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SENT BY EMAIL
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01/04/2025

Dear Planning Policy Team,

THE EXETER PLAN: PUBLICATION PLAN – REGULATION 19

1. Thank you for consulting with the Home Builders Federation (HBF) on the Exeter Plan: Publication Plan – Regulation 19 consultation.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF notes that the NPPF and the standard method for calculating housing need were published during this consultation of the Exeter Plan, and that this is likely to have implications for the production of the Plan and the policies it contains. The HBF notes that the 2024 NPPF¹ states that for the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where the plan has reached Regulation (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need.
4. The HBF also notes that the 'Building the homes we need' the Written Ministerial Statement (WMS) from Angela Raynor on 30th July 2024 highlights the importance of everyone local authority having a development plan in place, and states that for plans at an advanced stage of preparation (Regulation 19), allowing them to continue to examination unless there is a significant gap between the Plan and the new local housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure.
5. The HBF is keen to ensure that Exeter prepares a sound Local Plan that can be taken through to adoption and offers the following comments on certain aspects of the Plan, which could help to create the most appropriate Plan.

¹ NPPF 2024 paragraph 234



Plan Period

6. The Plan runs for the period 2021 to 2041. The HBF considers that the Council should ensure that the Plan covers a period of 15 years from the adoption of the Plan. The NPPF² states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery. To ensure that the Plan covers the full 15 years on adoption, this requires the Plan to be adopted in 2026. The HBF considers that this is unlikely, and the Plan period should be extended until at least 2042.

Vision and Objectives

7. The HBF suggests that the Vision for Exeter should include reference to the need to meet the current and future housing needs of the whole community, including for market and affordable housing. The Local Plan should also recognise the connection between housing and the future aspirations for the local economy.

S1: Spatial Strategy (Strategic Policy)

Policy S1 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

8. This policy states that the spatial strategy will deliver net zero, climate change adaptation and resilience, high quality development, health and well-being, the vitality of the city centre, the natural environment, heritage and cultural diversity. It suggests that these will be delivered through 15 elements these include providing good quality homes of a variety of types in the city to meet Exeter's various needs, focusing the majority of development on strategic brownfield sites, and considering modest greenfield development.
9. The HBF supports the ambition of the Plan to work with other stakeholders to provide good quality homes of a variety of types in the city to meet Exeter's various needs. The HBF considers that the Plan should provide for a wide range of deliverable and developable sites across the city in order to provide competition and choice and to ensure that housing needs are met in full, with a range of sites proposed for allocation. It will therefore be important to ensure allocated sites are deliverable, and effective monitoring of housing delivery is undertaken so if monitoring identifies any under-delivery of housing, measures can be taken to address this as soon as possible.
10. The NPPF³ states that planning policies should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. It goes on to state that planning policies should give substantial weight to the value of using suitable brownfield land within settlements for homes. The HBF considers that the Council should seek to allocate brownfield land for development where it is appropriate and deliverable and where it will contribute to the spatial strategy. However, the HBF also considers that the

² NPPF December 2024 Paragraph 22 / NPPF December 2023 paragraph 22

³ NPPF December 2024 paragraph 124 / NPPF December 2023 paragraph 123 & 124

Council will need to ensure that they have provided homes to meet all of the local needs across the housing market, this may not always be sufficiently addressed by brownfield land, and may require more than a modest greenfield release.

S2: Liveable Exeter principles (Strategic policy)

Policy S2 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

11. This policy states that the delivery of strategic, mixed use brownfield developments will be supported, and that they must be accompanied by a masterplan or design code.
12. The HBF supports the intention of this policy to provide a variety of high quality, affordable, market and specialist homes catering for local needs. It is important to recognise this includes needs for both affordable and open market homes. Although the HBF recognises the important role that brownfield development has an important role to play in delivering much needed housing, it must also be recognised that the viability of brownfield sites can be more challenging and result in less affordable housing delivery. There is also a need to provide for a range and mix of housing types and tenures. Some types of sites may be better suited to some types of housing development than others, for example an inner-city brownfield sites may be a good location for high density residential apartments, but less suitable for lower density family housing. The HBF therefore suggests the plan should recognise that it may be necessary to include an appropriate level of greenfield development as part of the long-term planning for the sustainable development of Exeter. The HBF suggest this should include in a planned way through allocations, which provide certainty for developers, landowners and communities and through sustainably located windfall sites.
13. The HBF also have concerns about how some of the policy requirements would work in practice including the Urban Greening Factor, Passivhaus requirements and whole-life carbon assessments. Our detailed comments on these issues are set out in response to the relevant policies elsewhere in our representation.

CC1: Net Zero Exeter (Strategic Policy)

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

14. The policy starts by saying that the City Council has an ambition for the city to be net zero by 2030. The HBF considers that this is a statement of intent and not a policy. The HBF does not consider that it serves a clear purpose or that it is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals as set out in the NPPF⁴. Therefore, the HBF considers this element of the policy should be deleted.
15. This policy states that development proposals will be required to demonstrate how they will support the achievement of net zero through a number of criteria these include

⁴ NPPF December 2024 paragraph 16

considering location, urban form, density and place-specific solutions; minimising the need to travel and maximising active travel and public transport; applying a fabric first approach; maximising renewable and low carbon energy generation; minimising operation and embodied carbon emissions; utilising SuDS; and providing green infrastructure, biodiversity net gain and landscape led schemes. It also states that all major development proposals will be required to submit a Net Zero Statement.

16. The HBF considers that some elements of this policy can be considered appropriate and in line with the NPPF, but others are not. The NPPF⁵ states that new development should be planned for in ways that help to reduce greenhouse gas emissions such as through its location, orientation and design. It goes on to state that any local requirements for the sustainability of buildings in plans should reflect the Government's policy for national technical standards. Therefore, the HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.
17. The HBF would highlight the latest publication 'Future Homes, One Plan Building a generation of high quality, affordable and sustainable homes and communities, together'⁶. This was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes. In particular, the HBF, would highlight 'Issue 9: The Partnership Imperative' on page 15 which states in the Local Government section that "Local planning requirements must align with the overall plan for improving performance standards at national level. For example, avoiding divergence of local energy standards that make it harder to accelerate improvement in standards at national level, and avoiding conflict between local planning conditions and new requirements of building regulations."
18. The government has also provided further advice for local authorities through the Written Ministerial Statement⁷ which says "the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale."
19. The Council should also be mindful of the potential tensions between policies for example those in relation to density and wider national and local policies on beauty and design, aspirations for locally accessible open space and requirements to create space for nature through BNG and other environmental policies. Such factors require land to deliver them as such will have an impact on achievable densities.

⁵ NPPF December 2024 paragraph 164

⁶ https://irp.cdn-website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf

⁷ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>

CC3: Local Energy Networks (Strategic Policy)

Policy CC3 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

20. This policy identifies where local energy networks are proposed and states that within these areas and within 500m of any local energy network, all new development comprising ten or more homes must be constructed to have heating systems compatible with the proposed or existing local energy network and include the necessary pipework to allow for connection to the network. Elsewhere, any large-scale residential development proposal must demonstrate that consideration has been given to whether it is feasible and viable for that development to be connected to any local energy network.
21. The HBF is concerned about any policies which mandate connections to district heating networks. 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. This may mean that it is more sustainable and more appropriate for developments to utilise other forms of energy provision, and this may need to be considered. If the policy were to be pursued HBF considers any such requirement must be implemented on a flexible basis.
22. The Government consultation on Heat Network Zoning also identifies exemptions to proposals for requirements for connections to a heat network these include where a connection may lead to sub-optimal outcomes, or distance from the network connection points and impacts on consumers bills and affordability.
23. 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.

CC5: Future development standards (Strategic Policy)

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

24. This policy states that from 2025 residential development will be required, as a minimum, to achieve a 75% carbon dioxide emissions reduction from that required under the 2013 Building Regulations.

25. The HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and the avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. Councils do not need to set local energy efficiency standards, or reductions in carbon dioxide emissions, or a requirement for zero carbon homes, in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard.
26. The HBF do not believe there is any need for local plan policies to provide "local back-up" as suggested in paragraph 5.24 of the Plan. Again, the HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.

CC6: Embodied Carbon

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

27. This policy states that major development proposals will only be permitted where the impact on climate change from carbon emissions embodied in the product and construction stages of development is calculated using a nationally recognised carbon assessment method; and it is demonstrated that adequate steps have been taken in the product and construction stages of development to reduce this impact.
28. Delivering Policy CC6: Embodied Carbon (Sept 2024) suggests that nationally recognised approaches to calculate embodied carbon include the use of the BS-EN 15978-1 standard, the RICS Professional Standard: Whole Life Carbon Assessment for the Built Environment or the London Plan Guidance: Whole Life-cycle Carbon Assessment as the methodology and data sources such as the Type III Environmental Product Declarations (EPDs), it goes on to set approaches for data quality, study periods, scope, software tools, units, reporting and time of assessment. It suggests that developers should provide a valid justification should they decide to take an alternative approach.
29. The HBF notes that in 2023 the Future Homes Hub⁸ published the Embodied and Whole Life Carbon Implementation Plan⁹ for the Homebuilding Industry. This highlights the work that the home building industry has done to reduce operational carbon emissions

⁸ In September 2020, the Future Homes Task Force was set up to develop a long-term delivery plan for the sector in line with the Government's legally binding net zero and wider environmental targets. The Task force includes the HBF, OFWAT, Imperial College, the RTPI, UK Green Building Council, OFGEM, Environment Agency, Homes England, Water UK, Energy UK, RSPB, Green Finance Institute, NHBC and others.

⁹ Embodied and Whole Life Carbon Implementation Plan for the Homebuilding Industry <https://irp.cdn-website.com/bdbb2d99/files/uploaded/Embodied%20and%20Whole%20Life%20Carbon%20Implementation%20Plan%20-%20final.pdf>

through the buildings regulations in 2021 and the expected Future Homes Standard. It identifies that the next area of focus is the embodied emissions arising in the products, construction and maintenance of homes. However, it also concludes that there are currently important gaps in the framework for collecting data and measuring WLC consistently. Since this report the Future Homes Hub have prepared a roadmap¹⁰ for the development of an industry-led approach for reducing embodied and whole life carbon in new homes which is expected to be aligned with emerging government policy. This approach will include a Future Homes Carbon Assessment Tool, the intention is to keep this simple tool under review during 2025.

30. The HBF is concerned that the planning process is not the right framework for the assessment of embodied carbon, this is a highly technical process, which would be much better suited to consideration within the Building Regulations in a similar format to the currently proposed for operational carbon. The HBF is also concerned that there are currently still gaps in the data that is available to monitor the embodied carbon, and that until greater testing is undertaken it may not be the most reliable of evidence. The HBF is also concerned that as this data improves the manufacturing sector will continue to update their EPDs, which could lead to changes in the evidence as a development is going through the planning process. The HBF is also concerned that the Delivering CC6 Report may potentially restrict the approaches that the industry can use, and they may not align with for example the approaches set out by the Future Homes Hub.
31. The Delivering CC6 report then goes on to focus on the embodied carbon reduction strategy, highlighting a hierarchy provided by LETI which looks for developments to; firstly build less; build light; build wise; build low carbon; build for the future; and finally, build collaboratively.
32. The HBF considers that the Council may want to consider how flexibly they apply this policy for example the Future Homes Hub¹¹ Embodied and Whole Life Carbon Implementation Plan¹² for the Homebuilding Industry highlights that whilst heat pumps increase embodied carbon, overall, they substantially reduce whole life carbon. Therefore, reducing embodied carbon by removing the heat pumps, would not actually be the most sound or sustainable approach. The HBF is concerned that the Council may not have the expertise and skills to be able to make these very technical decisions which will require the Council to consider multiple levels of information and evidence and make a qualified decision around which evidence should be given more weight and how they should be balanced. The HBF is also concerned about the impacts that this policy could have on the viability and deliverability of development.

¹⁰ <https://www.futurehomes.org.uk/embodied-and-whole-life-carbon>

¹¹ In September 2020, the Future Homes Task Force was set up to develop a long-term delivery plan for the sector in line with the Government's legally binding net zero and wider environmental targets. The Task force includes the HBF, OFWAT, Imperial College, the RTPI, UK Green Building Council, OFGEM, Environment Agency, Homes England, Water UK, Energy UK, RSPB, Green Finance Institute, NHBC and others.

¹² Embodied and Whole Life Carbon Implementation Plan for the Homebuilding Industry
<https://irp.cdn-website.com/bdbb2d99/files/uploaded/Embodied%20and%20Whole%20Life%20Carbon%20Implementation%20Plan%20-%20final.pdf>

33. The HBF continues to consider that this policy is not required and should be deleted. However, if the policy is retained, the HBF considers that the Council should ensure that significant flexibility is included within the policy to ensure that it reflects the uncertainty in data at the current time, the variety of approaches that are available and the need for balance between this policy and others, to ensure that the development is the most appropriate, not just the one with the least embodied carbon.

CC7: Development that is adaptive and resilience to climate change

Policy CC7 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

34. This policy requires development proposals to demonstrate how they will adapt to a changing climate and remain resilient over their lifetime by: reducing overheating in building; reducing flood risk and aiding recovery from flooding; integrating biodiversity into the built environment; adapting to reduced water availability; and retrofitting renewable energy technologies.
35. The HBF considers that this policy is unnecessary, as its content is covered elsewhere in the Plan, is covered by Building Regulations or is covered by legislation. The HBF considers that this is contrary to the NPPF which looks for policies to serve a clear purpose and avoid unnecessary duplication. The HBF considers that this policy is deleted.
36. The HBF recognises that the risk of hotter weather in the summer means that new development will need to take into account over heating through building form and orientation of new development. However, this part of the policy is unnecessary as Part O of the building regulations already outlines how new buildings should respond to the issue of overheating by limiting solar gains and ensuring appropriate ventilation. Again whilst the HBF understands the ambition to reduce flood risk, the following policy, Policy CC8: Flood Risk, seeks to address that exact issue. Whilst the integration of biodiversity is now a legal requirement for housing development, as set out in the Environment Act, with Council's approach set out in more detail in Policy NE3.

CC9: Water quantity and quality

Policy CC9 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

37. This policy states that all new residential development proposals must achieve, as a minimum, water efficiency that requires an estimated water use of no more than 110 litres per person per day.
38. The HBF notes the Evidence for Increased Water Efficiency Report published by the Environment Agency and South West Water, which states that as new Development Plans are formed or reviewed in Devon and Cornwall, water efficiency measures should be a policy requirement of development and new build dwellings must be required to comply with and demonstrate the tighter building regulations requirement of 110 litres per person per day.

39. This 110 litres per person per day is an optional water standard, the Building Regulations already requires all new dwellings to 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 already represents an effective demand management measure, and the 110 litres per person per day would take this further again.
40. The HBF would caution against policies that seek to go further and faster than national policy changes that result in patchwork of differing local standards. The HBF considers that this patchwork of standards has the potential to create challenges to development viability and delivery and potential for unintended consequences, rather than a standardised national approach to address these important issues.

H1: Housing requirement (Strategic policy)

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

41. This policy states that the City Council will target the delivery of at least 642 homes per year between 2021 and 2041. It suggests that the delivery of 13,975 homes is proposed, including 5,369 homes on site allocations and approximately 1,006 homes on windfall sites.
42. The NPPF¹³ states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method set out in the PPG. The NPPF¹⁴ also states that the requirement may be higher than the identified housing need, if for example, it includes provision for neighbouring area, or reflects growth ambitions linked to economic development or infrastructure investment. The PPG sets out the method for calculating the minimum annual local housing need figure¹⁵. The new Standard Method currently identifies a local housing need (LHN) of 800 dwellings per annum (dpa) for Exeter. The HBF notes that the proposed housing requirement of 642 is based on the previous Standard Method. The HBF notes that this should be the minimum requirement and that this should be the starting point for the Council in looking to determine their housing requirement.
43. Annex 1 of the current NPPF (December 2024) provides the transitional arrangements for local plans it states that *'for the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply: . . . the plan has reached Regulation 1982 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need'*. The HBF notes that 642 is approximately 80% of 800. However, there is no flexibility in this calculation and if the new standard method were to increase prior to the submission of the Local Plan this may be an issue for the Council. The HBF

¹³ NPPF December 2023 Paragraph 61 / NPPF 2024 Paragraph 61

¹⁴ NPPF December 2023 Paragraph 67 / NPPF 2024 Paragraph 69

¹⁵ PPG ID: 2a-004-20241212

would also highlight the Building the Homes we Need Written Ministerial Statement (WMS) which states that we are in the middle of the most acute housing crisis in living memory and that decisions should be about how to deliver housing an area needs, not whether to do so. The HBF would strongly recommend that the Council look to deliver the homes required by the new standard method, in order to plan positively and help to address this housing crisis, rather than maintain the lower figure currently identified in the Plan.

44. The HBF notes that the Local Housing Need Assessment (LHNA) identifies an overall need for affordable housing for Exeter equivalent to an average of 805dpa, and that the PPG¹⁶ states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. Given the significant level of affordable housing need, the HBF recommends as above that the Council seek to identify a higher housing requirement.
45. The HBF strongly supports the need for more housing in the Exeter Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing, to support small and medium house builders and to support employment growth. The HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.
46. Paragraph 6.4 of the Plan identifies a total supply of 13,975 homes for twenty years, and suggests that it allows for a healthy headroom above the requirement of 642dpa. A requirement of 642dpa would give a housing requirement of 12,840 dwellings over the 20-year period. This suggests that a housing supply of 13,975 would give a buffer of 1,135 dwellings over the 642dpa requirement, the HBF notes that this is less than 2 years of supply. If the housing requirement was increased to the 800dpa identified by the current Standard Method, the housing requirement would increase to 16,000 over the 20-year period. This would mean there was significant shortfall in the supply.
47. The HBF support Exeter planning for a supply of more housing than the standard method housing requirement in order to support economic growth and to support small and medium house builders, to provide a range and type of sites, to deliver the range and type of housing needed, including affordable housing and to allow for slippage and non-implementation in the supply.

Buffer

48. Although the HBF support the need for the Plan the plan to include a buffer to provide for allow for choice and competition in the housing market, we would question if 1,135 dwellings provide enough of a buffer to provide this choice, especially as we suggest the

¹⁶ PPG ID: 2a-024-20190220

housing requirement should be larger in the first place to address the issues raised above.

Sources of supply

49. The policy seeks to meet the housing requirement through four different sources of supply: completions (2,311 dwellings), existing planning consents (5,289 dwellings), site allocations (5,369 dwellings) and a windfall allowance of approximately 1,006 homes.
50. If the Council wishes to rely on existing permissions as part of the housing supply, it should provide robust evidence to show that the existing planning consents remain deliverable and will continue to come forward during the plan period. The HBF would recommend that the Council include a level of flexibility in this source of supply to allow for non-implementation or minor changes to the consents.
51. In relation to windfalls, the NPPF¹⁷ 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 Five-Year Housing Land Supply Statement (May 2024) identifies an average basic net windfall projection of 48 dwellings (excluding Purpose Built Student Accommodation (PBSA)) or 53 dwellings (including PBSA). The HBF is not clear how this relates to the 1,006 identified in the Local Plan. The HBF is of the view that any supply provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations. The HBF is therefore concerned about the Council's reliance on windfall in place of allocating housing sites.

Viability

52. It will be essential that the policy requirements in the Exeter plan are subject to robust viability testing through the whole plan viability assessment. Ideally policy requirements will be subject to viability testing throughout the plan-making process to help inform policy choices, especially where viability issues are identified which would mean some requirements may need to be balanced against others and may result in trade-offs being needed. Experience suggests viability is likely to be a particular challenge for plans with a high reliance on brownfield sites, as is the case with this Exeter Plan, this is borne out by the challenges identified in the Local Plan Viability Assessment (November 2024).
53. HBF also notes that feedback was given by the industry at the viability workshop on the viability issues that affect older person's housing. It was noted that the viability study found issues with older persons housing and suggested that the best solution would be a bespoke nil AH requirement or a lower supportable target for sheltered and extra care proposals. The council's response indicated that they would consider this issue when

¹⁷ NPPF December 2023 Paragraph 72 / NPPF 2024 Paragraph 75

looking at the Reg 19 plan. However, there appears not to be any flex in the policy. This is despite the following conclusions within the plan wide study:

“5.13 Older persons housing has weaker viability than general housing:
Extra care and care homes are not viable under any of the circumstances tested although at the lower BLV tested extra care is marginal with no affordable housing
Sheltered housing is only viable (with limited headroom) with no affordable housing.”
Three Dragons report

54. The older persons housing section of the PPG has specific guidance in respect of housing for older people and viability.

How can the viability of proposals for specialist housing for older people be assessed?

Viability guidance sets out how plan makers and decision takers should take account of viability, including for specialist housing for older people. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure. Plans can set out different policy requirements for different types of development. These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies and local and national standards, including the cost implications of Community Infrastructure Levy and section 106.

Viability guidance states that where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Such circumstances could include types of development which may significantly vary from standard models of development for sale (for example housing for older people).

Paragraph: 015 Reference ID: 63-015-20190626

55. HBF would therefore request additional flexibility is added to the wording of the viability policy to ensure it is effective, justified and sound.

The need for Monitoring

56. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory. Housing monitoring should be undertaken on a site-by-site basis, this will help the Council to identify if there is an issue and potentially how it can be best addressed. For example, is it with a particular location, or particular type of dwellings, or is it a wider issue. Therefore, the detailed housing trajectory including delivery from the four different sources should be included, to enable targeted actions to be taken if under delivery against one, or more, source of supply was to occur.

H2: Housing Allocations and Windfalls

Policy H2 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

57. This policy sets out the sites that are allocated in the Exeter Plan for the provision of new homes. The HBF does not comment on individual sites or allocations. The HBF is keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period. The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.
58. The HBF considers that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then consider if there are issues that result in the need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. The HBF suggests that Council should consider if these factors, individually and/or cumulatively result in the need for a higher housing requirement for Exeter, and a subsequent need for additional allocations.
59. It is important that housing delivery is effectively monitored so that if housing monitoring shows delays to housing delivery across Exeter action is taken to address this as soon as possible. The HBF suggests additional sites should be allocated so they that can be easily and quickly brought forward to address any under-delivery of housing supply. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be included within the Plan.
60. The HBF also notes that the NPPF¹⁸ requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have. The HBF would therefore wish to see the 10% small sites allowance delivered through allocations (and not windfall). Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%. The HBF also

¹⁸ NPPF December 2023 Paragraph 70 / NPPF 2024 Paragraph 73

notes that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and make a contribution to housing numbers earlier in the plan period.

61. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Exeter's housing requirement. This sufficiency of housing land supply should ensure that the Council can meet the housing requirement, ensure the maintenance of a 5 year housing land supply and achieve the Housing Delivery Test. The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared.
62. The HBF believes that the Exeter Plan should provide for a wide range of deliverable and developable sites, including a buffer and small site allocations in Exeter in order to provide competition and choice to ensure that housing needs are met in full.

H4: Affordable Housing (strategic policy)

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

63. This policy states that affordable housing will be required on developments of ten homes or more. It then sets a requirement for Greenfield sites of 35% affordable housing with a split of 50% social rent and 50% affordable home ownership, and for Brownfield sites at 15% with a tenure split of 50% social rent and 50% affordable home ownership. It suggests that the size and mix of the affordable homes must reflect local need, as evidenced by the City Council's latest Local Housing Needs Assessment.
64. The Local Plan Viability Assessment (November 2024) has tested the affordable housing requirements with 35% affordable housing on greenfield sites, 15% on brownfield sites and 20% on Build to Rent, Student Accommodation and co-living sites. The Viability testing results show that there are viability issues in VA1 for flats for sale, for some greenfield schemes in the VA3 area including those on greenfield sites and for older persons housing.
65. There are a number of current and emerging policy requirements both locally and nationally that are putting viability under pressure. For example, information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal or not considered in full.

66. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable.
67. The Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use. The HBF suggest the costs of BNG should be considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available.
68. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kinds of considerations.
69. Similarly, the geographical distribution of development, and whether sites are brownfield or greenfield, may also impact on the Plan's ability to deliver affordable housing where it is most needed. The HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.
70. It will also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore likely be a need for the Exeter Plan to include greenfield allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided.

H7: Custom and Self-Build Housing

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

71. This policy states that custom and self-build housing will be supported on development proposals of twenty or more homes where 5% of homes should be made available as serviced plots for sale to custom or self-builders. It also highlights that custom and self-build housing developments will be required to deliver affordable housing in accordance with Policy H4. The policy then goes on to provide details in relation to what the Council expect from each of the plots including the need for active and appropriate marketing for a period of at least 12 months from it being fully serviced and developable.
72. The HBF would be keen to understand the evidence to support the need for custom and self-build housing in Exeter, and how it has informed the requirements of this policy. The PPG¹⁹ sets out how custom and self-build housing needs can be assessed. Figure 72 of the LHNA identifies that an average of 20 new applicants join the Self-build and Custom Homebuilding Register each year, with 19 applicants added in the period 2022-23. The LHNA does not appear to set out the locations that people are looking for in relation to plots, so it is not clear if the demand is in line with the Council's spatial strategy. The HBF does not consider that the Council has appropriate evidence to support the requirement for developers on sites of 20 dwellings or more to provide 5% of all new homes as plots for custom or self-build housing. The HBF is concerned that as currently proposed this policy will not assist in boosting the supply of housing and may even limit the deliverability of some sites and homes. The HBF considers that the Council's evidence does not show that there is a demand from custom and self-builders to live on sites within a larger residential development scheme.
73. The HBF does not consider that requiring developments of 20 or more homes to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.
74. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.
75. However, if a self-build policy is pursued, then the HBF agrees that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems

¹⁹ PPG ID: 67-003-20190722

created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self and custom builders. The HBF would therefore suggest that any unsold plots should revert to the original developer after a six-month marketing period.

H14: Accessible Homes

Policy H14 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

76. This policy states that new homes will be supported when the market homes are built to meet accessible and adaptable standards (M4(2)) and 10% of the affordable homes are built to meet wheelchair user standards (M4(3)), with the remainder built to meet accessible and adaptable standards (M4(2)).
77. The HBF considers that the policy needs to be clearer in how it differentiates between Part a) and part b) of M4(3) technical standards. The correct part of M4(3) should be referred to. M4(3)a sets out standards for wheelchair adaptable housing, where M4(3)b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. The Council will then need to ensure that the appropriate costs are factored into the whole plan viability assessment as both M4(3)a and M4(3)b impact on viability, with M4(3)b being considerably more expensive.
78. The HBF notes that the justification text at paragraph 6.79 states that ‘the City Council will only accept a departure from the requirements of Policy H14 where it is satisfied that they are not feasible or viable’. The HBF considers that flexibility should be included in the policy to reflect this and to allow for a departure where there are issues of feasibility or viability. This would also better reflect the PPG²⁰ which states that Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable.
79. The HBF notes that the requirements to meet Part M4(2) are likely to be superseded by changes to residential Building Regulations. The Government response to ‘Raising accessibility standards for new homes’ states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. There is therefore no need for a policy on this issue within the Exeter Local Plan.

H15: Housing density and size mix (strategic policy)

Policy H15 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

²⁰ PPG ID: 56-008-20160519

80. This policy states that development proposals for new homes will optimise density and incorporate a mix of housing sizes, the policy suggests that this should take into account local need as evidenced by the latest Local Housing Needs Assessment; local context; the tenure mix of the development; and the mix of housing sizes in the locality.
81. The setting of residential density standards should be undertaken in accordance with the NPPF²¹ where policies should be set to optimise the use of land. The NPPF suggests that plan policies should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. The HBF notes that the policy currently doesn't include indicative densities for Exeter and instead the justification text refers to the Exeter Density Study 2021 and the Exeter Views, Density and Heights Study 2024, which indicates the densities that the City Council will expect new housing developments to achieve. As these documents are not being tested at the examination and are not part of the policy, the HBF considers that this is not in line with the NPPF requirements. The Density Study makes recommendations, it recommends a minimum density of: 150 dwellings per hectare (dph) within the city centre; 120dph within 400m of Exeter St Davids Station; 100dph within 800m of Sowton rail station; 80-120dph within existing local centres; 120dph within the Marsh Barton area; 80dph for development close to the Exe cycle route; 60dph for developments close to other strategic cycle and walking routes and 50dph for other areas.
82. The HBF would recommend that the Council includes the indicative densities within the Plan policy and that the Council ensures appropriate flexibility is provided by this policy to allow developers to take account of the evidence in relation to site specific conditions, market aspirations, deliverability, viability and accessibility.
83. The HBF would request that the Council ensures that any densities proposed are realistic deliverable and viable. The HBF notes the interaction between policies on housing size and type and density. Therefore, the Council will also need to consider its approach to density in relation to other policies in the plan. Policies such as open space provision, SuDs, tree provision, biodiversity net gain, cycle and bin storage, housing mix, residential space standards, accessible and adaptable dwellings, energy efficiency and parking provision will all impact upon the density which can be delivered upon a site.
84. As the strategy is heavily focused on brownfield sites, it must be noted that the deliverability of high-density residential development in the City will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings, and policy enables for the range of housing types and tenures to be provided to meet the range of need and demand in Exeter. This may include the need for greenfield sites.

H16: Residential amenity and healthy homes

Policy H16 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

²¹ NPPF December 2023 paragraph 129 / NPPF December 2024 paragraph 130

85. This policy states that new homes must provide sufficient functional internal layout and living space, including compliance with nationally described space standards; sufficient amenity space; space to store household items; and be future proofed for changes in lifestyle and us.
86. The HBF does not support the introduction of the optional Nationally Described Space Standards (NDSS) through policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the NDSS to all dwellings should only be done in accordance with the NPPF²², which states that “policies may also make use of the NDSS, where the need for an internal space standard can be justified”.
87. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG (ID: 56-020-20150327) identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:
- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
 - Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
 - Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.
88. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.
89. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and

²² NPPF December 2023 footnote 52 / NPPF December 2024 footnote 51

reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

90. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.
91. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

NE3: Biodiversity (strategic policy)

Policy NE3 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

92. This policy states that the Council is committed to increasing biodiversity. It goes on to state that all development proposals, will be required to preserve, restore and create wildlife habitats, corridors and networks and other features of ecological interest including those related to protected and priority species in accordance with the Local Nature Recovery Strategy. It requires development proposals to contribute towards measures to mitigate against adverse effects from recreational disturbance on the Exe Estuary SPA and other nearby sites on the National Site Network. It also requires development proposals to provide at least 10% Biodiversity Net Gain (BNG), on-site where possible, but elsewhere if not in accordance with national and local guidance.
93. The HBF notes the introduction of Biodiversity Net Gain which came in for large sites on February 12th 2024, and for small sites from 2nd April 2024. It is therefore important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.
94. The HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. The HBF notes that this represents a lot of new information that the Council will need work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG²³ is clear that there is no need for individual Local Plans to repeat national BNG guidance.
95. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure,

²³ PPG ID: 74-006-20240214

rather than the policy including the phrase 'provide **at least** 10%' would help to provide this.

96. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the BNG PPG²⁴.
97. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, is still relatively new, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment does highlight that as BNG is site specific depending on both the existing site characteristics and the ability of development to both mitigate and provide additional gain, it is difficult to gauge a suitable allowance for meeting the requirements. Thereby, emphasising this point and the need the need to keep these costs under review, ensuring that the most appropriate and up to date information is used.
98. The HBF would encourage the Council to ensure the Local Plan fully considers and evidence how BNG has formed part of the site selection process. This should include understanding the BNG requirement, including undertaking an assessment of the baseline to support the allocation. Understand the BNG costs and viability for the site and considering how this may impact other policy requirements such as affordable housing, other s106 or CIL contributions.

NE6: Urban greening factor

Policy NE6 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

99. This policy states that all major development proposals must be accompanied by an Urban Greening Factor (UGF) Assessment demonstrating how the development will achieve a UGF score of at least 0.4 for predominantly residential development or 0.5 for predominantly greenfield residential development.
100. The HBF considers it is unclear from the justification how the level of urban greening that would be required through the use of the Urban Greening Factor relates to the 10% Biodiversity Net Gain (BNG) required by the Environment Act. There would appear to be the potential for significant overlap with BNG that will need to be explored to ensure that the Council is not creating unnecessary administrative burdens on all applicants. The text currently states that urban greening will be used alongside BNG to help set the quantity and functionality of green infrastructure that should be delivered onsite.

²⁴ PPG ID: 74-054-20240214 & ID: 74-056-20240214

101. The HBF notes that the Viability Assessment assumes that the costs associated with this policy will be included in the allowances for external works (plot and site infrastructure) and BNG. The HBF is concerned that this will not accurately reflect the costs associated with this policy requirement especially for the higher density developments that are likely to be a key source of new homes in Exeter.
102. If the Council continues to take forward the use of the Urban Greening Factor, the HBF would suggest that it is not a requirement on all sites. For example, small sites or sites near existing open spaces might be encouraged but not required to use the urban greening factor to inform the design. It would also seem inappropriate to require its use where specific provision has been agreed as part of a site allocation. The Plan will also need to clearly set out UGF relates to the wider BNG and LNRS objectives.

NE7: Urban tree canopy cover

Policy NE7 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

103. This policy states that all new development proposals must contribute to achieving the Council's ambition to increase tree canopy cover. It states that all major development proposals must be accompanied by a canopy cover assessment. It goes on to state that proposals that result in overall loss of tree canopy cover will not be permitted.
104. The HBF notes that the City Council has set a local target to increase tree canopy cover to 30% over the next twenty years. The Devon Local Nature Partnership has also published the Right Place Right Tree Guidance which the justification text suggests should be used when choosing the locations and species of trees to be incorporated. The justification text also states that reference should be made to the emerging Devon Tree and Woodland Strategy which will set out key principles which developers will be encouraged to apply.
105. The HBF recommends that the policy should be clearer about how it links into BNG policies, and other green infrastructure requirements. The HBF also considers that the Council needs to be clear about how the Right Place Right Tree and emerging Tree and Woodland Strategy will be expected to be guide developers, as these documents are not being examined at this time and developers need to have clarity.

D1: Design principles (strategic policy)

Policy D1 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

106. This policy states that all development must take into account any relevant guidance outlined in any adopted design-related Supplementary Planning Document and / or design code.
107. This part of the policy seems to be seeking to give Local Plan policy status to SPDs which is not appropriate and contrary to national guidance. Planning policy must be

made through the Local Plan process and be subject to the requirements for public consultation and independent scrutiny through the Examination process.

108. The HBF suggests that the Council needs to give more thought to how the Design policies interact with the Council's aspirations for higher density development in Exeter is both realistic deliverable and viable, and how this can be done in a way that delivers good design and other policy requirements, such as BNG and public open space, whilst ensuring development remains viable.

HW1: Health and wellbeing (strategic policy)

Policy HW1 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

109. This policy states that applications for large scale residential development proposals will be accompanied by a proportionate Health Impact Assessment (HIA). It also suggests that contributions towards improved GP provision will be sought where necessary.
110. The HBF generally supports plans that set out how the Council will achieve improvements in health and well-being. In preparing its local plan the Council should normally consider the health impacts with regard to the level and location of development. Collectively the policies in the plan should ensure health benefits and limit any negative impacts and as such any development that is in accordance with that plan should already be contributing positively to the overall healthy objectives of that area.
111. The PPG²⁵ sets out that HIAs are '*a useful tool to use where there are expected to be significant impacts*' but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the local plan a HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring a HIA. In addition, the HBF considers that any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA for developments of more than 10 dwellings without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the PPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to substantially mitigate the impact.
112. Therefore, the HBF recommend that this policy is amended to state that '*where applications for large scale residential development proposals depart from the Plan and are likely to have a significant impact on the health and wellbeing of the local population, they should be accompanied by a proportionate Health Impact Assessment demonstrating how the proposal will . . .*'.

²⁵ PPG ID:53-005-20190722

IF2: Viability (strategic policy)

Policy IF2 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

113. This policy states that deviation from policy on the grounds of viability will only be considered appropriate where one or more of the following have occurred to a significant degree following the adoption of the Exeter Plan: increases in infrastructure or abnormal development costs; adverse changes in building costs relative to sales values; and worsening of the local market conditions. It goes on to state that where policy compliant infrastructure and / or contributions are not provided due to an agreed viability reason, the viability of the proposal will be reviewed every three years to seek to achieve full policy compliance in later development phases.
114. The HBF suggests additional flexibility is needed within the viability Policy. We have provided some detailed comments about viability in our response to the Policy H3: Affordable housing and others, which are not repeated here. However, we would add that as the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or values of a specific site fall outside the parameters used of a typology that was tested. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. The HBF therefore supports the recognition of the potential need for flexibility in relation to site specific viability issues. As such overage clauses may not be appropriate in all cases, and the Plan should allow for such circumstances.

Section 17: Monitoring and Implementation

115. The monitoring framework sets out an indicator, target and delivery mechanism for policies. The HBF recommends that the Council include an appropriate monitoring framework which sets out the monitoring indicators along with the data source and where they will be reported, and along with the targets that the Plan is hoping to achieve the HBF considers that the framework should include actions to be taken if the targets are not met. The HBF recommends that the Council provide more details as to how the plan will actually be monitored, and identifies when, why and how actions will be taken to address any issues identified.

Future Engagement

116. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
117. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.
118. The HBF would like to participate in any hearing sessions associated with the examination of the Pendle Local Plan, this will allow the HBF to represent the industry and to address any relevant points raised at the examination.

Yours faithfully



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