” may exist to justify a figure higher than the minimum LHN (ID 2a-010-20190220). The “*circumstances*” for increasing the minimum LHN are listed in the NPPG, but the NPPG emphasises that the listed “*circumstances*” are not exhaustive. The listed “*circumstances*” include, but are not limited to, situations where increases in housing need are likely to exceed past trends because of growth strategies, strategic infrastructure improvements, agreeing to meet unmet need from neighbouring authorities or previous levels of housing delivery / assessments of need, which are significantly greater than the outcome from the standard methodology (ID: 2a-010-20190220). In Shropshire, there is justification for a housing requirement above the minimum LHN.

The NPPG indicates that if previous housing delivery has exceeded the minimum LHN, the Council should consider whether this level of delivery is indicative of greater housing need (ID : 2a-010-20190220). The adopted Core Strategy housing requirement of 1,375 dwellings per annum is above the minimum LHN. Housing Delivery Test (HDT) Results identify housing completions of 1,876 dwellings in 2017/18, 1,843 dwellings in 2018/19 and 1,493 dwellings in 2019/20, which exceed the minimum LHN as well as both adopted and proposed housing requirements.

The wider aspirations of the Economic Growth Strategy for Shropshire are to increase economic growth, productivity and diversification of the labour force. These economic ambitions require an increase in the housing requirement above the minimum LHN so that a lack of labour is not a constraint on realising the economic growth potential of the County. The 2019 NPPF seeks to achieve sustainable development by pursuing economic, social and environmental objectives in mutually supportive ways (para 8). The Council is seeking to support the long-term sustainability of the County by achieving a sustainable balance between employment and housing growth.

The Council should also recognise economic benefits of housing development in supporting local communities as highlighted by the HBF’s latest publication Building Communities – Making Place A Home (Autumn 2020). The Housing Calculator (available on the HBF website) based on The Economic Footprint of House Building (July 2018) commissioned by the HBF estimates for every one additional house built in Shropshire, the benefits for the local community include creation of 3 jobs (direct & indirect employment), financial contributions of £27,754 towards affordable housing, £806 towards education, £297 towards open space / leisure, £1,129 extra in Council tax and £26,339 spent in local shops.

Office Use Only	Part A Reference:
	Part B Reference:

The NPPG states that total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments. As set out in the NPPG, an increase in the total housing figures may be considered where it could help deliver affordable housing (ID : 2a-024-20190220). Affordable housing delivery is a key priority for the Council. It is proposed that circa 7,700 affordable dwellings will be delivered between 2016 - 2038. The NPPG also sets out that households whose needs are not met by the market, which are eligible for one or more of the types of affordable housing set out in the definition of affordable housing in Annex 2 of the 2019 NPPF are considered to be in affordable housing need (ID : 67-005-20190722). The Council should calculate its affordable housing need as defined by the NPPG. This figure may be significant in comparison to the minimum LHN. A higher overall housing requirement will contribute towards delivery of a greater number of affordable homes. It is acknowledged that the Council may not be able to meet all affordable housing needs but an uplifted housing requirement above the minimum LHN will make some contribution to meeting affordable housing needs.

As set out in the 2019 NPPF, the Local Plan should be positively prepared and provide a strategy, which as a minimum seeks to meet its own LHNs in full and is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated (para 35a). It is proposed that Shropshire's housing requirement of 30,800 dwellings includes 1,500 dwellings to support the unmet housing needs of the Black Country (also see HBF response to the Duty to Co-operate).

As set out in the NPPG, the Government is committed to ensuring that more homes are built and supports ambitious Councils wanting to plan for growth (ID : 2a-010-20190220). The NPPG states that a higher figure "*can be considered sound*" providing it "*adequately reflects current and future demographic trends and market signals*". The Council has demonstrated that "*circumstances*" exist to justify a housing need higher than indicated by the standard methodology.

The HBF support the Council in identifying a housing need, which is greater than the minimum standard methodology LHN figure. However, the NPPG does not set any limitations on a higher figure, which is a matter of judgement. The Government's objective of significantly boosting the supply of homes set out in the 2019 NPPF remains (para 59). The HBF believe that the Council should have been more ambitious. The proposed housing requirement of 1,400 dwellings per annum is only 25 dwellings per annum above the adopted housing requirement of 1,375 dwellings per annum. Whilst the proposed housing requirement is greater than the minimum LHN of 1,177 dwellings per annum, it is below previous completion figures identified by the HDT. The proposed housing requirement is a "business as usual" scenario rather than a significant boost to the supply of homes. A higher housing requirement would provide greater flexibility to support economic growth, to deliver more affordable housing and to contribute to unmet housing needs from the Black Country. The HBF also note that the housing requirement set out in **Policy SP2** is not expressed as a minimum figure.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission

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	Part B Reference:

Draft of the Shropshire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Before submission of the LPR for examination, the Council should re-consideration its housing requirement. **Policy SP2** should be amended to set out the housing requirement as a minimum figure.

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

- No, I do not wish to participate in hearing session(s)
 Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The HBF wish to attend the Hearing Sessions to discuss matters in greater detail.

(Please continue on a separate sheet if necessary)

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature:

Date: 26/02/2021

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Part A Reference:

Part B Reference:

Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

Part B: Representation

Name and Organisation:	Sue Green / HBF
------------------------	-----------------

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="SP3 & DP11"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Strategic Policy SP3 - Climate Change requires :-

- Bullet Point 2a** - integration of renewable and low carbon energy systems into all residential developments in line with Policy DP11.

The Council is committed to an overall goal of making Shropshire net greenhouse gas neutral by 2030. It is the HBF's opinion that the Council's policy approach to climate change should reflect the Government's proposals on for Future Homes Standard, heat networks, electric vehicle charging points (EVCP) and water efficiency.

Under **Development Management Policy DP11 - Minimising Carbon Emissions**, new residential development will reduce the impact of climate change by :-

- **Bullet Point 1a** - maximising fabric energy efficiency ;
- **Bullet Point 1b** - all proposals for 10 or more dwellings achieving a minimum of 19% improvement in the energy performance requirement in Part L of the 2013 Building Regulations, until such time as the Building Regulations are increased to a level which exceeds this uplift ;
- **Bullet Point 1c** - all proposals providing a minimum of 10% of the predicted energy needs of the development from on-site renewable and low carbon energy sources ; and
- **Bullet Point 1d** - encouraging all proposals in particular residential development of 50 or more dwellings to achieve zero net-carbon emissions, to use on-site district heating / cooling systems, and to connect to wider heating / cooling networks both for energy supply and export, especially where these utilise renewable energy.

The Council's policy approach is commendable however it is important that the Council's proposals do not conflict or go beyond the Government's proposals for Building Regulations. As set out in the Future Homes Standard consultation (ended on 7th February 2020), the UK has set in law a target to bring all its greenhouse gas emission to net zero by 2050. The Government intends to future proof new homes with low carbon heating and world-leading levels of energy efficiency by uplifting standards for Part L (Conservation of Fuel & Power) and changing Part F (Ventilation) of the Building Regulations.

Today's new homes are very energy efficient with lower heating bills for residents compared to existing older homes. Energy performance data has shown that around 8 out of 10 new build dwelling have an A or B energy efficiency rating, compared to just 3% of existing properties. An HBF report published in November 2019 found that, as a result, the average new build buyer in England and Wales saves £442.32 every year on heating costs compared to owners of existing dwellings.

The HBF recognise and support the need to move to The Future Homes Standard but there are difficulties and risks to housing delivery given the immaturity of the supply chain for the production / installation of heat pumps and the additional load that would be placed on local electricity networks in combination with Government proposals for the installation of electric vehicle charging points (EVCP) in new homes (also see HBF comments to Policy DP28 below).

The Government Response to The Future Homes Standard : 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings dated January 2021 provides an implementation roadmap, the Government's aim is for the interim Part L (Conservation of fuel and power), Part F (Ventilation) and Overheating Regulations to be regulated for in late 2021 and to come into effect in 2022. The 2021 interim uplift will deliver homes that are expected to produce 31% less CO2 emissions compared to current standards. The second Part L consultation is published alongside the Government's Response. To ensure as many homes as possible are built in line with new energy efficiency standards, transitional arrangements will apply to individual homes rather than an entire development and the transitional period will be one year. This approach will support successful implementation of the 2021 interim uplift and the wider implementation timeline for the Future Homes Standard from 2025.

The Future Homes Standard will ensure that new homes will produce at least 75% lower CO2 emissions than one built to current energy efficiency requirements. Homes built under the Future Homes Standard will be future-proofed with low carbon heating and world-lead-

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	Part B Reference:

ing levels of energy efficiency. By delivering carbon reductions through the fabric and building services in a home rather than relying on wider carbon offsetting, the Future Homes Standard will ensure new homes have a smaller carbon footprint than any previous Government policy. In addition, this footprint will continue to reduce over time as the electricity grid decarbonises.

The HBF support moving towards greater energy efficiency via a nationally consistent set of standards and a timetable, which is universally understood and technically implementable. The Government Response to The Future Homes Standard consultation confirms that the Planning and Energy Act 2008 will not be amended, which means that the Council will retain powers to set local energy efficiency standards for new homes. The HBF acknowledges that the Council may stipulate energy performance standards that exceed the Building Regulations but consider that the Council should comply with the Government's intention of setting standards for energy efficiency through the Building Regulations. It is the HBF's opinion that the Council should not be setting different targets or policies outside of Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which would undermine economies of scale for product manufacturers, suppliers and developers. As set out in the Planning for the Future White Paper a simpler planning process improves certainty. The higher levels of energy efficiency standards for new homes proposed in the 2021 Part L uplift and Future Homes Standard means that the Council should not need to set local energy efficiency standards in order to achieve the shared net zero goal.

The Council's policy approach should not compromise the viability of development, additional costs for Future Homes Standard Option 2 should be included in the Council's viability assessment (see detailed HBF comments on Deliverability & Viability).

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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The Council's proposed policy approach is unnecessary because of the Government's Future Homes Standard proposals. **Policy SP3 Bullet Point 2a** and **Policy DP11 Bullet Points 1a - 1d** should be deleted.

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested

Office Use Only	Part A Reference:
	Part B Reference:

modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

HBF wish to attend the Hearing Sessions to discuss matters in greater detail.

(Please continue on a separate sheet if necessary)

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature:

Date:

26/02/2021

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Part A Reference:

Part B Reference:

Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

Part B: Representation

Name and Organisation:	Sue Green / HBF
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Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="SP3 & DP20"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Strategic Policy SP3 - Climate Change requires :-

- **Bullet Point 4d** - integration of water efficiency measures.

The Council is committed to an overall goal of making Shropshire net greenhouse gas neutral by 2030. It is the HBF's opinion that the Council's policy approach to climate change should reflect the Government's proposals on for Future Homes Standard, heat networks, electric vehicle charging points (EVCP) and water efficiency.

Development Management Policy DP20 - Water Efficiency

Under **Bullet Point 1** new housing will be expected to meet the Building Regulations 110 litres per person per day standard for water.

Under Building Regulations, all new dwellings must achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the NPPG. The NPPG states that where there is a “clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day” (ID : 56-014-20150327). The NPPG also states the “it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement” (ID : 56-015-20150327). The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The Shropshire Water Cycle Study (2020) reports that the Environment Agency and Natural Resources Wales assess the Severn Trent and United Utilities supply regions as areas of only “moderate” water stress (para 4.6.1) rather than an area of serious water stress.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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The Council’s policy approach is unnecessary and unjustified **Bullet Point 4d of Policy SP3** and **Bullet Point 1 of Policy DP20** should be deleted.

(Please continue on a separate sheet if necessary)

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

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	Part B Reference:

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The HBF wish to attend the Hearing Sessions to discuss matters in greater detail.

(Please continue on a separate sheet if necessary)

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature:

[]

Date:

26/02/2021

Office Use Only

Part A Reference:

Part B Reference:

Representation Form

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Part B: Representation

Name and Organisation:	Sue Green / HBF
------------------------	-----------------

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="SP3 & DP28"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Strategic Policy SP3 - Climate Change requires :-

- Bullet Point 1f** - wherever possible, integration of electric vehicle charging infrastructure into new development in line with Policy DP11 ;

The Council is committed to an overall goal of making Shropshire net greenhouse gas neutral by 2030. It is the HBF's opinion that the Council's policy approach to climate change should reflect the Government's proposals on for Future Homes Standard, heat networks, electric vehicle charging points (EVCP) and water efficiency.

Development Management Policy DP28 - Communications & Transport under **Bullet Point 3d** requires provision of infrastructure investment including domestic charging points in dwellings.

The HBF recognise that electric vehicles will be part of the solution to transitioning to a low carbon future. The Department of Transport consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings (ended on 7th October 2019) set out the Government's preferred option to introduce a new requirement for EVCPs under Part S of the Building Regulations. The inclusion of EVCP requirements within the Building Regulations will introduce a standardised consistent approach to EVCPs in new buildings across the country. The requirements proposed apply to car parking spaces in or adjacent to buildings and the intention is for there to be one charge point per dwelling rather than per parking space. It is proposed that charging points must be at least Mode 3 or equivalent with a minimum power rating output of 7kW fitted with a universal socket to charge all types of electric vehicle currently on the market.

The Council's policy approach should not compromise the viability of development (see detailed HBF comments on Deliverability & Viability).

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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The Council's policy approach is unnecessary because of the Government's proposals to change Building Regulations. **Bullet Point 1f of Policy SP3** and **Bullet Point of 3d Policy DP28** should be deleted.

However, if **Policy DP28 Bullet Point 3d** is retained, the HBF consider that the physical installation of active EVCPs is unnecessary. The evolution of automotive technology is moving quickly therefore a passive cable and duct approach is a more sensible and future proofed solution, which negates the potential for obsolete technology being experienced by householders. A passive cable and duct approach means that the householder can later arrange and install a physical EVCP suitable for their vehicle and in line with the latest technologies.

(Please continue on a separate sheet if necessary)

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After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Office Use Only	Part A Reference:
	Part B Reference:

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The HBF wish to participate in the Hearing Sessions to discuss matters in greater detail.

(Please continue on a separate sheet if necessary)

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Signature:

Date:

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	Part B Reference:

Representation Form

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Part B: Representation

Name and Organisation:	Sue Green / HBF
------------------------	-----------------

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="SP3 & DP11"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Strategic Policy SP3 - Climate Change requires under **Bullet Point 2c** - the development or extension of district heating & cooling networks.

The Council is committed to an overall goal of making Shropshire net greenhouse gas neutral by 2030. It is the HBF's opinion that the Council's policy approach to climate change should reflect the Government's proposals on for Future Homes Standard, heat networks, electric vehicle charging points (EVCP) and water efficiency.

Under **Development Management Policy DP11 - Minimising Carbon Emissions**, new residential development will reduce the impact of climate change by :-

- **Bullet Point 1d** - encouraging all proposals in particular residential development of 50 or more dwellings to achieve zero net-carbon emissions, to use on-site district

heating / cooling systems, and to connect to wider heating / cooling networks both for energy supply and export, especially where these utilise renewable energy.

The Council is also referred to the Department for Business, Energy and Industrial Strategy consultation on Heat Networks : Building A Market Framework (ended on 1st June 2020). To meet the Government's legal commitment on reducing greenhouse gas emissions virtually all heat in buildings will require decarbonising. Heat networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies.

Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies. All heat network domestic consumers should have ready access to information about their heat network, a good quality of service, fair and transparently priced heating and a redress option should things go wrong. Research by the Competition and Markets Authority (CMA) found that a significant proportion of suppliers and managing agents do not provide pre-transaction documents, or what is provided contains limited information, particularly on the on-going costs of heat networks and poor transparency regarding heating bills, including their calculation, limits consumers' ability to challenge their heat suppliers reinforcing a perception that prices are unjustified. The monopolistic nature of heat networks means that future price regulation is required to protect domestic consumers. The CMA have concluded that "*a statutory framework should be set up that underpins the regulation of all heat networks.*" They recommended that "*the regulatory framework should be designed to ensure that all heat network customers are adequately protected. At a minimum, they should be given a comparable level of protection to gas and electricity in the regulated energy sector.*" The Government's latest consultation on heating networks proposes a regulatory framework that would give Ofgem oversight and enforcement powers across quality of service, provision of information and pricing arrangements for all domestic heat network consumers.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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Office Use Only	Part A Reference:
	Part B Reference:

The Council's policy approach is ineffective, **Bullet Point 2c of Policy SP3 and Bullet Point 1d of Policy DP1** should be deleted.

(Please continue on a separate sheet if necessary)

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Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

- No, I do not wish to participate in hearing session(s)
 Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

HBF wish to participate in Hearing Sessions to discuss matters in greater detail.

(Please continue on a separate sheet if necessary)

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature:

Date:

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Part A Reference:

Part B Reference:

Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

Part B: Representation

Name and Organisation:	Sue Green / HBF
------------------------	-----------------

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="SP4"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy SP4 – Sustainable Development

The 2019 NPPF confirms that Local Plans should avoid unnecessary duplication including repetition of policies in the NPPF itself (para 16f). The presumption in favour of sustainable development is clearly set out in the 2019 NPPF (para 11). In attempting to repeat national policy in **Policy SP4**, there is a danger that some inconsistencies creep in and lead to small but critical differences between national and local policy causing difficulties in interpretation and relative weighting.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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Policy SP4 is unnecessary, which should be deleted.

(Please continue on a separate sheet if necessary)

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Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The HBF wish to participate in the Hearing Sessions to discuss matters in greater detail.

(Please continue on a separate sheet if necessary)

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination

Signature: [

Date: 26/02/2021

Office Use Only

Part A Reference:

Part B Reference:

Representation Form

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Part B: Representation

Name and Organisation:	Sue Green / HBF
------------------------	-----------------

Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="SP5"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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Policy SP5 – High Quality Design

Under **Bullet Point 2** of **Policy SP5** development should be designed in accordance with the West Midlands Design Charter.

The Council's policy approach to high quality design should align with the 2019 NPPF, the latest NPPG, the National Design Guide and the National Design Code. The HBF is supportive of the use of best practice guidance, however the use of such guidance should remain voluntary rather than becoming a mandatory policy requirement. The West Midlands Design Charter is not intended to set a local design policy (see para 3.36 of the supporting text of the LPR), yet all planning applications for new development must set out their compliance with Policy SP5 and the West Midlands Design Charter (see para 3.40 of the supporting text of the LPR). Policy SP5 and its supporting text should not convey

development plan status onto the West Midlands Design Charter, which has not been subject to the same process of preparation, consultation and examination as the LPR.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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Policy SP5 Bullet Point 2 should be deleted. The Council should signpost guidance in its supporting text rather than in policy.

(Please continue on a separate sheet if necessary)

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Yes, I wish to participate in hearing session(s)

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Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Office Use Only	Part A Reference:
	Part B Reference:

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Signature: []

[]

Date: 26/02/2021

Office Use Only	Part A Reference:
	Part B Reference:

Representation Form

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Part B: Representation

Name and Organisation:	Sue Green / HBF
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- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="SP6"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | | | |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
| B. Sound | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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Policy SP6 - Health & Wellbeing

Policy SP6 Bullet Point 6b ensures access for all to high-speed broadband and on-line services.

Under Policy DP27 residential developers are expected to provide broadband and mobile communication infrastructure (see HBF response to Policy DP27 below), the developer should not also be expected to ensure access to on-line services, which is beyond the control of a developer. This Bullet Point is inappropriate, **Bullet Point 6b** should be deleted from **Policy SP6**.

Under **Policy SP6 Bullet Point 10**, major development proposals (more than 10 dwellings) must be accompanied by a proportionate Health Impact Assessment (HIA) detailing how

they respond to contributors to health and well-being, including details of ongoing management or mitigation of issues where necessary.

The NPPG confirms that a HIA can serve a useful purpose at planning application stage and consultation with the Director of Public Health as part of the process can establish whether a HIA would be a useful tool for understanding the potential impacts upon wellbeing that development proposals will have on existing health services and facilities (ID : 53-004-20140306). Any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the NPPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to mitigate the impact.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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Policy SP6 Bullet Point 10 should be deleted.

(Please continue on a separate sheet if necessary)

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Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Office Use Only	Part A Reference:
	Part B Reference:

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The HBF wish to participate in the Hearing Sessions to discuss matters in greater detail.

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Signature:

Date:

Office Use Only	Part A Reference:
	Part B Reference:

Representation Form

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Part B: Representation

Name and Organisation:	Sue Green / HBF
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Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text" value="Duty to Co-operate"/>	Policy:	<input type="text"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- | | | |
|--|-------------------------------|---|
| A. Legally compliant | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> |
| B. Sound | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Duty to Co-operate

As set out in the 2019 National Planning Policy Framework (NPPF), the Council is under a Duty to Co-operate with other Local Planning Authorities (LPA) and prescribed bodies on strategic matters that cross administrative boundaries (para 24). To maximise the effectiveness of plan-making and fully meet the legal requirements of the Duty to Co-operate, the Council's engagement should be constructive, active and on-going. This collaboration should identify the relevant strategic matters to be addressed (para 25). Effective and on-going joint working is integral to the production of a positively prepared and justified strategy (para 26). The Council should demonstrate such working by the preparation and maintenance of one or more Statements of Common Ground (SoCG) identifying the cross-boundary matters to be addressed and the progress of co-operation in

addressing these matters. A SoCG should be made publicly available throughout the plan-making process to provide transparency (para 27).

The National Planning Practice Guidance (NPPG) confirms that a key element of Local Plan Examination is ensuring that there is certainty through formal agreements that an effective strategy is in place to deal with strategic matters when Local Plans are adopted (ID : 61-010-20190315 & 61-031-20190315). The NPPG explains that a SoCG sets out where effective co-operation is and is not happening throughout the plan-making process (ID : 61-010-20190315). The NPPG also sets out that by the time of publication of a Draft Plan, a SoCG should be available on the Council's website. Once published, the Council should ensure that the SoCG continues to reflect the most up-to-date position of joint working (ID : 61-020-20190315). The HBF note that there are no SoCGs accompanying the LPR pre-submission consultation. The Council has stated that a full SoCG will be made available ahead of submission of the LPR for examination (para 2.27). This is inconsistent with national policy.

Shropshire adjoins twelve other LPAs namely Telford & Wrekin, Cheshire West, Chester, Cheshire East, Wrexham, Powys, Herefordshire, Malvern Hills, Wyre Forest, South Staffordshire, Stafford and Newcastle under Lyme. The HBF would expect the Council to prepare and maintain one or more SoCG with these LPAs.

There is also a functional relationship with the Black Country authorities of Dudley, Sandwell, Walsall and Wolverhampton, where there is an identified unmet housing need of up to 29,000 dwellings. It is proposed that 1,500 dwellings included in Shropshire's housing requirement will support housing needs from the Black Country. There is correspondence dated 30th September 2019 from the Black Country authorities supporting the proposed strategic allocation at J3 M54 in the Shropshire Local Plan. These strategic matters should be set out in a SoCG.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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In the absence of one or more published SoCG, it is difficult for the HBF and other interested parties to assess if the Council has satisfied the legal requirements of the Duty to Co-operate and the LPR is sound. The HBF may submit further comments in written Hearing Statements or orally during Examination Hearing Sessions.

(Please continue on a separate sheet if necessary)

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Office Use Only	Part A Reference:
	Part B Reference:

modification(s). You should not assume that you will have a further opportunity to make submissions.

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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Date:

26/02/2021

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Part A Reference:

Part B Reference:

Representation Form

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Part B: Representation

Name and Organisation:	Sue Green / HBF
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Q1. To which document does this representation relate?

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- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	Appendix 5 & 7	Policy:	SP2, SP7 - SP10	Site:		Policies Map:	
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- A. Legally compliant Yes: No:
- B. Sound Yes: No:
- C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Housing Land Supply (HLS)

The LPR's strategic policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver the County's housing requirement. This sufficiency of HLS should meet the housing requirement, ensure the maintenance of 5 Years Housing Land Supply (YHLS) and achieve HDT performance measurements.

The LPR promotes a sustainable pattern of growth by directing majority of new development towards larger settlements with the most extensive range of services / facilities and infrastructure. **Strategic Policy SP2 – Strategic Approach** sets out a spatial strategy based on :-

- Strategic Centre (Shrewsbury) ;

- Principal & Key Centres ;
- Strategic Settlements & Sites ;
- Community Hubs ; and
- Community Clusters

Policies SP7 – Managing Housing Development, SP8 – Managing Development in Community Hubs and SP9 – Managing Development in Community Clusters support sustainable housing development within development boundaries (subject to not exceeding residential development guidelines set out in individual Settlement Policies). **Policy SP10 – Managing Development in the Countryside** strictly controls new development outside development boundaries.

As set out in 2019 NPPF, where fully evidenced and justified Green Belt boundaries can be altered in “exceptional circumstances” through the preparation or updating of Local Plans (paras 136 & 137). The HBF supports the findings of the Council’s Green Belt Release Exceptional Circumstances Statement dated August 2020, which justifies the release of Green Belt land for allocation and safeguarding at locations in Albrighton, Alveley, Cosford, Shifnal and Stanmore.

The Council’s overall HLS set out in **Appendix 5 : Residential Development Guidelines & Residential Supply** is 30,930 dwellings. This HLS is summarised below :-

	Completions to 2018/19	Existing consents	Saved SAMDev Allocations	Proposed Local Plan Allocations	Windfalls
Strategic, Principal & Key Centres	3,748	6,716	3,034	5,755	2,022
Community Hubs	952	1,289	530	1,605	660
Rural Area	929	2,078	62	0	0
Strategic Settlements	0	0	0	1,550 (expected delivery by 2038)	0
TOTAL	5,629	10,083	3,626	8,910	2,682

Housing delivery is maximised, where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector. There is a wide range of sites by both size and market locations, which should provide access to suitable land for small local, medium regional and large national housebuilding companies as well as providing opportunities for a wide range of different types of dwellings to meet the housing needs of all households. Under the 2019 NPPF, the Council should identify at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 68). For Shropshire, 10% of the housing requirement is 3,080 dwellings. The Council should confirm compliance with this aspect of national policy.

The Council’s overall HLS should provide some flexibility to respond to changing circumstances, to treat the housing requirement as a minimum rather than a maximum and to provide choice and

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	Part B Reference:

competition in the land market. There is no numerical formula to determine the appropriate quantum for a contingency but greater numerical flexibility is necessary where HLS is dependent on a few large strategic sites or locations than in cases where HLS is more diversified. The HBF always suggests as large a contingency as possible (at least 20%). The Council's HLS surplus is only 130 dwellings (0.4%). This lack of headroom provides no flexibility. If during the LPR Examination, any of the Council's assumptions on lapse rates, windfall allowances and delivery rates are changed or any proposed housing site allocations are removed then any contingency is eradicated.

The Council's windfall allowance comprises 8.67% of HLS, which should be justified by the Council. National policy only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply.

The soundness of strategic and non-strategic site allocations will be tested in due course at the LPR Examination. The HBF would not wish to comment on individual sites proposed for allocation but it is noted that the Council has provided no site by site analysis of the deliverability of individual site allocations. Our responses are submitted without prejudice to any comments made by other parties but it is critical that the Council's assumptions on lapse rates, lead in times and delivery rates contained within its overall HLS, 5 YHLS and housing trajectory are correct and realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council.

The 2019 NPPF sets out that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period and if appropriate to set out the anticipated rate of development for specific sites (para 73). **Appendix 7 : Forecast of Delivery Timescales for Local Plan Allocations** is not a housing trajectory. The omission of a detailed housing trajectory is inconsistent with the 2019 NPPF. A housing trajectory should be incorporated into the LPR.

The Council's 5 YHLS Statement dated 3rd March 2019 estimates the 5 YHLS between 2019/20 – 2023/24 against the adopted Local Plan housing requirement is 6.42 years or against the minimum LHN is 8 years (based on a stepped trajectory, Sedgefield approach to shortfalls and 5% buffer). However, the Council has not provided a 5 YHLS Statement for the proposed housing requirement and trajectory. If the Council cannot demonstrate a 5 YHLS on adoption of the LPR and maintain a 5 YHLS throughout the plan period, then the LPR should not be found sound.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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	Part B Reference:

The Council's overall HLS should provide some flexibility to respond to changing circumstances, to treat the housing requirement as a minimum rather than a maximum and to provide choice and competition in the land market. The Council's HLS surplus is only 130 dwellings (0.4%). This lack of headroom provides no flexibility. The Council should consider the provision of a greater contingency.

Appendix 7 : Forecast of Delivery Timescales for Local Plan Allocations is not a housing trajectory. The omission of a detailed housing trajectory is inconsistent with the 2019 NPPF. A housing trajectory should be incorporated into the LPR.

The Council has not provided a 5 YHLS Statement for the proposed housing requirement and trajectory. If the Council cannot demonstrate a 5 YHLS on adoption of the LPR and maintain a 5 YHLS throughout the plan period, then the LPR should not be found sound. Further information on 5 YHLS should be provided by the Council.

(Please continue on a separate sheet if necessary)

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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

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Signature:

Date: 26/02/2021

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Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

Part B: Representation

Name and Organisation:	Sue Green / HBF
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Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- (Please tick one box)*

Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	SP3, DP1, DP3, DP11, DP12 & DP28	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- A. Legally compliant Yes: No:
- B. Sound Yes: No:
- C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Deliverability & Viability

In plan-making, viability is inseparable from the deliverability of development. As set out in the 2019 NPPF, the contributions expected from development including the level & types of affordable housing provision required and other infrastructure for education, health, transport, flood & water management, open space, digital communication, etc. should be set out in the LPR (para 34). As stated in the 2019 NPPF, development should not be subject to such a scale of obligations that the deliverability of the LPR is threatened (para 34). The viability of individual developments and plan policies should be tested at the plan making stage.

Viability is a key issue in determining the soundness of the LPR at Examination. Without a robust approach to viability assessment, land will be withheld from the market and housing delivery will be threatened, leading to an unsound LPR and housing delivery targets not being met. Viability assessment should not be conducted on the margins of viability. This will be particularly important in the aftermath of uncertainties caused by the Covid-19 pandemic and Brexit. If the resultant Benchmark Land Value (BLV) is lower than the market value at which land will trade, then the delivery of housing targets will not be met.

The pre-consultation and post consultation Residential Price Assumptions (Tables 4.8 & 4.9) identify significant price variations of £2,560 – 3,500 per square metre across the County. As illustrated in the Savills / HBF CIL Getting It Right publication dated January 2014 viability is challenging where residential sales values are circa £225 per square foot. Viability assessment is an iterative process, whereby “trade-offs” between affordable housing provision, CIL, S106 contributions and compliance with policy requirements may be necessary.

The Council's viability evidence is set out in Local Plan Delivery & Viability Study dated July 2020 by HDH, which demonstrates viability challenges across the County. The Baseline Appraisal (20% affordable housing, NDSS, 100% M4(2), 10% M4(3), optional water efficiency, EVCPs, Future Homes Standards Option 1, 10% Biodiversity Net Gain, S106 developer contributions & CIL) shows the following results :-

- South (Table 10.2a) Greenfield sites of 10 or more dwellings are only marginally viable and Urban sites are unviable ;
- South Higher (Table 10.2b) all sites are viable ;
- Shrewsbury (Table 10.2c) Greenfield sites of 10 or more dwellings are only marginally viable and Urban sites are unviable ; and
- North (Table 10.2d) Greenfield sites and Urban sites are unviable.

It is noted that in Table 12.7 47.4% of planned development is proposed on greenfield sites in the North, which are unviable and 40% of planned development is proposed on greenfield sites in the South, which are only marginally viable.

The HBF response to the Council's draft Viability Study consultation raised concerns about numerous standard inputs and the cumulative impact of policy compliant requirements. A number of concerns have been addressed in the Council's final version of the Viability Study however the following concerns remain :-

- Benchmark Land Values (BLV) of brownfield - Existing Use Value (EUV) of £500,000 per hectare (see Table 6.4) plus 20%, greenfield - EUV of £25,000 per hectare for agricultural land or £100,000 per hectare for paddock / amenity land

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(see Table 6.4) plus £400,000 per hectare and strategic sites EUV plus £300,000 per hectare (para 6.56). These premiums are low and may provide insufficient incentive to landowners. HCA Area Wide Viability Model (Annex 1 Transparent Viability Assumptions) dated August 2010 identified that “benchmarks and evidence from planning appeals tend to be in a range of 10% to 30% above EUV in urban areas. For greenfield land, benchmarks tend to be in a range of 10 to 20 times agricultural value”. The Council’s Viability Study acknowledges that this assumption has not been agreed with parties involved in the stakeholder consultation (para 6.58) ;

- All abnormal costs (excluding an allowance of 5% for brownfield sites) are ignored. It is assumed that if residual land value excluding abnormal costs is greater than BLV, development is viable. If the residual land value including abnormal costs falls below BLV, development remains viable because such abnormal costs are deductible from BLV. If abnormal costs are high, then the premium uplift should be reduced and borne by the landowner rather than by a loss of planning gain however if the resultant figure provides insufficient incentive for a reasonable landowner to bring forward their land for development then the deliverability of the Local Plan is threatened. If the BLV is lower than the market value at which land will trade the delivery of housing targets will not be met. The NPPG specifically states (ID : 10-014-20190509) that BLV should “reflect the implications of abnormal costs” therefore abnormal costs should be recognised and acknowledged as forming an integral part of establishing BLV and a reasonable incentive for landowners to sell ;
- Assumed professional fees 8%. The Harman Report recommended 8% – 10% of all costs (unit build costs, external costs & abnormal infrastructure costs & policy compliant requirements) up to 20% for complex strategic sites ;
- Contingencies assume 5% brownfield sites and 2.5% elsewhere. Assessment should not be conducted on the margins of viability. CIL Regulations were changed in 2019 and one critical change was that CIL and Local Plan Viability Assessment must use the same evidence base. In CIL viability assessment a buffer should be included to allow for changing economic circumstances. It is suggested that such a buffer should also be part of the Local Plan Viability Assessment to ensure that minor changes in economic circumstances do not necessitate a full-scale review of Local Plan policy requirements and viability assessment. The need for a substantial “cushion” is particularly important on greenfield sites, where as noted by the Harman Report, “prospective sellers are often making a once in a lifetime decision and are rarely distressed or forced sales”.
- Assumed sales costs of 3.5% but Harman Report recommends 3% - 5% ;
- Assumed 1.5% for acquisition costs and legal fees but Harman Report recommends 1% - 2% for agent fee costs and 1% - 2% for legal fees ;
- **Policy DP1 Bullet Points 4 & 5** (see detailed response). The additional costs for M4(2) and M4(3) compliant dwellings are assumed as £610 (£521 plus 17% inflationary increase) and £11,830 (£10,111 plus 17% inflationary increase). The Government’s consultation “Raising Accessibility Standards for New Homes” (ending on 1st December 2020) estimates the additional cost per new dwelling is approximately £1,400 for dwellings, which would not already meet M4(2). In September 2014 during the Government’s Housing Standards Review EC Harris estimated the cost impact of M4(3) per dwelling as £15,691 for apartments and £26,816 for houses. M4(3) compliant houses are also larger than NDSS (DCLG Housing Standards Review Illustrative Technical Standards Developed by the Working Groups August 2013) therefore larger sizes should be used when calculating additional build costs for M4(3)

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and any other input based on square meterage. The assessment also omits to consider the interplay between achievable density and proposed policy requirements on housing mix / unit sizes (NDSS & M4(2)/(3)) ;

- **Policy DP1 Bullet Point 6** (see detailed response). The financial dynamics of older persons housing are different to general housing. Build costs are higher due to specific design criteria suited to the needs of older people, a greater gross to net floor area for non-saleable shared facilities, elongated construction / sales periods and cashflows as no individual units can be occupied until communal areas are completed, which means substantial upfront investment before any return on capital is received. It is noted that sheltered and extra care housing schemes have not been tested. Such schemes will be subject to viability assessment at planning application stage (para 4.78) ;
- **Policy DP12** (see detailed response). There are significant additional costs associated with biodiversity gain. The DEFRA Biodiversity Net Gain & Local Nature Recovery Strategies : Impact Assessment Table 14 : Net Gain Delivery Costs (Residential) sets out regional costs (based on 2017 prices) in West Midlands of £18,527 per hectare of development based on a central estimate but there are significant increases in costs to £63,725 per hectare for off-site delivery under Scenario C. The Council's assessment tests £21,000 per hectare. There may also be an impact on gross / net site acreage ratio, which is not considered. The Government is committed to continued engagement with the housebuilding industry to address concerns and risks. The Government has confirmed that more work needs to be undertaken to address viability concerns raised by the housebuilding industry in order that net gain does not prevent, delay or reduce housing delivery ;
- **Policy SP3 Bullet Point 2a & Policy DP11 Bullet Points 1a – 1d** The Council's updated viability assessment should include additional costs for the Future Homes Standard. The Government's estimated cost for Option 2 (interim step of 31% reduction in carbon emissions compared to the current Part L 2013 requirements) is £4,847 per dwelling ;
- **Policy SP3 Bullet Point 1f & Policy DP28 Bullet Point 3d.** The Department for Transport - Electric Vehicle Charging in Residential & Non-Residential Buildings consultation estimated an installation cost of approximately £976 per EVCP plus any costs for upgrading local electricity networks, which under the Government's proposal automatically levies a capped figure of £3,600 on developers therefore this figure should also be included in the Council's viability assessment. The supply from the power grid is already constrained in many areas across the country. The HBF and its Members have serious concerns about the capacity of the existing electrical network in the UK. Major network reinforcement will be required across the power network to facilitate the introduction of EVCPs and the move from gas to electric heating as proposed under the Future Homes Standard. These costs can be substantial and can drastically affect the viability of developments. If developers are funding the potential future reinforcement of the National Grid network at significant cost, this will have a significant impact on their businesses and potentially jeopardise future housing delivery. The Council's assessment excludes any costs for upgrading the local network.

Viability assessment is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on the viability of development.

After sensitivity testing, the Viability Study concludes that :-

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- within the South area, it is recommended that the Council only includes larger and medium sized greenfield sites if there is a confirmation from the landowner or site promoters that a policy compliant scheme can be delivered. Alternatively, the Council could seek more smaller sites (below 50 units) and substitute these for the larger sites (paras 12.92 & 12.93) ;
- in the North area, the Council should be cautious about relying on development (para 12.97) ; and
- no firm conclusions are drawn about the strategic sites around Shrewsbury because the Council is still working up the assessment of the strategic infrastructure and mitigation requirements. It is recommended that that the Council continues to engage with developers / landowners (paras 12.78 – 12.80).

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

As identified in the Council's own Viability Study, there are significant viability challenges to the deliverability of development across the County. The HBF suggest that the Council's policy approach to Development Management Policies (SP3, DP1, DP3, DP11, DP12 & DP28) should be flexible.

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

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Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The HBF wish to participate in Hearing Sessions to discuss matters in greater detail.

(Please continue on a separate sheet if necessary)

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature: [] Date: 26/02/2021

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