

Sent by EMAIL ONLY to blp@bristol.gov.uk

21/1/2024

Dear Sir/ Madam

**Response by the Home Builders Federation to the Bristol Local Plan Publication Version (Reg 19).**

1. Please find below the Home Builders Federation (HBF) response to the Bristol Local Plan Publication Version (Reg 19). 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. We have not commented on every policy, only on those of interest to our members.

**Legal compliance**

Missing evidence base documents

3. HBF is concerned that not all of the relevant evidence base has been made part of this consultation, for example we have been unable to locate the current SHLAA, 5 Year Housing Land Supply position statement or any signed statements of common ground/joint working.

Need to reflect new Government Policy

4. It will also be important for the Council to consider the emerging Biodiversity Net Gain (BNG) and Guidance (of Dec 2023, with final version due to be published in Feb 2024), which HBF suggests should have an impact on this emerging Local Plan. HBF has already flagged this issue directly with the Council, suggesting additional time for considering the implications of this new guidance would be useful, but no extension of the consultation period was granted. The HBF would strongly welcome further consultation on this issue.
5. We believe BNG should be a significant factor in emerging Local Plans and may require additional research, evidence work, policy and guidance of it to



be made to work in practice. Plan-making is the appropriate stage for many BNG issues to be considered and we therefore suggest that the Plan needs to be reviewed and revisited to ensure that it is doing all it can to support the delivery of the national mandatory BNG policy through providing clear advice guidance and, wherever possible, certainty for developers and landowners and communities on what is expected.

6. HBF also notes the recent (Dec 2023) changes to the NPPF and suggest it would also be helpful for the Council clearly set out in a statement their views on whether these changes have any impact on this current consultation exercise. Such a statement could explain their view on the implications, or not, of the recent changes to the NPPF on this Plan. Many people are aware that the NPPF has changed, and it is reasonable for people to ask this question of the Council. The Council's response to it should be clear, consistent and publicly available.

#### Problems with the formatting of the policies and text

7. The HBF also makes a very important general observation about the problem of the usability of the Plan in its current format. The HBF is very concerned that as currently written the formatting of policies in the plan will create problems for plan users when seeking to refer to them, particularly for applicants and decision-takers.
8. The layout of the Plan has the name of the policy at the start of each section and then introductory text section, after that the actual policy is shown in a box, which has 'policy text' as the heading. This is unacceptable, as it makes using the plan in practice very difficult. At the very least the name and number of the policy should be included within the policy box as plan-users can reasonably be expected to want to refer to the policy name and number at the same time as quoting the actual policy wording when using the plan. They must therefore all be located together.
9. The failure to include title the policy within the policy needs addressing, but there are further problems with the formatting that need resolving. Although the supporting text paragraphs each have numbers, the policies are just written as paragraphs of text one after another with no identifying paragraph numbering or lettering. The current formatting will make it very difficult for a developer, a planning officer, an elected member, or a member of the public to make specific reference to a particular part of the policy when preparing a planning application, writing a report, making a decision or making a representation on a planning application. The policies should be reformatted to improve the usability of the whole Plan, as currently written the Plan will be difficult to use and therefore ineffective, failing the tests of soundness.
10. In reformatting the Plan, HBF suggests that the Council should also consider a plan-user relying on a black and white photocopy of the plan or policy, specifically whether or not the presentation of re-formatted would work in these circumstances. It should be clear in this context what is policy and what is supporting text, and it currently is not as clear as it could be.

11. HBF notes that the policy numbering chosen also adds to the confusion as the chapter prefix used is not the same for each policy within a particular chapter. For example, Chapter 4 contains policy IDC1 and policy SV1, and the policies in housing chapters are numbered H1, AH1, H2, H4, H5, BTR1, etc. This is unnecessarily confusing as it should be easy to know which chapter individual policies are located in.

### **The Duty to Cooperate has not been met**

12. HBF notes there is a significant interaction between housing issues across the wider Bristol housing market, which are not being adequately addressed. The LPAs that make up the former county of Avon- Bristol City, South Gloucestershire, North Somerset and Bath and North-East Somerset (BANES) have a long and unfortunate history of unsuccessful collaboration around plan-making, which has led to the housing needs of the City Region being unmet for many years.
13. This Plan adds to that history of under delivery, and a lack of cooperation resulting in a failure to properly plan for the area. HBF are very concerned that this plan will not delivery against the national, regional and local housing objectives, which are even more important as we are in the midst of a housing crisis. As such we are concerned that the plan is unsound and the Duty to Cooperate requirements have not be met.
14. The Paper entitles 'planning for strategic cross boundary matters: progress report', dated (Nov 23), appears to be a statement from the Council individually, rather than an agreed joint approach to planning in the wider Bristol area with the benefit of express support for the neighbouring authorities. Such a statement would seem to be an essential requisite for plan-making in this part of the world, especially as the Plan envisaged much of the housing need for Bristol city being met outside of the City boundary in neighbouring authority areas.
15. The HBF would expect to see a clearly set out agreed approach, or at the very least a Statement of Common Ground setting out where agreement has been reached and where there remain disagreements and issues outstanding. The cross-boundary statement simply does not detail what has agreed and what has not. It is therefore unclear if the approach of asking neighbouring authorities to help to meet Bristol's housing needs, is realistic, deliverable and/or supported by partners.
16. Indeed, the concurrent consultations on neighbouring authorities Local Plans suggest there is no consensus or agreement on the approach, with neighbouring authorities actively seeking to minimise their own housing numbers, and certainty not being accepting of, or seeking to plan for any additional housing too help met the wider needs of the region.
17. In other areas, such as Leicestershire, joint working on the issue of housing needs has resulted in agreed approaches, Statements of Common Ground

and Memorandums of Understanding around the challenges Leicester City faces in seeking to meet its own need within its tightly drawn boundary. There is an agreement amongst most Leicestershire authorities that they should play their part in meeting this need, and discussion have been ongoing as to the re-distribution of this unmet need between the partners.

18. Perhaps even more significantly emerging Local Plans in Leicestershire are including an element of unmet housing need from Leicester within their housing requirement. Such an approach is an essential part of the case Leicester City are trying to make to demonstrate their plan is deliverable. The HBF is disappointed that such joint working has proved impossible within the wider Bristol area, and this has served to undermine both positive plan-making and meeting housing need. The failure to do address housing needs in the midst of a housing crisis is having, and will continue to have, social, economic and environmental consequences for the region.

#### Need for a shared approach to unmet need

19. As the Plan acknowledges in para 1.5 Bristol's Local Plan is currently being prepared against a complete absence of joined up local plan making for the City-Region. Following the abandonment of the West of England Joint Spatial Plan, it was hoped that the strategic planning context for the Bristol Local Plan would be set out in the West of England Combined Authority Spatial Development Strategy. However, this is now also not being progressed and therefore there is no established wider strategic planning context for Bristol, and the wider Bristol HMA.
20. As the Plan acknowledges this "will now have to be established through each council's own local plan". This increases the importance of ongoing and meaningful engagement under the Duty to Cooperate (and/or its successor). Although para 1.5 says that Bristol's Local Plan has been produced in a way that has been informed by a process of co-operation, HBF can see little evidence of this in the plan-making process or in the resulting Local Plan policies.
21. Bristol Council's intention to declare an unmet need, and then hope that this unmet housing need will be picked up by neighbouring authorities, must be more than a theoretical exercise, and result in actual housing delivery on the ground. It is essential that the full housing needs of Bristol City, and the wider Bristol housing market areas (Bristol HMA) are met in full.
22. The HBF recognise the challenges facing Bristol and the wider Bristol HMA including the difficult relationships with neighbouring authorities, the closely bounded nature of the City, the challenges of Green Belt release, and the ongoing, fractious and controversial debates around the level of housing need and unmet in the City. These however must be reasons to work harder at collaboration and good plan-making and not excuses for a failure to meet housing need.

23. The HBF is a signatory to a joint statement prepared with other bodies that are concerned about the question of the unmet housing need in Bristol City and how this is being neglected by the West of England local authorities. The signatories call upon the West of England authorities to cooperate more positively and effectively to address the housing crisis through their emerging local plans. It is imperative that the authorities put in place effective and deliverable local plans which collectively meet the number and type of new homes required across the whole city region.
24. As detailed more fully in our response to policy H1, HBF objects to the proposed approach that Bristol is now taking in relation to its housing need, as it is unsound. The current policies are inconsistent with national policy, ineffective, unjustified, and therefore unsound. HBF are also objecting to the neighbouring authorities' failure to recognise and address these needs through their own plans. HBF are very concerned that there remains an unmet need generated from within Bristol and there is a lack of evidence that the neighbouring authorities will be looking to meet any of these needs through their Local Plans. This is evidence of a failure of both the Duty to Cooperate and effective plan-making.
25. HBF have been unable to locate any Duty to Cooperate Statement(s). In order to demonstrate compliance with the Duty to Cooperate (and/or its successor) Bristol Council needs to demonstrate that it has, and remains, in proactive engagement with its neighbouring authorities around the issue of the housing, particularly the housing requirement. Up to date information on this engagement should be publicly available.
26. HBF has also been unable to locate any signed Statement of Common Ground between the Council and the neighbouring authorities as to how the issue of housing needs, and indeed any other cross boundary issues, have been addressed. Such a statements should be provided. Appendix 1 of the cross-boundary issues statement is the letter sent from Bristol City Council to Bath and North East Somerset Council, South Gloucestershire Council and North Somerset Council, dated 31 October 2023. What response(s) has the Council received to this letter?

### **Chapter 3. Development Strategy**

#### South Bristol

#### Policy DS10: The Green Belt

*Policy DS10 is not considered to be sound as it is not effective, justified or consistent with national policy*

27. Although the HBF does not comment on individual sites allocations, HBF does agree that Bristol City faces the exceptional circumstances required to justify the allocation of land for housing within the green belt. HBF would support additional allocation in the Green Belt to meet the housing requirement. Indeed, the HBF supports the need for a comprehensive Green

Belt review, and the need for greenfield and Green Belt releases within Bristol's boundary and beyond.

#### **Chapter 4. Infrastructure, Developer Contributions and Social Value**

##### **Policy IDC1: Development contributions and CIL**

*Policy IDC1 is not considered to be sound as it is not effective, justified or consistent with national policy*

28. HBF have provided detailed comments on Bristol Viability Appraisal which can be found Policy AH1: Affordable Housing and so are not repeated here. In general HBF are concerned that the Viability Appraisal is not robust enough to support the amount of developer contributions being requested. For example para 4.25 says "We have tested the requirement for a 10% increase in biodiversity in perpetuity by applying an increase in build costs of 0.8% , as indicated in the 'Biodiversity net gain and local nature recovery strategies Impact Assessment' (DEFRA, 2019). This report is now dated and inaccurate and does not reflect the BNG current costs or properly consider the implications of land take for on-site BNG. HBF content this is but one example of problems with the Viability Appraisal.

##### **Policy SV1: Social value and inclusion**

*Policy SV1 is not considered to be sound as it is not effective, justified or consistent with national policy*

29. Although HBF are supportive of the efforts to inclusion and efforts to support local business and residents, we believe that such initiatives should not be a policy requirement. At best they could be a material consideration to a planning application. HBF consider a policy requirement that "all major developments proposals will be expected to be accompanied by a social value strategy" is disproportionate and therefore unjustified.

#### **Chapter 5. Urban Living: Making the best use of the city's land**

##### **Policy UL1: Effective and efficient use of land**

*Policy UL1 is not considered to be sound as it is not effective, justified or consistent with national policy*

30. The policy seeks a maximise housing density including allowing for new types of design, scale and form. The interaction between this policy and the size and type of housing units that will results need to be fully evidenced. In particular this policy will interact with the new mandatory national requirement for 10% BNG which will impact on densities as under the BNG hierarchy on-site BNG is preferred where possible. The HBF questions whether optimum densities and high-density development are always synonymous. There will clearly be a trade-off to be made between what land is used for new green

space and what land is used for new built forms. The policy and supporting text should be amended to include reference to these considerations.

31. The deliverability of high and super high density residential development in Bristol will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement in Bristol does not rely overly ambitious and unrealistic intensification of dwellings within the City, that results in any under-provision and/or under delivery of housing numbers.

### **32. Policy UL2: Residential densities**

*Policy UL2 is not considered to be sound as it is not effective, justified or consistent with national policy*

33. The policy seeks a minimum net density of 50 dwellings per hectare in all cases. Although HBF support the efficient use of land, we would question the deliverability and viability of city centre housing units developed at densities of 200 dpa and the more intensive densities of 100 and 120dph in inner urban areas. Development of this density will result in the predominance of a particular type of housing within the new housing supply- mainly multi-storey blocks of apartments, the desirability of such accommodation has decreased in a post-Grenfell and post-Covid world also has decreased. HBF contend that reliance on such high amount of high-density developments are unlikely to meet all of the range of housing need and demand in Bristol. This would be contrary to national guidance and means the plan in unsound.
34. HBF would question therefore if the full range of housing types and tenures can and will be delivered at the high and super high densities being sought in the Plan, for example family housing usually at much lower densities than even than the minimum 50 dph. HBF would therefore question if the density policy is appropriate in all cases, and suggest further flexibility is needed.
35. HBF would also question therefore if the full range of housing types and tenures can and will be delivered, and the impact that the policy will have on the type of housing being provided. Analysis by the house-building industry has shown brownfield sites in Bristol have delivered a significant amount of flats, and this trend looks set to continue.
36. As para 5.5 of the Plan acknowledges “Residential completions on previously developed land have exceeded 90% over the last 10 years” and this plan proposed continued reliance on a brownfield first approach which is likely to result in continuation of high-density apartment housing units. This will result in a mismatch between need and supply, which adds further weight to the need to consider additional greenfield housing allocations and green belt release.
37. HBF suggest additional flexibility is needed in the policy to enable the full breath of housing types required to meet the full range of housing need and

demand to be provided. Flexibility is also needed to allow for site specific considerations.

38. HBF would also question how the Council sees design and other policies interacting with this policy's aspiration for higher density development in Bristol and would question if this is both realistic deliverable and viable. HBF are concerned about the tensions between the drive for higher density, and how this responds to the type of housing need in Bristol, in particular the kind of housing that is not being developed, in particular family units. Local plan objectives need to secure good design and other policy requirements, such as BNG and public open space, whilst ensuring development remains viable. Density policies must not serve to impede these wider good place-making objectives.

## **Chapter 6: Housing**

### **Policy H1: Delivery of new homes – Bristol's housing requirements**

*Policy H1 is not considered to be sound as it is not effective, justified or consistent with national policy*

39. The Plan seeks to provide for "an annual average minimum of 1,925 new homes will be delivered over the plan period to 2040. The aspiration is that this figure will be exceeded where this can be supported by service and infrastructure capacity."
40. As para 6.4 of the text explains that the "starting point to determine need is currently the government's 'standard method'. This is a national approach which uses a standard formula based on 2014-based household projections, an affordability adjustment, a capping mechanism and then a 35% uplift directed to 20 identified urban authorities of which Bristol is one. The figure derived from this method can change on an annual basis but currently indicates a housing need of 3,380 per year."

### **The Plan should use the Standard method as a starting point for the housing requirement**

41. HBF would support the standard method figure of 3,380 per annum figure as being the starting point for consideration of the appropriate housing requirement for Bristol. The Government has made it clear that it still supports the national target of 300,000 new homes per year. However, the standard method housing requirement has always been only the starting point for setting the housing requirement in a Plan.
42. HBF would support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders. There is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account and a need for the Council to



consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

43. NPPF para 60 still requires that in order “to support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.
44. Therefore, although the standard method would support an annual housing requirement of 3,380 per year, a figure HBF would contend should be higher, the Plan is however, clear that this is not the approach being proposed. Para 6.5 of the Plan explains that in the Council’s view “this rate of housing development over-estimates the true need for homes in Bristol up to 2040. National planning policy makes clear that local plans should aim to meet ‘objectively assessed needs’. Work has been undertaken using a method which is better able to objectively assess housing needs in Bristol than the formulaic standard method. This has been used alongside the standard method to better understand the housing need for Bristol in the coming years.”
45. The HBF fundamentally disagrees with the Council’s view. Paragraph 61 of the NPPF requires that in order to “determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.” Therefore, the Government requires Local Planning Authorities to use the standard method to calculate our housing need in all but exceptional circumstances.
46. The NPPF is quite clear that the standard method should be used a starting point unless there are exceptional circumstances that justify a different approach. HBF do not believe there are any such exceptional circumstances exist that would warrant a different approach than the standard method being used for Bristol. In particular the urban uplift is an essential part of the standard method and plays a key part of securing housing delivery and helping to meet the Government’s ambition of 300,00 per annum across England. Indeed although this plan could continue to be examined under the previous version of the NPPF, the changes to the new (Dec 2024) NPPF give further emphasis for the Bristol’s housing needs, including the urban uplift, to be met within Bristol itself.
47. HBF see no evidence or justification not to meet the minimum LHN requirement of 3,380dpa, indeed the Council should in fact be considering if there are any factors, which justify a higher figure.
48. HBF therefore considers that both the Local Plan both the housing requirement and the LHN identified within the ORS 2023 are unsound. Resulting in a housing requirement that will be ineffective in meeting housing

need of Bristol's, is not justified or supported by the evidence and runs counter to the government's ambition to do more to address the housing crisis. As such the plan fails to comply with national policy in relation to housing, and the constrained housing numbers will also impact on not just open market housing delivery but also impact the size, and type of housing that can be provided within in Bristol, undermine the delivery of affordable housing.

49. The LHNA 2023 paper seeks to depart from the standard method set out within the PPG by discounting the 35% cities and urban centres uplift. This is based upon the 2018-based household projections and levels of growth within other top 20 cities and urban centres. This completely misunderstands the purpose behind the cities and urban centres uplift and the is contrary to the guidance in the PPG. The 2023 LHNA paper simply suggests that the housing need is based upon steps 1 to 3 of the LHN calculation, without demonstrating exceptional circumstances. This is flawed and contrary to the NPPF.
50. HBF also note there is significant evidence on expanding student numbers, but this has not been considered as part of the housing need calculation, nor is there any detail upon how the Council's adopted target to deliver 1,000 affordable homes per annum will be delivered.
51. HBF considers the ORS Local Housing Need paper is not fit for purpose. We are concerned about the numerous and significant failings within it, and as such it fails to demonstrate any exceptional circumstances which would be required by the NPPF (para 61) to justify any alternative means of calculating the housing requirement.
52. Even if HBF were to accept that an alternative approach to calculating the housing requirement is justified, which we do not, it is very concerning that despite its own evidence, the Council is seeking to reduce the 2023 LHNA need figure of 2,503dpa to a requirement of just 1,925dpa within Policy H1 of the Local Plan.
53. Further reducing the housing numbers due to poor performance and under delivery of housing in the past is an oxymoron. Past failures should be a reason to do more planning to support housing delivery going forward, to provide more certainty for developers, landowners and communities and to do more to ensure the housing needs of Bristol (and the wider area) are addressed.
54. Past delivery in a reflection of the policy context of that time. This Plan should be creating a more pro-growth, pro-development narrative supported with a policy approach that is seeking to address the current housing crisis. A more permissive, supportive and certain policy context is needed to create higher levels of housing and economic growth.
55. The Government introduced the cities and urban centres uplift as one way to help create a step-change in housing delivery for the identified cities. This

uplift is required to meet the wider needs of the country within the most sustainable places. Clearly, greater levels of delivery were anticipated within these cities, including Bristol. The Council has not sought to identify any other constraints to meeting the LHN figure of 3,380dpa, or indeed any other housing requirement.

56. The Council's own evidence indicates a worsening housing crisis in Bristol, with affordability become more problematic and a significant need for affordable housing. HBF can therefore see no justification for departing from the standard method. In particular, there is no justification for the removal of the urban uplift, which is a national policy requirement. HBF do not agree that Bristol Council can simply decide to discard this element of the standard method.
57. Currently the Council seems to be proposing an approach to the housing requirement that seeks to actively make it as small as possible, without providing good evidence or reason to do so. Such an approach also runs completely contrary to the current and future demographic trends and market signals that the NPPF requires any departure from the standard method to consider.
58. HBF cannot understand how the approach to setting the housing requirement that is being advanced in 2023 Local Housing Needs Assessment is justified, effective or consistent with national policy. The Council is failing to proactively plan to meet the housing need of Bristol. Any failure to provide the housing the area need both through the Bristol Local Plan and ensuring, as far as they are able, that any unmet need is going to be proactively planned for in neighbouring areas, makes the Plan unsound.

#### A need for more joined-up planning

59. Better efforts at joint working across the region are needed to ensure that the Council is not failing to meet its housing needs. Although the Council has requested assistance in meeting its identified need from neighbouring authorities this is only based upon the lower figure of 2,503dpa, rather than the full standard method need of 3,380dpa, another facet of the policy approach which HBF considers unjustified.
60. The failures of the previously envisaged joint working across the wider Bristol area must not create a context where planning to meet housing need ends up simply in the too difficult box, or result in a 'new' methodology for establishing housing need that seems to have been artificially contrived to make the housing requirement as low as possible, without the exceptional circumstances that would be needed to justify such a deviation from the standard method.
61. HBF request the Council recalculate the housing requirement for Bristol, starting with the standard method calculation and then give proper consideration to the need to uplift in the housing requirement is needed to support economic growth of the City and the Region. The Plan should then

provide for a range of allocated sites, included small sites and have policies that support additional housing in response to regeneration and other opportunities. Only then should it consider how much unmet need may need to be shared with neighbouring authorities. The constrained nature of the supply of sites in Bristol is a separate matter from the calculation of the housing requirements.

#### Other reasons to increase the housing requirement

62. HBF strongly support the need for more housing in Bristol for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing, supporting employment growth, but recognise the constrained nature of the City boundary means that meeting the housing requirement would be challenging. However, the NPPF is clear that start with need and only then consider capacity.
63. Any departure from the standard method can only be justified in exceptional circumstances. The Government has made it clear that it still supports the national target of 300,000 new homes per year. The standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

#### The need to support growth

64. HBF supports ambitious growth aspirations for Bristol City and its surrounding areas, would highlight the interaction between employment and housing, which the Council appears to have acknowledged. HBF would support further recognition that an increased number of jobs in the City can in itself generate a requirement for additional housing. HBF would also encourage the Council to also consider the role that housebuilding plays in the local economy, both when the houses are under construction and when the houses are occupied as people's homes.
65. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.
66. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Bristol and the Council should consider increasing its housing requirement by an additional amount to address each reason in turn.

#### Addressing Bristol's unmet need

67. Although HBF sympathise with the Council's challenge in preparing a Local Plan for its area when there is an absence of a wider Bristol HMA Plan which HBF agree would represent a better way to ensure the housing needs of Bristol are addressed. The lack of a strategic plan for the wider HMA presents many challenges for plan-making in the area, but none of these are justification to fail to set the housing requirement at the right level, or to ensure that the Council is doing all it can to meet its own needs within its own boundaries, including through Green Belt release and ensuring maximum efforts are made to work collaboratively across the wider Bristol HMA so the needs of Bristol that cannot be met within the City boundary are adequately planned for as close to where they occur as possible. Without this range of actions the Plan is failing to meet the housing needs as required by the NPPF and therefore fails to be justified or effective, meaning the Plan is unsound.
68. The NPPF requires that the Council should embrace the standard method as a starting point, then go through a process of setting the housing requirement including considering if it should be higher, then undertake a robust process to arrive at a evidenced and justified view as to how much of that housing need can be met within the Bristol LPA area. If all the housing need cannot be met within Bristol the Council should then declare an unmet need and work with partners to see how this need could be addressed elsewhere.
69. The Council's failure to follow to this approach is unsound and also will have knock-on implication for the neighbouring authorities housing requirement calculations which should all include a component towards meeting Bristol's unmet need. Failure to grasp this issue results in ineffective plan making that holds back growth and prosperity of both Bristol City itself and the wider area.

#### The need for the Urban Uplift

70. HBF believe the non-inclusion of the urban uplift for Bristol is unjustified, contrary to national policy and unsound. HBF consider that the urban uplift for Bristol is an integral part of the standard method, addressing the national housing crisis and the need to focus development in the most sustainable and accessible locations- the existing major built up areas which already have good access to services and facilities and good transport links.
71. The Government has made it clear that it still supports the national target of 300,000 new homes per year. The urban uplift is part of securing this delivery across the country. The standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders. There is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

#### The Need for Small Sites

72. The NPPF also requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.
73. In order to be effective and justified the Plan's policies and evidence base should set out how the plan will deliver 10% of homes on sites of less than one hectare, as required by paragraph 69 of the NPPF. Indeed, HBF would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.
74. Although small sites may come forward as windfall, HBF believe that in order for the Plan to be effective and justified the small sites requirements should be met through allocations.

#### The Need for a Buffer

75. The HBF recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. Any buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and choice within the market. Such an approach is consistent with the NPPF requirements for the plan to be positively prepared and flexible. HBF is therefore supportive of the housing allocations ensuring there is a housing supply buffer but would question if the buffer needs to be bigger, especially as HBF are of the view that the housing requirement itself should to be increased.

#### Windfall Allowance

76. The housing need and supply position paper (Nov 23) details the different sources of Housing Land Supply as:

Planning permissions	6,250
Existing site allocations	2,300
Proposed development allocations	2,000

Urban potential	2,500
Small sites windfalls	4,500
Estimated capacity from areas of growth and regeneration	16,000
Green field sites arising from proposed Green Belt boundary changes	1,150

77. The NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. By including windfalls within the Plan's housing requirement, the opportunity for windfalls to provide some additional housing numbers is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.
78. There is no housing trajectory provided as part of this consultation Plan. It is therefore not possible see how much reliance is being made on windfalls, or from when. To be both justified and effective a Housing Trajectory must be provided and should include break down the housing numbers into different sources of supply.
79. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).
80. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market.
81. HBF request the windfall allowance in the Plan is properly explained and evidenced in the Housing Trajectory. We would wish to comment on the Housing Trajectory once it has been prepared but suspect that once one has been prepared it would not support the level of windfall allowance included in the plan and that the level will be too high.

**Policy AH1: Affordable housing provision**

*Policy AH1 is not considered to be sound as it is not effective, justified or consistent with national policy*

82. The policy seeks to require “residential developments of 10 dwellings or more that are subject to this policy will be expected to provide at least 35% affordable housing as part of the dwelling mix”. The policy continues that where “35% cannot be delivered without public subsidy agree to work with the council to deliver the shortfall through other mechanisms; and Where 35% can be delivered without public subsidy agree to work with the council to explore ways to increase the delivery of affordable housing above this percentage.”

83. Para 8.2 of the Viability Assessment states that “There is no uniform level of affordable housing that can be viably delivered by all or most schemes. We therefore recommend that the Council adopts an area based approach setting average percentages that are achievable across a range of likely development scenarios within each area.” However, this does not seem to be the approach to affordable housing targets that the council has followed. As the evidence therefore does not support the policy then the policy is unjustified and therefore unsound.

#### Costs not included within the Viability Study

84. It is important for the policies in the Plan to allow for flexibility on viability issues. HBF question the robustness of the BNP Paribas Local Plan Viability Assessment as it fails to fully consider a wide range of challenges and additional costs facing developers at this time.

85. 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.

86. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. HBF members are reporting costs of £20-30k per off-site BNG unit. 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.

87. HBF also note that work undertaken by DEFRA to inform the national percentage BNG requirement found that a 20% net gain requirement would add c.19% to the net gain costs, over and above the minimum requirement of 10% . The report concluded that:

“While this suggests that varying the level of net gain between 5% and 20% has very limited impact on the outcome, there is a trade-off between cost implications for developers and the likelihood of net gain being delivered at a national level (e.g. less costly/likely at 5% net gain compared to 10%, and vice versa for 20%). Our chosen policy approach, which sets out that 10% is the right level to demonstrate net gain, considers this trade-off among other issues.”

Again, these conclusions support the need for the Council to clearly set out a BNG policy of 10%. There is already a need to consider the viability implications of statutory BNG and there would be a further need to consider the viability implications that seeking to go further and faster than national



mandatory BNG could have on the delivery of affordable housing. HBF see no reason why Bristol should deviate from DEFRA's conclusion that 10% BNG strikes the right balance between these trade-offs. We also note no evidence has been provided that a higher BNG figure would be viable.

88. There is also a need to consider the costs of delivering the policy requiring housing to M4(2) and the requirements for accessible and adaptable dwellings policy which references M4(3). HBF is pleased to see that the distinction has been made between M4(3)a wheelchair adaptable housing and M4(3)b wheelchair accessible housing. The whole plan viability assessment should be explicit on what costs it has been applying when considering M4(3)a or M4(3)b, as the latter can only be sought on affordable housing where the Council has nominations and is considerably more expensive than the former.
89. Whole Plan viability testing is an important part of the plan-making process. However, as noted in PPG (ID: 10-003-20180724) assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable, and therefore flexibility in the amount of affordable housing sought may be needed to deal with site specific issues.
90. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there may be a "deviation" from the detail of the policy- in this example a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. This is another reason why flexibility within the Affordable Housing policy is needed.

#### Wider implications of the high levels of housing need

91. As mentioned in our response to Policy H1, HBF would suggest that the high level of affordable housing need within Bristol justifies additional housing over and above the housing figure that results from the standard method. As para 6.14 of the Plan itself acknowledges "the need for affordable housing in Bristol is very high." There is also a need to recognise the mismatch between the kind of affordable housing that is needed and the size and type of housing that is likely to be delivered in a high-density brownfield policy environment which will result in the delivery of residential apartments, which may not best meet the needs of those on the housing register.

#### Size and Types of Affordable Housing Needed

92. HBF would in particular draw attention to the evidence provided in the reports to Bristol Cabinet in April 2023 which included the following Key Statistics:
- There are currently over 19,000 households on the Housing Register, with approximately 500 new cases being added per month.

- In the year April 2021 to March 2022 only 1510 allocations were made. This is down from approximately 3000 per annum a decade ago.
- At the time of writing more than half of those on the housing register are assessed to Band 4 from which they have a less than 1% chance of being housed unless it is in age-restricted or SHOP accommodation.

93. Appendix A1 of the report states “Our property supply is seriously limited and falls far short of the number of people who need housing. This includes a lack of larger properties (3-bed or more), which presents problems when trying to house larger families in high need.”

94. HBF therefore content that the current affordable housing policy, and wider housing policies will not address the identified housing needs, as such the Plan is unjustified, ineffective and therefore unsound.

#### **Policy H4: Housing type and mix**

*Policy H4 is not considered to be sound as it is not effective, justified or consistent with national policy*

95. The policy wording seeks to give Local Plan status to the existing SPDs. This is not appropriate. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process.

#### **Policy H5: Self-build and community-led housing**

*Policy H4 is not considered to be sound as it is not effective, justified or consistent with national policy*

96. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils’ own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

97. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

98. However, if a self-build policy is to be pursued, HBF highlight that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The Plan should set out the timescale for reversion of these plots to the original housebuilder, which should be as short as possible from the commencement of development because 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 and custom builders. HBF would therefore suggest that any unsold plots should revert to the original developer after a maximum six-month marketing period.

**Policy H7: Managing the development of purpose-built student accommodation**

*Policy H8 is not considered to be sound as it is not effective, justified or consistent with national policy*

99. HBF note the significance of the student housing issue for Bristol. Bristol City is planning to provide 9,000 student bed spaces, which works out at the equivalent of 3,600 homes using the government's conversion for students. HBF are concerned that this is a very sizeable proportion of the planned housing supply overall, especially when the housing requirement is already falling far short of the overall need. There is therefore an interaction between student housing and other housing types that the Plan need to better reflect and acknowledge to be justified, effective and sound.

**100. Policy H8: Older people's and other specialised needs housing**

*Policy H8 is not considered to be sound as it is not effective, justified or consistent with national policy*

101. The policy requires "Development of extra care housing or housing-with-care comprising 60 dwellings or more should provide a minimum of 10% affordable housing for older people delivered without public subsidy." It also requires "Development of age-restricted general market housing, retirement living and sheltered housing should provide a contribution towards affordable housing in accordance with policy AH1 'Affordable housing provision'.

102. HBF object to these policy requirements as they are not supported by the Council's own viability evidence. As the Council's own viability appraisal acknowledges development of older persons housing is different for a number of reasons

103. The BNP Paribas Viability appraisal states (at para 6.23) that:

Developments of specialist housing for older people (including extra care schemes) generally have less efficient net to gross ratios than general purpose housing. This is because they tend to accommodate

extensive communal areas, providing care and other ancillary uses. Net to gross ratios of 70% are typical, in comparison to 85% for low rise general purpose flatted blocks. 6.23 In addition, specialist housing developments for older people tend to have longer sales periods, as purchasers prefer to view the flat they intend to buy which results in very little off-plan buying during construction. Sales and marketing budgets are typically higher as a result of the lengthier sales period.

104. It continues “The outputs of our appraisals are summarised in tables 6.24.1 to 6.24.9. These results indicate that the viability of housing for older people is currently challenging and schemes only generate positive residual land values at the higher end of the sales value range, with low affordable housing percentages. However, these residual land values are lower than the benchmark land values.” The evidence therefore indicates that the policies are unviable, meaning the Plan is unjustified, ineffective and unsound.
105. The Policy also seeks to require “at least 50% of extra care or housing with care dwellings designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users (compliant with Building Regulations M4(3) Category 3: Wheelchair user dwellings)” and for “All dwellings designed to be accessible and adaptable (compliant with Building Regulations M4(2) Category 2: Accessible and adaptable dwellings) except for those dwellings that are designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users;
106. In relation to the requirements for all new development to meet M4(2), HBF note that the requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to ‘Raising accessibility standards for new homes’ states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. There is therefore no need for this element of the proposed new policy.
107. HBF also notes that the PPG<sup>1</sup> states:

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

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the

---

<sup>1</sup> PPG Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

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

108. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

109. As mentioned in our comments on the whole plan viability appraisal, see our response to Policy AH1 there is also a need to consider the costs of delivering the policy of all housing meeting M4(2) and the requirements for accessible and adaptable dwellings policy which references M4(3). A distinction needs to be made between M4(3)a wheelchair adaptable housing and M4(3)b wheelchair accessible housing. Although the whole plan viability assessment notes this distinction is it not explicit as to how it has considered the policy wording seeking M4 3 housing. The policy and the viability assessment needs to clearly set out whether M4(3)a or M4(3)b is being sought, especially as the latter can only be sought on affordable housing where the Council has nominations and is considerably more expensive than the former.

### **Policy BTR1: Build to Rent housing**

*Policy BTR1 is not considered to be sound as it is not effective, justified or consistent with national policy*

110. The policy says: “The council’s Affordable Housing Practice Note: Delivery of Affordable Build to Rent Homes in Bristol provides guidance on the implementation of this policy.” This policy is therefore seeking to give Local Plan policy status to Affordable Housing Practice Note which is not appropriate and contrary to national guidance. This guidance note should only be referred to in the supporting text.

### Policy H9: Accessible homes

*Policy H9 is not considered to be sound as it is not effective, justified or consistent with national policy*

111. The policy seeks that “At least 10% of new build housing in proposals of 10 dwellings or more designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users (compliant with Building Regulations M4(3) Category 3: Wheelchair user dwellings). It also requires “All new build housing designed to be accessible and adaptable (compliant with Building Regulations M4(2) Category 2: Accessible and adaptable dwellings) except for those dwellings that are designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
112. HBF note that the requirements for all new development to meet M4(2), HBF note that the requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to ‘Raising accessibility standards for new homes’ states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. There is therefore no need for a Local Plan policy on this issue.
113. More detailed comments and background in relation to Building Regulation M4(3)a and M4(3)b is providing response to Policy H8: Older people’s and other specialised needs housing, and so is not repeated here. In conclusion if any policy on this issue is retained it must be clear if it is referring to M4(3)a or M4(3)b in both the policy and text.

## **Chapter 9. Biodiversity and Green Infrastructure**

### Policy BG1: Green infrastructure and biodiversity in new development

*Policy BNG1 is not considered to be sound as it is not justified or consistent with national policy*

114. The policy seek to introduce a requirement for Major development proposals to achieve the following target scores against the Urban Greening Factor for England:
- 0.4 for predominantly residential development;
  - 0.3 for predominantly non-residential development.
115. What is unclear from this policy is how the level of urban greening that would be required through the use of the Urban Greening Factor relates to the 10% Biodiversity Net Gain (BNG) required by the Environment Act. There would appear to be the potential for significant overlap with BNG that will need to be explored to ensure that the Council is not creating unnecessary administrative burdens on all applicants. Also, without knowing the level of “greening” that may be required on a site it is also impossible to know how this might impact on the viability of development, especially the higher density developments that are likely to be a key source of new homes in Bristol.

116. However, if the Council were to take forward the use of the Urban Greening Factor, HBF would suggest that it is not a requirement on all major sites. For example, some small sites or sites near existing open spaces might be encouraged but not required to use the urban greening factor to inform the design. It would also seem inappropriate to require its use where specific provision has been agreed as part of a site allocation. The Plan will also need to clearly set out UGF relates to the wider BNG and LNRS objectives.

Policy BG2: Nature conservation and recovery

*Policy BG2 is not considered to be sound as it is not justified or consistent with national policy*

117. This policy uses the term biodiversity when talking about the mitigation hierarchy. This is both confusing and unhelpful. Mandatory BNG introduces a BNG hierarchy which seeks to prioritise on-site BNG, but allows for off-site BNG and statutory credits. This is completely different from the mitigation hierarchy for protected species and habitats.

118. It will therefore be necessary for the Council to review wording of this policy and the supporting text, in tandem Policy BG3- see HBF comments below). HBF would welcome the opportunity to comment on these revised policies. HBF suggest that it may be helpful to use an alternative terminology such as protected species and habitats to differentiate this concept from the term 'biodiversity' which will now be being used in relation to Biodiversity Net Gain. This will be essential following the introduction of the new requirements for mandatory Biodiversity Net gain that will be implemented from Feb 12<sup>th</sup>2024. This new BNG represents a significant change to the planning system, but has no effect on the existing protection of species and habitats. It is very important for the Plan to not confuse these two issues.

Policy BG3: Achieving biodiversity gains

*Policy BG3 is not considered to be sound as it is not justified or consistent with national policy*

119. The overview of this section says "The Environment Act 2021 makes a 10% biodiversity net gain mandatory from a date expected to be in early 2024. This policy assumes that by the time of adoption of the local plan, the mandatory requirement will be in place."

120. Clearly this policy wording will need reviewing and significantly revising in light of the new guidance on BNG that has published during the consultation period for this Reg 19 Plan. The Council will need to review this policy to ensure it fully reflects all the new legislation, national policy and guidance.

121. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time and note the

draft Planning Practice guidance from DLUHC and the Draft DEFRA BNG Guidance has been released during your consultation period, but mandatory BNG implementation will not begin until 12<sup>th</sup> February, which is after the consultation closes.

122. Currently the BNG PPG has been published in draft form to allow for “familiarisation” and as such some details may change between now and the implementation date which is now confirmed as 12<sup>th</sup> February 2024. Similarly, HBF understand the DEFRA Guidance is still being refined before the implementation date, and indeed may be further refined once mandatory BNG is working in practice, to reflect any early lessons learnt.
123. HBF note that there is a lot of new information for the Council to work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy so that it complies with the latest policy and guidance as it is finalised. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.
124. It is the HBF’s opinion that the Council should not deviate from the Government’s requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase “at least 10%” would help to provide this.
125. There are significant additional costs associated with biodiversity gain, which will need to be fully accounted for in the Council’s viability assessment. It is important that BNG does not prevent, delay or reduce housing delivery. Although the national policies requiring 10% BNG cannot be subject to site specific viability discussions, any policy requirements over 10% can be. Any policy seeking more than 10% BNG needs to reflect this position.
126. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development is still awaited.
127. HBF also suggest particular care is needed in terminology to ensure the BNG policy reflects the national policy and guidance. For example, on-site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. Similarly, it will be important to differentiate between the mitigation hierarchy, which seeks to avoid harm and then mitigate it in relation to protected habitats and the BNG hierarchy which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits. National BNG policy allows for all three of these options, and therefore the Plan should also reference statutory credits.
128. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted



for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery.

129. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it was arrived at using the most up to date BNG costs information available.
130. HBF suggest that there will also be a need for the policy and supporting text to say more about Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy to reflect the LNRS may be needed.
131. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.
132. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Reg 19 Plan should do all it can to explain how the two hierarchies work in different ways and that they seek to achieve different aims. We would suggest the use of the term "BNG spatial hierarchy" may help with this issue.
133. Reference could also usefully be made within the Plan to the small sites metric. This is intended to be a less complex statutory metric that can be used to set out how 10% BNG will be secured on small sites. It can only be used for on-site BNG delivery. The national mandatory 10% BNG policy will apply to small sites from April 2024.
134. HBF have provided more detailed comments on the Viability Assessment, and how this relates to other policy requirements including BNG

in our response to Policy AH1: Affordable Housing, which are not repeated here.

135. It is however noted that the viability assessment states on page 30 that “We have tested the requirement for a 10% increase in biodiversity in perpetuity by applying an increase in build costs of 0.8% , as indicated in the ‘Biodiversity net gain and local nature recovery strategies Impact Assessment’ (DEFRA, 2019). This study is now very dated and in HBF’s view is no longer robust for informing viability assessments.
136. The new DEFRA and DHLUC guidance is clear that going beyond the mandatory 10% requires evidence that this will not impact viability. No such evidence exists to support a higher figure in Bristol.
137. Again, as mentioned in response to Policy BG2, there is a need to ensure there is not confusion in the policy and supporting text between the mitigation and BNG hierarchy.

#### Policy BG4 Trees

*Policy BG4 is not considered to be sound as it is not justified or consistent with national policy*

138. It is unclear from the policy wording and support text is unclear how this policy relates to the wider BG3: BNG and BNG1: Green Infrastructure policies. It is also unclear in the Viability Appraisal how the cumulative impact of the suite of environmental policies will have on viability. For both these reasons the policy is unsound.

#### Policy BG5 Biodiversity and access to Bristol’s waterways

*Policy BG5 is not considered to be sound as it is not justified or consistent with national policy*

139. HBF has provided detailed comments on BNG elsewhere within our representations, so they are not repeated here. However, there is clearly also a need to revisit this policy wording to take onboard the implications on new statutory BNG metric including how it considers watercourses.

### **Chapter 12. Net Zero and climate**

#### Policy NZC1: Climate change, sustainable development and construction

*Policy NZC1 is not considered to be sound as it is not justified or consistent with national policy*

140. As the Plan should be read as a whole, HBF see no reasons for the first part of Policy NZc1 which merely references the other NZ policies within the chapter. This is therefore unnecessary and should be deleted.

141. The policy also seeks to require development to ensure an estimated water consumption of no more than 110 litres/person/day. HBF do not believe such a policy is needed in the Local Plan because current Part G Building Regulations require 125 litres per day, and house builders are frequently delivering 115-110 litres per day which means the house building industry is already improving upon the regulations. There is no need for Local Plan policies to repeat Building Regulations and it is in fact unhelpful to do so as Building Regulations may change during the course of the plan period. This part of the policy should also be deleted.

Policy NZC2: Net Zero carbon developments- operation carbon

*Policy NZC2 is not considered to be sound as it is not justified or consistent with national policy*

142. The proposed wording suggests that the Council is seeking to move away from the carbon reduction methods set out in Part L of the Building Regulations. HBF supports the Council in seeking to minimise carbon emissions and reduce heat and power demand through energy efficient design. However, the HBF does not consider that the Council setting its own standards is the appropriate method to achieve these outcomes.

143. Whilst the ambitious and aspirational aim to achieve zero carbon is lauded, the HBF is concerned that the Council is adding to the complexity of policy, regulations and standards that housebuilders are already expected to comply with. The key to success is standardisation and avoidance of individual Councils specifying their own policy approach, which undermines economies of scale for product manufacturers, suppliers and developers. The impact of this requirement along with others in this Plan may have considerable viability implications and may lead to the non-delivery of homes and needs to be fully considered within the Viability Assessment.

144. 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.

145. HBF would highlight the latest 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](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.

146. 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.”

147. The government has also recently provided further advice for local authorities through the Written Ministerial Statement which says “the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale.” See <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>

148. To be consistent with national policy, HBF request the Council rely on the Building Regulations process as the way to manage improving energy efficiency standards and as such no policy on this issue is needed in the Local Plan.

Policy NZC3: Embodied carbon, materials and the circular economy

*Policy NZC1 is not considered to be sound as it is not justified or consistent with national policy*

149. This policy required major development to undertake an Embodied Carbon Assessment , reaching a range of targets as set out in the policy. HBF considers that if the Council is to introduce a policy in relation to embodied carbon it will have to closely consider how it will be monitored and what the implications are for the preparation of any assessment, particularly in relation to how easily accessible any data is, and that it will have to take into consideration that much of the responsibility for emissions will lie in areas outside of the control of the homebuilding industry, including material extraction and transportation, occupation and maintenance, demolition and disposal. The Council will also have to consider how the policy will interact with other policies for example in relation to energy efficiency or resilience to heat, as well as the viability and delivery of development.

150. HBF considers that if this policy were to be introduced then the Council should provide a transitional period to give the industry time to adjust to the requirements and for the supply chain to be updated or amended as required.

Policy NZC4: Adaption to changing climate change

*Policy NZC4 is not considered to be sound as it is not justified or consistent with national policy*

151. This policy fails to provide clear criteria against which a development proposal could be assessed. The policy requires developer to identify the risks of climate change but does not set out any criteria about what mitigation or management of that risk would be deemed acceptable by the Council.

HBF are therefore unclear how a developer would show compliance with this policy.

Policy NZC5: Renewable energy and energy efficiency

*Policy NZC5 is not considered to be sound as it is not effective*

152. HBF offer the following observations in relation to Heat Networks. Heat networks are one aspect of the path towards decarbonising heat, however, currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired.
153. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost.
154. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies. This may mean that it is more sustainable and more appropriate for developments to utilise other forms of energy provision, and this may need to be considered. If the policy were to be pursued HBF considers any such requirement must be implemented on a flexible basis.
155. The Government consultation on Heat Network Zoning also identifies exemptions to proposals for requirements for connections to a heat network these include where a connection may lead to sub-optimal outcomes, or distance from the network connection points and impacts on consumers bills and affordability.
156. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies.

### **Chapter 13 Design and Conservation**

Policy DC1: Liveability in residential development including space standards, aspect and private outdoor space

*Policy DC1 is not considered to be sound as it is not justified or consistent with national policy*

157. HBF does not support the introduction of the optional Nationally Described Space Standard through policies in individual Local Plans.
158. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.
159. Any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF (para 130f & Footnote 49), which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”. As set out in the NPPF (para 31), 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.
160. The PPG identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:
- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
  - Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
  - Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.
161. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.
162. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and

usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

163. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.
164. Yet again the Council is seeking to give Local Plan status to the existing SPD, this Sustainable Design and Construction SPD, which is not appropriate. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process.
165. If the Council wish to provide additional advice on the interpretation of this policy, this should be done through a Supplementary Planning Document, which is prepared and consulted on after the Local Plan policy has been adopted. It cannot be done through trying to give Local Plan policies status to an existing SPD, especially as the existing SPD hangs from the adopted policies in the Local Plan, which will be replaced when this new Local Plan is adopted.
166. The reference to the SPD should therefore be removed from the policy. If the Council wish to prepare an SPD on this subject, this could be referenced in the supporting text.

## **Chapter 16. Development Allocations**

### Policy DA1: Proposed development allocations

*Policy DA1 is not considered to be sound as it is not justified or consistent with national policy*

167. Although HBF do not comment on specific site allocations, we find this policy is unsound because additional housing allocations are required. We are of the view, for the reasons details elsewhere in our representation, so not repeated here, there need to be more housing allocations. This necessitates a need for a green belt review and a revisiting of the spatial strategy of the Plan to enable additional housing sites to be allocated.

### **Omission- Lack of Monitoring Framework**

*The Plan is not considered sound as is not effective without a Monitoring Framework*

168. The Plan should include a Monitoring Framework which sets out the targets for housing (and other matters) that will be monitored and the triggers for action being taken, and what that action will be. Monitoring is essential to see if the Plan is delivery housing as expected. The monitoring framework is part of the way that the Plan delivers the flexibility is needed, so that the Council is able to respond to any changing circumstances.
169. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.
170. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy and monitoring framework to the potential to bring forward additional housing supply earlier. As the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites and/or include policies that would allow for additional windfall housing sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring.
171. Bristol must also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.
172. The Plan needs to set out how and when monitoring will be undertaken, and more information is needed on what action(s) will be taken when if monitoring shows under delivery of housing. Not doing so means the plan will be ineffective and therefore unsound.

### **Omission- Lack of a Housing Trajectory**

*The Plan does not include a Housing Trajectory as such is not considered to be sound as it is not justified or effective or in compliance with national policy.*

173. A Housing Trajectory needs to be provided which shows as a minimum the site-by-site breakdown of housing delivery over the plan period. This must also link into the Monitoring Framework.

### **Participation at EIP and Future Engagement**



174. The HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Yours faithfully

A handwritten signature in blue ink that reads "R. H. Danemann". The signature is written in a cursive style with a light blue background behind it.

Rachel Danemann MRTPI CIHCM AssocRICS  
Planning Manager – Local Plans (Midlands and South West)  
Home Builders Federation  
Email: [rachel.danemann@hbf.co.uk](mailto:rachel.danemann@hbf.co.uk)  
Phone: 07817865534