

Local Plan Consultation
Bath & North East Somerset Council
Manvers Street
Bath
BA11JG

SENT BY E-MAIL ONLY TO
local_plan@bathnes.gov.uk

7th January 2019

Dear Sir / Madam

Bath & North East Somerset (BANES) LOCAL PLAN – OPTIONS CONSULTATION

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following responses to the above mentioned consultation.

Spatial Strategy

The HBF is supportive of the West of England (WoE) Joint Spatial Plan (JSP) in providing a strategic planning policy framework for 2016 – 2036 in Bristol City, Bath & North East Somerset (BANES), North Somerset and South Gloucestershire. However as set out in HBF representations to previous WoE JSP consultations there is profound disagreement about the objectively assessed housing need (OAHN) calculation. It is considered that the OAHN for the WoE Housing Market Area (HMA) and individual authorities have been under-estimated. It is considered that the OAHN is greater than 102,200 dwellings (5,110 dwellings per annum) for the HMA and 14,500 dwellings (725 dwellings per annum) for BANES. This under-estimation arises from overly conservative approaches to improving housing affordability, low economic growth assumptions so the lack of housing itself could become a constraint on economic growth and no "policy on" adjustment to the housing requirement to help deliver affordable housing despite a significant identified affordable housing need. For comparative purposes only between 2016 – 2036 the Government's proposed standardised methodology for the calculation of local housing need based on household projections and housing affordability excluding any uplift to support economic growth results in 116,500 dwellings (5,825 dwellings per annum) for the HMA. The establishment of a housing requirement figure based on a correctly calculated OAHN is the fundamental starting point for the BANES Local Plan. As set out in the 2018 National



Planning Policy Framework (NPPF) the Government's objective of boosting the supply of homes remains (para 59).

The Local Plan should include strategic policies which address the Council's identified strategic priorities for the development and use of land in the plan area (para 17). These strategic policies should set out an overall strategy for the pattern, scale and quality of development (para 20). The Local Plan should provide enough opportunities to allow identified housing needs to be met in full by providing a clear framework that ensures policies in the Plan can be effectively applied.

The Council estimates that the Local Plan needs to deliver an additional 4,700 new dwellings (assuming housing on all existing committed sites is delivered) which will be provided by Strategic Development Locations (SDL) identified in the WoE JSP at Whitchurch (1,600 dwellings) and North Keynsham (1,400 dwellings), urban intensification in Bath (300 dwellings) and non-strategic growth across BANES principally in the Somer Valley and rural areas (700 dwellings). It is important that the Council's spatial strategy and proposed housing distribution recognises the needs of both urban and rural communities. **SS1 Option 3** for a combination of locations outside and within Green Belt is considered the most appropriate spatial strategy rather than **SS1 Option 1** for a focussed approach avoiding Green Belt or **SS1 Option 2** for a more dispersed approach avoiding Green Belt.

The HBF make no comments on individual SDLs suffice to say that the overall proposed level of housing growth is based on an under-estimation of housing needs (see detailed comments above).

As set out in the 2018 NPPF planning policies should support development that promotes the efficient use of land (para 122) and makes as much use as possible of previously developed or brownfield land (para 117). Under **BTH2** the proposed policy approach for housing in Bath is based on the WoE JSP assumption for 300 additional dwellings by urban intensification including the more intensive use of existing housing allocations, the redevelopment / regeneration of existing housing estates and the identification of new brownfield sites. The effectiveness and achievability of this approach should be fully justified by robust evidence.

The Council's overall housing land supply (HLS) should also include a flexibility contingency so that the Local Plan is responsive to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice as well as competition in the land market.

Development Management Policies

Policy DM1 - Emerging policy approach for carbon reduction

The emerging policy approach will require development to achieve zero regulated and unregulated carbon emissions from a combination of energy

efficiency on carbon reductions and allowable solutions reflecting an energy hierarchy of (1) use less energy – a minimum 10% reduction in regulated CO2 emissions through fabric performance, (2) use clean energy – a minimum overall 35% regulated CO2 reduction through onsite measures including renewable energy & a heat hierarchy to reduce dependence on gas and (3) offset what cannot be mitigated on site – up to net zero carbon.

The HBF does not support the Council's emerging policy approach because it deviates from the decision by Government to set standards for energy efficiency through the national Building Regulations and to maintain this for the time being at the level of Part L 2013 (as set out in *Fixing the Foundations*, HM Treasury, July 2015). The HBF acknowledges that the Government has not enacted its proposed amendments to the Planning & Energy Act 2008 to prevent the Council from stipulating energy performance standards that exceed the Building Regulations but consider that the Council should comply with the spirit of the Government's intentions. Under the 2018 NPPF new development should be planned to help reduce greenhouse gas emissions by its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards (para 150b). The Government has sought to set standards for energy efficiency through the national Building Regulations. The starting point for the reduction of energy consumption should be an energy hierarchy of energy reduction, energy efficiency, renewable energy and then finally low carbon energy. From the start emphasis should be on a 'fabric first' approach which by improving fabric specification increases thermal efficiency and so reduces heating and electricity usage. Plans should identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers to help increase the use and supply of renewable and low carbon energy and heat (para 151c). The 2018 NPPF does not stipulate that the Council should be seeking connection to such energy supply systems indeed such a requirement is unfair to future consumers by restricting their ability to change energy supplier.

The HBF support the movement towards greater energy efficiency via a nationally consistent set of standards and a timetable for achieving any enhancements which is understood by everyone and is technically implementable. Standardisation is the key to success avoiding every Council in the country specifying its own approach to energy efficiency which would mitigate against economies of scale for both product manufacturers, suppliers and developers. It is the HBF's opinion that the Council should not be interfering in the Building Regulations by setting different targets or policies outside of a national framework. There should be a single standard for the whole country to which the Council should adhere. If the Council insists on setting a zero carbon emissions target there is the practical problem of measuring compliance. The Council will have to define zero carbon and its achievement. In 2015 the Government dropped its previous ambition to achieve zero carbon homes by 2016 because of the failure to define a technically feasible way of doing so as there was no practically solution to get from Part L 2013 to zero carbon. The Council is acknowledging that this is impossible to achieve on site by requiring

developers to purchase agreements as mechanisms to offset emissions that cannot be mitigated on site. All recently built new homes are far more energy efficient than the rest of the existing housing stock. New homes to be built over the plan period will constitute a small percentage of the District's overall housing stock therefore the emerging policy approach will have minimal impact on reducing CO2 emissions or improving energy efficiency but these targets will have a negative impact on the ability for new development to contribute to other policy requirements such as affordable housing provision and other infrastructure. The Council should not require development to achieve zero regulated and unregulated carbon emissions.

Policy DM5 : Approaches for facilitating the delivery of self-build plots

The HBF is supportive of both the allocation of sites and a rural exceptions policy approach for self / custom build housing schemes. The HBF is not supportive of a proportion of self / custom build serviced plots on housing sites of a certain size. This policy approach only changes housing delivery from one form of house building to another without any consequential additional contribution to boosting housing supply. If these plots are not developed by self / custom builders then undeveloped plots are effectively removed from the housing land supply (HLS) unless the Council provides a mechanism by which these dwellings may be developed by the original non self / custom builder in a timely manner. Before introducing any such policy approach the Council should consider the practicalities of health & safety, working hours, length of build programme, etc. as well as viability assessing any adverse impacts. There is the loss of Community Infrastructure Levy (CIL) contributions as self / custom build properties are exempt. Any policy requirement for self / custom build serviced plots on housing sites of a certain size should be fully justified and supported by evidence of need. The Council should assess such housing needs as set out in the National Planning Practice Guidance (NPPG) (ID 2a-021) collating from reliable local information (including the number of validated registrations on the Council's Self / Custom Build Registers) the demand from people wishing to build their own homes. The Council should analyse the preferences of entries on the Self Build Register often only individual plots in rural locations are sought as opposed to plots on housing sites of a certain size. The Register may not provide the justification for this policy approach.

Policy DM7 : Proposed policy approach for housing accessibility policies

The 2018 NPPF sets out that housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing including a need for affordable housing (paras 61 & 62). These housing policies should be underpinned by relevant and up to date evidence which supports and justifies the policies concerned (para 31). If the Council wishes to adopt the higher optional technical standards for accessible and adaptable homes as policy requirements then this should only be done in accordance with the 2018 NPPF (para 127f & Footnote 42). The Written Ministerial Statement (WMS) dated 25th March 2015 stated that "*the optional new national technical standards should only be required through any new Local Plan policies if they*

address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG". In seeking to apply any higher accessible and adaptable standards to new dwellings the Council should comply with the criteria set out in the NPPG (ID 56-005 to 56-011). All new homes are built to Building Regulation Part M Category 1 standards which include level approach routes, accessible front door thresholds, wider internal doorway and corridor widths, switches / sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. These standards are not usually available in the older existing housing stock (if built more than circa 10 years ago) and benefit less able-bodied occupants. If the Government had intended that evidence of an ageing population alone justified adoption of the higher Part M Category 2 and / or 3 optional standards then these would have been incorporated as mandatory in the Building Regulations which the Government has not done. It is incumbent on the Council to produce a local assessment evidencing the specific case for BANES which justifies the inclusion of optional higher standards and the quantum thereof.

Policy DM8 : Proposed policy approach for space standards

The 2018 NPPF sets out that housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing including a need for affordable housing (paras 61 & 62). These housing policies should be underpinned by relevant and up to date evidence which supports and justifies the policies concerned (para 31). If the Council wishes to adopt the Nationally Described Space Standard (NDSS) as a policy requirement then this should only be done in accordance with the 2018 NPPF (para 127f & Footnote 42). The WMS dated 25th March 2015 stated that "*the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG*". The NPPG sets out that "*Where a need for internal space standards is identified, Local Planning Authorities (LPA) should provide justification for requiring internal space policies. LPA should take account of the following areas need, viability and timing*" (ID: 56-020). The Council should consider the impacts on need, viability and timing before introducing the NDSS.

Policy DM14 : Policy Options for Residential Parking Standards

The Council should review its existing car parking standards. The setting of any maximum provision would be contrary to national policy.

Policy DM15 : Options for defining Parking Standards

The reference to a Supplementary Planning Document (SPD) in Policy is not compliant with the Regulations by conferring development plan status onto a document which does not have statutory force and has not been subject to the same process of preparation, consultation and examination. The Council is referred to the recent High Court Judgement between William Davis Ltd, Bloor Homes Ltd, Jelson Homes Ltd, Davidson Homes Ltd & Barwood Homes Ltd

and Charnwood Borough Council Neutral Citation Number : [2017] EWHC 3006 (Admin) Case No. CO/2920/2017.

Policy DM16 : Emerging policy approach for electric vehicles infrastructure

Before requiring electric charging points in residential developments the Council should engage with the main energy suppliers to determine network capacity to accommodate any adverse impacts if all dwellings have a re-charge facility. If re-charging demand became excessive there may be constraints to increasing the electric loading in an area because of the limited size and capacity of existing cables and new sub-station infrastructure may be necessary. Such costs should be included in the Council's updated viability testing otherwise there may be an adverse impact on housing delivery. It is the HBF's opinion that the promotion of electric vehicles should be undertaken nationally in a standardised way implemented via Building Regulations after the Government's proposed future consultation to be undertaken by the Department of Transport. The HBF is wary of Councils seeking to impose locally derived policy requirements for provision of electric vehicle charging points.

Policy SCR5 : Water Efficiency Proposed approach

All new dwellings achieve a mandatory level of water efficiency of 125 litres per day per person under Building Regulations which is higher than that achieved by much of the existing housing stock. If the Council wishes to adopt the higher optional standard for water efficiency of 110 litres per person per day then the Council should justify doing so by applying the criteria set out in the NPPG (ID 56-013 to 56-017). The WMS dated 25th March 2015 confirmed that "*the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG*". The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas.

Policy CP9 : Affordable Housing

As set out in the 2018 NPPF the Local Plan should set out the level and type of affordable housing provision required together with other necessary infrastructure but such policies should not undermine the deliverability of the Local Plan (para 34). Viability assessment is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on the viability or otherwise of development. The cumulative burden of policy requirements should be set so that most sites are deliverable without further viability assessment negotiations (para 57). It is important that the Council understands and tests the influence of all inputs on viability as this determines if land is released for development. The Harman Report highlighted that "*what ultimately matters for housing delivery is whether the value received by land owners is sufficient to persuade him or her to sell their land for development*".

The HBF have objected to Policy 3 : Affordable Housing of the WoE JSP which proposes a minimum target of 35% affordable housing on sites of 5 or more dwellings. As set out in the HBF representation to the WoE JSP technical evidence consultation (ended on 7th January 2019) the proposed site threshold of 5 or more dwellings is unjustified and inconsistent with national policy. Furthermore insufficient viability testing has been undertaken. The Council is reminded that if the Local Plan is to be compliant with the NPPF then development should not be subject to such a scale of obligations and policy burdens that viability is threatened.

The Council's definition of affordable housing should be aligned with the Government's Affordable Housing definition set out in the 2018 NPPF.

Conclusion

It is hoped that these responses will assist the Council in informing the next stages of the BANES Local Plan. If any further information or assistance is required please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**

A handwritten signature in blue ink, appearing to read 'Susan E Green', is written over a light blue horizontal line.

Susan E Green MRTPI
Planning Manager – Local Plans