

## Home Builders Federation

### Matter 14

#### TUNBRIDGE WELLS LOCAL PLAN EXAMINATION

#### **Matter 14 – Sustainable Design and Heritage and Conservation (Policies STR2, STR4, STR7, EN1, EN2, EN3, EN4, EN5 and EN7)**

#### ***Issue 2 – Climate Change Mitigation and Adaption***

#### Q1. Is Policy EN2 justified, effective and consistent with national planning policy?

No. Firstly, the policy is inconsistent with paragraph 133 of the NPPF which whilst encouraging the use of tools and process for improving design does not suggest that these should be used to create local standards for sustainable design. These should be used as tools that help the developer and Council examine opportunities to improve a design and not a rigid standard to be followed in a similar manner to building regulations. In order to be consistent with national policy the reference to the use of the BRE standard should be removed and replaced with wording that encourages the use of appropriate tools and process for assessing and improving design and that the Council will have regard to the outcome of these processes.

#### Q2. Is it clear to decision-makers, developers and local communities what standards are required as part of residential development proposals?

No comment

#### Q3. The PPG refers to the Written Ministerial Statement on Plan Making dated 25 March 2015. It clarified the use of policies on energy performance standards for new housing developments. The Statement sets out the Government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes (this is approximately 20% above current Building Regulations across the build mix). Is Policy EN3 consistent with this approach?

With regard to the requirements for Building Standards we would recommend that the Council delete the requirement in this policy and defer to the standard that will be set a requirement of Building Regulations from the 15<sup>th</sup> of June 2022. Such an approach would avoid any conflict between the local policy and the national standard and avoid any unnecessary confusion.



Q4. Is Policy EN3 justified, effective and consistent with national planning policy?

No. As set in above the Council's approach is inconsistent with the application of these standards through Building Regulations. The mandatory requirement in the latest Building Regulations with regard to energy efficiency has now surpassed the optional standard set out in the 2015 written ministerial statement and as such render that statement out of date.

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## Home Builders Federation

### Matter 15

#### TUNBRIDGE WELLS LOCAL PLAN EXAMINATION

#### **Matter 15 – The Natural Environment (Policies EN9, EN10, EN12, EN13, EN14, EN20, EN22, EN23, EN24, EN25, EN26, EN27 and EN28)**

##### ***Issue 1 – Biodiversity Net Gain***

Q1. What is the justification for seeking to achieve a minimum 10% net gain in biodiversity? What will be required of applicants?

It is now acknowledged that the requirement set out in Environment Act for all development to achieve a 10% net gain in biodiversity is a minimum standard. However, it is not appropriate for the Council to seek to require a higher level of net gain through supplementary guidance as is suggested in part b of this policy. As we set out in our representations this is not consistent with the status of SPDs which cannot set policy. As such this statement should be deleted from EN9.

It should also be noted that the introduction of the 10% net gain requirement will not come into force until December 2023, two years after the Act achieved Royal Assent. This is to ensure that the necessary regulation, system for purchasing credits and the assessment matrix is in place. Until then the detail as to how the 10% net gain will be implemented will not be in place. As such the Council should clearly state that the 10% requirement for net gain will not be a requirement until December 2023.

Q2. Is the requirement to achieve a 10% net gain achievable across the proposed site allocations?

No comment

Q3. Is it sufficiently clear to users of the Plan how and when off-site improvements will be permitted?

The use of statutory credits is not mentioned and will need to be recognised in the policy as being an appropriate form of compensation should it not be possible to mitigate on site or through offsite mitigation within Tunbridge Wells. We would also suggest that this is further reason that the policy should therefore state that the 10% BNG will be required following the end of the transition period as set out in the Environment Act which will ensure that there is no conflict with the enabling regulations when these are introduced and all necessary tools for measuring and delivering BNG are finalised.

Q4. Policy EN9(1)(c) requires information to be provided in accordance with separate supplementary planning guidance. Is this requirement justified?

The policy should not state that an application is required to provide the information set out in any SPD but that they will need to have regard to its content. Similarly in relation to part 1(b) the Council cannot state that they may set out a greater level of net gain in SPD. This is clearly policy, and any changes should not be made to requirements through supplementary guidance.

Q5. What is the justification for requiring a payment to the Council to cover the cost of independent reviews of Biodiversity Gain Plans?

The Council should not be seeking additional payments from developers to review Biodiversity Gain Plans. If these are a requirement of policy it is for the Council to monitor their implementation and if it requires additional support to review and monitor those plans to pay for that itself.