

Sent by EMAIL ONLY to localplanningpolicy@somerset.gov.uk

26/9/2023

Dear Sir/ Madam

Response by the Home Builders Federation to the consultation

1. Please find below the Home Builders Federation (HBF) response to the Somerset Council's Creating Places for People consultation. 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.
2. Although HBF do not have any response to the questions around prioritisation of the draft Creating Places for People Criteria, we do have some comments on criteria themselves. We therefore offer the following comments in response to Questions 3 and 4 of your survey.
3. Survey Questions:

Question 1: Which of the following benefits, created by the 'Creating Places for People' principles, are the most important to you?

No comments.

Question 2. Which of the principles listed below do you think should be a priority for new developments to deliver?

No comments.

Question 3. How do you feel about our 'Creating Places for People' principle?

See below.

Question 4. Do you think that there are any other 'Creating Places for People' principles that should be included? Please fill out the box below



with any other suggestions on principles that should be included within Creating Places for People that you think are missing from Q2.

See below.

Status of the 'Principles'

4. Although reference is made within the consultation document to these “principles” informing transport planning and the new Local Plan. HBF are unclear what the intended status of the outline “principles” that are being consulted on will be. Is this intended to inform a policy in new Local Plan? Or is this the first step in preparing a design guide for the Somerset Council area? Clarity on the purpose of this consultation would assist HBF in knowing how best to respond.
5. Although HBF is supportive of the importance of good quality, we would question if additional Somerset level guidance is needed, especially if this is not to take the form of a new Local Plan policy or Design Code. Any SPD must hang from an adopted Local Plan policy, and so the Local Plan policy would need to come first.
6. Although HBF are pleased to see the Council begin discussion around the next Local Plan because having an up-to-date Local Plan is a critically important part of the plan-led system, we are unclear what value this consultation adds to that process.
7. HBF would like to see the evidence the Council is relying on when it says: ‘too often new developments in Somerset are failing to achieve’ ‘high quality development’. We would wish to understand further the reasons the Council feels that designs over-emphasise ensuring the local road network and site accesses are built or upgraded to have sufficient capacity to accommodate increased car use. It is important to understand the cause of the problem, in order to find a solution. The issue may not lie in planning policy but transport and highways requirements.

Design policies should be in the Local Plan or a Design Guide

8. HBF would question whether further Local Guidance on these matters is needed in light of the new statutory role of Active Travel England in responding to planning applications, and the intention for ATE to become involved in Local Plan making.
9. HBF suggest there is already significant amounts of guidance and advice that the Council could usefully direct applicants to including:
 - Building for a Healthy Life

HBF is supportive of the use of Building for a Healthy Life as best practice guidance to assist the Council, local communities and developers assess new housing schemes. The HBF has played a fundamental role in establishing Building for a Healthy Life, but it was never intended to become enshrined as a mandatory policy requirement in Local Plans. The use of Building for a Healthy Life should remain voluntary.

- Active Design (2015) published by Sport England in conjunction with Public Health England highlights the way design can be used to encourage greater levels of activity amongst residents and users of development. It sets out ten principles that can be applied when designing and masterplanning development proposals in order to support health lifestyles by facilitating participation in sport and physical activity, including encouraging walking and cycling for short journeys and introducing space for sport and recreation within development proposals.
- The National Design Guide outlines the 10 characteristics of well-designed places.

However, it is important that all of this advice remains as advice only and does not become mandatory policy.

Good Design can deliver against different objectives

10. Good design can deliver against many different objectives at the same time, the objectives need not be in competition with each other. If this is to survey is intended to inform the next Local Plan, HBF would question what can be gained asking people to prioritise the draft Creating Places for People Criteria.

20-minute Neighbourhoods

11. In relation to 20-minute neighbourhood HBF observe that although the principle behind the concept is a reasonable aspiration to take forward within a Local Plan, the Council must remember that this should be seen as an aspiration within appropriate locations rather than a blunt tool for development management or site allocations across Somerset.
12. For example, the application of this principal in more rural areas is inevitably more difficult as populations are generally too low to meet all the features of a 20-minute neighbourhood. However, this should not prevent development from happening in such locations and, where appropriate, support the delivery of the homes needed in those areas through the new Local Plan.

13. The Council should recognise that there may be clusters of villages that provide a range of services for that area within reasonable travelling distance of each other. These areas might be able to sustainably support a substantial level of development but may not meet the principles of the 20-minute neighbourhood and as such development in such areas is not supported in the local plan. The next Local Plan should also recognise that settlements that currently do not have the services that are consistent with the 20-minute neighbourhood could expand to include those services if new development is allocated in those areas.
14. The 20-minute neighbourhood should not be used as a basis for only locating development close to existing services rather identifying where services could be improved through new development. There is a real danger that the principle could be used negatively and become a way of preventing development in certain communities rather than promoting improved neighbourhoods.
15. The Council should also recognise that if it seeks to apply this principle there is also a need for the Council to provide a strong leadership function for local public services to ensure that these are in place and are retained. The Council and their partners need to be able to guarantee that they are able and willing to support this concept at larger strategic developments. Without this strong co-ordinating role, the Council are unlikely to achieve any 20-minute neighbourhood aspirations.

EV charging capacity

16. The provision of superfast EV charging is an issue that requires careful management to ensure the system can cope and it does not impact negatively on EV charging to individual houses. The capacity of the network and the costs involved need to be fully understood to ensure EV charging is deliverable.

Cycling Infrastructure

17. HBF note that it is suggested that there will be a requirement to provide secure cycle parking / infrastructure including well-designed storage facilities either on street or within the property street frontage, and that public cycle repair facilities should be incorporated into the scheme. HBF would question who will run and pay for public repair facilities? Will they be deliverable and viable in the mid to longer term?

Trees

18. In relation to trees in the highway and green spaces, HBF notes that this may have implications in relation to scheme design highway provision and highway maintenance. The longer-term maintenance implications need

considering especially if saplings are planted, as some may not make it to mature trees. HBF would also request that any Design advice on trees must be clear as to whether the Council are looking for these trees to be provided in public or private parts of the site. This again could have implications in relation to the management and maintenance of these trees going forward. The HBF considers that these various elements of proving trees within development, need to be considered in terms of the deliverability and viability of development. The link between a policy on trees and biodiversity net gain will also need to be clear.

Viability Considerations

19. The whole plan viability assessment will be an important part of the Local Plan making process, and the Council needs to include all relevant costs when undertaking/commissioning it. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot.
20. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the fact that the cost of living crisis has also impacted the housing market making borrowing more expensive for potential future purchasers. HBF suggest these changes are not limited only to the short term but will have mid and longer term impacts as well.

Mandatory Biodiversity Net Gain

21. Guidance is still emerging as preparation for the introduction of Biodiversity Net Gain 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/>. Although the implementation of BNG has been delayed from Nov 23 to Jan 2024, it will still be important for the Local Plan to address this issue.
22. As the PAS guidance <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs> explains the Environment Act amends the Town & Country Planning Act (TCPA) to secure BNG. This will be calculated using the Biodiversity Metric, and local planning authorities will need approve a biodiversity gain plan. Habitat will be secured for at least 30 years via planning obligations or conservation covenants, and 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 will be established, initially for all off-site BNG.

23. Any Local Plan policy will therefore needs to reflect to the latest national policy position. It is important to not that the the Environment Act is clear that BNG requirements can be met on-site, off-site or as a last resort through statutory credits (see <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>).
24. Whilst on-site provision should be explored first there may be many reasons, including for example design and practicality, why on-site BNG is not deliverable and/or not the preferred approach of the applicant and/or the Council and/or the community and/or statutory consultees.
25. Factors that may need to be considered in reaching a view that off-site BNG may be acceptable, could include for example, whether the site is suitable for the type of BNG to be provided, what the priorities of the Local Nature Recovery Strategy are and/or the opportunity to coordinate contributions from a range of sites to provide for large landscape scale BNG schemes. The metric already compensates for off-site BNG provided when this is provided further away from the site, including outside of the LPA area. Any Local Plan policy therefore cannot seek to limit BNG provision to within the Council area. To seek to do so is in direct conflict with national policy.
26. Currently, Natural England encourage developers to use their Biodiversity Metric version 4.0. to calculate biodiversity net gain. See <https://naturalengland.blog.gov.uk/2023/03/28/measuring-biodiversity-net-gain-publication-of-biodiversity-metric-4-0/>. However, once mandatory Biodiversity Net Gian comes in in Nov 2023, the legislation requires that the statutory metric should be used. HBF understand from Natural England statutory metric will not be Metric 4.0 but a slightly updated version that will include a section on how to calculate statutory credits. The requirement for mandatory BNG for small sites has been put back to March 2024 and small sites will be able to use the small site metric.
27. HBF believe that any Local Plan BNG policy should clearly explain the national requirement for 10% mandatory BNG and the need to assess this against the baseline using the relevant Metric. The policy could usefully say on-site biodiversity should be fully explored before moving to consider off-site units or statutory credits.
28. If the Council wants to explain how it would like to see BNG off-site delivery prioritised, this could be included within the supporting text, as strategic importance of a BNG asset is a factor considered in the metric. HBF suggest it would be useful for the Local Plan to set out, or reference how the Council's approach to BNG links into the wider Local Nature Recovery Strategy for Somerset.
29. The current Natural England 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. The new metric is expected to do the same.

30. National BNG policy and guidance require the BNG to be secured for 30 years. This is an important factor for developers to consider when making planning applications and has viability implications. It would be helpful for the Council to set out what information is required to show how BNG will be secured for 30 years, including any monitoring requirements, and how the Council will implement this.
31. It is also important to note that 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>).
32. It is therefore possible that a developer could deliver their BNG requirements through BNG off-site unit payments to a Responsible Body who is not the LPA. Any Local Plan policy should therefore seek to secure BNG for the period of 30 years without specifying how this will be achieved.
33. In light of the intention for Local Nature Recovery Strategies to have a role in helping to prioritise off-site BNG, these should be referred to in the Local Plan. Ideally the supporting text to the BNG policy should set out how the Council intends to manage the interaction between LNRS and the planning system, particularly through the implementation of BNG.
34. It should also be noted that there are significant additional costs associated with mandatory biodiversity net gain, which should be fully accounted for in the Council's viability assessment. It is important that BNG does not prevent, delay or reduce housing delivery.
35. The costs of mandatory BNG are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needed to rely on statutory credits would become unviable.

Nutrient Neutrality

36. HBF note the reference to opportunities to mitigate phosphate impact in the consultation. HBF is committed to working with Government and partners to find a solution to the phosphate issues. We would encourage the Council to

maintain an ongoing dialogue with developers and statutory consultees to find workable solutions.

Early Engagement

37. HBF would support the need for early engagement with and input from people with responsibility for approvals throughout the whole planning and delivery process. However, the pressures on Local Authorities and statutory consultees need to be recognised.
38. HBF strongly agree that supporting the growth of new homes need to be an important aim of the new Local Plan. As such any Design Policies and Design Codes should help provide greater certainty for developers whilst ensuring policies are not unduly onerous so as to make development unviable.

Future Engagement

39. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
40. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. 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