



Sent by EMAIL ONLY to lp@mansfield.gov.uk

9/10/2023

Dear Sir/ Madam

Response by the Home Builders Federation to the Mansfield Issues and Opportunities Consultation, Sept 2023.

1. Please find below the Home Builders Federation (HBF) response to the Mansfield Issues and Opportunities Consultation, Sept 2023. HBF welcomes the Council's commitment to progress with plan-making. An up to date adopted Local Plan and clear and consistent policies are essential for the effective functioning of a plan-led system.
2. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.
3. The HBF has not responded to all of the questions, only to those relevant to its members interests.

Question 1: Are there any other plans or strategies that should inform the Local Plan Review? If yes, please state what these are.

4. HBF would encourage the Council to pay particular attention to the current housing crisis and the need to provide open market and affordable housing within Mansfield District, proactively through the Local Plan.
5. The Government's standard methodology identifies the minimum annual LHN, which is only a minimum starting point. This is not a housing requirement figure. The Government's objective of significantly boosting the supply of homes set out in the NPPF remains (para 60).
6. The HBF would request that the Council recognises the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

Question 2: What start and end dates do you think are the most appropriate for the new local plan?

7. HBF notes that NPPF (para 22) requires “strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger-scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery”.
8. HBF therefore suggests the Council should recognise the time it takes to prepare a plan and ensure it will cover 15 years from adoption. This would suggest an end date of at least 2042 or even 2043 or 2044. However, if the Council is looking to rely on larger allocations that take time to bring forward and result in delivery at the end of the plan period this could be extended further. The HBF are aware of plans looking forward to 2050 and beyond when setting a longer-term vision for their area. The evidence base will need to reflect whatever timeframe is chosen.

Question 3: Do you agree with the growth and spatial strategy issues identified? Are there any other growth and spatial strategy issues that should be considered?

9. HBF support Option C. Paragraph 61 of the NPPF requires that in order to “determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.” Therefore, the Government requires Local Planning Authorities to use the standard method to calculate our housing need in all but exceptional circumstances.
10. HBF support more housing than the standard method housing requirement in the Mansfield Local Plan in order to support economic growth, provide a range and type of sites and to support small and medium house builders. There is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth. The Council needs to fully consider each of these factors both on their own, and in combination, to see if additional housing is required.
11. HBF therefore supports the use of the standard method as the starting point for considering the appropriate housing requirement for Mansfield. The Council should then consider if additional housing is needed for any of the reasons highlighted above. The current Local Plan requirement of 325 can be used to sense check the final housing requirement figure. In light of the housing crisis, HBF would expect the new Local Plan to be planning for more housing than the current Plan, not less.

12. HBF suggest that any housing planned to help meet the unmet needs of neighbouring authorities should be specifically identified and monitored. It is important that the Council first meets its own needs and aspirations through its housing requirement. As such any additional housing for unmet needs elsewhere must therefore be addition to this.
13. HBF strongly support the Council's recognition that it needs to proactively plan to meet the demand for new households. It will be important for the plan to consider economic and future housing growth, the need for infrastructure and changes to retail and leisure. This may present regeneration opportunities, including for housing, on brownfield sites. Housing is an important element of delivering sustainable development and has an important role to contribute to the local economy both during the construction phases and through the provision of good quality homes for residents once they are completed.
14. HBF note that introduction of mandatory Biodiversity Net Gain (BNG) offers an opportunity for new development to make contributions to nature recovery. The Council should fully consider how BNG will be delivered in its area and how the Local Plan links into the Local Nature Recovery Strategy. This may have both planning policy and spatial implications.

Question 4: Which of the above housing growth option(s) do you think should be pursued? Are there any other options that should be considered?

15. As set out in the NPPF (para 61) the determination of the minimum number of homes needed should be informed by a LHN assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach.
16. HBF would encourage the Council to plan for as much housing as possible, HBF notes that NPPF requires Council's to begin with the assessment of housing need using the standard method. The resulting level is however only a minimum. HBF would support the Council's ambition to plan for more houses to meet economic growth aspirations, ensure sufficient delivery of affordable housing in a viable way and to ensure a range of sites are available to provide choice in the market.
17. HBF strongly welcomes Mansfield's recognition of the potential it could play in meeting unmet need of neighbouring authorities. Ongoing engagement with neighbouring authorities will be important to ensure any unmet need is quantified. It is important that the amount of housing identified by the neighbouring authorities is realistic and deliverable to ensure the resulting unmet need is accurate.
18. HBF reiterates that there may be many reasons why a Council would choose to proactively plan for their area to include a higher housing requirement, these reasons include the need to provide a range and choice of sites, including sites for small and medium housebuilders, allocating sites for retirement housing and specialist housing, ensuring the plan offers flexibility and consideration of viability issues. Higher levels

of open-market housing may also be required in order to secure the delivery of affordable housing and/or support economic growth.

Question 5: Which of the above employment growth option(s) do you think should be pursued? Are there any other options that should be considered?

19. The HBF would suggest that the Council should consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and as such a high/higher growth scenario(s) to support economic growth should be tested in the SA.
20. It may be that a higher housing figure is needed for economic reasons and a higher housing number is also needed for housing delivery reasons. Both options could be tested in the SA separately and in combination.
21. Whichever approach is chosen up to date evidence and close working with neighbouring authorities is required for good plan-making.

Question 6. Which of the above spatial development option(s) do you think should be pursued? Are there any other options that should be considered?

22. HBF does not comment on individual sites, other than to say the Plan should set out a logical settlement hierarchy which meets all the housing needs and addresses all areas of the housing market, with a range of sites proposed for allocation.
23. However, HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, which will also have a spatial dimension. It is important that open market and affordable housing needs are met across the district. This will require a range of site sizes, types and locations.
24. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.
25. It will be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided.
26. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met

in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

27. It should also be noted that there will be implications for the housing trajectory if the new Plan seeks to rely on one (or more) new urban extension for a significant amount of the housing delivery. Such an approach would mean delivery from this source will occur later on in the Plan period. This increases the importance of the need for a range of other sites to be provided to ensure a 5 Year Land supply and early delivery of much needed housing. It will be important for policies and allocation in the Plan to provide for a range of housing sites.

Question 7: Which of the above strategic greenfield designation option(s) do you think should be pursued? Are there any other options that should be considered?

28. HBF agree that the extent of the countryside designation will need to be reviewed to accommodate growth as required. The review of countryside protection policies should be undertaken in tandem with the development strategy. House builders are looking for the plan to provide certainty on where development will be permitted. HBF are keen to see the Plan provide for a range of type and sizes of housing allocations on deliverable and developable sites across the District.
29. HBF also note that the introduction of mandatory BNG and the production of Local Nature Recovery Strategies are matters that this new Plan will need to consider. The spatial implications of which may impact on countryside policies and designations. It is important for BNG to be deliverable and for the Plan to recognise that off-site BNG can offer opportunities to deliver wider joined up benefits for nature.

Question 8: Are there any other issues related to scale and location of growth that have been missed?

30. Paragraph 69 of the NPPF states that LPAs should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. Allocation of small sites can increase certainty for developers and help increase the health of the SME sector. The Council should allocate sustainably located small sites to help provide certainty for SMEs.
31. The 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 without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or 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.
32. If the Councils are to ensure there is a wide variety of SME house builders operating in their administrative areas, and the benefits it brings to the speed of delivery and

variety of homes, they must ensure that there is a variety of sites. This is why the Government, through the NPPF, now requires local authorities to allocate sites of varying sizes and why the HBF advocates for the allocation of more small sites in local plans.

33. It also will be important for the Plan's policies and evidence base to set out how the plan will deliver 10% of homes on sites of less than one hectare, as required by paragraph 69 of the NPPF. The HBF would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. 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%.
34. HBF note that the current local plan makes a small allowance for windfall of 38 dwellings per annum. We agree that this needs to be monitored and kept under review as the plan progresses. HBF support an approach of windfalls being treated as additional windfall housing, and as such being viewed as additional housing to that planned for through the Plan via the housing requirement. This approach reflects the fact that housing numbers are always only a minimum.
35. Similarly owing to the uncertainties of delivering brownfield and regeneration sites, especially on mixed use sites HBF would such opportunities being viewed as additional housing. HBF are pleased that the consultation recognises the need for greenfield development to meet housing needs.

Question 9 - Do you agree with the housing issues identified? Are there any other housing issues that should be considered?

36. HBF note that the Housing Needs of Particular Groups Study dates from 2018 and needed updating. This updated information should then be used to inform the housing policies on type, size and tenure, housing for older people and specialist accommodation. HBF suggests that consideration should also be given to the existing house mix in the locality, site location and characteristics, local needs and market evidence.

Older Person's Housing

37. The HBF is supportive of measures to increase the supply of specialist older people's housing and supports the view of the Retirement Housing Group (RHG) that the planning system can do more to reflect the aging population, including allocating sites for this use. A recent RHG report may provide a useful point of reference for the Council <https://retirementhousinggroup.com/how-better-use-of-the-planning-system-can-increase-provision-of-specialist-housing-for-older-people/>
38. The consultation notes that bungalows could have role to play in providing housing to meet older people's needs and preferences. However, bungalows can impact on

viability so robust testing of any policies will be needed to ensure housing schemes remain viable and deliverable.

Self and custom-build

39. The HBF considers that a policy which encourages self and custom-build development and sets out where it will be supported in principle would be appropriate. The HBF considers that the Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.
40. The HBF does not consider that requiring major developments to provide for self-builders is appropriate. This is because it is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. HFB therefore do not support policies requiring a percentage of houses on allocated sites be provided as plots for self and custom build.

Affordable Housing and First Homes

41. The Plan's Affordable Housing policies will need to reflect the current definition of affordable housing. So, the Council will also need to set out its policy for First Homes in the Local Plan (see also HBF response to Question 10 and 11)

Question 10: Which of the above affordable housing option(s) do you think should be pursued? Are there any other affordable housing options that should be considered?

42. The affordable housing policy will need to provide certainty for developers on what affordable housing will be sought, whilst still allowing flexibility to respond to any site-specific issues. It will be important for the levels of affordable housing sought are robustly tested through the viability assessment.
43. The answer to how much affordable housing can be sought in Mansfield must be informed by a whole plan viability assessment. This should enable modelling of different planning policy requirements, including varying affordable housing levels, in different development scenarios. The policy should be informed by this evidence, and not the other way round.
44. It is important to note that off-site affordable housing contributions can play a particularly important role for SME developers, for example where on-site provision may not attract a Housing Association partner. The Local Plan should therefore include a policy that sets out how and when commuted sums for affordable housing will be accepted.

45. As affordable housing policy wording usually refers to the amount of affordable housing required being a percentage of all the housing units on a site, one way to increase the delivery of affordable housing would be to increase the amount of housing, and the number of housing sites. The Council may also need to consider how much open market is needed to secure delivery of affordable housing in a way that remains viable. This may mean increasing the open market housing numbers overall.

Question 11: Which of the above First Homes option(s) do you think should be pursued? Are there any other options that should be considered?

46. HBF would support the application of the national First Homes criteria policies within Mansfield.

Question 12: Which of the above housing mix option(s) do you think should be pursued? Are there any other options that should be considered?

47. Any policy on housing type and mix must be informed by up-to-date evidence and should include flexibility that would allow for negotiations to consider viability and other site-specific considerations on a case-by-case basis if required to ensure delivery and/or viability of a particular scheme.
48. HBF Comments in relation to plots for self and custom build plots can be found in response to Question 9.

Question 13: Which of the above option(s) do you think should be pursued? Are there any other options that should be considered?

49. HBF would support the continuation of a criteria-based policy for specialist housing in the Local Plan. HBF agree that if any new policy requirements were introduced then this would need to be subject to viability testing through the whole plan viability appraisal. Flexibility would also be needed within the policy wording to for any site-specific issues to be addressed.

Building Regulations M(4)2 and M(4) 3a) and M(4)3b)

50. HBF do not believe the Plan needs to include reference to Building Regulations, as this issue is already addressed by that regime.

51. In relation to accessibility standards, Planning Practice Guidance states:

“What accessibility standards can local planning authorities require from new development?”

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building

Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”

Paragraph: 008 Reference ID: 56-008-20160519

Revision date: 19 05 2016

52. HBF would also question whether any reference to M4(2) of the Building Regulations is in fact needed because the requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations.
53. The Council should also be aware of the challenges of delivering wheelchair adaptable and/or accessible housing. Delivery of the M4(3)b standard is considerably more expensive than the M4(3)a and M 4(3)b can only be required where the Council has nomination rights.

Optional Nationally Described Space Standards (NDSS)

54. If the Council wanted to apply optional Nationally Described Space Standards, they should only be done in accordance with the NPPF (paragraph 130f & Footnote 49) which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”. As set out in the NPPF, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned.
55. PPG (Ref ID: 56-020-20150327) identifies the type of evidence required to introduce a policy on NDSS. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:
 - Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.

- Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.

56. There will therefore need to be robust justifiable evidence to introduce the NDSS, based on the criteria set out above. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

57. HBF would also remind the Councils that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and affect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

58. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

Sites for older people’s housing

59. HBF would support the allocation of sites for specialist housing within the Plan. The Plan should provide certainty and the allocation of sites helps to de-risk the provision of such schemes. It should be noted that the viability of older persons housing schemes is impacted by the need to provide communal space, and as such HBF advocates for the specific consideration of this type of scheme within the whole plan viability assessment. HBF suggest the Council liaise directly with developers and providers of older person housing schemes, especially in light of the diverse range of products now available, to fully understand all the issues involved in delivering this type of housing.

Question 14: Which of the above option(s) do you think should be pursued? Are there any other options that should be considered?

60. HBF considers that a policy which encourages self and custom-build development and sets out where it will be supported in principle would be appropriate. We do not

support the requirement for a percentage of housing on allocated site to be provided as self-built plots.

61. HBF considers that the Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners. For the reasons explained in our response to Question 9, HBF does not consider that requiring major developments to provide for self-builders is appropriate.

Question 15: Which of the above option(s) for Gypsy, Traveller and travelling show people accommodation do you think should be pursued? Are there any other options that should be considered?

62. HBF have no comments on this question.

Question 16: Do you agree with the employment, retail and leisure issues identified? Are there any other issues that should be considered?

63. HBF have no comments on this question.

Question 17: Which of the above option(s) regarding improving skills and economic inclusion do you think should be pursued? Are there any other options that should be considered?

64. HBF have no comments on this question.

Question 18: Which of the above employment land option(s) do you think should be pursued? Are there any other options that should be considered?

65. HBF would encourage the Council to take a positive and proactive to economic growth. HBF encourage the Council to consider if the longer- term growth aspirations necessitate the need for higher housing numbers.

Question 19: Which of the above retail and leisure land option(s) do you think should be pursued? Are there any other options that should be considered?

66. HBF have no comments on this question.

Question 20: Do you agree with the health and wellbeing issues identified? Are there any other issues that should be considered?

67. HBF recognises the role that health and wellbeing consideration should play in plan-making. Any policies need to be proportionate. HBF would encourage the council to undertake a Health Impact Assessment on the Plan. It may well be that health and wellbeing issues can be considered strategically at the plan-making level meaning they do not then need to be revisited at the planning application stage.

Question 21: Which of the above option(s) regarding open spaces and playing pitches do you think should be pursued? Are there any other options that should be considered?

68. Section 106 contributions can only be sought to ensure a development mitigates its own impact. They cannot be required to address existing shortfalls. It will therefore be essential for the Council to have robust and up-to-date evidence around play space provision, open space provision and playing pitches. Any policy will need to ensure an assessment of provision at the time of an application is undertaken to ensure any requests for s106 contributions remain evidenced and justified.

Question 22: Which of the above option(s) relating to healthy communities do you think should be pursued? Are there any other options that should be considered?

69. HBF note that health issues are covered by a wide variety of policies within the current plan. As such HFB view health as a cross cutting issue best addressed throughout the plan, rather than needing a new policy, or chapter, in its own right. Any further policy requirements would need to be fully evidenced and justified. It is very important that the plan is clear what elements / criteria apply to certain developments.

Question 23: Do you agree with the transport issues identified? Are there any other issues that should be considered?

70. HBF agree there is no need for a policy on EV charging points as this matter has already been addressed through Building Regulations.

71. Question 24: Which of the above transport option(s) do you think should be pursued? Are there any other options that should be considered?

Section 106 contributions can only be sought to ensure a development mitigates its own impact. They cannot be required to address existing shortfalls. It will therefore be essential for the Council to have robust and up-to-date transport evidence and for any policy to include the need for an assessment of provision at the time of an application is undertaken to ensure any requests for s106 contributions remain evidenced and justified.

72. Question 25: Which of the above BNG option(s) do you think should be pursued? Are there any other options that should be considered?

73. HBF is supportive of the need to address the nature crisis and cognisant of the important role that house builders can play. This however must be proportionate, reasonable and not serve as a block on housing delivery, for this reasons HBF support the 10% mandatory Biodiversity Net Gain. HBF is concerned that policies which seek to go further and faster than National Guidance will result in different LPAs taking different approaches to delivery and policy that could add unnecessary

complexity to the policy landscape and serve to undermine the emerging BNG local markets.

74. Guidance is still emerging as preparation for the introduction of Biodiversity Net Gain which has now been put back from Nov 2023 to Jan 2024. Work to prepare for this continues. See for example this June 2023 Government Blog that details the work so far, and what additional work still to come <https://defralanduse.blog.gov.uk/2023/07/20/bng-whats-happened-and-whats-coming-next/>.
75. Additional advice and guidance is being regularly released <https://defralanduse.blog.gov.uk/2023/10/05/irreplaceable-habitats-and-bng-what-you-need-to-know/>. It will be important for the Local Plan to reflect the current national policy and guidance.
76. The PAS guidance <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs> has some very helpful information for Local Planning Authorities around the implementation of BNG. The Local Plan policy should set out the implications of the Environment Act amendments to the Town & Country Planning Act (TCPA) to secure BNG. It would be helpful for the policy to be clear that BNG should be calculated using the Biodiversity Metric, and that local planning authorities will need approve a biodiversity gain plan.
77. The Local Plan BNG policy should explain what information the Council requires to demonstrate how the habitat will be secured for at least 30 years via planning obligations or conservation covenants, and recognise that BNG can be delivered on-site, through off-site units or via the new statutory biodiversity credits scheme. A national register for net gain delivery sites is being established, initially for all off-site BNG.
78. The policy should also recognise that whilst on-site provision should be explored first there may be many reasons why on-site BNG is not deliverable and/or not the preferred approach. Factors that may need to be considered could include for example, deliverability- such as whether the site is suitable for the type of BNG to be provided; and, the priorities of the Local Nature Recovery Strategy, such as the opportunity to coordinate contributions from a range of sites to provide for large landscape scale BNG schemes.
79. BNG can be delivered via either a Section 106 agreement or through a Conservation Covenant. Although best practice on conservation covenants is still emerging recent guidance on how to apply to be a Responsible Body, sets out who can become a Responsible Body, an option not limited to just Local Authorities (see <https://www.gov.uk/government/publications/conservation-covenants-apply-to-become-a-responsible-body>). Therefore, a developer may deliver their BNG requirements through BNG off-site unit payments to a Responsible Body who is not the LPA. It would be helpful for the plan to set out whether Mansfield Council intends to become a responsible body or not, as the decision may impact on how BNG can be delivered.

Delivering 10% BNG

80. It is accepted that the requirement for 10% mandatory biodiversity net gain is supported by national policy and legislation. It will be important for the Local Plan and its supporting evidence to demonstrate that BNG can be addressed and delivered in practice. Policies should set out how the Council will approach BNG and what developers need to do. The Plan should set out what information is required when, including what monitoring will be required. The Council should also highlight what help and advice is available at the pre-app and planning application stages, and during the delivery and monitoring of the project(s).
81. BNG in planning policy clearly links into wider work around the Nature Recovery Network and the Local Nature Recovery Strategy (LNRS). It would be helpful for the Local Plan to include a link to the relevant LNRS and the timetable for its preparation, where one has yet to be produced.
82. It is reasonable for BNG policy to seek to require biodiversity net gain to be delivered on site where this is possible. However, this will not always be possible and where on-site delivery is not feasible policy can seek to encourage BNG to be provided as close to the development site as possible. However, there must be a pragmatic approach to how this is implemented and applied in practice.
83. Any policy which seeks to restrict all BNG to be secured on land within the Borough boundary would be unsound. Such an approach does not reflect how the BNG is expected to work in practice. Whilst the mitigation hierarchy should seek to minimise biodiversity loss in the first place, where net gain is required, the system allows for on-site biodiversity, off-site biodiversity, which must be registered, and as a last resort the purchase of statutory credits.
84. Any BNG policy in the Local Plan must be deliverable and not serve as a stop on new development. The intention of BNG is that development enables improvements to biodiversity, enabling nature recovery and delivery of the wider benefits of increased nature, for example health and wellbeing, climate change mitigation, carbon sequestration etc.
85. The national BNG 4.0 Metric considers not only the type of the biodiversity asset, but also its condition and rarity. The metric requires any lost biodiversity to be replaced with either a like-for-like asset(s) or one of a better quality. It is not possible to 'trade down'. The metric also incentivises the implementation of BNG closest to the site, through the multipliers applied to off-site provision and the deliberately high cost of statutory credits.
86. The BNG Metric process allows for, and reflects different levels of Biodiversity creation on-site, locally offsite (with guidance expected to define local as being within the Local Planning Authority Area), the next tier is an adjacent LPA area, and the final tier is anywhere in England. Any BNG Policy must reflect this.

87. If a developer is able to show that BNG on-site delivery is not desirable and/or deliverable, and that there is no off-site provision available, the system allows for statutory BNG credits to be purchased. These credits may be delivering BNG projects anywhere in England. This is allowable under the BNG national approach, and as such a Local Plan policy cannot restricts BNG to only within the Borough is in conflict with the national approach.
88. With BNG becoming mandatory from Jan 2024, there is significant concern that the market for off-site biodiversity provision is still emerging. There are not yet bank of off-site biodiversity options available in every area. Although this is the medium to long term aspiration, the current situation means at least for now there may be a greater reliance on statutory credit to bring sites forward for development. This may impact on their viability.

BNG and Viability

89. An allowance for BNG needs to be included within the viability assessment of the Local Plan. This needs to be considered as part of the planning obligations and should be specified as a single specific item rather than rolled into a s106 allowance that is inclusive of a BNG contribution.
90. There are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery.
91. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment will need to reflect the most up to date BNG costs information available. Robust evidence would be needed to go beyond the 10% mandatory BNG requirement.
92. HBF note the consultation mentions reference to a Mansfield BNG SPD that the council has produced. This may well need updating to reflect current policy and practice as it emerges. It is important that any SPD does not set policy, and policy decisions around BNG should be made in the Local Plan.

Going beyond 10% BNG

93. The envisaged functioning of the BNG enables developers to get credit for any over-provision/additional BNG, as this should result in bankable and sellable credits, which are available to be bought and sold locally.
94. HBF is concerned that mandatory 10% BNG is already challenging in terms of delivery and viability. Any policy looking to go beyond 10% mandatory BNG would need to be robustly evidenced and the costs specifically identified and included within

viability assessment. Increasing developer contributions for BNG beyond 10% may also result in the need for decreased contribution to other policy areas.

Question 26: Which of the above GI option(s) do you think should be pursued? Are there any other options that should be considered?

95. It is important that any SPD does not set policy, and policy decisions are made in the Local Plan. The consultation references a GI SPD that is currently being prepared. This may need updating at the new Local Plan progresses. There is no need to repeat national policy in the Local Plan.

Question 27: Which of the above flooding and drainage option(s) do you think should be pursued? Are there any other options that should be considered?

96. It is important that any SPD does not set policy, and policy decisions are made in the Local Plan. The adopted SuDS SPD may need updating at the new Local Plan progresses. There is no need to repeat national policy in the Local Plan.
97. HBF also suggest the Council should consider what opportunities there may be for SuDS and BNG to work together.

Question 28: Which of the above option(s) regarding the historic environment do you think should be pursued? Are there any other options that should be considered?

98. HBF have no comments on this question.

Question 29: Which of the above climate change option(s) do you think should be pursued? Are there any other options that should be considered?

99. HBF agree that Local Plan policies on sustainable design and the efficient use of natural resources are an appropriate place to consider climate change impacts through policy wording.
100. HBF do not support the need for a policy that requires sites of a certain size to provide a percentage of their energy requirements through onsite renewable / low carbon energy generation sources. Not all sites may be sustainable for such technologies. If a blanket policy was introduced flexibility would be needed to allow for any site-specific considerations to be taken into account.
101. HBF do not support any requirements for connections to be made to decentralised energy supply systems (such as combined heat and power). Councils should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies and a such HBF does not support any policy that would require new development to connect to existing district heating or cooling networks or provide new networks.

102. HBF does not consider it is necessary to make more connections to the heat network. Heat networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery, but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost.
103. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies. All heat network domestic consumers should have ready access to information about their heat network, a good quality of service, fair and transparently priced heating and a redress option should things go wrong. Research by the Competition and Markets Authority (CMA) found that a significant proportion of suppliers and managing agents do not provide pre-transaction documents, or what is provided contains limited information, particularly on the on-going costs of heat networks and poor transparency regarding heating bills, including their calculation, limits consumers' ability to challenge their heat suppliers reinforcing a perception that prices are unjustified. The monopolistic nature of heat networks means that future price regulation is required to protect domestic consumers.
104. The CMA have concluded that "a statutory framework should be set up that underpins the regulation of all heat networks." They recommended that "the regulatory framework should be designed to ensure that all heat network customers are adequately protected. At a minimum, they should be given a comparable level of protection to gas and electricity in the regulated energy sector." The Government's latest consultation on heating networks proposes a regulatory framework that would give Ofgem oversight and enforcement powers across quality of service, provision of information and pricing arrangements for all domestic heat network consumers. The Plan should therefore not include a policy requiring connections to heating networks.
105. HBF reiterates that planning policy should be made in the Local Plan and cannot be made in SPD. Therefore, although an SPD could provide more detailed guidance for sustainable development/design, any policy requirements must be set out in the Local Plan.
106. The HBF is also supportive of the use of 'Building for a Healthy Life' as best practice guidance, but its use should remain voluntary rather than becoming a mandatory policy requirement. The Council could usefully signpost to this guidance in the supporting text.

Question 30 - Do you agree with the local services and infrastructure issues identified? Are there any other issues that should be considered?

107. The requirements for EV charging points on new houses is already a requirement of Building Regulations. It will be important for the Council and infrastructure providers to ensure that the delivery of EV charging points does not cause problems with electricity capacity.

Question 31: Which of the above option(s) regarding local services and infrastructure do you think should be pursued? Are there any other options that should be considered?

108. HBF would support the Council continuing its approach to developer contributions through Section 106 agreements. Flexibility is important to help with housing delivery and allow solutions to be found for sites with specific issues. Section 106 agreements also ensure there is a clear link between developments impacts and its mitigation. The ability to negotiate Section 106 agreements enables the Council and the developers to work together to find the solutions that are viable and deliverable and deliver against the Council's priorities. The mandatory nature of CIL removes these opportunities and takes away the direct link between the development on the ground and the contributions.

Future Engagement

109. I trust that the Council will find these comments useful. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry if that would be helpful.

110. The HBF would like to be kept informed of the progress and adoption of the Local Plan. Please use the contact details provided below for future correspondence.

Yours faithfully



Rachel Danemann MRTPI CIHCM AssocRICS

Planning Manager – Local Plans (Midlands and South West)

Home Builders Federation

Email: rachel.danemann@hbf.co.uk

Phone: 07817865534