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NOTE ONLY - FULL REVIEW DIRECT FROM REP
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SENT BY EMAIL

[redacted]

07/09/2026

Dear Sir/ Madam

HAVANT LOCAL PLAN

1. Thank you for consulting with the Home Builders Federation (HBF) on the Havant Local Plan.

2. HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which include 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.

New NPPF – transitional arrangements

1. Annex A of the latest iteration of the NPPF published in August 2026 (NPPF26) states that from the date it is published any local plan policies that are "*... materially inconsistent with national decision making policies in this Framework* should *be given very limited weight. The only exception is where they have been examined and adopted or made against this Framework*". As such, where inconsistencies with the new Framework are identified over the course of the consultation and examination of this plan, HBF considers it necessary for modifications should be made to the local plan to avoid the need for decision makers to make such determinations.

Policy 1: Development Strategy

The policy is unsound as it is unjustified

2. HBF does not consider the proposed strategy outlined by this policy to be sound as it has not been fully justified that the adverse impact of options that would deliver higher levels of growth would, as required by paragraph 11 of the NPPF, demonstrably and significantly outweigh the benefits of this local plan. Our concerns are set out in more detail on policy SP06 as this is where the housing requirement is established.

Policy 2 Defined Settlement Boundary

The policy is unsound as it is not positively prepared or justified.

3. This policy establishes the criteria by which development outside of settlement boundaries will be considered. However, HBF consider this to be overly restrictive and fails to take account of the significant unmet need for housing with Havant. The policy needs to set out criteria by which windfall development that is outside but

adjacent to the settlement boundary would be permitted. HBF would recommend the policy be modified to include the following clause.

> *A proposal for development that includes Market Housing on land immediately adjacent to the built-up area may be supported subject to the following criteria:*
>
> - *The development is of an appropriate scale and design in relation to the settlement*
> - *Proposed developments must not result in an unacceptable level of harm to residential amenity, designated heritage assets, or environmental resources and biodiversity.*
> - *Developers must provide adequate measures to mitigate any potential impacts on the local environment, such as landscaping and green infrastructure, and make a clear contribution to mitigation and adaptation to climate change.*
> - *Housing sites should be well-connected to existing infrastructure, including public transportation and local amenities, to promote sustainable living practices.*

4. This additional clause to SP2 would ensure that sustainable development opportunities of an appropriate scale that are adjacent to a settlement will be supported in order to maximise the delivery of development in response to the significant unmet needs for market and affordable housing across Havant. This clause would also be consistent with paragraph 73 of the NPPF which looks to ensure that local plans are supportive of small housebuilders and the delivery of development sites that would support that sector.

Policy 6: Amount of Housing

<u>The policy is unsound as it is unjustified and inconsistent with national policy</u>

5. This policy establishes the housing requirement for Havant as 7,087 over the plan period at an annual rate of 337 dwellings per annum (dpa) – a shortfall of 8,735 homes over the proposed plan period. HBF recognises that the Council is constrained however, we have some concerns regarding the assessment in the Sustainability Appraisal of option 4 that would enable the Council to meet 70% of its housing needs compared to just 47% under the council preferred approach (option 2 in the SA). In arriving at the Council's chosen strategy, the Council have dismissed a range of sites for allocation with the reasons for this set out in the Housing and Employment Land Availability Assessment. However, HBF are concerned that in reaching its decisions on these sites that they have had regard to the whole of paragraph 11 of the NPPF.

6. Paragraph 1.14 of the Development Strategy Topic Paper states that the strategy chosen by the Council, option 2 in the SA, aligns well with the interpretation of what the presumption in favour of sustainable development means for plan making. However, the Council only quotes part a and does not reference part b of paragraph 11. Part b of paragraph 11 requires the Council to first consider part i - that the application of policies in the plan (specifically those referenced in footnote 7) provides a strong reason for restricting the overall scale of development. Where there are no constraints as defined by footnote 7 then the Council must then consider part ii and whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of meeting

needs when assessed against the policies in the Framework. HBF could not find any statement in the evidence base setting lout how paragraph 11 had been applied when establishing how much development can be delivered.

7. For example, a number of sites on Hayling Island where considered as suitable for allocation under Option 3 and 4 but excluded from the Council's preferred strategy - option 2. The reason for their exclusion from option 2 was due to the flood risk to Hayling Island as a whole but where the specific sites are not considered to be at a risk of flooding at present or only affect part of the site[1]. Reference is made to tidal flood risk to the single access road onto Hayling Island and as the reason for excluding site the site is flood risk to Hayling Island as a whole this would appear to be the primary reason for not allocating these sites. However, a recent appeal (APP/21/01434) on HI16 dismissed the Councils concerns relating to flooding stating in paragraph 19 "*In conclusion, the risk of flooding on Langstone Bridge is low and the risk of a requirement for emergency care being required which is not on the island is also low. Taken together, the overall adverse effect of the risk of flooding is, at most, limited. The proposal complies with policy CS15 of the CS and the Framework, which together require that new development should not be at risk of flooding nor increase the risk of flooding elsewhere. Accordingly, flood risk is not a strong reason for refusal in respect of footnote 7 of the Framework …*". While there will be different circumstances for each of the sites on Hayling Island included in options 3 and 4 it would appear to be the case that flood risk relating to Hayling Island in general was not considered to fall under footnote 7. As such the council should have considered whether the adverse impacts of these sites significantly and demonstrably outweigh the benefits arising from their allocation given the Council's preferred option does meet housing need in full.

8. However, in addition to the sites on Hayling Island it is also not clear how paragraph 11 has been considered in relation to the discounted SHELAA sites. These are included on mass in option 4 but not option 3. For example, a number of sites are not considered to be suitable on the basis that they aren't consistent with the adopted open space policy or the existing community facilities policy, but no consideration appears to have been given as to whether the loss of these uses would demonstrably and significantly outweigh the harm if they were to be developed.

9. HBF recognise that there will be adverse impacts arising from development levels suggested by Options 3 and 4 compared to what is being proposed by the Council. But what the Council does not appear to have then done is consider whether either of these higher growth options, taking into account appropriate mitigation measures, would demonstrably and significantly outweigh the benefits of the additional development that would be provided. Without this work the Council cannot state the proposed strategy that underpins policy 6 to be sound.

10. Finally, in relation to this policy HBF do not consider the plan period to be sound. The Council are proposing that the plan period starts in 2022 – 4 years prior to the assessment of housing needs being undertaken. Such an approach fundamentally misunderstands that local plans are forward looking, and it is not consistent with national policy to include delivery of development in the period prior to which development needs are assessed.

[1] HI04 , HI05, HI07, HI08, HI10, HI11, H15 and H16

For example, the standard method which takes account of past supply through the affordability uplift to determine housing needs moving forward. The uplift in housing delivery will to some extent take into account past over supply in that it will have increased supply in the market potentially limiting increases in houses prices in Cherwell and reducing the housing needs assessed using standard method.

11. This approach is clear from paragraph 2a-00420201216 which notes that when setting the baseline for the standard method the current year is used as the starting point for calculating growth. The standard method also requires the affordability adjustment to be the most recent data, for in this case it is the median affordability ratio for 2023 that was published in March 2024. This adjustment is to reflect the price signals in the market and ensure that housing needs are responding to these signals which suggests that the starting point for any plan should be the year to which the affordability ratio relates.

12. As such it is neither logical nor consistent with national policy for the plan period to start in 2020. It should start in 2024 the year in which the assessment was calculated. Most recently the Inspector examining Winchester Local required the starting year of plan period to align with approach to assessing housing needs noting in paragraph 101 of her final report:

> *"The calculation of LHN is a forward-looking assessment of housing needs. From the point at which LHN is calculated it takes account of what has happened in previous years. Recalculating LHN starts the requirement from zero, cancelling out any under or over supply before the latest calculation of LHN. For this reason, past supply prior to the latest calculation of LHN (2024) should not be taken into account in deriving the Plan's housing requirement. National guidance explains that the purpose of the affordability adjustment applied in the Standard Method takes account of past delivery. It stands to reason that the same applies to over delivery."*

13. HBF believe the same approach should be taken with the plan period in this local plan. There is no justification for the plan starting a number of years prior to the point at which the housing needs for this local plan are calculated and the plan period should be modified to start from 2025/26.

Policy 8: Five year housing land supply

<u>The policy is unsound as it is inconsistent with national policy</u>

14. This policy sets out the step the Council proposes to take should it not be able to demonstrate that they have a five year land supply. While HBF note that the policy would support development outside development boundaries the application of the presumption in favour of suitable development it is not clear why it is necessary to define which policies will be relevant with regard to determining an application should the presumption in favour sustainable development apply. It is also not consistent to state the proposal must be deliverable in the short term. Paragraph 11 makes no such requirement, and it is also unclear what short term means. HBF therefore do not consider the proposed policy to be consistent with paragraph 11 of the NPPF, and it should be deleted.

Policy 9: New Homes for Sustainable Communities

The policy does not have a clear purposes and as such it is inconsistent with paragraph 16f of the NPPF.

15. It is not clear what the purpose of this policy is other than to direct decision makers and applicants to other parts of the local plan. Given that Local Plans must be read as a whole and paragraph 16f states that policies that are included in the local plan should serve a clear purpose and as such HBF recommend this policy is deleted.

Policy 11: Climate Change

The policy does not have a clear purposes and as such it is inconsistent with paragraph 16f of the NPPF.

16. As with policy 9 it is not clear what purpose this policy serves other than to direct decision makers and applicants to other parts of the local plan. Without a clear purpose HBF would recommend the policy is deleted.

Policy 12: Health

Policy is not consistent with national policy and is unjustified.

17. Again, parts a to f simply refer to other policies in the local plan with the only part of the policy that is unique being the requirement for certain development to undertake a Health Impact Assessment (HIA). HBF's position is that for allocated sites there should be no need for an HIA. As the rest of the policy alludes to if a development meets all the requirements of the local plan, then it should ensure that it is meeting the health objectives of the area and improving health outcomes. HBF would therefore recommend that the policy is amended to state that for unallocated sites of 100 or more dwellings an HIA proportionate to the scale of the development will be required.

Policy 13: High Quality Design

The policy is unsound as it is unjustified and inconsistent with national policy

18. The Council state that the Council has ambitious targets to achieve net zero by 2045 and that achieving high quality suitable development is a key mechanism to achieve that goal. HBF recognises the importance of achieving net zero and alongside our members have been working with Government ensure that Building Regulations, and in particular the Future Homes Standard, will ensure that the Government's target of delivering net zero by 2050 will be achieved. As such the statement in part a) that buildings should be designed to a high sustainability standard will in part be achieved by meeting the Future Homes Standard and the need for further standards as is being proposed in policy 16 are not required – as set out below.

19. As for the soundness of this policy, HBF are concerned that part b) and the need to achieve/improve thermal comfort is unsound as it is not clear what thermal comfort is and how this will be improved upon. HBF recognise the need for building orientation etc. to maximise solar gain and prevent overheating but Council must not be seeking to require technical standards in new buildings that go beyond those in building regulations. It will also

be the case that the Future Homes Standard will reduce greenhouse gas emissions and incorporate low carbon technologies and as such it is not clear why this needs to be referenced.

Policy 14: Housing density.

The policy is unsound as it is not effective or consistent with national policy

20. This policy requires development to meet specific densities based on the location of that development. Paragraph 129 and 130 outlines that development should make the most efficient use of land as well supporting the use of minimum densities where appropriate. However, it also the case that PPG states that issues such as local market conditions, viability and prevailing character will also need to be taken into account. This needs to be recognised within the policy to allow for circumstances where meeting the minimum densities proposed in this policy would not be appropriate. It is also unclear as how it would be determined that a developer had artificially lowered densities. This will need to be clarified.

Policy 16: Low Carbon Development

The policy is unsound as it is inconsistent with national policy and unjustified

21. HBF does not consider the use of targets based on energy consumption and space heating demand set out in parts b) and c) to be consistent with national policy. The Written Ministerial Statement from December 2023 on Energy Efficiency Standard stated that while policy going beyond building regulation where permissible where robustly justified, these must be based on percentage reductions to Target Emissions Rate (TER) and assessed using SAP. This same position has now been adopted in policy PM13 of NPPF26. Therefore, to require a standard that is not based on TER or measured using SAP can only be considered to be unsound and must be deleted or amended fere to TER and SAP.

22. The WMS, and PM13 in NPPF26, requires any standard that goes below current building regulations should be robustly costed to ensure that they do not have an adverse impact on viability or deliverability. In terms of the cost used the viability study states that it is 5% above current standards (Part L 2021). However, it is not clear how this figure was arrived at and whether this is from a detailed and robust costing as to how these standards can be achieved. The implementation will also need to be considered against the Future Homes Standard and what is required above and beyond that standard and how much additional cost is required. As well as materials the costs will also need to factor labour costs and the additional time it takes to build a home to the air tightness required to meet the proposed target. It is also not clear what robust evidence has been provided to show that these targets will not impact on the delivery of new homes within Havant. Without more detailed and robust evidence this policy cannot be considered to have be justified. If the policy is considered to be justified there must be flexibility built into the policy that will allow for lower standards to be achieved where these are not deliverable.

23. HBF does not consider it to be appropriate for the council to ask developers to provide an embodied carbon assessment, there is no part of national policy that supports such a measure. However, if it is to be applied it is not clear what the "*do nothing approach*" referred to in the policy means and how this should be applied by decision makers and applicants alike. A more appropriate approach would be to simple state that developers should show what measure has been put in place to reduce embodied carbon in their developments rather than an arbitrary do nothing approach.

Policy 17: Preventing overheating

Policy is unsound as it is not justified.

24. It is not clear what the expectations this policy is in relation to Part O of the building regulations and whether this will mean going beyond those standards. This will need to be clarified by the Council. In part b of the policy tit is stated that proposals should remove reliance on air condition systems. HBF does not consider this to be justified or consistent with national policy. While a policy may look to ensure that the need for air conditioning is minimised it cannot seek to prevent its use entirely.

Policy 20: Biodiversity Net Gain

Policy is unsound as it is inconsistent with national policy.

25. In relation off site delivery Part e)ii. of the policy requires development to first consider offsite delivery developers should prioritise habitat contributing to nearby habitat recovery or creation strategies. However, this is not what the BNG hierarchy states in paragraph 74-008 makes no distinction with regard to offsite habitats as this is already addressed through the spatial risk multiplier. Given that paragraph 74-006 of PPG outlines that it will be inappropriate for plans to include policies or guidance which are incompatible with this framework, for instance by applying a different biodiversity gain hierarchy HBF recommend that the policy is deleted. The hierarchy is adequately explained in guidance and does not repeating or building upon in this policy.

Policy 38: Affordable Housing

The policy is unsound as it is not effective.

26. This policy sets out the different affordable housing requirements on the basis of location and land type. This broadly reflects the viability evidence which outlines that there are distinct differences in the viability between development typologies with some schemes, such as flatted development on PDL and town centre regeneration, facing very challenging viability. The evidence in Appendix 2 on PDL town centre flatted development suggests that even the 10% is on totally flatted development is unviable. While the Council's chosen strategy for town centre sites is based on a minimum 80 dph, which sees improvements in viability compared to wholly flatted higher density development, it will still be challenging to meet all policy costs, especially if costs continue to increase at rates in excess of values as is currently the case.

27. Research by the HBF shows that the cost building a new home is now, on average, £76,000 more than it was in 2020. This is a result of a range of factors such as inflation of materials and labour, BNG, Building Safety Levy and higher technical standard. While these cost are all recognised in the viability assessment HBF are concerned that costs should continue to increase in a similar way, and without increases in house prices, new development that look viable now will not be so in future. To address this issue the Council set out in paragraphs 4.377 to 4.380 their approach to considering schemes where the policy costs placed on them by this local plan render a scheme unviable. While this flexibility is welcomed HBF consider it necessary for reference to viability is included in policy to give it the necessary weight in decision making.

Policy 39: Housing Mix

The policy is unsound as it in snot consistent with national policy.

28. If the Council intend to refer development to its Housing Needs Analysis with regard to housing mix, HBF consider it necessary for this to be amended to state "*…will be expected to provide a range of dwelling types and sizes, having regard to identified local housing need and to foster balanced, sustainable and integrated communities*". This will ensure that the policy does not require development in future to deliver a mix that is not subject to the same scrutiny as the local plan. HBF would also suggest that a reference to other robust sources of evidence should also be used to inform housing mix is included the local plan. This recognises that the housing needs analysis if a point in time assessment for the borough as whole and a different mix of homes may be more appropriate in some locations where justified.

Policy 42 Self Build.

The policy is unsound as it is not justified.

29. This policy seeks the provision of at least 5% of all developments of 200 or more homes to be serviced plots for sale to self-build and *custom* housebuilders where practicable. It suggests that where it can be demonstrated that there is no demand for the provision of self-build plots after having been made available in serviced form at a realistic price and marketed over a total of 12 months, the first 3 months to individuals on the self-build register and then these homes can be built out as market housing.

30. The Self-build and Custom Housebuilding Act 2015 introduced a duty on local authorities to keep a register of individuals or associations who wish to acquire serviced plots to deliver self and custom-build dwellings. The PPG was then updated to introduce guidance which specifies that plan-makers should use the data from their registers to understand future need (Reference ID: 57-014-20210508). The PPG however does not require local planning authorities to adopt specific policies requiring the delivery of self and custom build plots.

31. The HBF does not consider the approach in Policy 42 to be justified by the evidence. The current self-build and custom housebuilding register detailed in local plan shows there are currently 100 people on that list and that while 14 new entries are added each year it is granting permission for 15 plots per annum. As such, the HBF

does not consider that the Council has appropriate evidence to support the requirement for developers on sites of 200 dwellings or more to provide 5% of all new homes as service plots for custom or self-build housing, as the demand is simply not at a level that justifies the policy requirement.

32. As an alternative, the HBF considers that the Council should have a positively worded policy for self and custom build homes that is able to facilitate their development. Indeed, a policy which only contains the final paragraph of Policy 42 would be more effective and positively prepared, so that the policy simply reads:

> *"Applications for custom, self-build and community-led housing will be favourably considered where this is consistent with other policies, proposals and wider objectives of the Local Plan. Applications must be accompanied by a site wide infrastructure strategy and fragmented approaches to infrastructure delivery will not be supported."*

Policy 60: Community New Development Officers

This policy is unsound as it is unjustified and inconsistent with national policy

33. It is not clear how this policy meets the tests set out in the CIL Regulations or paragraph 58 of the NPPF and in particular whether it is necessary to make development acceptable in planning terms. Community development work to help residents in new communities to integrate into the wider community is not the responsibility of developers to pay for. Any liaison between the developer and the local authority and the community is for the Council to pay for from its own funds. This policy must be deleted.

Conclusion

34. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in the NPPF. I can therefore confirm that the HBF would like to participate in any hearing sessions held at the examination in public on the matters raised in our representations and that we would like ot be kept informed of the submission and examination of the local plan.

Yours sincerely,

[redacted]

Mark Behrendt
Regional Planning Manager – SE and E
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