

Planning Policy Team
London Borough of Lambeth
PO Box 734
Winchester SO23 5DG

Ref: R023

localplan@lambeth.gov.uk

11 March 2020

Dear Sir / Madam

Lambeth Council: Proposed Submission version of the Local Plan

Thank you for the opportunity to comment on Lambeth's Proposed Submission version of its Local Plan. The following representations are made by the HBF.

The Home Builders Federation (HBF) is the representative body of the home building industry in England and Wales. The HBF's member firms account for some 80% of all new homes built in England and Wales in any one year, and include companies of all sizes, ranging from multi-national, household names through regionally based businesses to small local companies. Private sector housebuilders are also significant providers of affordable homes, building 49% of affordable homes built in 2018/19.

HBF would like to participate in the examination-in-public of the new Local Plan. James Stevens will be the HBF's representative. His contact details are at the foot of these representations.

Plan period

It would be extremely helpful if the Draft Plan stated the plan period on the front cover. As with a lot of local plans it is difficult to locate this.

Duty to Cooperate

The Plan is unsound because it has not been positively prepared by engaging with the duty to cooperate and the Council has failed to plan effectively to meet London's unmet housing needs.

After many years of confusion, the Panel's report on the Draft London Plan has clarified that the legal responsibility for the duty to cooperate resides with the individual London boroughs. This is not a function discharged by the Mayor of London in preparing the London Plan (see paragraph 17). As the Council will be aware, London faces a housing shortfall over the next decade (2019/20 to 2028/29) of 140,000 homes – that is the difference between assessed capacity for 52,000 homes a year, and a need for 66,000 homes a year.

Responsibility for the duty to cooperate including efforts to accommodate the shortfall, therefore, resides with the London boroughs, not as many have assumed with the Mayor of London. However, unsatisfactory and impossible that may appear, it is the responsibility of the London boroughs to demonstrate what they have attempted to do



to manage the strategic problem of London's sizeable unmet housing need. Clearly, the Submission Lambeth Plan does not intend to accommodate an element of the shortfall. It only intends to meet its share of the of the need on the basis of the Mayor's Intend to Publish version of the Draft London Plan – that is 13,350 homes over the period 2019/20-2028/29.

We have looked at some of the statements of Common Ground (SoCG) to assess to what extent Lambeth Council has tried to accommodate an element of the shortfall.

Unfortunately, it appears that Lambeth Council is under the impression that the duty to cooperate is the responsibility of the London Mayor.

We note this statement (page 2) from the SoCG signed with Bromley Council:

It is worth noting that in a London context, collaboration on many strategic issues that go beyond borough boundaries (e.g. distribution of housing targets, identification of major areas of growth etc.) are largely addressed through the London Plan.

Also on page 9:

4.2 Housing

4.2a. Overall housing need and supply

Housing need is a strategic issue dealt with at the regional level in London by the Mayor in the London Plan, with need from within the London Housing Market Area distributed on the basis of capacity within each borough.

Through their own local plans, authorities must plan to meet or exceed their London Plan target to ensure they are in general conformity with the London Plan.

Lambeth's position in its Draft Revised Lambeth Local Plan PSV 2020 is that it is able to meet its own Draft London Plan housing target within its administrative boundary.

As set out in the Bromley Local Plan 2019, Bromley can meet or exceed the total numerical housing target assigned to it by the Mayor of London in the London Plan (2016), within the confines of its own administrative boundary.

There is a similar statement on page 2 of the SoCG signed with Croydon:

It is worth noting that in a London context, collaboration on many strategic issues that go beyond borough boundaries (e.g. distribution of housing targets, identification of major areas of growth etc.) are largely addressed through the London Plan.

These Statements to the effect that housing is a strategic issue that is addressed by the Mayor is only partly true. The Mayor does assess the need, and he does decide how to apportion this among the boroughs, but the Mayor is not responsible for the management of the shortfall within Greater London or beyond the administrative area of Greater London. That is the legal responsibility of the boroughs. The boroughs themselves should be aware of this having engaged with the previous version of the London Plan (The London Plan 2015) when the duty to cooperate first came into play, but especially since the examination of the new Draft London Plan, and having read the statements prepared by the Mayor of London, and now having read the Panel's report.

Consequently, their claim that they are exempted from the duty to cooperate in terms of meeting “development needs that cannot be met wholly with a particular area (and) could be met elsewhere” is a false one.

This circular argument must end as the Mayor and the boroughs play one another off against each other. It is unsatisfactory that such an important strategic issue as London’s unmet housing need is neglected by our public authorities.

Policy D4: Planning Obligations

The Policy is unsound because it is imprecise. It is unjustified and inconsistent with national policy.

The Draft Plan list twenty-one items where the Council will expect planning obligations.

It is unclear precisely what the Council expects under each of these items. Consequently, it is unclear how applicants could comply with these requirements. Para. 16 of the NPPF requires plans to contain policies “that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.

Nor is it evident that the Council has assessed the implications of all these requirements on the viability of development (NPPF, para. 57). As we are moving towards a new system whereby policy compliance will be expected and more strictly enforced, the Council will need to provide more clarity here.

Policy H1: Maximising housing growth

We note the housing requirement of 13,350 homes over the ten-year period 2019/20 to 2028/29. This conforms to the Mayor’s Intend to Publish version of the Draft London Plan. We agree that the Plan should only operate over a period of ten years because housing land supply is uncertain beyond the end of 2029. It is likely that a new London Plan will need to be published by 2025. Lambeth should be prepared to update its Local Plan to reflect the new requirements of the new strategic plan for London.

Housing land supply

The Panel has reached a different conclusion to the Mayor regarding the composition of London’s future housing land supply. This is reflected in the Mayor’s Intend to Publish version of the Plan. The new Draft London Plan has modelled housing supply from two primary sources: large strategic sites (yielding an estimated 40,000 homes in total per year) and small sites (yielding an estimated 12,000 homes a year on sites of 0.25 ha in size or less). In Lambeth, it is expected that some 4,000 homes will come forward over ten years on small sites in line with the past trend in windfall supply plus an additional growth rate of 0.3% (para. 172 and 173 of the Panel’s report).

Part iii) of the Policy states that levels of residential density will be optimised to accord with the design-led approach in the London Plan. The Mayor’s proposed policy approach in this respect to meet London’s housing requirement has only met with conditional support by the examining Panel. The Panel has cast doubt upon the effectiveness of this measure – it was too theoretical an exercise and it was very uncertain whether it would be successful. Consequently, the Panel reduced the

expected housing yield to level in line with the previous 12-year windfall trend. Unfortunately, Lambeth Council appears to rely on the same flawed method

To ensure that 4,000 homes will come forward on small sites, the Council will need to take a more active role in identifying and allocating sites of 1 ha in size. This is a requirement of national policy (NPPF, para. 68). National policy requires that 10% of the housing requirement is accommodated on sites of 1 ha in size or less. For Lambeth this would require sites of one hectare or less to be allocated for 1,335 homes. By contrast the Draft London Plan Intend to Publish version would require 400 homes a year on sites of 0.25 hectares in size to be allocated.

As the Draft London Plan is the senior planning document, and once adopted, it establishes the strategic policies for borough plans, HBF recommends that the Council plans on the basis of needing to deliver 4,000 homes on sites of 0.25 ha or less, or 400 a year.

The Council will need to identify land to achieve this. This should be done by the Council as a matter of urgency, as well as using area-wide design assessments. Many of the sites listed in Annex 13 may fall within the one-hectare threshold but this is not clear.

Tables 1 and 2 of *Topic Paper 2: Review of Policy on Small Housing Sites* indicates that it may be feasible to identify sites of 0.25 ha in size or less to accommodate the 4,000 homes required by the Draft London Plan. These table show that 6,266 homes on sites of 0.25 ha have been provided over the last 11 years.

In line with national planning policy it is important that the Council does more to actively identify and allocate small sites. Up until the 1980s, small developers once 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% following the introduction of the plan-led system in 1990. The windfall approach, while a useful element of the housing land supply calculation, is merely a continuation of past planning policy. It does not represent a new approach. The approach of the past has been found wanting. It has failed small builders and contributed to their decline. A different approach is needed.

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 with a full, detailed and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without an implementable consent lenders will be uneasy about making finance available or else 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. This is why the Government, through the NPPF, now requires local authorities to allocate more sites of varying sizes.

The Draft London Plan only identifies strategic sites. Lambeth Council must identify and allocate rather than relying solely on windfall supply. This is particularly important in London where there are fewer medium and large sites anyway, and where all the land is previously developed land. This is necessary to ensure that land supply is more certain for small developers so that allocations enjoy the support for the development plan.

Five-year land supply

The Housing Delivery Test for 2019 shows that Lambeth has delivered against its housing targets in the last three years. Lambeth Council needs to apply a 5% buffer. We assume that the first year of the Plan is 2019/20 in line with the London Plan targets and para. 3.3 of the Local Plan and the dates in the Housing Trajectory. This requires the supply of 1,335 net homes a year, and 6,675 over five years. With a 5% buffer the five-year land supply requirement is for 7,009 net additional homes.

Annex 13 provides the Housing Trajectory (as required by the NPPF). The trajectory shows fall against the annual average in years 2021/22 and 2022/23 before a 'hump' midway through the plan period, and then the rate of delivery falling away in the latter part of the Plan period.

HBF would prefer to see a 'flat' trajectory if possible, i.e. an even rate of delivery over the Plan. This avoids the risk of a large deficit accumulating that becomes impossible to deliver towards the end of the Plan (given factors such as build-out rates, labour and materials supply, local market competition etc). The key to this is allocating as many sites of different sizes as possible and encouraging the diversification of product types on site. This is the reason why it is so important that the Council does do more to actively identify and allocate small sites. At the moment, the Council is very dependent on hoping that sufficient small sites will materialise (400 net additional units per year) based on previous trends in windfall supply.

Policy H2: Delivering Affordable Housing

The Council's approach to collecting affordable housing obligations on housing schemes of ten units or fewer is contrary to national policy.

The policy does not say what percentage of a residential scheme should be provided as affordable housing. The Council, through the local Plan, should clarify how much it expects each scheme to contribute. If it is the Council's intention to apply the Draft London Plan policy H5 then it should state this clearly for the benefit of applicants. We note that the viability assessment (December 2019) in paragraph 2.42 states that 40% affordable housing will be sought from schemes of 10 units or more. This scenario does not appear to have been tested by the viability report.

The policy and [paragraph 5.29](#) states that affordable housing obligations will be sought on schemes of ten units or fewer gross. *Topic Paper 1: Affordable Housing on sites Providing Fewer than 10 Residential Units* sets out the case for this.

Para. 63 of the NPPF states that affordable housing should not be sought from non-major development (ten units or fewer). The Council's case for departing from national policy rests chiefly on the arguments that it is a) viable and b) that sites of ten units or fewer make a significant contribution to the borough's housing land supply (page 2 of Topic Paper 1).

The NPPF contains several measures designed to increase the number of small developers. This will diversify supply, product and increase competition to improve overall levels of delivery. One measure is the need for every local authority to identify small sites to accommodate at least 10% of the housing requirement. The other important measure is to exempt small sites from affordable housing obligations. This latter measure was introduced to enable applications to be improved much more quickly.

Table 2 in Topic Paper 1 shows that 2,401 homes on sites of ten units or fewer have been built (completed) in the last ten years, or an average of 240. The report does not say what the site size was on these approvals, but it seems likely that most non-major applications in London would occur on sites of 0.25 ha in size or less. We have noted above that Lambeth needs to provide 400 homes from such sites each year under the new plan, so it is possible that the Council's approach to assessing viability of affordable housing contributions on a case-by-case basis (something, incidentally, that is contrary to the new thrust of national planning policy) as set out in Annex 10 would militate against small site delivery.

In terms of the argument about viability, it is important to note that the issue is not primarily about whether the policy approach is viable. The measures introduced by Government that exempted non-major developments from contributions to affordable housing, is primarily to reduce planning obstacles to small builders and make it easier to secure a permission and begin building homes.

The council should amend the Draft Local Plan to bring this into line with national policy, and exempt schemes of ten units and fewer from affordable housing obligations.

Viability report

We have considered the viability report of December 2019. This suggests that all the Draft Local Plan policies are viable for residential development, but the report depends to a great extent on the realism and accuracy of the inputs, some of which are questionable.

Affordable housing

The tenures modelled by the Council do not reflect the Draft London Plan which requires a different tenure split in Policy H7. In the Draft London Plan the tenure split required is 30% London Affordable Rent or social rent, then 30% intermediate products including London Living Rent or London Shared Rent, then the remaining 40% as low cost rented homes or intermediate products (to be determined by the borough).

Policy H2 of the Draft Lambeth Plan, part v) requires 70% low cost rented housing (social rent or London Affordable Rent) and 30% intermediate products. The viability report appears to model this tenure split but it is unclear if the report models exactly the tenure types required by the Draft Local Plan.

Policy H2 should be clear what percentage of affordable housing is required overall. This is not clear. If it is the Draft London Plan's requirement then it would be helpful if the Draft Local Plan said this clearly.

Zero Carbon

The Government has recently concluded consulting upon new levels of energy efficiency for new homes through Part L of the Building Regulations, plus associated regulatory requirements relating to ventilation (Part F). The Government has consulted upon two stepped increases – a 20% improvement or a 31% improvement on current Part L 2013 to apply from 2020 (to come into effect on 1 October 2020). The average costs associated with the regulations is set out in the Government consultation documents. The Draft Local Plan refers to these imminent changes at paragraph 9.31.

The costs stated within the consultation document suggest that the uplift to the housebuilder per plot are as follows:

Option 1 - £2557 per unit.

Option 2 - £4847 per unit.

The response of the HBF members and other stakeholders is that this subject are that these costs are unsubstantiated and potentially lower than the reality. This is supported by the information in both Appendices 1 and 2 of the Government's consultation. Notwithstanding this concern, the costs quoted by the Government in its consultation are still somewhat higher than the allowance allowed by the Mayor of London of £1,852 (see para. 4.15 of the Lambeth Local Plan and CIL Viability Review) and a little higher than the £2,448 per unit allowed for by the Council's study. If the Government chooses to go with Option 2 then the cost will be greater still. Consequently, despite what the viability report concludes, there is no margin to accommodate Option 2.

Moreover, it is the Government's intention that all new homes to be built to the level of Option 2 in any case by 2025. Indeed, the HBF, in its response to the *Future Homes Standard* consultation has said that the industry will commit to comply with Option 2 from 2023.

The critical point is that these higher standards for energy efficiency will be introduced by the Government in 2020 and will apply to development over the next five years. This needs to be factored into the assessment.

Bio-diversity gain

This will be a mandatory requirement placed on all residential development when it is introduced this year via the Environment Bill. All developments will be required to provide at least 10% improvement on existing levels of bio-diversity. It is estimated that this will cost an estimated £xx on average per dwelling.

It is difficult to pin-point precisely the average cost for developments in Lambeth but the Council will need to make some allowance for this. This reinforces the argument that a contingency should be built into the viability appraisal.

S106 costs

The viability report assumes an allowance of up to £1,900 per unit for S106 obligations (para. 4.25). We have noted about the Draft Policy D4 lists 21 items for S106 obligations. This list is repeated in Appendix 1: Policy Review of the viability assessment (starting on page 76). While not all of these items will necessarily incur a cost for developers, as some are already reflected in the historic BCIS build-costs, and some could be achieved through design, it is far-fetched to argue that £1,900 is sufficient to accommodate all the requirements listed in Policy D4. The cost of providing transport, education, health, libraries, sports and leisure facilities etc – i.e. the items listed in item i) would generally exceed this allowance for most developments in London.

As the assessment makes no allowance for exceptional costs/contingencies (see para. 4.35) this increases the risk that the assessment downplays the true cost of development.

The Council's viability report at paragraph 4.25 says that "the actual amounts (of S106) will of course be subject to site specific negotiations". The Council should know better than this. It is no longer the case that applicants can assume that policy will be relaxed. Under the new planning regime, the local plan will be accorded even greater weight than before, and policy compliance in full is the expectation. The applicant cannot assume that policies will be relaxed. The Council must cost carefully every policy and make decisions about priorities to ensure that the majority of development is viable.

Developers' profit

The report assumes a profit margin of 18% GDV. The PPG advises that a figure between the range of 15-20% but a higher figure could be justified depending on the risk profile of the scheme. Smaller developers (those building schemes of ten units and fewer), who do not have access to their own reserves, and depend on bank loans to finance development, typically require a profit margin of 25% to reflect the greater risk associated with these developments, especially if small sites are not being allocated. Although the viability assessment indicates that the delivery of small sites will not be compromised as a consequence of the application of the local plan requirements this would not necessarily be the case once the higher profit margin required by smaller developers is factored-in (and the need to make an allowance for contingencies – see below).

Exceptional costs

All development schemes require a degree of contingency planning built into the viability to cover a wide range of matters. Issues as mundane as bad weather to more complex political policy issues such as quality control/snagging and government proposals for improved customer satisfaction. Due to their uncertainty, these costs are best dealt with as a percentage of total build costs including fees (Unit, External and Abnormal costs) with the percentage being dependent upon the complexity of the scheme and scale of site abnormal costs to contend with.

The PPG advises:

"abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or costs associated with brownfield, phased or complex sites. These costs should be taken into account when defining benchmark land value"

The Council has not allowed for any unforeseen costs (para. 4.35). This is unwise especially as abnormal costs tend to be much higher for brownfield sites than greenfield, for obvious reasons. At the Durham Local Plan examination – one of the first local plans to be tested against the new viability criteria of the NPPF and PPG – the HBF, on behalf of the industry, submitted a figure for the recent average abnormal costs on actual schemes. This was £459k per net hectare for greenfield sites (10 tested in total) and £711k per net hectare for brownfield sites (4 tested).

For the viability appraisal we consider that an allowance of 10% should be added to the assumed build costs and this should be applied across all development scenarios/types to ensure that a range of potential unforeseen costs can be accommodated.

CIL

The PPG advises that the appropriate CIL level is agreed as part of the Local Plan examination. It is unclear from the Draft Local Plan whether this is the Council's intention and it will adopt the suggested CIL levels detailed in Table 7.5.1 of the appraisal, but the level of CIL may have a bearing on the amount of affordable housing that can be provided and how many other policy objectives can be supported. We note from the discussion in para. 6.31 and 7.7 of the viability report, that there is a balance to be struck between setting CIL levels and securing 35% affordable housing. The report says that the CIL rate may render some schemes unviable.

It would be helpful to clarify if the proposed CIL rates will be those adopted by the Council.

Appraisal results

The report indicates that most residential schemes could support the policy requirements of the Local Plan including the newly proposed higher CIL rates. However, we note that schemes involving the provision of extra-care homes may be unviable. This is also likely to be the case for the providers of older persons specialist accommodation. The Council should consider exempting such schemes from making contributions to affordable housing.

Policy H8: Housing to meet specific community needs

The policy is unsound as it makes inadequate provision for the supply of housing for older people. As such, the policy, is contrary to national planning policy.

The new Draft Lambeth Local Plan is vague about measures to support the supply of specialist accommodation of older people. Although London is a relatively young city compared to other parts of the UK, the GLA expects the older population – those aged 65 and over – to increase by 37% by 2029 (Draft London Plan para. 14.13.1).

HBF would have expected to see a specific policy in the Draft plan detailing what Lambeth will be doing to facilitate the supply of more homes for older people. Draft Policy H8 might have been the place where one would expect to find such a policy but it makes scant reference to the supply of older persons housing. Part d) does cross refer to the Draft London Plan policy H13.

Providing homes for older people will help release homes suitable for younger households. It would also help to diversify product types across London and this would help speed-up delivery especially where these homes can be provided as part of the mix on larger schemes. This is something that the Letwin Review advised upon. For example on page 9 it concluded:

if either the major house builders themselves, or others, were to offer much more housing of varying types, designs and tenures including a high proportion of affordable housing, and if more distinctive settings, landscapes and streetscapes were provided on the large sites, and if the resulting variety matched appropriately the differing desires and financial capacities of the people wanting to live in each particular area of high housing demand, then the overall absorption rates – and hence the overall build out rates – could be substantially accelerated.

To be made sound, the Draft Lambeth Plan should refer to the Draft London Plan benchmark target for Lambeth in Table 4.3, of providing 70 units of older persons housing each year for the period 2017-2029. This is not a 'binding' target in quite the same way that the borough's housing requirement is, but it does provide a figure for the Council to aim for and to monitor its performance against. We would expect to see

this target transposed into the Lambeth Plan. Moreover, to ensure that some of these units are delivered, and that the 70 unit per year figure is not simply ignored, we recommend that the Lambeth Plan is amended to introduce a 'presumption in favour' of older persons residential applications where delivery has fallen below the 70 unit per year benchmark target the previous year.

This target is not restricted to schemes that provide care. As paragraph 4.13.5 of the Draft London Plan Intend to Publish version states:

Specialist older persons housing that does not provide an element of care but is specifically designed and managed for older people (minimum age of 55 years) is covered by the requirements of this policy.

Therefore, the restriction applied in part d) of the policy is unnecessary – that applicants for specialist older persons' housing should demonstrate how the design will address the needs of people with dementia and other long-term health conditions. Not all specialist older persons schemes will be providing supported accommodation so this clause is unnecessarily restricting and will militate against supply.

Policy T3: Cycling

Elements of the policy are unsound as they are contrary to national policy.

Part g) requires at least one electric cycle charging point for one in ten cycle parking spaces.

As far as we can discern, this requirement has not been costed by the Council. This could cost in the region of £1,070 per charging point (see https://turvec.com/product/electric-bike-charging-station/?gclid=EAlalQobChMI_sf0yZeQ6AIVk0PTCh0ekgXZEAAAYASAAAEgIECvD_BwE). Page 89 of the viability report states that these stations would need to be paid for via CIL, but this is not what is implied by Policy T3. This needs to be clarified. If it is to be paid for by CIL, this needs to be added to the CIL list.

Part h) requires that the applicant provides a minimum of three years free membership of the Cycle Hire scheme for each dwelling is provided in new residential development.

First, it is unclear how an applicant should respond to a 'minimum' requirement. If the applicant made provision for three years, would this be rejected by the decision-taker as insufficient. The Council will need to be precise to meet the requirements of para. 16 of the NPPF.

Second, not all residents may want to cycle. This could diversion of finite planning gain but the requirement would fail the test that planning obligations must be fairly and reasonably related in scale and kind to the development. Furthermore, it is unclear whether there are sufficient cycle docking stations across all of Lambeth to make this viable for residents. Such docking stations tend to be concentrated closer towards the Thames (e.g. nearer Waterloo), not in the outer-lying parts of the borough.

Third, the London Cycle Hire Scheme currently costs £90 a year, so we assume that this is a cost of (at least) £270 per dwelling. The viability report does not appear to have factored this in (see page 88). While this may represent a relatively modest cost, it all adds up, and national policy nevertheless requires that all policies to be costed (NPPF, para. 34). The Council's failure to do so means that the efficacy of this policy should be reconsidered.

Policy T7: Parking

Elements of the policy are unsound because they are unjustified and contrary to national policy.

Part iv) requires that applicant to provide car club membership for every resident in new residential developments.

The viability appraisal has assumed this can be provided at nil cost (see page 89). We are curious as to why the Council assumes that this can be provided at no additional cost. For example, Enterprise Car Club advertises an annual membership fee of £60. Second, there are practical questions relating to how this would operate, such as whether it is Lambeth's expectation that the membership is to be paid for in perpetuity to all future residents. If so, who would be responsible for administering this, and how would the cost of this be calculated. Moreover, it is not clear why every resident (including children?) would require this. Among other things, this policy requirement would represent a dissipation of planning-gain resources that could be spent on delivering better public transport services.

This requirement would fail the 'fairly and reasonably in scale and kind to the development' test in legislation. It is unjustified and fails against national policy.

Part v) requires that electric vehicle charging points are provided in line with the Draft London Plan.

Despite what the Draft London Plan says, HBF would advise against making policy in this area owing to several complications. HBF prefers a national and standardised approach to the provision of electrical charging points in new residential developments. We would like this to be implemented through the Building Regulations rather than through local planning policy.

If the Council does choose to make policy in this area there are several issues that it will need to consider carefully.

The Council's work should be supported by evidence demonstrating the technical feasibility and financial viability of his requirements. Any requirement should be fully justified by the Council including confirmation of engagement with the main energy suppliers to determine network capacity to accommodate any adverse impacts if all, or a proportion of dwellings, have charging points. We argue this because if re-charging demand became excessive there may be constraints to increasing the electric loading in an area because of the limited size and capacity of existing cables. This might mean that new sub-station infrastructure is necessary. There are also considerable practical difficulties associated with provision to apartment developments or housing developments with communal shared parking rather than houses with individual on plot parking. If residents do not run cars, let alone electric cars, they would be forced to pay for the electricity consumed by electric car owners as this cannot be apportioned to the electric car owner. This will be an important consideration as the Local Plan requires the construction of flats as the most common residential type.

The NPPF requires that any policy, including a requirement for charging points, should be clearly written and unambiguous (para 16). The policy will need to specify the quantum and type of provision sought either AC Level 1 (a slow or trickle plug

connected to a standard outlet) or AC Level 2 (delivering more power to charge the vehicle faster in only a few hours) or other alternatives.

Policy EN1: open space, green infrastructure and biodiversity

Elements of the policy are unsound because they are contrary to national policy.

Biodiversity gain will soon become a mandatory part of the planning system. All developments will be required contribute and meet the new mandatory requirements. There is no need for the Council to make policy in this area. Its own policy will be superseded by national regulation.

We recommend that text is added to the policy that says that this policy will no longer apply once the national biodiversity gain regulations come into effect.

Part D ii) requires planning obligations will be sought for the maintenance and management of new and improved open space. The Council will need to clarify how these payments will be calculated for the Draft Local Plan. This is necessary so that applicants can know what they are required to do. It is a requirement of the NPPF that planning policies are clear and unambiguous.

Part D f) says that planning obligations may be sought to cover the future maintenance of green infrastructure. This is not clear. The Council will need to clarify if these payments will be required and how they will be calculated. This will need to be included in the Draft Local Plan. This is necessary so that applicants can know what they are required to do. It is a requirement of the NPPF that planning policies are clearly and unambiguously expressed.

Policy EN3: Decentralised Energy

The policy is unjustified because it could inhibit innovation in the area of zero carbon energy. The policy may also be out-of-step with Government thinking in this area.

It is unwise for the Council to specify how developers should meet the mandatory energy efficiency targets under Part L of the Building Regulations and the Mayor's own accelerated target. It is HBF's view that the Council should allow applicants to determine the most cost-effective, efficient, and appropriate means of meeting national and Mayoral energy efficiency targets. The Council will also need to have regard to needs of occupants. District and site-based heating and cooling networks can be expensive for occupants to run and maintain.

The Council's preferred route is out-of-step with the Government's thinking on this matter, where other technologies, such as Air Source Heat Pumps are expected to play a more prominent role. We refer to the Government's consultation on the *Future Homes Standard*.

We believe that this should not be a matter for planning but a question for the Building Regulations.

Policy EN4: Sustainable design and construction

Part e) of the policy is unsound because it is unjustified.

It is our recommendation that the Lambeth Local Plan does not make policy that sets standards for the environmental performance of new homes that are different to or exceed those already contained in the Draft London Plan or national regulatory requirements where the London Plan is silent. This includes adopting the Home Quality Mark and Passivhaus as standards for residential development. These standards could be superseded by the Government following its decision on the future requirements for new residential development following the *Future Homes Standard* consultation. The Draft London Plan will also be reviewed in 2024 by which time new national regulatory standards for energy efficiency will be in the offing. The Lambeth Local Plan will need to be revised around this point, and it is at this point that the Council should review its environmental policies to ensure they align with the new national standards.

James Stevens, MRTPI

Director for Cities

Email: james.stevens@hbf.co.uk

Tel: 0207 960 1623

From: [James Stevens](#)
To: [Local Plan](#)
Subject: RE: Lambeth Local Plan
Date: 11 March 2020 13:53:44
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.png](#)
[image004.png](#)

Sorry. Here you go:

H1

Unsound because ineffective. Draft local Plan fails to allocate small sites and relies instead on a design-led assessment – an approach judged unreliable at the examination of the Draft London Plan.

Comments on the viability report

This relates to the deliverability of a number of policies in the plan but it can be hanged-onto H2. Ineffective and inconsistent with national policy.

Hope that helps.

James

From: Catherine Carpenter <CCarpenter@lambeth.gov.uk> **On Behalf Of** Local Plan

Sent: 11 March 2020 13:36

To: James Stevens <james.stevens@hbf.co.uk>

Cc: Amy Tanner <ATanner@lambeth.gov.uk>

Subject: RE: Lambeth Local Plan

Dear Mr Stevens,

Thank you for your representations, for which we acknowledge receipt. We note you have chosen not to use the PINS form provided. Whilst in most cases it is clear from your letter how to record your comments against the tests of soundness (and duty to cooperate where relevant), there are two sections of your letter where your intentions are not clear:

- Your comments on policy H1 – it is not stated whether you think this policy is unsound and, if so, in what respect. Please could you clarify?
- Your comments on the viability report – these include a number of points but it is not clear whether you are arguing that specific policies/parts of the plan are unsound and, if so, in what respect. Please could you clarify your intention here.

Thank you

Regards

Catherine Carpenter BA MA MRTPI
Head of Policy and Place-shaping
Planning, Transport and Development
Sustainable Growth and Opportunity
London Borough of Lambeth
T: 020 7926 1251
M: 07785 660143
www.lambeth.gov.uk/planning

Postal address: London Borough of Lambeth, Planning Transport & Development, PO Box 734, Winchester, S023 5DG

Address for delivery in person or by courier: London Borough of Lambeth, Civic Centre 3rd floor
6 Brixton Hill, London SW2 1EG

From: James Stevens [<mailto:james.stevens@hbf.co.uk>]

Sent: 11 March 2020 12:10

To: Local Plan <HRELocalPlanConsulta@lambeth.gov.uk>

Subject: Lambeth Local Plan

Dear Sir / Madam

Please find attached the HBF representations on the Lambeth Local Plan Regulation 19 consultation.

I would be most grateful if the Council could acknowledge receipt.

James

James Stevens MRTPI

Director for Cities

HOME BUILDERS FEDERATION

t: 0207 960 1623

m: 07885 890446

e: james.stevens@hbf.co.uk

a: HBF House, 27 Broadwall, London SE1 9PL



Disclaimers apply - full details at www.lambeth.gov.uk/email-disclaimer