

Leeds Local Plan Update Consultation
Policy & Plan Group
Merrion House
9th Floor East
110 Merrion Way
Leeds
LS2 8BB



SENT BY EMAIL
lpu@leeds.gov.uk
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Dear Planning Policy Team,

LEEDS LOCAL PLAN UPDATE: PUBLICATION DRAFT

1. Thank you for consulting with the Home Builders Federation (HBF) on the Leeds Local Plan Update Publication Draft Consultation 2022.
2. 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.
3. The HBF is concerned that Leeds approach to updating the Plan in a piecemeal basis increases the complexity of the Plan, has the potential for confusion as different elements of the Plan cover differing timescales, and has the potential for policies not to be considered in a holistic manner. This has been concern has been raised previously in our representations and continues to be a concern with this update.

Strategic Policy SP0: Climate Change Mitigation and Adaptation

Policy SP0 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

4. This policy states that new developments will achieve 100% net zero operational carbon reductions (on 2000 levels). This will be achieved by minimising carbon emissions, adapting to the impacts of climate change, ensuring resilient and healthy places, maximising carbon storage and sequestration and supporting the robustness of the district's biodiversity. It also goes on to state that new developments will support the District's wider science-based Scope 1 and 3 carbon reduction targets as follows (85% by 2030, 95% by 2035, 97% by 2040, 99% by 2045 and 100% by 2050).
5. The HBF supports the Council in seeking to minimise carbon emissions, adapt to the impacts of climate change, creating resilient and healthy places and providing



biodiversity. However, the HBF does not consider that the Council setting its own standards is the appropriate method to achieve these outcomes. Whilst the ambitious and aspirational aim to achieve net zero, and to achieve carbon reduction targets at specific timescales 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.

6. The HBF acknowledges that Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 outlines that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. The NPPF¹ looks for all plans to take a proactive approach to mitigating and adapting to climate change. However, PPG² refers to the Planning and Energy Act 2008, the Deregulation Act 2015, and the Written Ministerial Statement (March 2015) and states that policies in relation to energy performance standards should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes (approximately 20% above the then Building Regulations across the build mix). Part L of Building Regulations was updated in 2021 to achieve a 31% reduction in carbon emissions for new dwellings. Current Building Regulations, which took effect on 15 June 2022, therefore exceed Level 4 of the Code for Sustainable Homes. This therefore means the policy would directly conflict with both the PPG and the 2015 Ministerial Statement.
7. The second part of this policy sets out how this will be achieved with the numbered parts of the policy cross-referring to elements in other policies within the Plan. The HBF considers that as the Plan is to be read as a whole this part of the policy is not necessary, as it repeats a lot of the elements of the policies that are detailed elsewhere in the Plan. The HBF does not consider this to be consistent with the NPPF which states that Plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area and should contain policies that are clearly written and unambiguous so it is evident how a decision maker should react to development proposals³.
8. The HBF recommends that this policy is deleted.

EN1 A: Embodied Carbon

Policy EN1 Part A is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

9. This policy states that all major development should calculate the whole life cycle (WLC) carbon emissions and demonstrate actions to reduce life-cycle carbon emissions of the development. The justification text states that principles for whole life cycle carbon

¹ NPPF 2021 paragraph 11(a), 20(d), 152-154

² ID: 6-012-20190315

³ NPPF 2021 paragraph 16.

emissions assessments are underpinned by BS EN 15978, which defines a standard building's life expectancy as 60 years and breaks down the life cycle into five overall stages: Product stage [A1-A3], Construction stage [A4-A5], Use stage [B1-B7], End of life stage [C1-C4] and Beyond life stage [D]. Whole life carbon emissions are the sum total of all emissions both operational and embodied over the life cycle of an asset. The text goes on to suggest that applications would be expected to use a nationally recognised tool for submitting their WLC assessments and the justification text suggests the use of tools such as One Click LCA and UKGBC One Click Planetary. It goes on to state that the assessments will be monitored, and that this policy will be subject to a future plan review to set a benchmark figure for future development.

10. The HBF considers that this policy does not serve a clear purpose and it is not evident how a decision maker should react to development proposals. Whilst it is requiring the calculation of the whole life cycle carbon emissions and actions to reduce life cycle carbon emissions it is not clear from the policy how it will be determined what is an appropriate level of emissions or what would be an appropriate level of reductions.
11. The HBF is also concerned that planning may be too early in the building process to fully assess the carbon impact of a design. It may be that further decisions are made post planning, which do not require further consent which would impact on the carbon emissions. The industry is generally familiar with energy modelling tools like SAP1.1 and SBEM1.2 which may be used in Building Regulations. However, estimating the actual energy performance outcomes for a building, that will be verified in operation, is a more detailed task which needs a unified project team along with a knowledgeable and experienced energy modeller steering the design. Meeting EUI targets will only be fully demonstrated once a building is occupied, using the actual meter readings, and prior to that consideration will need to be given to any uncertain design information, possible changes that could occur during construction and commissioning, and the influence of variation in building operation, all of which could affect meeting the targets in practice.
12. The HBF considers that if the Council is to introduce a policy in relation to WLC 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.
13. The 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, to upskill the workforce as needed and for the supply chain to be updated or amended as required.

14. The HBF also considers that this requirement should not apply to all developments and should recognise the scale of development in relation to the significant requirements of this policy.
15. The Viability Study includes a total fixed cost of £50,000 in relation to the cost impact of this policy. The HBF is concerned that this is not be sufficient to cover the cost of the policy and its implications.

EN1 B: Operational Energy

Policy EN1 B is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

16. The justification text for this policy states that Part L of the Building Regulations does not calculate building energy use performance accurately, and therefore this policy will focus on energy-based metrics and require applications to calculate their predictive energy demands. This policy states that up to 31st December 2026 all new development must minimise energy demand through passive design principles, maximise renewable energy onsite to attempt to deliver an annual net zero energy balance, and ensure on-site plant are fossil fuel free. It goes on to state that in order to achieve this, the applications will be expected to meet 40kW/m²/year Transitional Energy Use Intensity (EUI) and 30kW/m²/year Space Heating Demand target for housing.
17. From January 2027 the policy requires all new development to demonstrate how it will achieve net zero operational carbon emissions in line with a hierarchy set out in the policy which starts with minimising carbon emissions through passive design principles including fabric efficiency measures; maximising renewable energy onsite and attempt to deliver an annual net zero energy balance, ensure on site plant are fossil fuel free, and subject to demonstration of technical or policy constraints provide offsite financial contribution to deliver the remaining energy imbalance off-site.
18. The policy states that in order to achieve this, applications will have to meet net zero operational carbon EUI and Space Heating Demand targets: Housing – Energy Use Intensity Target of 35kWh/m²/year and Space Heating Demand of 15kWh/m²/year. The justification text highlights that where applications can not technically or feasibly be delivered to net zero operation energy balance a carbon off-setting financial contribution would be sought. It also goes on to state where applications can not generate the renewable energy demand of the development on-site, they will be expected to financially off-set the residual energy requirement.
19. The policy also states that planning applications need to be supported by energy statements that demonstrate how development delivers a net zero operational energy balance.
20. As set out previously, the HBF is concerned that the Council setting their own standards over and above those set nationally may lead to issues for home builders as this adds to the cost and complexity of development. The impact of this requirement along with others in this Plan may have considerable viability implication and may lead to the non-

delivery homes. The HBF continues to consider that Building Regulations is the correct process for conforming with standards and improving building performance, and that planning policy should not try to create an alternative standard. The Future Homes Hub have published Future Homes, One Plan⁴ which sets out the roadmap for new homes for 2025, 2030 and 2035, and provides the Sustainability Performance Framework developing a single set of metrics with homebuilders, Homes England, the NextGeneration Initiative and NHBC to set best practice in line with the pathway of future regeneration. The Partnership Imperative set out in this document clearly states that local planning requirements must align with the overall plan for improving performance standards at national level by 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.

21. The HBF does not consider that the Council has provided the justification for why Leeds requires a policy that is so significantly above the requirements set out nationally in the building regulations requirements. The HBF does not consider that the Council have provided the justification for why there is a need for the home building industry to consider the unregulated emissions in addition to the regulated emissions, as it is generally acknowledged that developers have limited control over future unregulated emissions. The HBF also does not consider that the Council have justified the Energy Use Intensity Targets and Space Heating Demand Targets set out in the policy, it is not apparent why these levels have been chosen and how they relate to existing development in Leeds. The HBF Watt a Save report⁵ (July 2023) finds that the home building industry collectively reduced household carbon emissions by 500,000 tonnes last year, saving buyers more than £400million in energy costs. The reports highlights that the average new build used 105.37kWh per m² per year, while the average existing property used 248.47kWh per m² per year.
22. The HBF considers that the policy or justification text should also make clear whether the EUI and Space Heating Targets are expected to be delivered by each individual home or if this is to be achieved as an average across the whole development. The HBF would suggest that an average across a development may provide greater flexibility for a developer.
23. The HBF considers that the Council will need to provide more detail as to exactly how the figures used in these metrics are to be calculated by the industry, and how they will be assessed and monitored by the Council. The Council will also need to ensure that the requirements needed to meet these metrics will sit comfortably with the requirements of Building Regulations particularly Parts L and O, which already mean that homes need to be designed to very specific criteria. The development industry currently tends to use the Standard Assessment Procedure (SAP) to assess and compare the energy and environmental performance of dwellings, the most recent version of SAP came into force with the updated Part L building regulations. However, to model or measure the Space

⁴ https://irp.cdn-website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf

⁵ https://www.hbf.co.uk/documents/12662/Watt_Energy_Efficiency_New_Homes_finalv2.pdf

Heating Demand metric the industry will need to use an additional metric such as the Passivhaus Planning Package (PHPP) tool, and LETI⁶ suggests the use of CIBSE TM54 as part of the EUI modelling requirements. LETI also highlight that energy performance modelling is a significantly more complex exercise than a typical Part L calculation for Building Regulations, with more time taken and higher professional fees. This also brings to the fore another issue in relation to the availability of skilled professionals able to undertake this modelling work.

24. The Council may also want to consider whether there are resources available for homes to be constructed to these standards, and the implications that sourcing these resources may have on the carbon footprint and embodied carbon of the homes. The HBF is concerned that as these are new standards significantly above those currently expected that the materials and resources may not be easily and commonly available in the local area.
25. The HBF also considers that this requirement should not apply to all developments and should recognise the scale of development in relation to the significant requirements of this policy. The Council should not place unduly onerous requirements onto individuals and small sites.
26. The Viability Study utilises costs from a report by Currie and Brown from December 2018 to estimate the cost of carbon reduction in new residential buildings. It suggests costs of achieving zero carbon ranging from £7,056 to £16,464. However, the assessment goes on to suggest that to prevent double counting the costs of achieving the interim uplifts to Part L and Future Home Standards need to be deducted from these costs and suggests an additional cost of £3,850 per house and £1,098 per apartment. The HBF is concerned that these costs are extremely low and do not seem reflective of the requirements of the policy which are significantly over and above the current standards and above the emerging Future Homes Standards.

EN2: Sustainable Construction Standards

Policy EN2 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

27. This policy expects major applications to demonstrate how they have achieved a minimum four-star rating under the BRE Home Quality Mark scheme. It goes on to state that to evidence this, applications will include independently certified evidence of their sustainability credentials at the design stage and post construction.
28. The HBF notes that within the HQM Mark One Technical Manual⁷ it states that the final certification is issued after the construction is completed, although an interim assessment and certification at the design stage can be undertaken to estimate the likely HQM performance. The document clearly states that the pre-assessments are not formal assessments certified by HQM, and there is no such thing as an uncertified HQM rating,

⁶ LETI Operational Modelling Guide: How energy performance modelling helps deliver energy targets https://www.leti.uk/_files/ugd/252d09_68369f33aca74bf49edaea562eca81d5.pdf

⁷ <https://www.homequalitymark.com/wp-content/uploads/2018/09/HQM-ONE-Technical-Manual-England.pdf>

so the HQM performance based on a pre-assessment is not proven and no-one must claim that a home has been awarded an HQM rating based on pre-assessment. The HBF is concerned how this would work with the policy requirements. The HBF is also concerned that any delays in occupation of a home, which may happen whilst awaiting condition discharge could also cause viability issues. Finally, the HBF is also concerned about the numbers of assessors that available to provide this assessment and the time it may take to train sufficient numbers for this policy requirement to work and for housing delivery to remain at appropriate levels.

29. The HBF does not consider that it is necessary for Leeds to set a standard for sustainable construction. The HBF does not consider that the Council have provided any evidence or justification for why residential development should need to meet the four-star rating under the BRE Home Quality Mark or why developments should need to be assessed using the Home Quality Mark. The HBF recommends that this policy is deleted.
30. The Viability Assessment includes a budget estimate of £750 per apartment and £1,000 per house, the assessment also highlights the likely costs for the certification and registration in relation to BRE's Home Quality Mark. The HBF is concerned given the wide-ranging nature of the Home Quality Mark that these costs are not sufficient to cover the costs of this policy. There is also the possibility if this becomes a requirement that it creates a monopoly and potential for prices to increase in line with demand.

EN4: District Heating

Policy EN4 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

31. Leeds City Council and its partners Vital Energi are constructing a heat network, via underground pipes, around Leeds City Centre which re-uses the heat produced from the Recycling and Energy Recovery Facility (RERF) to supply a low carbon form of heat in the urban area to local homes and businesses. The policy sets a hierarchy in relation to district heating networks for developments of 10 or more dwellings, starting with connecting to an existing district heating network, construction of a site wide network served by a new low carbon heat source, collaborating with neighbouring developments to develop a shared heating network and finally in areas where district heating is currently not viable the need to demonstrate how sites have been designed to allow for connection in future.
32. The HBF considers that it is important that this is not seen as requirement and is instead implemented on a flexible basis. 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. 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.

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.

33. Government consultation on Heat Network Zoning⁸ 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.
34. 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. All heat network domestic consumers should have ready access to information about their heat network, a good quality of service, fair and transparently priced heating and a redress option should things go wrong. Research by the Competition and Markets Authority (CMA) found that a significant proportion of suppliers and managing agents do not provide pre-transaction documents, or what is provided contains limited information, particularly on the on-going costs of heat networks and poor transparency regarding heating bills, including their calculation, limits consumers' ability to challenge their heat suppliers reinforcing a perception that prices are unjustified. The monopolistic nature of heat networks means that future price regulation is required to protect domestic consumers. The CMA have concluded that "a statutory framework should be set up that underpins the regulation of all heat networks." They recommended that "the regulatory framework should be designed to ensure that all heat network customers are adequately protected. At a minimum, they should be given a comparable level of protection to gas and electricity in the regulated energy sector." The Government's latest consultation on heating networks proposes a regulatory framework that would give Ofgem oversight and enforcement powers across quality of service, provision of information and pricing arrangements for all domestic heat network consumers.

Water 1: Water Efficiency

35. This policy states that all residential developments where feasible are required to meet a water standard of 110 litres per person per day. This requirement is similar to that currently included within CSSR Policy EN2.
36. The Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. The Optional Technical Housing Standard is 110 litres per day per person.

⁸ Heat Networking Zoning consultation (2021)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1024216/heat-network-zoning-consultation.pdf

Policy G1: Protecting, Maintaining, Enhancing and Extending Green and Blue Infrastructure

Policy G1 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

37. This policy requires all applications to provide a Green Blue Infrastructure (GBI) assessment. The HBF generally supports the Council in providing and supporting the provision of green and blue infrastructure. However, the HBF considers that many of the elements that this policy is requiring the applicant to address as part of their GBI Assessment are elements that are already included within planning policy found elsewhere in the Plan. The HBF considers that if a proposal is considered to be in accordance with the Plan, there should be no need for the applicant to provide a GBI assessment. The HBF also considers that where a GBI Assessment may be required that the Council need to ensure that the evidence required is proportional to the scale and / or impacts of the development proposed, and that the assessment is not overly onerous and does not require significant additional evidence to be collated. It is noted that the Viability Study includes a cost of £50,000 for the undertaking of the GBI assessment.

Policy G2D: Tree Replacement

Policy G2D is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

38. This policy states that where removal of existing trees (category A, B and C) outside woodland is unavoidable, justified and agreed with the LPA, those trees removed will be replaced with an appropriate number, size and type of extra heavy standard tree calculated using the Council's tree replacement methodology. Tables 1-3 in the Plan set out the replacement methodology, with the range from 1:1 to 1:38 dependent on the category⁹, stature and diameter of the tree to be replaced and the stature and diameter of the replacement trees.
39. The HBF is concerned by the potential tree replacement strategy provided, this could have significant potential implications in terms of viability of the development, not only due to the replacement costs but also in terms of efficient land use, site layout and highways considerations. The Tree Replacement Report provides some of the evidence for this policy, however, it appears to have considered trees separately from all other plan requirements and without any practical considerations as to how this policy will work. The HBF understands the Councils desire to prevent the loss of carbon sequestration capacity, but would question whether the tree replacement strategy proposed is the best way to do this, and whether other options may be more appropriate, and whether this policy needs to be applied much more flexibly in order to take into consideration other requirements and circumstances. The Viability Study includes consideration of this policy and has increased their allowances for external works by 1%. The HBF is concerned that this does not reflect the true cost of this policy requirement.

⁹ BS 5837: 2012

Policy G4B: High Quality New Green and Blue Space

Policy G4B is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

40. This policy states that in order to be considered high quality new green and blue space should seek to meet the following objectives: (o) a mix of formal and in-formal play provision. The HBF would seek further clarification as to what exactly is required by this objective, the HBF does not consider that this policy clearly written and unambiguous, and does not consider that it is evident how a decision maker should react to development proposals.

Policy G9: Biodiversity Net Gain

Policy G9 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

41. This policy states that all new development will provide a minimum of 10% biodiversity net gain (BNG) in line with the Environment Act apart from a number of exemptions which are set out in the policy. And that the presumption is for BNG to be delivered on site. Off-site will only be acceptable where there is clear evidence that the mitigation hierarchy has been applied. It states that any land to be in private garden space is not considered reasonable by the LPA to be deliverable through a BNG Management Plan and therefore will not be considered to contribute to the minimum 10% BNG metric calculations. It also states that all biodiversity units delivered as part of the minimum 30-year period will be retained thereafter for the lifetime of the development.
42. The HBF has a number of concerns firstly, by some of the detail included within this policy, the potential lack of flexibility, the limited acknowledgement that a mix of approaches may be required. Secondly, how the LPA will determine what land is considered reasonable. Thirdly, how the management costs would be calculated for on-site and off-site provision, particularly if the Council's proposal for the retention of units for the lifetime of a development is maintained. Finally, the HBF is concerned how the detail in the policy will sit with the requirements provided nationally.
43. The HBF notes that there are specific exemptions from biodiversity net gain for certain types of development. The exemptions are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations. It is not necessary for this policy to repeat them or to set different standards.
44. The Environment Act is clear that BNG requirements can be met on-site, off-site or as a last resort through statutory credits (see <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>). Whilst on-site provision should be explored first there may be many reasons, including for example design and practicality, why on-site BNG is not deliverable and/or not the preferred approach of the applicant and/or the Council and/or the community and/or statutory consultees. Factors that may need to be considered in reaching a view that off-site BNG may be acceptable, could include for example,

whether the site is suitable for the type of BNG to be provided, what the priorities of the Local Nature Recovery Strategy are and/or the opportunity to coordinate contributions from a range of sites to provide for large landscape scale BNG schemes. The metric already compensates for off-site BNG provided when this is provided further away from the site, including outside of the LPA area. Likewise, private gardens can make a positive contribution to biodiversity and whilst appropriate planting and ongoing management may not be possible to secure in the long term the Metric recognises this in its scoring of the value of gardens. The Local Plan policy therefore should not seek to limit flexibility in BNG provision, to seek to do so is in conflict with national policy.

45. The HBF would also highlight that for clarity the reference to the mitigation hierarchy within the policy may need to be amended to reflect the fact that even where a development created no loss at all, would still need to provide a 10% BNG as required by the Environment Act.
46. The Viability Study has estimated a cost for this policy of £19,698 per hectare to create and maintain sites over a 30-year lifecycle. The HBF assumes this cost has its basis in the Net Gain Impact Assessment which included a central estimate of £19,282 per hectare of development in the Yorkshire Region based on 2017 prices. The HBF notes that the central scenario is based on 75% of BNG being provided based on scenario A and 25% based on scenario C. Scenario A assumes that the developer is able to avoid significant loss of distinctive habitats and therefore mitigates and enhances on site. Scenario C assumes that the developer is unable to compensate on site and is unable to find local compensatory habitat in which to invest, instead they have to pay for their units through the biodiversity unit off-setting market. The HBF is concerned that the costs for Scenario C are significantly higher than that currently used in the Viability Study at £66,570 per hectare based on 2017 prices, and that the Council do not appear to have undertaken work to demonstrate that the majority of BNG can be provided on site. The Viability Assessment also does not appear to have taken into consideration the Council's policy in relation to the retention of biodiversity units for the lifetime of the development. The costs of mandatory BNG are still emerging as the off-site market is yet to be established. 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 create viability concerns.
47. It is noted that the draft PPG¹⁰ in relation to BNG states that Plan-makers should highlight the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provisions of this statutory framework. The HBF considers that the Council will need to revise this policy in light of the further Government guidance and regulations in relation to BNG.

Policy F1: Food System Resilience

Policy F1 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

¹⁰ Draft PPG ID: 74-005-2023

48. This policy seeks to support food system resilience and food security by supporting residential development to reserve and create on-site opportunities for community food growing for residents and the local community as part of their GBI assessment. It requires that residential developments with private gardens to provide at least 1 semi-mature fruit tree per garden and that they should explore opportunities to plant semi-mature fruit tree under policies on new greenspace and GBI.
49. The HBF considers that there is no justification or evidence for this policy requirement. The HBF is also concerned in relation to the implications of this policy in terms of viability, efficient use of land and site layouts. The HBF is also not sure whether residents of all new developments would want fruit trees or community food growing opportunities, and it is not clear what would happen where these facilities are not used in an appropriate manner or are not maintained for food growing or are removed. It is also possible that residents would prefer other formats of food growing than fruit trees, and this policy does not provide any flexibility in this part of the policy.

Policy SP1A: Achieving Complete Compact and Connected Places

Policy SP1A is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

50. This policy looks for new development to meet the principles of complete, compact and connected places. The policy then sets out the principles as they apply to Leeds these include providing good accessibility to a range of local services within a 10-minute walk; easy access to public transport; and a mix of house types. It goes on to state that windfall housing development (5 or more units) will be acceptable in principle on non-allocated land providing that the site is located in those areas that meet the complete, compact and connected place principles; can address deficiencies in accessibility; the number of dwellings does not exceed the capacity of transport, educational and health infrastructure; Green Belt policy is satisfied; areas of high flood risk are avoided; and greenfield land does not have intrinsic value for amenity open space, nature conservation, makes a valuable contribution to the character of the area, or can contribute to the adaptation to climate change.
51. The Council identify that the concept is intended to ensure that neighbourhoods support strong communities and local economies and recognise that easy walking and cycle access to services and facilities is good for health, and physical activity. It is noted that the TCPA¹¹ also include access by public transport within their definition of a 20-minute neighbourhood, on which this concept appears to be based. The HBF considers that the concept can be a useful consideration when determining the appropriate location of development. However, it will also be appropriate to consider the range and variety of development provided, it may be that additional development could help a smaller settlement support more services and therefore contribute to the creation of complete, compact and connected places or a more sustainable neighbourhood. The Council may also want to consider that larger developments may also be able to contribute to the

¹¹ <https://www.tcpa.org.uk/the-20-minute-neighbourhood>

creation of improved active travel infrastructure or open spaces. The HBF considers that there is not sufficient flexibility within the policy to allow for a site that would otherwise constitute sustainable development and deliver other benefits to be supported.

52. The Council will also need to work on making active travel and public transport quick, easy to use, well maintained, safe and available to all, and therefore more appealing than using a car. The Council will also need to consider how these people that live in the City may travel to other places to visit friends, family, social and leisure activities or employment, which may not all be located within the city.

Policy P10: Development Principles for High-Quality Design and Healthy Place Making

Policy P10 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

53. This policy states that all development shall be inclusive and accessible to all users. It is not clear what this policy requires from development. It is noted that adopted Policy H10 currently requires 30% of dwellings to meet the requirements of M4(2) and 2% to meet the requirements of M4(3) (wheelchair adaptable dwellings). It is not clear how these two policy requirements work together, and if this policy is intended to propose an increase in the M4(2) or M4(3) standards this needs to be made clear and appropriate evidence needs to be provided.

Policy P10A: The Health Impacts of Development

Policy P10A is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

54. This policy requires a Health Impact Assessments for residential developments of 100 units or more. It is also noted that the Viability Report includes a cost of £50,000 for undertaking a health impact assessment.
55. The HBF generally supports plans that set out how the Council will achieve improvements in health and well-being. In preparing its local plan the Council should normally consider the health impacts with regard to the level and location of development. Collectively the policies in the plan should ensure health benefits and limit any negative impacts and as such any development that is in accordance with that plan should already be contributing positively to the overall healthy objectives of that area.
56. The PPG sets out that HIAs are 'a useful tool to use where there are expected to be significant impacts' (ID:53-005-20190722) but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the local plan a HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring a HIA. In addition, the HBF considers that any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA for development proposals of 100

dwellings or more without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the PPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to substantially mitigate the impact.

Future Engagement

57. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
58. The HBF wishes to participate in the hearing sessions in order to be able to respond to any issues raised in relation to the home building industry.
59. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



Joanne Harding
Planning Manager – Local Plan (North)

Email: joanne.harding@hbf.co.uk

Phone: 07972 774 229