**Response by HBF to Matter 1 of the Matters Issues and Questions Part 1 for Bournemouth, Christchurch and Poole Local Plan, Dec 2024**

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. Our members include affordable housing providers and self/custom build developers.

EXAMINATION OF THE BOURNEMOUTH, CHRISTCHURCH AND POOLE DRAFT LOCAL PLAN AND COMMUNITY INFRASTRUCTURE LEVY (CIL)

PART 1 - MATTERS, ISSUES AND QUESTIONS

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**Matter 1 – Compliance with statutory procedures and legal matters**

***Issue 1.1 – Has the Council met the statutory duty to cooperate as set out under Sections 20(5)c and 33A of the Planning and Compulsory Purchase Act 2004?***

***Duty to Cooperate (DtC)***

**1. Are there any strategic matters as defined by S33A (4) of the Planning and Compulsory Purchase Act 2004, including any site allocations, that may have cross boundary implications?**

HBF have detailed our significant concerns about the Councils approach to their Plan and the DTC in our Reg 19 response, which is not repeated here. In our view housing is a strategic matter. We would add that this Plan has a clear role to play in helping to meet the housing crisis which must include planning to meet the housing needs of their area in full, if the Governments ambition for 1.5 million new homes within this Parliament are to be met. Any inference that Council cannot meet its housing requirement in full within its own boundary would clearly make housing a cross-boundary issue.

**2. If so, has the Council engaged constructively, actively and on an ongoing basis with all of the relevant authorities and prescribed bodies on the strategic matters’ applicable to the Plan and have they been resolved? How has this engagement shaped the Plan?**

HBF have detailed our significant concerns about this matter in our Reg 19 response, which is not repeated here. We would however highlight para 4.12, 4.13 and 4.14 of the DTC statement which indicates that the discussions on housing need were woefully inadequate and too late in the day to be meaningful. It is clear from the Councils own evidence that they were aware of a potential issue of unmet housing need earlier in the plan-making basis, as it was used to underpin their constraint-based approach. This should have been notified to their nieghbouring authorities to see if they were able to assist in meeting it, as required by the NPPF and PPG. This should then have informed the neighbouring authorities standard method calculations.

Elsewhere in the country, such as for example in Leicester and Leicestershire, the issue unmet need, even when it has not yet been fully quantified, is raised and discussed with neighbouring authorities at the earliest opportunity under DTC. Ongoing partnership work has then continued to arrive at the unmet need figure, agree the distribution of unmet need, and then for the neighbouring authority to incorporate their share into their Plans. The neighbouring authorities included text and policy with their own Plan about how they would be seeking to deal with unmet need from Leicester, even when the level of that unmet need of Leicester was still unquantified. This illustrates that where unmet housing need is a known issue, even if yet quantified, this issue should be flagged through DTC ongoing engagement which can and should inform Reg 18 and Reg 19 Plans as they emerge.

The issue of housing capacity constraints can be explicitly identified as a known issue, even as early as the Issues and Options stage, even if the exact figure is unknown. For example, this case for the neighbouring authority plans around Bristol City. Such an approach would also be consistent with the SCI which seeks to engage with consultees about key issues at the earliest opportunity. Although HFB contest that the capacity constraints are as extreme as the BCP Council suggest, especially as Green Belt release is an option that the Council should have considered and explored, if the Council was of the view there was a unmet need, this should have informed the DTC discussion much earlier.

Instead of seeking to ensure the housing needs of BCP were met in full, the DTC statement says “a formal request to meet unmet need had not been made by BCP Council, in light of BCP Council’s decision to adopt a constraints based approach rather that rely on the locally derived housing needs figure”. BCP Council’s approach failed to follow the proper process of assessing the housing need against the standard method, establish a housing requirement and only then considering if there are any constraints to supply that met the housing need could not be met in full within the Local Plan area. IF the Council has got to this stage, they should have then undertaken work to identify and quantifying an unmet need, so this could then have been addressed elsewhere. Instead, the constraint-based approach adopted by BCP Council meant the housing they are arguing could not be accommodated within their areas simply ‘disappeared’. Such as approach is both unsound and contrary to national policy.

The Council seems to have finally recognised that there is in fact an unmet housing need, and note in para 4.14 of their DTC statement that “while the level of unmet need is debatable, as there is an unmet housing need against the housing need established by the standard method, a result of these representations BCP Council has now submitted a formal request to Dorset Council (and to New Forest District Council) to assist in meeting the unmet housing need (letter of 11 June 2024). In HBF’s view this is far too late in the process to enable proper plan-making and a full consideration of reasonable alternatives as to how the full housing needs of the BCP could met. Attempts to retrofit this realisation into the plan-making process, resulting policies and spatial strategy is entirely disingenuous. AN option that included green Belt release to fully met the housing needs of the area, should at the very least, have been considered and subjected to SA.

Instead of a clear, transparent and reasonably approach to managing the uncertainty of the level of unknown housing need within a wider geography, the Council simply ignored proper process around unmet need, even though the issue of how unmet need should be considered by nieghbouring authorities was clearly understood, as a request was eventually made. However, the formal request to consider meeting any of the supposed unmet need from BCP was simply not made in time. This represents both a failure of proper planning and a failure of the Duty to Cooperate.

**3. Is this adequately evidenced by the Statement of Compliance with the DtC (SD9) and any supporting Statements of Common Ground (SsoCG)?**

No. HBF have detailed our significant concerns about this matter in our Reg 19 response, which is not repeated here, and in our comments in response to Question 2 above.

**4. Does the evidence contained in the Statement of Compliance with the DtC, the Response to Inspectors Initial Questions (Exam 1b) and the associated SsoCG adequately demonstrate that the Council has met the DtC in accommodating unmet housing needs?**

No, See Question 2 above. HBF have also detailed our significant concerns about the methodology and the policy-on approach that BCP sort to utilise and how this is contrary to national planning policy, positive plan making and the need to address the current housing crisis. HBF are supportive of the plan land system and would usually welcome Councils efforts at Plan making. However, this plan, with its policy-on, supply side influenced approach would be incorrect and inappropriate, and therefore result in an unsound Plan. The situation is made worse as in HBF’s view the Council could do a lot a lot more to accommodate its housing need within its own boundary. This is detailed further in our Reg 19 response, which is not repeated here.

**5. Why was the request to Dorset Council and New Forest District Council for assistance with unmet housing need made at such a late stage in the preparation of the Local Plan? What implications does this have in terms of cooperation and plan preparation?**

For Councils to respond. However, HBF note we have detailed our significant concerns about this matter in our Reg 19 response, which is not repeated here. We would add that in our view the failure of cooperation and plan preparation in this matter is probably unresolvable at this stage.

**6. Are there any ‘strategic matters’ on which the DtC has not been met? If so, what is the evidence to support this?**

Yes, housing need, see comments above. HBF simply do not agree with the Council’s view that “a formal request to meet the unmet need from the BCP area had not been made because the locally derived housing figure did not warrant such a request”. We believe this represents both a failure of DTC and creates an unsound Plan.

***Issue 1.2 – Has the Plan been prepared in accordance with other legal and procedural requirements?***

***Sustainability appraisal (SA)***

No. The sustainability appraisal has failed to consider reasonable alternatives. Clearly the expectation of national policy with regards plan-making in regards to housing numbers, is to meet the housing needs of the area in full, unless there are exceptional reasons to take a different approach. The SA should therefore, at the very least, have considered the impacts of meeting the housing need in full to reach a conclusion as to whether or not the environmental impacts of doing so were unacceptable. To begin from the assumption that meeting the housing need in full was impossible for environmental reasons is to undermine the whole point of the SA process, which is to consider an assess different options to help the Council decide on their preferred way forward.

HBF fundamentally disagree with the Council response of Sept 2024 in EXAM 1a - BCP Council response to the Inspector’s initial questions. The Council concede that the “at this time the government standard method calculated the number of homes a year required in the BCP area as 2,806” but go on to state that “This figure was not tested in the Sustainability Appraisal (SD5) as it was not considered a reasonable alternative.”

The Council seeks to justify this approach by saying “It should be noted that even with the inclusion of the promoted Green Belt sites within the BCP area, there are insufficient housing sites available to meet the government standard method. Without the knowledge and location of what sites could be available to meet the standard method figure, we were unable to test this option during the sustainability appraisal process, as the location of sites would impact on the scoring outcomes.” In HBF view it is unreasonable to not consider meeting the housing needs in full. The purpose of the SA in to inform policy choices, and it should not be constrained by housing land supply considerations, which should come later.

**7. Paragraph 32 of the Framework (2023) indicates that local plans should be informed throughout their preparation by a SA (SD5) that meets the relevant legal requirements. Is the SA methodology robust?**

No. HBF have detailed our significant concerns about this matter in our Reg 19 response, which is not repeated here, and our comments above in response to Question 6.

**8. Are the key sustainability issues identified comprehensive and are they suitably reflected in the SA objectives and sub-objectives?**

HBF have detailed our significant concerns about this matter in our Reg 19 response, which is not repeated here. We agree that the SA methodology should have given consideration to the economic and social benefits that derive from providing both open-market housing and affordable homes.

**9. Does the SA adequately consider the likely significant effects of reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them?**

HBF have detailed our significant concerns about this matter in our responses above and our Reg 19 response, which is not repeated here.

**10.Have other reasonable alternatives been appropriately considered (for example in relation to housing growth) and have adequate reasons been given as to why these have not been selected?**

HBF have detailed our significant concerns about this matter in our Reg 19 response, which is not repeated here, and our comments above.

**11.Is it clear how the SA has informed judgements about future growth within the Plan and the choice of spatial strategy? Does it support the spatial strategy or is there anything in the SA which indicates that changes should be made to the Plan?**

HBF do not believe it is clear how the SA has influenced the Local Plan policy. As, in the HBF view the SA is deficient as it failed to consider reasonable alternatives, it is not possible for the SA to have informed the plan-making process in the way it is expected it will do so.

**12.Overall, does the SA adequately assess the environmental, social and economic effects of the Plan in accordance with legal and national policy requirements?**

No. As HBF have detailed in our Reg 19 response and our responses above, HBF do not believe the SA is adequate, and as such it does not accord with legal and national policy requirements.

***Habitats Regulations Assessment (HRA)***

**13.Are Natural England’s concerns relating to recreational impacts on the Dorset Heaths, as set out in their letter dated 26th April 2024 (representation 0040), capable of being addressed?**

HBF

**14.The ‘BCP Local Plan – Nutrient Neutrality Assessment’ (SD6c) states that nutrient mitigation credits are available for around 5,000 of the planned 11,370 homes in the Poole WRC catchment. Will mitigation credits be available for the remaining homes that are planned?**

HBF have been engaged in a significant amount of work to seek to unblock the challenges that nutrient neutrality issue has been causing as a result of the moratorium on house building in affected by nutrient neutrality, including parts of BCP. HBF is confident that the Government is committed to working with the industry to find solutions to this issue. Solutions are essential if the Council is to deliver its ambition for 1.5 million homes of the Plan period.

**15.Is it clear that the Local Plan will not lead to adverse effects upon Habitats sites due to changes in air quality?**

HBF have no comments on this issue.

**16.Has the HRA otherwise been undertaken in accordance with the Regulations and is it robust?**

HBF would suggest the Council to do more within their Plan to set out how mandatory BNG and Local Nature Recovery Strategy may help to address issues of species loss and nature recovery.

***Local Development Scheme (LDS)***

**17.Has the Plan been prepared in accordance with the Council’s LDS?**

No. All the supporting documentation was not available when it should have been or for the required period. Our Reg 19 provides more detail on our concerns which we raised directly with the Council at the time. The consultation platform closed down, seemingly automatically, at 1pm. People were unable to submit representations via the Councils preferred platform after this time despite it inly going live late in the day on the first day of the consultation.

***Consultation***

**18.Has the Plan been prepared in accordance with the Council’s Statement of Community Involvement (SD4) and statutory consultation requirements? Has all relevant and available evidence been made available for consultation, at the various stages of Plan preparation?**

No. HBF would draw attention to para 20 of our Regulation 19 response that notes the on-line consultation did not go live until the end of the first day of consultation period, but the consultation system with a hard stop at 1pm on the final day and we were unable to submit our final two comments through the system and had to submit them by email. We would add that the consultation portal was not very user friendly, particularly for an organisation like that HBF that is not responding as an individual or as an agent on behalf of a specific client.

The SCI clearly states in their ‘General engagement and consultation principles’ that the Council will ‘Make public engagement and consultation as inclusive as possible so that the widest range of residents and local organisations can be involved in, and influence the preparation of, local development plan documents and in the planning application decision making process.’ The failure to raise the issue of the level of housing need, and asking questions about the unmet need when it was known potential issue, until June 2024 fails to comply with the approach to consultation set out in the SCI.

The lateness of considering the unmet housing issues also means that the Council also failed to “use consultation methods that are appropriate to each stage of the planning process, the issues that are being considered and the community involved. Seek the views of the community and other local organisations at the earliest possible stages and throughout the planning process.”

**19.What evidence is there that representations submitted in response to the submission Plan have been taken into account as required by Regulation 18(3)?**

It is unclear what impact the representations from HBF, and others, have made to the Plan.

**20.Were adequate opportunities made available for participants to access and make comments on the Plan, and other relevant documents, in different locations and using different means both digital and non-digital?**

No. HBF members have provided feedback to the Council before, during, and after the consultation period, highlighting inadequacies in the consultation process. The documentation availability was unclear and often opaque. Documents were difficult. Respondents were clearly directed to the consultation website and actively discouraged from simply sending in an email. This serves as an unnecessary barrier to engagement with the plan-making process.

***Other regulatory and procedural requirements***

***Equality Impact Assessment and Public Sector Equality Duty (‘PSED’)***

**21.In relation to the Public Sector Equality Duty, we note that a ‘Equalities Impact Assessment’ was undertaken as part of the SA process (Appendix 3 of the SA dated January 2024). Are the positive and neutral impact findings of this assessment reasonable? Is it clear how the Plan seeks to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010, in relation to those who have a relevant protected characteristic?**

HBF offer no comment on this issue other than to note the provision of affordable housing can make a positive contribution to addressing those in need of affordable housing. The failure of the Plan to provide for the affordable housing, and the open market housing required to meet needs is not a positive or neutral impact.

***Climate Change Policies***

**22. Does the Plan, taken as a whole, include policies designed to ensure that the development and use of land in BCP contributes to the mitigation of, and adaptation to, climate change in accordance with Section 19(A) of the Planning and Compulsory Purchase Act 2004 (as amended)?**

HBF supports the Government’s intention to set 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 does not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and the proposals for the 2025 Future Homes Standard.

HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.

HBF would also highlight the Future Homes Hub publication ‘Future Homes, One Plan Building a generation of high quality, affordable and sustainable homes and communities, together’ <https://irp.cdn-website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf>. This was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes.

In particular HBF, would highlight ‘Issue 9. The Partnership Imperative’ on page 15 which states in the Local Government section that “Local planning requirements must align with the overall plan for improving performance standards at national level. For example, avoiding divergence of local energy standards that make it harder to accelerate improvement in standards at national level, and avoiding conflict between local planning conditions and new requirements of building regulations.”

HBF recognise the role of developers have to play in helping to adapt to, and mitigate the effects, of climate change. HBF supports the Council in seeking to minimise carbon emissions and reduce heat and power demand through energy efficient design. However, HBF does not consider that the Council setting its own standards is the appropriate method to achieve these outcomes.

***Strategic Policies, Neighbourhood Plans, Other SPDs***

**23.Does the Plan appropriately identify strategic policies and set an appropriate framework, and allow an appropriate role, for any neighbourhood plans that may be prepared in the Borough?**

HBF offer no comment.

**24.What existing and proposed Supplementary Planning Documents (SPDs) are there? What is the intended relationship of SPDs with specific policies in the Local Plan and what purpose will they serve? Is this clear and appropriate?**

HBF would note that any current or future SPD should only be mentioned in the supporting text, and not within a Local Plan policy, as this would give SPD Local Plan policy status which is not appropriate.

***Superseded Policies***

**25.Does the Plan make it clear which policies of the adopted development plan it will supersede, as required by Part 4, paragraph 8(5) of the Regulations? Will the Council’s Schedule of possible modifications (Exam 2a) make this clear?**

HBF suggest this could be made clearer.

**Response by HBF to Matter 2 of the Matters Issues and Questions Part 1 for Bournemouth, Christchurch and Poole Local Plan, Dec 2024**

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PART 1 - MATTERS, ISSUES AND QUESTIONS

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**Matter 2 – Housing Need and the Housing Requirement**

***Issue 2.1 – Whether the Local Plan has been positively prepared and whether***

***it is justified, effective and consistent with national policy in relation to***

***housing need and the housing requirement.***

**26.Are there any ‘exceptional circumstances’ that justify an alternative approach to the standard method in assessing housing need, as per paragraph 61 of the Framework? Is a constraints-based approach justified in this case?**

As detailed in our Reg 19 response and our response to Matter 1 of the MIQs for this EIP, in HBF’s view the constraints-based approach is not justified, and the use of it results in a Plan that is fundamentally unsound.

HBF have detailed our view around the exceptional circumstances in relation to housing, in our Reg 19 response. HBF do not support the Council’s assertion the environmental constraints, including Green Belt- which is a policy, and not an environmental consideration, warrant a deviation from the standard method as the starting point for considering the housing requirement, or to justify a lower housing figure for the BCP areas. In fact HBF would argue that the current housing crisis provides justification for increasing the housing requirement and provides the exceptional circumstances that justify a Green Belt review and additional housing allocations.

**27.The Review of Housing Need (HOM1b) identifies a lower net migration trend in Bournemouth, Christchurch and Poole that is not reflected nationally. Does this analysis provide support for a housing requirement that is below the standard method?**

No. National Policy is clear is that 2014 household projections should be used. If the Council is unhappy with the standard method calculations under the NPPF in which is choosing for its Plan to be examined, it should withdraw the Plan and prepare a new one using the new standard method and NPPF as published on Dec 12th 2024. It cannot pick and choose which elements of the relevant national policy it wishes to apply, and which it does not. HBF have detailed our significant concerns about the Councils approach to the standard method and setting the housing requirement, in our Reg 19 response, which is not repeated here.

**28.Have all potential sources of housing supply been adequately assessed?**

No, as detailed in our Reg 19 response HBF suggest the Council should have explored opportunities for Green Belt release.

**29.What implications would the proposed housing requirement have for the delivery of different types of homes, including affordable and family housing, and also for planned economic growth?**

HBF have provided detailed comments on the affordable housing policies in our Reg 19 response. In summary we do not believe that the BCP plan is positively prepared, justified or effective, and the failure to plan for the standard method (as a minimum) will supress economic growth and result in not enough affordable housing or family housing being provided.

**30.How does the Council propose to address its unmet housing need?**

HBF is unclear how the Council intends to address its unmet housing need. HBF would also note that with Green Belt release and additional site allocations the amount of unmet need (if any remains) would be less.

**31.Overall, in light of the standard method calculation of housing need of 2,806 dwellings per annum, is Policy H1 of the Plan positively prepared, justified and consistent with national planning policy in setting a minimum housing target of 24,000 homes over the Plan period, an average of 1,600 homes per annum?**

No. As set our in our Reg 19 representation HBF believe the Plan as drafted is fundamentally unsound. It has not been positively prepared, is not justified and is consistent with national planning policy. Each if these problems is a reason on its own that would make the Plan unsound, and taken together they are indicative of a fundamental flaws both in the plan-making process and the so called “strategy” adopted.

HBF suggest significant further work to identify additional sites, including a full Green Belt review and additional SA work is needed to address the concerns we have about the Plan, and begin to set it on a path to possible soundness, HBF are unclear if and how such fundamental defects in the Plan could be addressed within the six month window set out in the Ministerial Letter calling for pragmatism in relation to EIPs. We would therefore question whether the Examination in the BCP Plan should continue.