

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

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

1st June 2020

Dear Sir / Madam

**Bath & North East Somerset (BANES) LOCAL PLAN PARTIAL REVIEW –
COMMENCEMENT DOCUMENT 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 responses to specific questions in the Council's commencement document.

1. Do you have any comments on the proposed scope and content of the Local Plan Partial Update and the policies to be updated (see separate list)?

The spatial strategy and adopted housing / job growth requirements will not be changed by the Local Plan Partial Review. The housing requirement of 13,000 dwellings (725 dwellings per annum) between 2011/12 – 2028/29 set out in the adopted Core Strategy (CS) is specifically excluded from review in the BANES Local Plan Partial Review. The proposed scope and content of the Council's Local Plan Partial Review is limited to reviewing :-

- CS Policies RA4 & B3A and Place Making Plan (PMP) Policies RA1, RA2, GB2, B1, SB1, SB3, SB6, SB7, SB14 – SB18, KE1, KE2B, KE3A, KE3B, SV1, SSV2, SSV4, SSV9, SSV17, SSV20, SR6 & SR15 to address a shortfall in housing delivery against the adopted housing requirement of 725 dwellings per annum ;
- CS Policies CP2, CP4, CP6, CP7 and PMP Policies SCR1, SCR2, NE1, NE2, NE3, NE4, NE5 to respond to the Council's declared Climate Change Emergency ; and



- PMP Policies H1 & H7 on housing for the elderly (including accessibility standards), PMP Policy H4 on self-build housing, PMP Policies ST1, ST5 & ST7 on sustainable travel & parking standards (including provision of Electric Vehicle Charging Points) and CS Policy RA4 on rural exception sites for affordable housing.

To be effective Local Plans must be kept up to date therefore the HBF do not support a Partial Review of the BANES Local Plan as proposed by the Council and consider that a full Local Plan Review should be pursued. It is noted that CS Policy DW1 refers to a review of the adopted CS in 2016, which has not taken place and is now long overdue.

Under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, it is a legal requirement for all Local Plans to be reviewed at least every five years (2019 National Planning Policy Framework (NPPF) Footnote 18). The CS was adopted in July 2014, so it is now more than five years old. As set out in 2019 NPPF, reviews should be completed no later than five years from the adoption date of a Plan and take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable Local Housing Need (LHN) figure has changed significantly (para 33). The exclusion of a review of DS Policy DW1 is inconsistent with 2019 NPPF.

Furthermore, the CS end date of 2028/29 is only nine years away. The 2019 NPPF states that strategic policies should look ahead over a minimum fifteen years period from adoption to anticipate and respond to long-term requirements and opportunities (para 22).

The HBF has previously commented on the Council's proposed policy approach to numerous Development Management Policies in response to the Local Plan Options consultation ended on 7th January 2019. These comments related to the Council's proposed policy approach under :-

- Policy DM1 for carbon reduction ;
- Policy DM5 for facilitating the delivery of self-build plots ;
- Policy DM7 for housing accessibility policies ;
- Policy DM8 for space standards ;
- Policies DM14 & DM15 for residential parking standards ;
- Policy DM16 for electric vehicle infrastructure ; and
- Policy SCR5 for water efficiency.

As set out in the 2019 NPPF, 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 (para 31). Any proposed changes to Policies in relation to climate change, housing for the

elderly, self-build housing, sustainable travel and car parking should be fully justified by supporting evidence.

Any proposed policy changes should also be viability tested. The contributions expected from development including the level and types of affordable housing provision required and other infrastructure for education, health, transport, flood & water management, open space, digital communication, etc. should be set out. The viability of individual developments and plan policies should be tested at the plan-making stage. In plan-making, viability is very closely linked to the concept of deliverability of development. To ensure viability, the cumulative impact of affordable housing provision, policy compliant standards, infrastructure and other contributions should provide sufficient incentive for a reasonable landowner to bring forward their land for development. As stated in the 2019 NPPF, development should not be subject to such a scale of obligations that the deliverability of the Local Plan is threatened (para 34). Viability assessment should not be conducted on the margins of viability. If the resultant Benchmark Land Value is lower than the market value at which land will trade, then the delivery of housing targets will not be met. Any updated viability assessment should also consider the economic consequences of the Covid-19 crisis. Viability assessment is an iterative process, in low / middle value areas “trade-offs” between affordable housing provision, CIL, S106 contributions and policy requirement compliance may be necessary.

2. Do you have any comments on the programme for the preparation of the Local Plan Partial Update?

The Council’s proposed programme for the preparation of the Local Plan Partial Review sets out an Options consultation (Regulation 18) in Autumn 2020, a Draft Plan consultation (Regulation 19) in Summer 2021, Examination by the Planning Inspectorate during Winter 2021 and adoption by the Council in Spring 2022.

The HBF note that the Council’s latest Local Development Scheme (LDS) is incomplete as there is no information on the preparation of the West of England (WoE) Spatial Development Strategy (SDS) or full Local Plan Review.

Since the formal withdrawal of the WoE Joint Spatial Plan (JSP) on 7 April 2020, it is understood that the authorities of Bristol City, BANES, South Gloucestershire & North Somerset and WoE Combined Authority remain committed to working together on strategic planning policies for the sub-region. Currently, the Councils are scoping a potential SDS. The SDS is expected to cover strategic planning priorities including a response to climate change emergency declarations, a spatial vision, a spatial strategy on the broad pattern of housing / employment development & infrastructure, housing & jobs requirements and any other thematic policies such as affordable housing. It is not clear if the Council’s Partial Review will align with proposals for the SDS and comply with parallel working between Local Plans under the Duty to

Cooperate. It is noted that the other WoE Councils are pursuing full rather than partial Local Plan Reviews.

Conclusion

In summary, the HBF consider that the Council should pursue a full rather than partial Review because :-

- the adopted housing requirement is more than five years old ;
- the adopted plan end date is only nine years away, which is below fifteen years timeframe specified in the 2019 NPPF ;
- the first review of the CS in 2016 referenced in adopted Policy DW1 has not been undertaken and is long overdue ;
- the Council's latest LDS is incomplete with no timetable for preparation of WoE SDS or full Local Plan Review ; and
- the Council's policy approach on a strategic priority such as climate change will not be co-ordinated with the WoE SDS.

The proposed Partial Review wastes valuable time and delays the preparation of the full Review. A full Local Plan Review should be pursued as a matter of urgency.

It is hoped that these responses will assist the Council in its next stages of plan-making. If any further information or assistance is required, please contact the undersigned.

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



Susan E Green MRTPI
Planning Manager – Local Plans