

Bassetlaw District Council
The Bassetlaw Plan
Planning Policy
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Dear Sir / Madam

BASSETLAW DRAFT LOCAL PLAN CONSULTATION

Introduction

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 representations.

Duty to Co-operate

As set out in the 2019 National Planning Policy Framework (NPPF), the Council is under a Duty to Co-operate with other Local Planning Authorities (LPA) and prescribed bodies on strategic matters that cross administrative boundaries (para 24). This collaboration should identify the relevant strategic matters to be addressed (para 25). Effective and on-going joint working is integral to the production of a positively prepared and justified strategy (para 26). The Council should demonstrate such working by the preparation and maintenance of one or more Statements of Common Ground (SoCG) identifying the cross-boundary matters to be addressed and the progress of co-operation in addressing these matters. A SoCG should be made publicly available throughout the plan-making process to provide transparency (para 27). The Bassetlaw Local Plan should be based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred as evidenced by a SoCG (para 35c).

To fully meet the legal requirements of the Duty to Co-operate, the Council should engage on a constructive, active and on-going basis with neighbouring



authorities to maximise the effectiveness of plan-making. A key element of Local Plan Examination is ensuring that there is certainty through formal agreements that an effective strategy is in place to deal with strategic matters when Local Plans are adopted (ID : 61-010-20190315 & 61-031-20190315).

As explained in the latest National Planning Practice Guidance (NPPG), a SoCG sets out where effective co-operation is and is not happening throughout the plan-making process (ID : 61-010-20190315). The NPPG also sets out that by the time of publication of a Draft Plan, a SoCG should be available on the Council's website. Once published, the Council should ensure that the SoCG continues to reflect the most up-to-date position of joint working (ID : 61-020-20190315).

The HBF note that there is no SoCG available in the Council's supporting evidence for this Draft Local Plan consultation. This omission should be rectified by the Council. The Local Plan should be prepared through joint working on cross boundary issues such as where housing needs cannot be wholly met within the administrative areas of individual authorities. As set out in the 2019 NPPF, the Local Plan should be positively prepared and provide a strategy which as a minimum seeks to meet its own local housing needs in full and is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated (para 35a).

Bassetlaw District adjoins seven other LPAs, which are Bolsover, Doncaster, Mansfield, Newark & Sherwood, North Lincolnshire, Rotherham, and West Lindsey. It has been determined that Bassetlaw District Council is a part of the North Derbyshire & Bassetlaw Housing Market Area (HMA) together with North East Derbyshire, Bolsover and Chesterfield Councils. There is also an identified overlap between this HMA and the Sheffield City Region HMA (including neighbouring authorities of Doncaster & Rotherham) with recognised functional economic links between the two HMAs. Bassetlaw is a full member of the Derbyshire & Nottinghamshire D2N2 Local Enterprise Partnership (LEP). Bassetlaw is also part of the Sheffield City Region Combined Authority but no longer a member of its LEP.

It is understood that the Council is proposing to deliver all its development requirements within its own boundaries and no requests to address the development needs of neighbouring local authorities have been received. However it is known that the Inspector's Interim Findings on the North East Derbyshire Local Plan Examination indicated an insufficient land supply in years 6 -10 to meet housing needs with potential implications across the HMA. An agreed position should be set out in a signed SoCG, which should be publicly available.

The HBF may submit further representations on the Council's compliance with the Duty to Co-operate and any implications for the soundness of the Local Plan during the pre-submission Local Plan consultation, which is expected to be held in September 2020.

Local Housing Needs (LHN) and Housing Requirement

Under the 2019 NPPF, the Council should establish a housing requirement figure for their whole area (para 65). As set out in the 2019 NPPF, the determination of the minimum number of homes needed should be informed by an LHN assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 60). The standard methodology is set out in the updated NPPG.

The LHN for Bassetlaw is set out in the Council's Spatial Strategy Background Paper dated January 2020. Bassetlaw's minimum LHN is calculated as 306 dwellings per annum between 2018 – 2037. This calculation is based on 2014 Sub National Household Projections (SNHP), 2018 as the current year and 2018 affordability ratio of 6.21. The calculation is mathematically correct. As set out in the NPPG, the LHN is calculated at the start of the plan-making process however this number should be kept under review until the Local Plan is submitted for examination and revised when appropriate (ID 2a-008-20190220). The minimum LHN for Bassetlaw may change as inputs are variable and this should be taken into consideration by the Council.

The Government's standard methodology identifies the minimum annual LHN. It does not produce a housing requirement figure (ID : 2a-002-20190220). LHN assessment is only a minimum starting point. The Government's objective of significantly boosting the supply of homes as set out in the 2019 NPPF remains (para 59). Any ambitions to support economic growth, to deliver affordable housing and to meet unmet housing needs from elsewhere may necessitate a housing requirement figure above the minimum LHN. In Bassetlaw, there is justification for a housing requirement above the minimum LHN.

The NPPG indicates that if previous housing delivery has exceeded the minimum LHN, the Council should consider whether this level of delivery is indicative of greater housing need (ID : 2a-010-20190220). In Bassetlaw, housing delivery between 2010 - 2018 has averaged 329 dwellings per annum.

The NPPG also recommends that recent assessments of housing needs should be considered too (ID : 2a-010-20190220). The Council's latest Objective Assessment of Housing Need (OAHN) is set out in North Derbyshire & Bassetlaw OAN Update Final Report dated October 2017 by G L Hearn. This SHMA identified the following housing needs for Bassetlaw :-

- 340 dwellings per annum based on a demographic calculation comprising of 2014 Sub National Population Projections (SNPP) plus adjustments for 10 year migration trends & household formation rates in younger age groups ;
- 374 dwellings per annum with an uplift to enhance affordable housing delivery ; and
- 417 dwellings per annum to align housing / jobs and to support an ambitious economic growth scenario (4,800 jobs).

As set out in the recently published Planning Inspectorate Guidance for Local Plan Examination, evidence base documents, especially those relating to development needs and land availability, that date from two or more years before the examination submission date of a Local Plan may be at risk of having been overtaken by events, particularly as they may rely on data that is even older. Any such documents should be updated as necessary to incorporate the most recent available information.

The Council has prudently reviewed and updated its assessment of housing needs. Jobs growth in Bassetlaw will generate a need for an increased labour supply to meet increasing employment demand, which will in turn lead to a need for new homes to accommodate the new population. The 2018 Economic Development Needs Assessment (EDNA) by G L Hearn uses three economic forecasting models from Oxford Economics (OE), Cambridge Econometrics, and Experian to assess jobs growth over the plan period and to inform the number of new homes required to support such jobs growth. In the District over the last decade or more, evidence of the strong performance of the transport and manufacturing sectors implies that uplifted scenarios to the baseline economic forecasts are appropriate. After the inclusion of uplifts to the transport and manufacturing sectors, the OE forecasts are considered to reflect the District's economy. The OE midpoint has been identified as the expected future economic scenario. This results in an increase of 3,400 jobs to 2035, which in turn results in a need for an increase of 3,323 people in the resident labour supply. This translates into an economic led housing need of 390 dwellings per annum. A market for commercial development along the A1 corridor in the north of the District is emerging, which will serve a sub-regional market for distribution and industrial land that may exceed historic competitions. When jobs growth of 3,400 to 2035 is projected forward to 2037 (5550 jobs), the EDNA 2019 identifies a housing requirement of minimum 478 dwellings per annum.

The NPPG states that total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments. As set out in the NPPG, an increase in the total housing figures may be considered where it could help deliver affordable housing (ID : 2a-024-20190220). The SHMA Update identified affordable housing need of housing need of 2,814 affordable homes (134 affordable dwellings per annum) 2014-2035. Only 236 affordable homes were delivered in the District between 2014 – 2019 therefore there is a residual requirement for 2,578 affordable dwellings. Even though the Whole Plan Viability Assessment identifies that it is not possible to deliver the full requirement for affordable housing through contributions from market housing schemes, a higher overall housing requirement will contribute towards delivery of greater number of affordable homes.

The Council recognises the need to plan for more homes than the minimum LHN of 306 dwellings per annum. **Policy ST1 – Bassetlaw Spatial Strategy** states that there will be provision of land for a minimum of 9,087 dwellings (478 dwellings per annum). The Council's proposed housing requirement of 478 dwellings per annum for the plan period is justified to meet housing needs of

the population, to support economic growth of the District and to help deliver affordable housing.

However, the Council should make clearer statements about its LHN and housing requirement figures and the derivation thereof in the pre-submission Local Plan. There should also be a distinction between the District's housing requirement and its HLS.

Housing Land Supply (HLS)

The Local Plan's strategic policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver the District's housing requirement. This sufficiency of HLS should meet the housing requirement, ensure the maintenance of a 5 Years Housing Land Supply (YHLS) and achieve Housing Delivery Test (HDT) performance measurements.

Policy ST1 : Bassetlaw's Spatial Strategy sets out a 5 tier settlement hierarchy and HLS provision for a minimum of 9,087 dwellings (478 dwellings per annum) for the period 2018-2037 distributed as :-

- Main Towns of Worksop, Retford and Harworth - minimum of 5,483 dwellings (60%) on allocated sites & appropriate development within settlement boundaries ;
- Large Rural Settlements of Blyth, Carlton in Lindrick & Costhorpe, Langold, Misterton, Tuxford and Cottam Garden Community - minimum of 1,764 dwellings (20%) on sites allocated or to be allocated in Bassetlaw Local Plan and Neighbourhood Plans (see **Policy ST2**) ;
- Small Rural Settlements of Askham, Barnby Moor, Beckingham, Bothamsall, Bole, Claborough and Welham, Clayworth, Cuckney, Dunham on Trent, East Drayton, East Markham, Elkesley, Everton, Gamston, Gringley on the Hill, Hayton, Headon cum Upton, Holbeck, High and Low Marnham, Laneham, Lound, Mattersey and Mattersey Thorpe, Misson, Nether Langwith, Normanton on Trent, North Leverton with Hubblesthorpe, North and South Wheatley, Rampton and Woodbeck, Ranby, Ranskill, Rhodesia, Scrooby, Shireoaks, South Leverton, Sturton le Steeple, Styrrup with Oldcotes, Sutton cum Lound, Torworth, Treswell with Cottam, Walkeringham, West Stockwith Garden Village - minimum of 1,090 dwellings (12%) on non-allocated sites or sites to be allocated in Neighbourhood Plans (see **Policy ST2**) ;
- Bassetlaw Garden Village - minimum of 750 dwellings (8%) (see **Policy ST3**) ; and
- Countryside (all areas not identified above).

Under Part B of **Policy ST2 – Rural Bassetlaw**, collectively Large Rural Settlements will accommodate a minimum of 1,764 new dwellings of the District's housing requirement. Most growth will be delivered from existing planning permissions or site allocations in Bassetlaw Local Plan (**Policies ST5 & ST14 (Policies 24 & 25)**) or made Neighbourhood Plans. Any other housing

development in these settlements will be located within settlement boundaries to meet local housing needs.

Under Part C of **Policy ST2**, collectively Small Rural Settlements will accommodate a minimum of 1,090 new dwellings of the District's housing requirement promoted through Neighbourhood Plans or as Rural Exceptions under Part E of **Policy ST2**. Additional development will only be supported provided all the following criterion are satisfactorily met :-

- the proposal should not increase the number of dwellings in the Parish by over 20% ;
- the site is located within an existing settlement boundary in a Neighbourhood Plan ;
- a single proposal should not exceed 10 dwellings, unless it can be demonstrated that it will provide a community benefit ;
- the location and size of the proposal does not conflict with the existing character and built form of that part of the settlement ; and
- it would not lead to the coalescence with any neighbouring settlement(s).

Under Part E - Rural Exceptions of **Policy ST2**, where the 20% Rural Growth figure has been achieved, housing development will only be supported if :-

- the proposal is providing affordable housing or specialist housing to meet a local need ;
- the proposal is providing a community-led housing scheme ;
- it is part of a wider regeneration scheme or on an existing brownfield site within or adjoining a Large or Small Rural Settlement ;
- it is essential to enable the redevelopment of a heritage asset ;
- the development can be accommodated within the capacity of public services and has the support of the relevant statutory agencies, community and the Parish or Town Council.

It is noted that in **Policy ST1**, there is reference to sites to be allocated in Neighbourhood Plans. There is no certainty that Neighbourhood Plans will come forward with the inclusion of housing site allocations. The sufficiency of the Council's HLS should not be delegated to Neighbourhood Plans without evidence of the deliverability and / or developability of such sites. There is no recourse if a Neighbourhood Plan is not made. It should be clear that the Council will undertake the necessary plan-making work should the Neighbourhood Planning process not successfully deliver the strategy of the Local Plan.

The proposed requirement for local community support for development set out in Part E of **Policy ST2** goes further than encouraging developers to engage with the local community before submitting a planning application in accordance with the 2019 NPPF (para 40). This may prejudice fair and balanced consideration of the merits of a scheme acting as a barrier to otherwise sustainable development. Before the pre-submission Local Plan consultation, **Policy ST2** Part E should be modified.

Policy ST14 – Housing Distribution allocates land for a minimum of 1,703 dwellings at the following locations :-

- 6 sites (HS1 to HS6) (**Policies 15 - 20**) in Worksop for 1,008 dwellings ;
- 3 sites (HS7 to HS9) (**Policies 21 - 23**) in Retford for 545 dwellings ; and
- 2 sites (NP04 & NP11) (**Policies 24 & 25**) in Tuxford for circa 150 dwellings.

Under the 2019 NPPF, the Council should identify at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 68). The Council should confirm its compliance with national policy.

The Council's overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, therefore strategic sites should be complimented by smaller non-strategic sites. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. A diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice / competition in the land market.

The HBF is supportive of the inclusion of a contingency buffer to overall HLS. There is no numerical formula to determine the appropriate quantum for a buffer but where a Local Plan is highly dependent upon one or relatively few large strategic sites or settlements / locations then greater numerical flexibility is necessary than in cases where HLS is more diversified. The HBF always suggests as large a contingency as possible to maximise flexibility.

Land Availability Assessment January 2020 sets out as at 1st January 2020 the Council's estimated total HLS is 10,405 dwellings (or 10,339 dwellings less demolitions) comprising of :-

- sites with planning permission for 6,984 dwellings ;
- Neighbourhood Plan allocations without planning permission for 540 dwellings ; and
- proposed site allocations for 2,881 dwellings (Cottam deliver an additional 1,150 dwellings beyond 2037).

In 2018 / 2019, 434 dwellings were delivered so the District's residual housing requirement is 8,653 dwellings from 2019 to 2037 (Housing requirement of 9,087 dwellings minus 434 completions). If the overall HLS is 10,405 dwellings

then there is a potential surplus of 1,689 dwellings (19.5%) assuming that all consents and allocations come forward exactly as predicted. The Council has not factored in any lapse rates or allowances for non-implementation.

As set out in the 2019 NPPF, the Local Plan should include a trajectory illustrating the expected rate of housing delivery over the plan period. It is noted that there is a lack of detail in the Council's Housing Trajectory in Appendix 3. The HBF would not wish to comment on the merits or otherwise of individual sites proposed for allocation but it is critical that the Council's assumptions on lapse rates, non-implementation allowances, lead in times and delivery rates contained within its overall HLS, 5 YHLS and housing trajectory in Appendix 3 are correct and realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council using historical empirical data and local knowledge.

The Council should provide evidence of its 5 YHLS position on adoption of the Local Plan using 478 dwellings per annum as the basis for the 5 YHLS calculation. It is noted that the Bassetlaw 5 YHLS Report 2019/21 applies a 5% buffer however if under the 2019 NPPF the Council is seeking to formally fix a 5 YHLS through the Local Plan then a 10% buffer should be applied (para 73).

At time of the pre-submission consultation if the Council provides additional evidence on HLS then the HBF may wish to submit further comments.

Housing Policies

Policy ST26 : Affordable Housing

On housing schemes of 10 or more dwellings affordable housing provision will be sought of :-

- 10% on brownfield sites, of which all provision should be for affordable home ownership ;
- 20% on greenfield sites, of which 50% should be for affordable home ownership and 50% for affordable housing for rent.

The Council will support on site provision of affordable housing. In exceptional circumstances, where it can be demonstrated through an Open Book viability assessment that all or part of the requirement is not viable on site, a financial contribution will be sought, of equivalent value, in lieu of on-site provision to be spent within the settlement.

As set out in the 2019 NPPF, the Council should understand and test the influence of all inputs on viability. The cumulative impact of infrastructure, other contributions and policy compliant requirements should be set so that most sites are deliverable without further viability assessment negotiations (para 57). The deliverability of the Local Plan should not be undermined (para 34). The Council should prepare a viability assessment in accordance with the NPPG to ensure that policies are realistic and the total cost of all relevant policies are not of a scale that will make the Local Plan undeliverable (ID : 61-039-20190315).

The Council's viability evidence is set out in Bassetlaw Interim Whole Plan & Community Infrastructure Levy (CIL) Viability Assessment by NCS Nationwide CIL Services dated August 2018. It is noted that the Council's viability assessment only includes costs for policy compliant requirements for accessibility, space and water efficiency standards. The Council consider that all other policy requirements such as provision of self & custom build plots, at least 10% on-site biodiversity net gain and provision of electric vehicle charging points do not have a significant impact on development costs. Such assumptions under-estimate the cumulative financial impact of policy compliant requirements on the viability and deliverability of residential development. Before the pre-submission Local Plan consultation, the Council should undertake further viability work.

Policy ST26 should also be modified to be more flexible regarding on-site and off-site provision of affordable housing. On smaller sites, on-site provision may not be practical because it is not mathematically possible, no registered provider is willing to manage the new affordable units or other legitimate planning reasons.

At the time of the pre-submission Local Plan consultation, the HBF may submit further comments on **Policy ST26** and the Council's assessment of viability.

Policy ST27 – Housing Mix, Type & Density

Under the Self Build & Custom Housebuilding Act 2015, the Council has a duty to keep a Register of people seeking to acquire self & custom build plots and to grant enough suitable development permissions to meet identified demand. The NPPG (ID: 57-025-201760728) sets out ways in which the Council should consider supporting self & custom build. These are :-

- developing policies in the Plan for self & custom build ;
- using Council owned land if available and suitable for self & custom build and marketing such opportunities to entrants on the Register ;
- engaging with landowners who own housing sites and encouraging them to consider self & custom build and where the landowner is interested facilitating access to entrants on the Register ; and
- working with custom build developers to maximise opportunities for self & custom housebuilding.

The HBF is supportive of the Council's policy approach towards self & custom build for its potential additional contribution to overall HLS as set out in **Policy ST27** :-

- **Bullet Point (B)** - the Council will support proposals for self-build & custom build housing that help meet the needs of those on the Self Build & Custom Housebuilding Register, provided they are compliant with other Local Plan policies ; and

- **Bullet Point (D)** - Neighbourhood Plans will be expected to consider the local need for self-build housing and where appropriate identify allocations for self-build & custom housing.

The HBF is not supportive of restrictive policy requirements for the inclusion of self & custom build housing on housing site allocations, which only changes housing delivery from one form of house building to another without any consequential additional contribution to boosting housing supply. The HBF object to **Policy ST27 Bullet Point (C)**, which states that :-

- On housing allocations of 100 dwellings or more 2% of the proportion of developable plots should be set aside for self-build & custom housebuilding. Plots should be made available and marketed appropriately for at least 12 months. If after that time, they have not been sold the plot(s) may either remain on the open market as self-build or be built out by the developer as market housing.

The provision of serviced plots for self & custom build on housing allocations of 100 or more dwellings should not be sought. This policy requirement seeks to place the burden for delivery of self & custom build plots onto developers contrary to national guidance, which outlines that the Council should engage with landowners and encourage them to consider self & custom build. The Council's proposed policy approach should not move beyond encouragement by seeking provision of self & custom build plots on allocated housing sites of 100 or more dwellings.

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. The Council's Self & Custom Build Register alone is not a sound basis for setting a specific policy requirement. As set out in the NPPG, the Council should provide a robust assessment of demand including an assessment and review of data held on the Council's Register (ID 2a-017-20192020), which should be supported by additional data from secondary sources to understand and consider future need for this type of housing (ID 57-0011-20160401). The Council should also analyse the preferences of entries as often only individual plots in rural locations are sought as opposed to plots on larger housing sites. It is also possible for individuals and organisations to register with more than one Council so there is a possibility of some double counting. The Register may indicate a level of expression of interest in self & custom build but it cannot be reliably translated into actual demand should such plots be made available. The Council has provided no supporting evidence on entries on its Register.

The Council's policy approach should be realistic to ensure that where self & custom build plots are provided, they are delivered and do not remain unsold. It is unlikely that the provision of self & custom build plots on allocated housing sites of 100 or more dwellings 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 a housing site from both a practical and health & safety

perspective it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. If demand for plots is not realised, there is a risk of plots remaining permanently vacant effectively removing these undeveloped plots from the Council's HLS.

Where plots are not sold, it is important that the Council's policy is clear as to when these revert to the original developer. It is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development. The proposed marketing period of 12 months is too long. The consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders.

The 2019 NPPF states that policies should be clearly written and unambiguous so that a decision maker knows how to react to a development proposal (para 16d). The requirement for appropriate marketing is vague, which means uncertainty for developers. If the policy is to be effective, the Council should provide further clarification of its requirements which should be justified by supporting evidence.

As well as on-site practicalities any adverse impacts on viability should be tested. It is the Council's responsibility to robustly viability test the Local Plan in order that the cumulative impact of infrastructure, other contributions and policy compliant requirements are set so that most development is deliverable without further viability assessment negotiations at planning application stage and the deliverability of the Local Plan is not undermined. The Bassetlaw Interim Whole Plan & Community Infrastructure Levy (CIL) Viability Assessment by NCS Nationwide CIL Services dated August 2018. does not test the financial impact of **Policy ST27**.

The Council is also reminded that self & custom build are exemption from Community Infrastructure Levy (CIL) contributions and affordable home ownership provision as set out in national policy. On housing sites allocations of 100 or more dwellings, fewer dwellings are eligible to make contributions towards infrastructure and affordable housing, which may have detrimental impacts. The Council may have aspirations for self & custom build but this should not be pursued at the expense of delivering affordable housing.

Before the pre-submission Local Plan consultation, **Policy ST27** should be amended to delete **Bullet Point (C)**.

Policy ST28 – Specialist Housing

Policy ST28 states that on schemes of 50 or more dwellings, at least 20% should be designed to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the Building Regulations.

The 2019 NPPF states that policies should be clearly written and unambiguous so that a decision maker knows how to react to a development proposal (para 16d). It should be clear that the requirement for 20% M4(2) compliant dwellings only applies to schemes of 50 or more dwellings for housing schemes for older people. There should be no conjecture that this requirement applies to general family housing schemes.

Before the pre-submission Local Plan consultation, **Policy ST28** should be modified.

Other Policies

Policy ST36 – Biodiversity & Geodiversity

Under **Policy ST36 Bullet Point (E)**, all new development of 50 dwellings or more should make provision for at least 10% net biodiversity gain preferably on site, or where it can be demonstrated that for design reasons this is not practicable, off site through a financial contribution.

The Government's Environment Bill requires a mandatory 10% biodiversity gain from development. It is the HBF's opinion that the Council should not deviating from Government proposals. Before the pre-submission Local Plan consultation, **Policy ST36** should be modified to align with Government proposals.

Furthermore, the Council's viability evidence set out in the Bassetlaw Interim Whole Plan & Community Infrastructure Levy (CIL) Viability Assessment by NCS Nationwide CIL Services dated August 2018 does not include any costs for **Policy ST36**. It is noted that the DEFRA Impact Statement estimated an average cost of £19,000 per hectare to achieve 10% biodiversity gain. Before the pre-submission Local Plan consultation, the Council should undertake further viability work.

Policy ST39 – Promoting Healthy Active Lifestyles

Policy ST39 requires all schemes of 50 or more dwellings to submit a Health Impact Assessment (HIA) as part of the planning application.

The general expectations of the 2019 NPPF is that planning will promote healthy communities. The NPPG (ID53-004-20140306) confirms that a HIA can serve a useful purpose at planning application stage and consultation with the Director of Public Health as part of the process can establish whether a HIA would be a useful tool for understanding the potential impacts upon wellbeing that development proposals will have on existing health services and facilities.

The requirement for a HIA for all schemes of 50 or more dwellings without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the NPPG. Any requirement for a HIA Screening Report and / or a full HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. It is suggested that HIA Screening Report should only be required for applications for large strategic residential developments. If a significant adverse impact on health and wellbeing is identified only then should a full HIA be required, which sets out measures to substantially mitigate the impact.

Before the pre-submission Local Plan consultation, **Policy ST39** should be modified.

Policy ST45 – Climate Change Mitigation & Adaption

Policy ST45 requires all new residential developments with off-road parking to ensure that infrastructure provided is capable of connection for electric vehicle charging. (This requirement is also repeated in **Policy ST50 – Promoting Sustainable Transport**).

The HBF is supportive of encouragement for the use of electric and hybrid vehicles via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. Recently the Department for Transport held (ended on 7th October 2019) a consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings. This consultation set out the Government's preferred option to introduce a new functional requirement under Schedule 1 to the Building Regulations 2010, which is expected to come into force in the first half of 2020. The inclusion of EVCP requirements within the Building Regulations 2010 will introduce a standardised consistent approach to EVCP in new buildings across the country. The requirements proposed apply to car parking spaces in or adjacent to buildings and the intention is for there to be one charge point per dwelling rather than per parking space. It is proposed that EVCPs must be at least Mode 3 or equivalent with a minimum power rating output of 7kW (expected increases in battery sizes and technology developments may make charge points less than 7 kW obsolete for future car models, 7 kW is considered a sufficiently future-proofed standard for home charging) fitted with a universal socket to charge all types of electric vehicle currently on the market and meet relevant safety requirements. All charge points installed under the Building Regulations should be un-tethered and the location must comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M.

The Government has estimated installation of such charging points add on an additional cost of approximately £976. The Council's viability evidence is set out in Bassetlaw Interim Whole Plan & Community Infrastructure Levy (CIL) Viability Assessment by NCS Nationwide CIL Services dated August 2018. This assessment excludes any costs associated with the provision of EVCPs. Before

the pre-submission Local Plan consultation, the Council should undertake further viability work to fully test the cumulative impacts of all policy compliant requirements.

The Government has also recognised the possible impact on housing supply, where the requirements are not technically feasible. The Government's consultation proposed introducing exemptions for such developments. The costs of installing the cables and the charge point hardware will vary considerably based on site-specific conditions in relation to the local grid. The introduction of EVCPs in new buildings will impact on the electricity demand from these buildings especially for multi-dwelling buildings. A requirement for large numbers of EVCPs will require a larger connection to the development and will introduce a power supply requirement, which may otherwise not be needed. The level of upgrade needed is dependent on the capacity available in the local network resulting in additional costs in relation to charge point instalment. The Government recognises that the cost of installing charge points will be higher in areas where significant electrical capacity reinforcements are needed. In certain cases, the need to install charge points could necessitate significant grid upgrades which will be costly for the developer. Some costs would also fall on the distribution network operator. Any potential negative impact on housing supply should be mitigated with an appropriate exemption from the charge point installation requirement based on the grid connection cost. The consultation proposes that the threshold for the exemption is set at £3,600. In the instances when this cost is exceptionally high, and likely to make developments unviable, it is the Government's view that the EVCP requirements should not apply and only the minimum Energy Performance of Buildings Directive requirements should be applied.

The Council has not recognised the technical feasibility and viability impacts as identified by the Government. It is the HBF's opinion that the Council should not be getting ahead of Government proposals for Building Regulations. Before the pre-submission Local Plan consultation, the requirement for EVCPs should be deleted from **Policies ST45** and **ST50**.

Policy ST45 also requires new developments to minimise water consumption by meeting the Building Regulations optional requirement of 110 litres per person per day.

If the Council wishes to adopt the 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 56-013-20150327 to 56-017-20150327). The Written Ministerial Statement (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 NPPG refers to *"helping to use natural resources prudently ... to adopt proactive strategies to ... take full account of water supply and demand considerations ... whether a tighter water efficiency requirement for new homes is justified to help manage demand"* however the Housing Standards Review

was explicit that reduced water consumption was solely applicable to water stressed areas.

The Council's own evidence states that areas in Bassetlaw covered by Severn Trent Water are not classed as water stressed. Bassetlaw District is only partially in the area covered by Anglian Water classed as an area of serious water stress. Under current Building Regulations, all new dwellings achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure.

Before the pre-submission Local Plan consultation, this requirement should be deleted from **Policy ST45**.

Supplementary Planning Documents (SPDs)

The Regulations make it clear that development management policies, which are intended to guide the determination of applications for planning permission should be set out as Local Plan policy. Consequently, policies in the Local Plan should not devolve fundamental matters to an SPD. Several policies within the Local Plan require compliance with an SPD or other standalone document thereby giving Local Plan status to documents, which are not part of the Local Plan and have not been subject to the same process of preparation, consultation and examination. This is not compliant with the Regulations. The relevant policies are :-

- **Policy ST5** : Cottam Priority Regeneration Area Bullet Point (d), **Policy 15** : HS1 - Peaks Hill Farm, Worksop Bullet Point (b), **Policy 16** : Site HS2 - Former Pupil Referral Centre, Worksop, **Policy 17** : Site HS3 - Canal Road, **Policy 18** : Site HS4 - Former Manton Primary School, Worksop, **Policy 19** : Site HS5 - Talbot Road, Worksop, **Policy 20** : Site HS6 - Former Knitwear Factory, Retford Road, Worksop, **Policy 21**, **Policy 22** and **Policy 25**, which state "... in accordance with ... the forthcoming Design Quality SPD" ;
- **Policy 23** : Site HS9 - Sandhills, Retford Bullet Point (a), which states "... in accordance with the forthcoming Design Quality SPD and Greening Bassetlaw SPD" ;
- **Policy ST32** : Design Quality Bullet Point (e), which states "... in accordance with the most up-to-date Nottinghamshire parking standards" ; and
- **Policy ST50** : Promoting Sustainable Transport Bullet Point (7), which states "... in accordance with the Nottinghamshire Parking Standards".

Where SPDs are prepared, they should be used to provide more detailed advice and guidance on the policies in the Local Plan and not as an opportunity to change or introduce the requirements of a policy. The Regulations indicate that an SPD does not have statutory force and is not the subject of examination. It is defined as something that is not a Local Plan. As defined in 2019 NPPF

Glossary, an SPD is capable of being a material consideration in planning decisions but is not part of the Local Plan.

It is also noted that the reference to SPDs in the afore-mentioned policies is inconsistent with the approach taken in Employment Policies. **Policy 9** : Site SEM1 - Apleyhead Junction, Worksop, which states that "... reflects the design principles in ... the Design Quality SPD".

Before the pre-submission Local Plan consultation, the afore-mentioned policies should be modified.

Conclusions

For the Bassetlaw Local Plan to be found sound under the four tests of soundness as defined by the 2019 NPPF (para 35) the Plan should be positively prepared, justified, effective and consistent with national policy. It is hoped that the Council will consider the HBF's submitted representations and before the pre-submission Local Plan consultation undertake modifications accordingly. In the meantime, if any further assistance or information is required please contact the undersigned.

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



Susan E Green MRTPI
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