

Part B – Please use a separate sheet for each representation

Name or Organisation:

Home Builders Federation (HBF)

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

| | | | | |
|---|-----|-------------------------------------|----|-------------------------------------|
| 4.(1) Legally compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 4.(2) Sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| 4 (3) Complies with the Duty to co-operate | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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

Delivery Policy ES16 - Public art contributions

Delivery Policy ES16 requires proportionate contributions towards the provision of publicly accessible art and design works from development proposals comprising major residential schemes. Smaller schemes will be encouraged to include public art as a means of enhancing the development's quality and appearance. The level of contribution will be negotiated on an individual basis dependent upon the nature of the development proposal and the impact of this requirement on the economic viability of the development proposal.

It is assumed that the Council proposes to require public art contributions by legal agreement and / or planning condition. As set out in the 2019 NPPF, an

otherwise unacceptable development can be made acceptable by using planning conditions or obligations. The Council should provide evidence to justify the reasons that residential development without contributions to public art is unacceptable. Planning conditions should only be imposed where they are necessary and relevant (para 55) whilst planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition (para 54). The 2019 NPPF also sets out three tests to be met when a planning obligation is sought (para 56). This policy requirement does not pass all three tests.

In the Council's final viability assessment costs for public art contributions are assumed to be included in the £5,000 S106 contribution allowance (para 8.102). However, no evidence has been provided to justify this assumption. It is unclear if historically S106 Agreements have included a financial contribution to public art (also see HBF representations under Deliverability & Viability).

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Delivery Policy ES16 is unsound, which should be deleted.

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

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

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

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

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

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

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

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. The HBF wish to attend the Stroud LPR Examination Hearing Sessions to discuss the above representations in greater detail.

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

9. Signature:

[Redacted Signature]

Date:

21/7/21