

SENT BY EMAIL
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29/09/2023

Dear Planning Policy Team,

BLACKBURN WITH DARWEN LOCAL PLAN 2021-2037: MAIN MODIFICATIONS

1. Thank you for consulting with the Home Builders Federation (HBF) on the Blackburn with Darwen Local Plan Main Modifications consultation.
2. 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.
3. The HBF is keen to work with the Council in order to achieve an adopted local plan which enables the delivery of homes across Blackburn with Darwen.

MM07 – CP3: Health and Wellbeing

4. The Council propose to amend Policy CP3 to encourage the use of accreditation schemes including BREEAM, Home Quality Mark and CEEQUAL. It goes on to state that whilst encouraged, the use of these schemes is optional, with the exception of BREEAM requirements set through Policy DM12.
5. Whilst the HBF continues to consider that reference to these accreditation schemes is unnecessary, the HBF considers that the text to highlight their optional nature is appropriate if the references are to be maintained.

MM08 – CP4: Housing Development

6. The Council propose to delete 'at least' in relation to the 20% affordable housing requirement. The HBF considers that this is an appropriate modification.
7. The Council propose to amend the reference to the Developer Contributions and Affordable Housing SPD to state that developers should 'have regard to', rather than 'be in accordance with'. The HBF considers that this is an appropriate modification.
8. The Council have also added additional text in relation to Affordable Housing to state that the Council will take in to account issues affecting delivery including economic viability and up to date evidence on market conditions. The HBF considers that this is an appropriate modification.



MM011 – CP5: Climate Change

9. The Council have amended this policy to state that *‘the extent to which the design of a development has considered i) reducing carbon emissions and mitigating climate change and ii) improving resilience and adaptation to climate change will be considered in the assessment of each planning application. Developments that can demonstrate they have considered climate mitigation and adaptation in the design of their proposed scheme will be afforded positive weight in the determination of the planning application’*. The HBF considers that this modification is an improvement on the previous text, and as such is an appropriate amendment.

10. The Council’s amended policy continues to state that *‘Applicants for specific new residential and commercial developments will be required to complete the Council’s online Climate Impacts Framework (CIF) assessment tool to demonstrate the extent to which the design of the development has considered climate change mitigation, resilience and adaptation’*. The HBF continues to have concerns in relation to the soundness of this requirement, in terms of its justification, effectiveness and consistency with national policy. The HBF is concerned that this Climate Impact Framework has not been tested to the same level as policy, and has potential to have significant impacts on the viability and deliverability of development. The HBF also has concerns about how this Framework will be used in the decision-making process and the weight that will be attributed to it. The HBF continues to recommend that this element of the policy is deleted. If the policy is to be maintained the HBF recommends that it is clear that this tool is not part of the development plan, that whilst its completion may be part of the validation requirements the responses given do not prevent an application being validated and that it is only a material consideration in the decision-making process.

MM012 – CP6: Natural Environment

11. The Council propose to amend the text in relation to BNG this now refers to the latest recognised metric and the mitigation hierarchy in the NPPF. The HBF continues to consider that much of this wording is unnecessary duplication and should be deleted to avoid any confusion or issues where wording is not quite the same as that set nationally.

12. Part 6 of the policy is to be amended to ‘strongly encourage’ rather than ‘seek’ major developments to achieve the Building with Nature Design Award, and to state that the Council will give positive weight to those developments achieving the Building with Nature Award. The HBF continues to consider that it is not necessary or appropriate for the Council to seek this award for developments. However, the HBF considers that the move to encouragement is an improvement on the previous wording.

MM027 – Policy DM3: Housing Mix, standards and density

13. The Council propose to amend this policy to state that for residential developments of 10 or more, at least 20% of homes should be deemed appropriate to accommodate the needs of older and vulnerable people unless specific sites conditions make this impractical or unviable. It goes on to suggest that this could be through the provision of M4(2) homes or bungalows. This replaces the requirement for 20% of homes to be built to M4(2). The HBF considers that this is an appropriate amendment and adds flexibility to the policy.

14. Part 2 of the policy continues to state that residential schemes of 10 dwellings or more seek 5% M4(3) homes, this has now been clarified to wheelchair adaptable homes, and further text has been added to refer to site specific factors or other circumstances that would make the site unsuitable or unviable. The HBF considers that these modifications are appropriate.
15. The Council have not proposed to amend the requirement for 110 litre per person per day, the HBF continues to consider that this policy is not sound and should be deleted.

MM030 – Policy DM5: Affordable Housing and Rural Exception Sites

16. The Council propose to move the affordable housing element of this policy to ensure clarity and effectiveness of the Plan to Policy CP4. The HBF considers that this is an appropriate modification.

MM038 – Policy DM12: Clean and Green Energy

17. The Council propose to add a new paragraph to this policy stating that *‘all new residential dwellings and commercial development must consider the energy hierarchy through its design. Applications should set out, through an Energy Statement (or the Council’s Climate Impact Framework), how the proposal has considered i) reducing energy demand (be lean), ii) supplying energy efficiently (be clean), and iii) the use of low carbon or renewable energy (be green)’*.
18. The Council continues to state that it will encourage enhanced emissions reduction from new development through energy efficiency measures above the Building Regulations requirements, connection to a heat network and incorporation of renewable and low carbon energy infrastructure.
19. The HBF continues to consider that this policy is not sound and that the new paragraph has not made this policy sound. The HBF considers that the new paragraph is unsound and unnecessary, and should be deleted. However, the HBF considers that if the policy is to be retained the first paragraph should be clear that any requirement for an Energy Statement will be proportionate to the development proposed, and that it should not be an overly onerous requirement. As has been set out previously the HBF also considers that the Council need to be clear about the role of the Climate Impact Framework and its weight in decision-making and should not be seeking to give it the weight of the development plan.
20. The HBF continues to consider that the reference to the Council encouraging energy efficiency measure above the requirements of current building regulations is not sound. The 2021 Building Regulations interim uplift will already deliver homes that are expected to produce 31% less CO2 emissions compared to current standards. The implementation of the Future Homes Standard 2025 will ensure that new homes will produce at least 75% lower CO2 emissions than one built to previous energy efficiency requirements. By delivering carbon reductions through the fabric and building services in a home rather than relying on wider carbon offsetting, the Future Homes Standard will ensure new homes have a smaller carbon footprint than any previous Government

policy. In addition, this footprint will continue to reduce over time as the electricity grid decarbonises.

21. The HBF considers that the Council should comply with the Government's intention of setting standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Council should not need to set local energy efficiency standards because of the higher levels of energy efficiency standards for new homes proposed in the 2021 Part L uplift and the Future Homes Standard 2025.
22. The HBF considers that this policy should be deleted and left for building regulations, avoiding the same set of requirements being considered twice, and potentially reaching differing conclusions.

MM045 – Policy DM17

23. The Council propose to amend this policy so that it now states that if the removal of one or more trees is permitted it must be replaced at a ratio of at least 3:1 (unless viability evidence is provided). The HBF continues to consider that this requirement is not sound and has not been justified. However, the HBF considers that if it is to be retained the reference to viability is an improvement.

MM063 – Policy DM29: Transport and Accessibility

24. This policy requires appropriate provision should be made for parking and charging for plug-in and other ultra-low emissions vehicles in accordance with the Council's latest standards. The justification text highlights that the Council is commencing a review, it states the review will consider a suitable approach to electric vehicle charging in new developments and whether requirements over and above building regulations are justified.
25. The HBF is concerned around the uncertainty of this policy in relation to the requirements for charging points. The HBF considers that now that the Building Regulations are in place in relation to charging points the Council does not need to introduce their own alternative requirements which are over and above these which may create confusion and unnecessary duplication of requirements.
26. The HBF is also concerned that in relation to the need for parking to *be 'in accordance with'* the latest standards if these are not within the Plan, and therefore have not been examined as part of the Plan and therefore should not have the weight of a development plan. The HBF strongly recommends that the Council reconsiders this wording, and replaces 'in accordance with' with the more appropriate 'giving consideration to'.

Future Engagement

27. I trust that the Council will find these comments useful as it continues to progress its Local Plan to adoption. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

28. The HBF would like to be kept informed of the adoption of the Plan, the production of the Inspectors Report and all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



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