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SENT BY E-MAIL ONLY TO  
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1<sup>st</sup> November 2019

Dear Sir / Madam

## **DARTMOOR LOCAL PLAN 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 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. We would like to submit the following responses to the above-mentioned consultation and in due course attend the Local Plan Examination Hearing Sessions to discuss matters in greater detail.

### **Duty to Co-operate (DtoC)**

To fully meet the legal requirements of the DtoC Dartmoor National Park Authority (DNPA) should engage on a constructive, active and on-going basis with its neighbouring authorities to maximise the effectiveness of plan making. The Dartmoor Local Plan should be prepared through joint working on cross boundary issues. 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. As set out in the 2019 National Planning Policy Framework (NPPF) (paras 24, 26 & 27) the DNPA should provide a signed Statement of Common Ground (SoCG) between itself and Teignbridge District Council, Mid Devon District Council, South Hams District Council and West Devon District Council. The Plan should be based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred as evidenced by a SoCG (para 35c).

The DNPA has provided only a statement summarising its compliance with the DtoC rather than a signed SoCG as set out in the 2019 NPPF. The National Planning Practice Guidance (NPPG) (ID : 61-020-20190315) sets out that authorities should have a SoCG available on their website by the time of publication of the Draft Plan, in order to provide communities and other



stakeholders with a transparent picture of collaboration and once published, authorities will need to ensure that any SoCG continues to reflect the most up-to-date position of joint working. This has not been done by the DNPA.

Furthermore the DNPA has not undertaken a Local Housing Needs (LHN) assessment (see HBF representations on Strategic Policy 3.1(2) below). It is understood that the DNPA is seeking to ensure that its housing need is met outside the National Park across both the Greater Exeter Housing Market Area (HMA) and the Plymouth & South West Devon HMA and any development inside the National Park will be focused on delivering local affordable housing need. At this time in the absence of evidence on housing needs, it is not clear if housing needs will be met in full across both HMAs.

The adopted Plymouth and South West Devon Joint Local Plan is based on the provision of circa 600 dwellings within the South Hams / West Devon part of the National Park during its plan period. The Plymouth & South West Devon HMA authorities want to see this provision set out as a housing requirement in the Dartmoor Local Plan. There is also no agreement on future housing provision in the Greater Exeter HMA, since the change of political leadership in some constituent authorities, it is understood that the preparation of the Draft Greater Exeter Strategic Plan is delayed and no further public consultation will occur until June 2020.

It is vital that the DNPA agree a SoCG with relevant neighbouring authorities in the Plymouth & South West Devon and Greater Exeter HMAs respectively, which sets out an agreed position on housing needs and the meeting of any unmet needs arising due to constrained delivery in the National Park. If a SoCG is concluded and signed before the Dartmoor Local Plan is submitted for examination, the HBF may wish to submit further representations in written Hearing Statements or orally at the Examination Hearing Sessions.

## **Housing Policies**

### **Strategic Policy 3.1 (2) - Meeting Housing Need in Dartmoor National Park**

**Strategic Policy 3.1 (2)** sets out an indicative housing delivery of 1,125 dwellings (65 dwellings per annum) rather than a housing requirement figure over the plan period of 2018 – 2036. It is proposed that housing is delivered on allocated housing sites, windfall sites and rural exception sites across eight Local Centres, sixteen Rural Settlements and eighteen Villages & Hamlets in the National Park. 60% of housing is to be delivered in Local Centres on 16 proposed housing site allocations.

The 2019 NPPF sets out that Local Plans should meet housing need unless specific policies indicate that development should be restricted (para 11(b)(i) & Footnote 6) which does not exempt the DNPA from meeting housing needs but illustrates that there may be policies which will limit the ability to do so. The DNPA should assess the potential for development against both housing needs and the key purposes of its National Park designation. If it is possible to meet

housing need then such needs should be met. As set out in the NPPG if strategic policies cannot meet the needs of the area after factoring in the constraints, it will be important to establish how needs might be met in adjoining areas through the process of preparing a SoCG in accordance with the DtoC (ID : 3-025-20190722). Therefore if the DNPA is unable to meet its housing needs then co-operation with neighbouring authorities namely Teignbridge District Council, Mid Devon District Council, South Hams District Council and West Devon District Council should ensure that any unmet needs are delivered elsewhere in the Greater Exeter HMA and Plymouth & South West Devon HMA (also refer to HBF representations under the DtoC above).

The DNPA have not undertaken a LHN assessment. As set out in the 2019 NPPF the starting point for the determination of the minimum number of homes needed should be informed by LHN assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 60). As set out in the NPPG assessing housing need is the first step in the process of deciding how many homes need to be planned for (ID : 2a-001-20190220). As also set out in the NPPG where the data required for the model are not available such as in National Parks, an alternative approach will have to be used. Any locally determined method for calculating LHN will need to consider the best available information on anticipated changes in households as well as local affordability levels (ID : 2a-014-20190220). Where data availability does not allow the standard method to be used, at Examination consideration will be given to whether it provides the basis for a Plan that is positively prepared, taking into account the information available on household formation and affordability (ID : 2a-015-20190220). As stated in the NPPG people living in rural areas can face particular challenges in terms of housing supply and affordability, and new housing can be important for the sustainability of rural communities. Strategic policies should be informed by an understanding of LHN, especially where the DNPA is setting lower thresholds for the provision of affordable housing than would normally apply. (ID: 67-009-20190722).

The DNPA should undertake a locally determined LHN assessment and set out a housing requirement in Strategic Policy 3.1 (2) rather than a housing target for likely future housing delivery derived from historical data on past housing delivery. Although the Housing Delivery Test does not apply to the DNPA (ID : 68-037-20190722), a 5 year housing land supply (YHLS) should be calculable from a housing requirement figure derived from a locally determined LHN assessment (ID : 68-023-20190722). If housing needs cannot be met in full then a signed SoCG should explain the meeting of any unmet needs elsewhere in adjoining HMAs. If LHN for Dartmoor is calculated, the HBF may wish to submit further representations in written Examination Hearing Statements or orally at the Examination Hearing Sessions.

### **Strategic Policy 3.2 (2) - Size & accessibility of new housing**

**Bullet Point (2) of Strategic Policy 3.2(2)** requires that all new housing should meet and not significantly exceed Nationally Described Space Standards (NDSS).

If the DNPA wishes to adopt the optional NDSS 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). 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). If it had been the Government’s intention that generic statements justified adoption of the NDSS then the standard would have been incorporated as mandatory in the Building Regulations, which is not the case. Before adopting the NDSS, the DNPA should provide a local assessment evidencing the case for Dartmoor which identifies need, tests viability and addresses timing with proposals for transitional arrangements.

It is noted that the DNPA Housing Topic Paper identifies that market housing should not be tied to the NDSS because of cost and impacts on affordability. The allocated sites in Buckfastleigh, Chagford, Harrabridge, Moretonhampstead, South Brent, Buckfast and Yelverton comprise of market housing with at least 45% affordable housing. The 2019 NPPF states that policies should be clear and unambiguous (para 16). **Strategic Policy 3.2(2)** should be modified so that optional NDSS are not imposed on market housing.

Under the 2019 NPPF it is the DNPA’s responsibility to robustly viability test the Local Plan in order that the cumulative burden of policy requirements are set so that most development is deliverable without further viability assessment negotiations (para 57) and deliverability is not undermined (para 34). There is a direct relationship between unit size, cost per square metre, selling price per metre and affordability. The DNPA has not viability tested this policy requirement. **Strategic Policy 3.2(2)** should be modified so that non-compliance with **Bullet Point (2)** is permissible if demonstrated to be unviable.

**Strategic Policy 3.2(2) Bullet Point (3)** requires that all new build dwellings should be constructed in accordance with optional Building Regulations Requirement of M4(2) for accessible and adaptable dwellings, or successive regulations, unless evidence demonstrates (a) it is not desirable or possible for planning or environmental reasons or (b) it is not viable. Under **Bullet Point (4)** wheelchair accessible dwellings constructed in accordance with optional Building Regulations Requirement of M4(3), or successive regulations, will be encouraged where a specific local need for a wheelchair adaptable or accessible dwelling is identified.

If the DNPA wishes to adopt the optional standards for M4(2) and M4(3) then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46) and latest 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). The NPPG sets out the evidence necessary to justify a policy requirement for M4(2) and M4(3) standards. The DNPA should apply the criteria set out in the NPPG (ID 56-005-20150327 to 56-011-20150327) to ensure that an appropriate evidence base is available to support its proposed policy requirements.

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. 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. M4(1) standards are likely to be suitable for most residents.

In determining the quantum of M4(2) homes the DNPA should focus on the ageing population living in the National Park compared to national / regional figures and the proportion of households living in newly built homes. Many older people already live in Dartmoor and are unlikely to move home. There may be a need for some new dwellings to be built to M4(2) especially specialist housing but there is not the need for all new dwellings to be built to M4(2) as not all existing older residents will move home and those that do move may not choose to live in a new dwelling. The DNPA has identified that continued or increasing under-occupancy of homes by older people or individuals, runs at odds with the aim of making the best use of the housing stock. **Strategic Policy 3.2(2) Bullet Point (3)** should be modified so that this requirement is not applied to all housing in particular family dwellings.

The DNA is also reminded that the requirement for M4(3) should only be required for dwellings over which the DNPA has housing nomination rights as set out in the NPPG (ID 56-008-20150327).

## **Other Policies**

### **Strategic Policy 1.2 (2) - Sustainable Development in Dartmoor National Park**

It is noted that **Bullet Point (d)** of this policy proposes to "make efficient use of land and infrastructure in particular by prioritising the use of Previously Developed Land (PDL) and buildings". The 2019 NPPF promotes an effective

use of land in meeting the need for housing and other uses in a way that makes as much use as possible of PDL (para 117) however the 2019 NPPF does not refer to prioritising. The dictionary definition of prioritise means to rank in order of preference suggesting a brownfield first approach which is not set out in the 2019 NPPF. It is noted that on page 13 of the Local Plan the text wording refers to “maximising use of brownfield land and existing buildings” rather than prioritising. The wording of **Bullet Point (d)** should be changed from “prioritising” to “maximising” to be consistent with the Strategy set out in the Local Plan and national policy.

### **Strategic Policy 1.3(2) - Presumption in favour of Sustainable Development**

**Strategic Policy 1.3(2)** sets out the presumption in favour of sustainable development which is not necessary for plan soundness. The presumption in favour of sustainable development is clearly set out in the 2019 NPPF (para 11). The 2019 NPPF confirms that Local Plans should avoid unnecessary duplication including repetition of policies in the NPPF itself (para 16f). As set out in the NPPG (ID 61-036-20190723) there is no need to directly replicate the wording of the 2019 NPPF (para 11) in a policy in a Local Plan. By attempting to repeat national policy 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. **Strategic Policy 1.3(2)** should be deleted.

### **Strategic Policy 1.6(2) - Delivering Good Design**

It is noted that the wording of **Bullet Point (2)** of this policy states that “decisions on design matters will be informed by the design principles set out in para 1.6.5 and supplementary design guidance”. The DNPA should not confer development plan status onto supplementary design guidance which does not have statutory force and has not been subject to the same process of preparation, consultation and examination as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulations). This reference should be deleted from **Strategic Policy 1.6(2) Bullet Point (2)** because it is inconsistent with national policy.

### **Strategic Policy 1.7(2) - Sustainable Construction**

**Strategic Policy 1.7(2) Bullet Point (1)** sets out that “all development proposals should minimise their impact on climate change by reducing carbon emissions further than required by Building Regulations, and improving their energy efficiency using a ‘fabric-first’ approach”. Under **Bullet Point (2)** “all new residential buildings must achieve either (a) a minimum 10% reduction in carbon emissions over Building Regulations Part L 2013, using a fabric-first approach or (b) Association for Environment Conscious Building (AECB) or Passivhaus certification”.

Today's new homes are very energy efficient with lower heating bills for residents compared to existing older homes. The HBF support moving towards greater energy efficiency via a nationally consistent set of standards and a timetable for achieving any enhancements which is universally understood and technically implementable. The HBF acknowledges that the Government has not enacted its proposed amendments to the Planning & Energy Act 2008 to prevent the DNPA from stipulating energy performance standards that exceed the Building Regulations but consider that the DNPA should comply with the spirit of the Government's intention of setting standards for energy efficiency through the Building Regulations. It is the HBF's opinion that the DNPA should not be setting different targets or policies outside of Building Regulations. The key to success is standardisation and avoidance of every Council in the country specifying its own approach to energy efficiency, which would undermine economies of scale for both product manufacturers, suppliers and developers.

Currently, the Government is consulting (ending on 10<sup>th</sup> January 2020) on The Future Homes Standard. The UK has set in law a target to bring all its greenhouse gas emission to net zero by 2050. New and existing homes account for 20% of emissions. It is the Government's intention to future proof new homes with low carbon heating and world-leading levels of energy efficiency. This current consultation addresses :-

- Options to uplift standards for Part L (Conservation of Fuel & Power) Building Regulations in 2020 and changes to Part F (Ventilation) Building Regulations. An increase in energy efficiency requirements for new homes in 2020 will be a meaningful and achievable stepping-stone to the Future Homes Standard in 2025. This is expected to be achieved through very high fabric standards and a low carbon heating system based on one of two options. The Government's preferred Option 2 proposes 31% reduction in carbon emissions compared to current standards (Approved Document L 2013) delivered by installation of carbon saving technology and better fabric standards. Both options increase costs for housebuilders (estimated costs between circa £2,557 - £4,847 per dwelling) ;
- Transitional arrangements to encourage quicker implementation ;
- Clarifying the role of Local Planning Authorities (LPA) in setting energy efficiency standards. The Government is proposing to remove the ability of LPAs to set higher energy efficiency standards than those in Building Regulations which has led to disparate standards across the country and inefficiencies in supply chains. The Government wants to create certainty and consistency. The situation is confusing with decisions about technical appropriateness, application and enforcement of energy standards considered by planning officers, committees and Planning Inspectors rather than by qualified Building Inspectors. An uplift to Part L standards in 2020 will improve the energy efficiency of new homes and prepare housebuilders and supply chains in readiness for the further

uplift in 2025 to meet the Future Homes Standard so there is no need for LPAs to seek higher standards.

The DNPA should not be getting ahead of national policy, which is expected to come into effect mid / late 2020. **Strategic Policy 1.7(2) Bullet Points (1) and (2)** should be deleted.

### **Policy 4.5(2) - Electric Vehicle Charging Points (EVCPs)**

**Policy 4.5(2)** requires that new dwelling(s) with a private driveway or garage provide 1 active EVCP per dwelling and new dwellings with communal car parking provide 5% of with an active EVCP and 50% of remaining spaces with a passive EVCP. This provision may only be varied where it is proven essential for development viability.

The HBF is supportive of encouragement for the use of electric and hybrid vehicles via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. In 2018 the Government published its Road to Zero Strategy which set out a mission for all new cars / vans to be effectively zero emission by 2040. Recently the Department for Transport held (ended on 7<sup>th</sup> October 2019) a consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings. This consultation proposes regulatory changes (a new Part to Building Regulations) to result in more EVCPs for electric vehicles across the UK. The overnight charging of cars at home is generally cheaper and more convenient for consumers. It is the Government's intention for all new homes to be electric vehicle ready and require every new home to have an EVCP, where appropriate.

An optional standard is not the Government's preferred option. The preferred option is to introduce a new functional requirement under Schedule 1 to the Building Regulations 2010, which is expected to come into force in the first half of 2020. The inclusion of EVCP requirements within the Building Regulations 2010 will introduce a standardised consistent approach to EVCP 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. However, to limit the possible impact on housing supply the Government has also consulted on introducing exemptions for developments where the requirements are not technically feasible.

It is proposed that charging points must be at least Mode 3 or equivalent with a minimum power rating output of 7kW (expected increases in battery sizes and technology developments may make charge points less than 7 kW obsolete for future car models, 7 kW is considered a sufficiently future-proofed standard for home charging) fitted with a universal socket to charge all types of electric vehicle currently on the market and meet relevant safety requirements. All charge points installed under the Building Regulations should be un-tethered and the location must comply with the Equality Act 2010 and the accessibility



requirements set out in the Building Regulations Part M. The installation of such charging points is estimated to add on an additional cost of approximately £976.

The introduction of EVCPs in new buildings will impact on the electricity demand from these buildings especially for multi-dwelling buildings. A requirement for large numbers of EVCPs will require a larger connection to the development and will introduce a power supply requirement, which may otherwise not be needed. The level of upgrade needed is dependent on the capacity available in the local network resulting in additional costs in relation to charge point instalment.

The costs of installing the cables and the EVCP hardware will also vary considerably based on site-specific conditions in relation to the local grid. The Government recognises that the cost of installing EVCPs will be higher in areas where significant electrical capacity reinforcements are needed. In certain cases, the need to install charge points could necessitate significant grid upgrades which will be costly for the developer. Some costs would also fall on the distribution network operator. Any potential negative impact on housing supply should be mitigated with an appropriate exemption from the charge point installation requirement based on the grid connection cost. The consultation proposes that the threshold for the exemption is set at £3,600. In the instances when this cost is exceptionally high, and likely to make developments unviable, it is the Government's view that the EVCP requirements should not apply and only the minimum Energy Performance of Buildings Directive requirements should be applied.

It is the HBF's opinion that the DNPA should not be setting different targets or policies outside of Building Regulations. The DNPA should not be getting ahead of national policy which is expected to be implemented by mid 2020. **Policy 4.5(2)** should be deleted.

## **Conclusion**

Under the four tests of soundness as defined by the 2019 NPPF the Dartmoor Local Plan should be positively prepared, justified, effective and consistent with national policy (para 35). The Dartmoor Local Plan prepared by the DNPA has failed these tests by :-

- Not assessing LHN and setting out a housing requirement ;
- Not signing a SoCG with neighbouring authorities confirming that any unmet housing needs will be met elsewhere ;
- Not justifying and viability testing policy requirements set out in **Strategic Policy 3.2(2)** ;
- Inconsistencies between **Strategic Policies 1.2(2), 1.3(2), 1.6(2) & 1.7(2)** and **Policy 4.5(2)** and national policy.

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

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

A handwritten signature in blue ink, appearing to read "Susan E Green".

**Susan E Green MRTPI**  
**Planning Manager – Local Plans**