

Sent by EMAIL ONLY to planning.policy@n-somerset.gov.uk

20/1/2023

Dear Sir/ Madam

Response by the Home Builders Federation to the North Somerset Local Plan Pre-Submission Version (Reg 19).

1. Please find below the Home Builders Federation (HBF) response to the North Somerset Local Plan Pre-Submission 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 on those of interest to our members.

The Duty to Cooperate has not been met

3. 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.
4. This Plan further adds to that history of under-delivery and demonstrates a lack of cooperation around planning for housing that results in a failure to properly plan for the both the North Somerset and wider area. HBF are very concerned that this plan will not deliver 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.
5. As the Council will be aware Bristol City's Reg 19 is also currently out for consultation, with a closing date for comments on January 26th 2024. Bristol's intention to declare an unmet housing need is clearly stated. Although HBF may disagree on the level of that unmet need, we agree with Bristol Council that there is an unmet need. We also recognise the constrained nature of



Bristol and are cognisant of the fact that if Bristol's housing requirement were to be increased, because of these constraints the likely result would be a higher amount of unmet need that needed to be planned for elsewhere.

6. Bristol's current Local Plan consultation and supporting evidence clearly sets out Bristol Council's hope that their current unmet housing need will be picked up by neighbouring authorities. This however 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. As such the failure of North Somerset to actively plan for the meeting some of Bristol's needs fails both in terms of good plan-making and in terms of the Duty to Cooperate. It is simply not sound for the North Somerset Plan to be silent on this issue.
7. Although the Duty to Cooperate (and/or its replacement) is not a requirement to agree, the Councils are required to clearly evidence what efforts they have made to accommodate requests from unmet need from neighbouring authorities. HBF are of the view that North Somerset has not adequately demonstrated this through its policies or evidence base. In short, there is a need to do more.
8. HBF note that the Plan for North Somerset is 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 the wider Bristol HMA, which includes parts of North Somerset.
9. HBF recognise the challenges facing Bristol City in being part of the wider Bristol HMA. We have seen in the past how 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 have created difficult relationships with neighbouring authorities. These factors however must be reasons to work harder at collaboration and good plan-making and not excuses for a failure to meet housing need.
10. 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.
11. North Somerset Council should be aware that HBF has objected to the proposed approach that Bristol City is proposing to take in relation to its housing need because the policies are inconsistent with national policy,

ineffective, unjustified, and therefore unsound. HBF are very frustrated by the neighbouring authorities' failures to recognise and address these needs through their own plans, and as such HBF area also objecting to North Somerset's Reg 19 Plan, on this basis, as set out in our representations.

12. HBF are very concerned that there remains an unmet need generated from within Bristol which neighbouring authorities are not looking to meet through their Local Plans. This is evidence of a failure of both the Duty to Cooperate and effective plan-making.
13. North Somerset 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. However, HBF have been unable to locate any Duty to Cooperate Statement(s). 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.
14. HBF note that as part of the Bristol Local Plan Reg 19 consultation the City have prepared cross-boundary issues statement, Appendix 1 of which 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. HBF have been unable to locate any evidence that shows North Somerset Council's response to this letter, but the policies in the North Somerset Plan indicate no action is being taken by North Somerset to explore or address the issues raised by Bristol. For the North Somerset Plan to be completely silent on these issues means it is ineffective, unjustified and contrary to national policy.

Legal compliance

Missing evidence

15. HBF are concerned that the Regulation 19 consultation version on the Plan has not been accompanied by all the necessary evidence. For example, one of the frustrations of the HBF's members is the lack of housing land data allowing transparency in the methodology underpinning the housing methodology. A Residential Land Survey Report to April 2023 has been long delayed and is, at this time, still unavailable. Such established and normally expected evidence is key to the preparation of the Local Plan and the formulation of robust and sound policies which is necessary to ensure that the North Somerset Plan is founded on a justifiable strategy. The Council's Spatial Strategy and Capacity Report is simply no substitute. There is no clear reason why this information is not available and there is no clear justification as to how a Local Plan can progress to Regulation 19 consultation without it.

16. HBF also have concerns about the timelines of some of the evidence that has been made available. Some of the reports and evidence which should have been informing the development of policy and strategy appears to have been being prepared at the same time as the Reg 19 Local Plan was progressing through the Council's governance processes. As such HBF would question if and how the findings of such report can have fed into both the Plan-making process, and elected members consideration of the Plan. HBF would request further information is provided on this matter to show that due process has been followed.

Need to reflect new Government Policy

17. 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 suggest should have an impact on this emerging Local Plan. HBF have 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. HBF would strongly welcome further consultation on this issue.

18. 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 North Somerset Plan need 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.

19. HBF also note 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.

Need for a shared approach to unmet need

20. Bristol City Council as part of their Reg 19 Local Plan consultation have published a paper entitled 'planning for strategic cross boundary matters: progress report', dated (Nov 23). This appears to be a statement from the Bristol Council acting individually, rather than an agreed joint approach to planning in the wider Bristol area with the benefit of express support for the neighbouring authorities, which would be expected under the Duty to Cooperate. A comprehensive and agreed statement would seem to be an essential requisite for plan-making in the Bristol City Region, especially as the Bristol Plan envisages much of the housing need for Bristol City being met outside of the City boundary in neighbouring authority areas.

21. 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 outstanding issues. Bristol Council's cross-boundary statement simply does not detail what has agreed and what has not, and there appears to be no information at all on this issue provided by North Somerset Council. 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. North Somerset's position in this regard needs to be clearly set out in evidence and should be explicitly referred to in the Plan. For the housing policy and justification to make no reference at all the formal request from Bristol to accommodate some of its unmet housing need and what the Council has done, and not done as a result, fails to comply with the requirements for both good plan-making and the Duty to Cooperate.
22. HBF note that the consultations on neighbouring authorities Local Plans suggest there is no consensus or agreement on the approach that should be taken to address the constrained nature of Bristol City Council area and the challenges it facing bringing enough housing development forward. Instead of working together under the Duty to Cooperate, Bristol's neighbouring authorities seem to be actively seeking to minimise their own housing numbers, and certainly do not seem to be accepting of, or seeking to plan, for any additional housing to help met the wider needs of the Bristol City Region. This is an unsound approach to plan-making and a failure of North Somerset's Local Plan under the Duty to Cooperate requirements.
23. HBF note that 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 discussions have been ongoing as to the re-distribution of this unmet need between the partners. Sizable efforts and a large amount of joint working has been undertaken by the Leicester and Leicestershire authorities to try and reach agreement. Efforts, which are sadly lacking from the Bristol city region authorities.
24. HBF also notes, perhaps even more significantly that emerging Local Plans in Leicestershire are including an element of unmet housing need from Leicester within their housing requirement. HBF is disappointed that such joint working has proved impossible with the wider Bristol area, and this has served to undermine positive plan-making and meeting housing need. As well as creating unsound plan, the failure to address housing needs in the midst of a housing crisis is having, and will continue to have, social, economic and environmental consequences for the Bristol City region.

Problems with the formatting of the policies and text

25. HBF also offers a general observation around a problem that would affect the usability of the Plan. In its current format the Plan will create problems for plan users when seeking to refer to the policies and supporting text, particularly applicants and decision-takers. We note that all the policies are just written as a list of bullet points with no identifying numbering or lettering. The paragraphs of supporting text are also not numbered. This 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 or text 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.

SECTION 3: STRATEGIC POLICIES

26. HBF is concerned that the distinction that has been made between Strategic Policies and non-strategic policies is unclear. At the very least the term strategic policy, not the prefix SP should be used to identify each strategic policy.

27. HBF is also concerned that the distinction between Strategic and non-strategic policies reflects a misunderstanding of the purpose of such a distinction and how this relates to planning applications and planning appeals. Some of the Strategic policies seem to be statements of intent or ambition and/or are merely foreshadowing detailed non-strategic policies later in the Plan. The wording of policy should set out what developers need to demonstrate in order to comply with the policy.

28. HBF request that Council revisits the wording of all the strategic policies. HBF suggest that any policy wording that does not assist a planning applicant or a decision-maker should be removed from policy and moved to the supporting text, or just deleted. The current approach to Strategic Policy identification is ineffective and therefore unsound.

Policy SP1: Sustainable development

Policy SP1 is not considered to be sound as it is not effective.

29. This policy appears in fact to be just an overarching statement that merely outlines issues already dealt with by other more specific policies located elsewhere in the Plan. As currently written this policy is not a policy and as such should be deleted, and it is unclear how a developer would show compliance with it. However, HBF recognise that an overarching policy on sustainable development could usefully set out that applications should accord with the policies in the plan, and that where applications do not comply with the plan applications could be refused unless other material considerations indicate otherwise. HBF would be supportive of such a policy.

Policy SP2: Climate change

Policy SP2 is not considered to be sound as it is not justified and not effective.

30. This policy fails to provide any criteria against which a development proposal could be assessed. For example, the policy seeks a reduction in greenhouse gases but doesn't specify by how much, it seeks maximum water re-use and minimal energy use but no reference is made to any targets. As it is unclear what the Council means in terms of these maximum and minimums, and the Plan provides no policy, advice or guidance on what evidence would be required to show compliance, the policy is both unjustified and ineffective and should be deleted.
31. HBF believe the issues flagged within this policy are already adequately addressed in other policies within the Plan, our comments on those particular matters such as energy efficiency and net zero can be found in our response to those particular policies, and as such are not repeated here.

Policy SP3: Spatial Strategy

Policy SP3 is not considered to be sound as it is not effective, justified or consistent with national policy

32. The wording of this policy is not a policy but rather a statement of intent, as such this policy is ineffective and unjustified. This policy fails to provide any criteria against which a development proposal would be assessed. Although the wording provides a helpful summary of the spatial strategy the Council has chosen, it is not a policy and should be moved into supporting text. The actual Spatial strategy of the Plan is set out in Policies SP5: Towns and SP6: Villages and rural areas.
33. In relation to the substantive matter of whether the spatial strategy chosen is the correct one, the fact the Plan as a whole, and the spatial strategy policies (when taken together) are silent on the issue of Bristol's unmet need, means the Plan is failing to comply with national policy requirements for neighbouring authorities to consider requests from neighbours who cannot meet their own housing needs in full. In both failing to recognise this issue, and in failing to plan to meet some of Bristol's unmet housing need, the housing policies and spatial strategy in this Plan are not effective, justified or consistent with national policy, and therefore unsound.
34. HBF believe that the need for the North Somerset Plan to increase its housing requirement to include some of Bristol's unmet need both necessitates the need for a comprehensive Green Belt review and also provides the exceptional circumstances necessary to justify the release of Green Belt land for housing allocations. HBF would wish to see the plan amended to reflect this reality.

Policy SP4: Placemaking

Policy SP4 is not considered to be sound as it is not effective, justified or consistent with national policy

35. Again, this policy fails to provide clear criteria against which a development proposal could be assessed. For example, the policy wording refers to the National Design Guide and other national advice, without specifying what this other national advice is.
36. In contrast much of the supporting text in fact includes factors which could be demonstrated and assessed through the planning application process. For example if “It is expected that Community Engagement Statements submitted for major applications (10 or more dwellings or 1,000 square metres of floorspace) will set out the type of engagement undertaken (such as workshop whether online or in person, web based questionnaire or document etc), the questions asked, responses given and how the proposals have been amended to take account of comments made. If no amendments have been made then the CES should explain the reason for this”. This seems to read more like a policy, than the wording of the actual policy.
37. Similarly, the text says “Higher densities should be investigated in accessible locations such as places well related to local facilities or at transport hubs and to help support the creation of walkable communities”. This also reads more like a policy than the proposed policy wording, albeit there is a need to define what higher density means. This would usually be done through reference to dwelling per hectare (dph) figure(s).
38. HBF request this whole section is revised to ensure that policy is policy and text is text. Failure to do so will render this policy ineffective, and therefore unsound.
39. The policy also fails to reflect the new approach to Biodiversity Net Gain that is currently being introduced by the Government. The final Statutory Instruments to enable the mandatory BNG requirements in the Environment Act to come into force have just been laid before Parliament and the ‘go live’ date confirmed as Monday 12th of February 2024. A vague reference to BNG is therefore ineffective and the policy should instead make specific reference to the 10% mandatory Biodiversity Net Gain. Without such clarification the Plan will not be consistent with national policy.

Policy SP5: Towns

Policy SP5 is not considered to be sound as it is not effective, justified or consistent with national policy

40. Although HBF does not comment individual housing allocations we would expect the housing land supply, including the sum of all the allocations, to meet the housings of North Somerset in full, including a contribution to meeting the unmet housing needs of Bristol. As this is not the situation in the case of this Plan, HBF argue additional allocations and enabling windfall policies are needed.

41. The Plan should be amended to include additional housing allocations to fully meet the revised housing requirement HBF are requesting. Failure to do so means the Plan is not effective, justified or consistent with national policy, as national policy requires Local Plans to set an appropriate housing requirement and then to plan to meet that housing requirement, including considering the issue of any unmet need from neighbouring authorities.
42. HBF suggest the Council should further explore the spatial constraints and opportunities facing new housing delivery. We note for example that there would seem to be an opportunity for additional housing to be provided in the other towns, which seem to be somewhat punching well below their weight. There would seem to be a real opportunity for additional housing to help them performing their intended roles in the spatial strategy as sustainable priority locations for growth. HBF suggest the Council should also consider the opportunity presented by the new railway station being planned for Portishead and the relatively unconstrained nature of Nailsea where additional housing could be provided without recourse to the Green Belt. It will be important for the housing provided to be mixture house types, ranging from apartments to family homes, and recognition must be given to the different locational requirements reflective of the role, location and form of a settlement.

Policy SP6: Villages and rural areas

Policy SP3 is not considered to be sound as it is not effective, justified or consistent with national policy

43. Although HBF does not comment individual housing allocations other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice to ensure that housing needs are met in full. HBF would wish to see the Plan set out a logical settlement hierarchy which meets all the housing needs and addresses all areas of the housing market, with a range of sites proposed for allocation. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.
44. We would expect the housing land supply, including the sum of all the allocations, to meet the housing requirement of North Somerset in full, including a contribution to meeting the unmet housing needs of Bristol. As this is not the situation in the case of this Plan HBF argue additional allocations and enabling windfall policies are needed.
45. The spatial strategy of the Plan should also recognise that there may be clusters of villages that provide a range of services for that area within reasonable travelling distance of each other, so villages may need to be grouped together. These areas might be able to sustainably support a substantial level of development but may not have all the services within one particular village.

46. Similarly, the Local Plan should recognise that settlements that currently do not have services could expand to include those services if new development is allocated in those areas. The current range of village services should not be used as a basis for only locating development close to existing services, it could in fact also identify where services could be improved through new development. Allocating housing sites in rural areas can also provide opportunities for small sites which are particularly helpful for SME builders.
47. For the North Somerset Plan to be effective there is, in our view, a clear need for Green Belt release both within Bristol's boundary and beyond them in order to meet the housing needs of the Bristol HMA. Failure to do so will hinder the growth, development, recovery and renaissance of the Bristol City Region, contrary to government policy.
48. In relation to the villages and rural areas, HBF believe the current housing crisis and inability of Bristol to meet its own housing needs provides the exceptional justification necessary to review a comprehensive Green Belt review, including for the Green Belt in North Somerset. HBF supports the need for additional housing allocations including in villages and rural areas, including both greenfield and Green Belt sites. This must be in addition to the requirement for North Somerset Council also meets all of its own housing need in full.
49. HBF request that the Plan is amended to include additional housing allocations to fully meet the housing requirement for North Somerset, a requirement which HBF believes itself should be increased for various reasons, set out more fully in our response to the Policy SP8 Housing.
50. To be effective the policy should also include a list of villages, in the same way the four towns are listed in Policy SC4. Plan users should not have to consult the policy map to see which locations are villages.

Policy SP7: Green Belt

Policy SP7 is not considered to be sound as it is not effective, justified or consistent with national policy

51. HBF agree with the Council, and the policy, that "releases of Green Belt land for development made in this plan are a result of exceptional circumstances". Although HBF support the allocation of land within the Green Belt for housing, we object to this policy as additional sites within the Green Belt are needed.
52. HBF believe that in light of the housing requirement of North Somerset needing to be higher, a full green belt review is required along with the further Green Belt releases. HBF believe the exceptional circumstances of the housing crisis and the need to fully meet the housing needs of the area justify additional Green Belt releases and further housing allocations. HBF request that this policy is amended to include additional sites for housing.

Policy SP8: Housing

Policy SP8 is not considered to be sound as it is not effective, justified or consistent with national policy

53. The policy states that “land will be identified to secure the delivery of a minimum of 14,902 dwellings within North Somerset 2024-2039” and then sets out the spatial distribution of the site allocations with:
- 7,101 dwellings in Weston-super-Mare,
 - 2,800 in Wolverhill,
 - 562 in Clevedon
 - 926 in Nailsea,
 - 735 in Portishead, and
 - 3,610 in the remaining villages and rural areas.
54. The Plan explains that “The minimum number of new dwellings required in North Somerset over the plan period is informed by the evidence set out in ‘Reviewing the demographic evidence for North Somerset to establish local housing need’ (ORS 2023) and the Local Housing Needs Assessment. The North Somerset Housing Requirement was identified as 993 dwellings pa or 14,902 dwellings over the plan period.”
55. The justification section of this policy continues “The overall distribution of housing reflects the spatial strategy, constraints and the assessment of potential development opportunities. These figures include the anticipated small scale windfall over the plan period which has been forecast using trends from the last five years.”
56. Fundamentally, HBF do not believe that the Council’s ‘Reviewing the demographic evidence for North Somerset to establish local housing need’ (ORS 2023) or the Local Housing Needs Assessment provide a robust basis for establishing the housing requirement for North Somerset. 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.
57. 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 North Somerset. HBF see no evidence or justification not to plan for the standard method housing number, indeed in HBF’s view the Council should in fact be considering if there are any factors, which justify a higher figure.

58. HBF therefore considers that the Local Plan and the housing requirement and the LHN identified within the ORS 2023 are unsound. We content these should not be used as the basis for effective planning in the Bristol City region, including the North Somerset plan area. HBF believe the standard method should be used for the all the plans in the Bristol City Region, to avoid a housing requirement that will be ineffective in meeting housing need of wider Bristol area. For North Somerset this would include making a contribution to Bristol's unmet housing need.
59. The current approach proposed in the Plan 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. Incorrectly constraining housing numbers will impact on not just open market housing delivery but also impact the size, and type of housing that can be provided within North Somerset and undermine the delivery of affordable housing.
60. HBF also note that 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.
61. HBF has strongly objected to Bristol's Plan failure to include the urban uplift within their housing requirement and believe that the Bristol figure should be higher. We are cognisant of the constraints facing Bristol as a closely bounded City but this should be addressed through neighbouring authorities, including North Somerset, doing more to meet Bristol's unmet need, especially as the level of unmet need is, in HBF's view higher than Bristol City itself suggests.
62. HBF disagree that anything other than standard method figure should be used as being the starting point for consideration of the appropriate housing requirement for North Somerset. The alternative methodology being proposed is not robust or justified and is not consistent with national planning policy, which allows for departure from the standard method only in exceptional circumstances, as such the Plan is unsound.
63. 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.
64. Indeed, 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.

65. The starting point to determine the housing need for North Somerset should therefore be 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 (but not North Somerset) is one.
66. HBF therefore object to the North Somerset housing requirements of 993 dwellings pa or 14,902 dwellings over the plan period as it is unjustified and too low. The current requirement will be ineffective in planning to meet the housing needs of both North Somerset and the wider Bristol City region, is contrary to national guidance, and therefore unsound.
67. In relation to housing land supply, 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".
68. HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice to ensure that housing needs are met in full. HBF would wish to see the Plan set out a logical settlement hierarchy which meets all the housing needs and addresses all areas of the housing market, with a range of sites proposed for allocation. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination. Our detailed comments on the spatial strategy can be found in Chapter 4. However, in light of the need for a higher housing requirement the spatial strategy may need to be revisited in order to reflect and enable the additional housing allocations required to meet the full housing requirement of North Somerset.
69. HBF remain concerned that neighbouring authorities are actively seeking to minimise their own housing numbers, and certainly not being accepting of, or seeking to plan for, any additional housing too help meet the wider needs of the Region. This is an unsound approach to plan-making and a failure of North Somerset's Local Plan under both the Duty to Cooperate requirements, and the requirements for good plan-making.
70. 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.

The Need for an Annualised Housing Requirement

71. HBF also request that annualised housing number (currently 993, but HBF suggest it should be higher) must be included within the actual policy, not relegated to the supporting text. This is important for monitoring purposes as housing monitoring will need to be undertaken against an agreed annual housing requirement. Without a clear annual housing target in the policy what figure will the Council be monitoring against to see if there is any under delivery of housing that requires them to take further actions, plan-making or otherwise, to seek to address any shortfalls? It is clearly not appropriate to wait until 2039 to discover that less than the housing requirement (which should be higher than 14,902) has been delivered.
72. HBF request the Council recalculate the housing requirement for North Somerset, starting with the standard method calculation and then giving proper consideration to the need to uplift in the housing requirement is needed. HBF strongly support the need for more housing in North Somerset for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing, supporting employment growth, to support small and medium house builders and the help meet some of Bristol's unmet housing need. This final point is particularly important given the constrained nature of the City boundary means that meeting the housing requirement within it would be challenging.
73. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for North Somerset Council should consider increasing its housing requirement by an additional amount to address each reason in turn. HBF would also support further recognition that an increased number of jobs in the City Region 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.
74. 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. The plan should therefore be delivering more than 993 dpa.

The Need to address Bristol's unmet need

75. HBF sympathise with the Council's challenge in preparing a Local Plan for North Somerset in the 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.

76. The NPPF requires that Local Planning Authorities to 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. LPAs must arrive at evidenced and justified view of what their housing requirement should be. In the case of North Somerset this much include recognition Bristol City's housing requirement and their work on development capacity. HBF agree that robust process must be undertaken to arrive at figure for much Bristol City housing requirement and to reach an understanding of how much of that housing need can be met within Bristol City. If all the housing need cannot be met within Bristol the Council, then the resulting 'unmet needs' should be cause for Bristol City Council and its neighbouring authorities working in partnership to see how this unmet need could be addressed elsewhere. North Somerset's housing requirement should therefore include a specific and explicit contribution towards meeting some of Bristol City's unmet need.
77. The Council's failure to follow to this approach is unsound. The housing requirement calculations for all the neighbouring authorities around Bristol including the North Somerset Plan should 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 Bristol City Region.

The need for the Urban Uplift

78. For completeness, HBF believe the non-inclusion of the urban uplift for Bristol is unjustified, contrary to national policy and unsound. HBF have advised Bristol City of this view in our response to their Reg 19 consultation. 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.
79. As mentioned previously 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.

80. HBF therefore request that Plan is amended so that the housing numbers for North Somerset are increased to reflect not just the unmet housing of Bristol that the City have requested the Council consider but also some of the unmet need that would result from the proper interpretation of the regulation for setting the housing requirement for Bristol, including the urban uplift. This correct interpretation would increase the housing requirement for Bristol, and therefore increase the amount of unmet housing need. North Somerset should therefore be planning for an even higher increase to help address Bristol's unmet need than Bristol City Council itself have requested.

The Need for Small Sites

81. 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.
82. 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%.
83. 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.

Windfall Allowance

84. The Plan states that the figure of 14,902 houses "include the anticipated small scale windfall over the plan period which has been forecast using trends from the last five years". 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.

85. There is no housing trajectory provided as part of this Plan. It is therefore not possible to 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 a breakdown of the housing numbers into different sources of supply. The policy does not even specify how many homes in total of the 14,902 are to be delivered through windfall.
86. 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).
87. 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.
88. 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 SP9: Employment

Policy SP9 is not considered to be sound as it is not effective, justified or consistent with national policy

89. HBF believes the Plan needs to do more to recognise the links between housing and employment and the impacts that failing to provide to properly plan for housing will have on the economic performance and competitiveness of Bristol City Region.
90. HBF believe that higher housing numbers are needed for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. There is therefore a need to more fully consider future housing in conjunction with the Plan's strategy for employment.
91. HBF also suggests there is a need for a clearer link and explanation between the spatial strategy, housing and employment allocations and the topic specific policies later in the Plan. Such matters need to be considered on an

area by area basis that fully recognises the links between housing policy and employment policy. Employment allocations and opportunities within a particular housing market area could give rise to an additional housing need that should be accommodated within that area.

92. The failure to provide new housing close to where people work results in longer commuting times, less sustainable patterns of development and harms the economic performance of an area. What is needed is a plan that plans effectively for the housing and employment growth within the North Somerset. Otherwise the Plan is not consistent with national policy, is not positively prepared, not effective and not justified, and as such it is unsound.

SP 11: Historic and natural environment

Policy SP11 is not considered to be sound as it is not effective, justified or consistent with national policy

93. The simple reference to securing biodiversity net gain fails to reflect the new approach to Biodiversity Net Gain that is currently being introduced by the Government. The final Statutory Instruments to enable the mandatory BNG requirements in the Environment Act to come into force have just been laid before Parliament, and the 'go live' date has just been confirmed as Feb 12th 2024. A vague reference to BNG is therefore ineffective and the policy should instead make specific reference to the 10% mandatory Biodiversity Net Gain. Without such clarification the Plan will not be consistent with national policy.
94. This serves as a further example of the structural problem of the Plan in having vague and unspecific and unnecessary overarching policies when the detail is located elsewhere in subject specific policies. Again, HBF questions what this overview policy adds to the Local Plan and what developers could do to show compliance with it, when it is so vague and nonspecific. HBF suggests this policy could be deleted in its entirety as the Plan itself set out the matters around the historic and natural environment are already covered in twelve other main policies listed at the end of this section.

SECTION 4: LOCATIONAL POLICIES

Policy LP2: Housing, employment and mixed use allocations

Policy LP2 is not considered to be sound as it is not effective, justified or consistent with national policy

95. 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.
96. HBF are also surprised that the Council has chosen not to include a list of the housing and employment allocations within the wording of this policy. Doing

so would greatly assist the usability of the Plan and assist with the housing monitoring. Monitoring of the Plan, particularly housing delivery, will be needed and it is important that this is as effective as possible, other the Plan will be unsound.

Policy LP6: Extent of the Green Belt

Policy LP6 is not considered to be sound as it is not effective, justified or consistent with national policy

97. HBF are of the view, for the reasons detailed elsewhere in our representation, and so not repeated here, that the Council need to undertake a full Green Belt review and allocate more sites for housing, including possibly some within the Green Belt.

Policy LP7: Strategic Gaps

Policy LP7 is not considered to be sound as it is not effective, justified or consistent with national policy

98. HBF are of the view, for the reasons detailed elsewhere in our representation, and so not repeated here, that the Council need to allocate more sites for housing, including possibly some within Strategic Gaps.

SECTION 5: DEVELOPMENT MANAGEMENT POLICIES

99. HBF reiterates its general observations around the problems created by the current format of the Plan. The failure to include paragraph numbers and/or identifying numbers and/or lettering within the policy, and the supporting text, will create problems for plan users when seeking to refer to Plan, particularly for applicants and decision-takers.

100. We note that policies are just written as a list of bullet points with no identifying numbering or lettering. The paragraphs of supporting text are also not numbered. This 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 and text 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.

Policy DP1: High quality design

Policy DP1 is not considered to be sound as it is not consistent with national policy

101. The wording of this policy is seeking to give Local Plan policy status to SPD which is contrary to national guidance. 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. Seeking to give Local Plan status to the existing SPDs is not appropriate. Any reference to the SPD should be moved to the supporting text.

Policy DP6: Net zero construction

Policy LP6 is not considered to be sound as it is not effective, justified or consistent with national policy

102. The Plan seeks to require “All new buildings will be required to achieve net zero operational energy compliance in respect of both regulated and unregulated energy and minimise embodied carbon.”
103. It would appear that the Council have sought 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.
104. 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 implication and may lead to the non-delivery homes and needs to be fully considered within the Viability Assessment.
105. 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.
106. 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. This was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes.
107. 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.”

108. 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>
109. This policy also states that proposals for major residential development will need to be supported by an Embodied Carbon Assessment that demonstrates a score of less than 900kg/sqm. 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.
110. 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.
111. The Plan also seeks to require development to ensure an estimated water consumption of no more than 100 litres/person/day. HBF would request to see the evidence that reassures the Council that the targets of 100 litres per day is achievable. The 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.
112. There are however issues of getting down to 100 litres per dwelling and below. HBF note that the level of customer experience starts to get affected at 100 litres per dwelling and below. Furthermore, there are examples of schemes around the country where once water usage begins to get too low there becomes a secondary issue of odour, air quality and human health as the piped systems aren't getting enough volume to run through and cleanse the system. Pipes need a certain volume of water to flush everything through, otherwise if the effluent is not getting cleared and if 'solids and matter' are just sitting dry in pipes this can cause air quality issues and nuisance to residents.

113. HBF would strongly question if a policy limiting water use to 100 litres per day is deliverable, or indeed desirable, and suggest this requirement should be removed. Building Regulations already address this issue, there is no need for further policy in the Local Plan on this matter.

Policy DP8: Efficient use of land

Policy DP8 is not considered to be sound as it is not effective, justified or consistent with national policy

114. The policy seeks a minimum target density of be 40 dwellings per ha. HBF are unclear if this requirement has been revisited taken into account, he requirements for on-site BNG and how this has links into viability.

115. HBF note that the plan acknowledges that “in many locations there will be a range of factors such as ecological, green infrastructure or heritage considerations which will influence the proposed density.” However, there will also be an impact on viability that needs to be considered.

Policy DP12: Development in the Green Belt

Policy DP8 is not considered to be sound as it is not effective, justified or consistent with national policy

116. HBF reiterates comments we have made elsewhere in our representation that the boundaries of the green belt need revisiting to enable additional housing allocations. If this is done there may also be a need to review the individual settlement boundaries.

Policy DP36: Biodiversity net gain

Policy DP36 is not considered to be sound as it is not consistent with national policy

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

118. 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.

119. 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 12th 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.

120. 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.
121. 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.
122. 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.
123. 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.
124. 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.
125. 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.
126. 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.

127. HBF suggest that there will also be a need for the North Somerset this 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.
128. 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.
129. 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.
130. 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.
131. 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 43 on Affordable Housing, which are not repeated here. It is however noted that the viability assessment states on page 47 that “For the purposes of this assessment, we have assumed 10% net gain within all of the modelling undertaken.” HBF believes this provides further evidence on the need to specific about the exact level of BNG required by policy, at 10, and not use the wording a minimum of 10%.
132. The new DEFRA and DHLUC guidance is clear that going beyond the mandatory 10% required evidence that this will not impact viability. No such evidence exists to support a higher figure in North Somerset.

Policy DP37: Trees, woodlands and hedges

Policy DP37 is not considered to be sound as it is not effective

133. The policy seeks the “equivalent of a minimum of one tree per dwelling is planted, to be located in gardens where practical or within a community garden”. HBF is concerned how this policy links into BNG delivery especially as requiring trees in gardens impacts on the working of the BNG Metric which recognises that the management, maintenance and retention of any trees in gardens would fall to householders once properties are sold and occupied.

Policy DP43: Affordable housing (including rural exception schemes)

Policy DP43 is not considered to be sound as it is not effective, justified or consistent with national policy

Affordable Housing Policy Requirements

134. The policy seeks to require 38.5% affordable housing on greenfield sites and 20% on previously developed land. However the Viability Assessment For North Somerset Local Plan 2039, Final Report, November 2023 prepared by DixonSearle Partnership observes in para 26 that:

“Overall, while the positions of 20% AH on PDL and 38.5% on GF are in our assessment generally probably an upper end view of the achievable range of likely outcomes, these and especially the former represent a blend of seeking to meet needs and an acknowledgement of the variety of scenarios that may be seen. The full AH policy outcomes are within the overall range of sensitivity tests carried out, rather than necessarily supported directly by current values and costs assumptions.

The viability study itself therefore provides evidence that the affordable housing requirements being proposed are already at, if not beyond, the margins of viability.

135. HBF also agree with the viability consultants commentary that:

“Given the weak and uncertain economic environment, this has been a challenging time at which to consider development viability, over the period in which we have been building and concluding this assessment – through 2023; as it has for development activity.

This further underlines the importance of the policies in the Plan allowing for flexibility on viability issues, and to fuller consider the wide range of challenges and additional costs facing developers at this time.

Costs not included within the Viability Study

136. 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.
137. 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.
138. 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:
139. “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 North Somerset 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.

140. 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. The whole plan viability assessment should be explicit in whether it was applying M4(3)a or M4(3)b but as the latter can only be sought on affordable housing where the Council has nominations and is considerably more expensive than the former.

141. 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.
142. As the Plan itself acknowledges “the Dixon Searle viability study (2023) illustrated how challenging affordable housing delivery is in North Somerset.” The failure to include the costs outlines above is evidence that viability will be more challenging than reflected in the current whole Plan viability study.
143. 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.

First Homes

144. The policy also states that “The council will seek to achieve 25% of affordable housing as First Homes in compliance with national policy. Where this is secured the remaining 75% should be provided as 90% social rented and 10% shared ownership. In cases where it is agreed that First Homes will not be provided the mix should be 77% social rented and 23% shared.
145. However, the First Homes PPG¹ is clear about the Government’s expectations in relation to First Homes. In the section entitled “How should developer contributions be secured for First Homes?” The PPG² states:
- “A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations.”
146. Further advice is provided in the PPG³ in the section entitled “What appropriate methods can local authorities use to set out their local requirements for First Homes, including both local First Homes criteria and local First Homes eligibility criteria?”. The guidance says:
- “Local planning authorities are encouraged to ensure that First Homes work well in their area, which may include requiring a higher minimum discount, lower price or income caps, or local connection/key worker requirements.

¹ <https://www.gov.uk/guidance/first-homes>

² Paragraph: 012 Reference ID: 70-012-20210524

³ Paragraph: 009 Reference ID: 70-009-20210524

Local planning authorities are also encouraged to make the development requirements for First Homes clear for their area. The most appropriate method or tool to do this will depend on individual circumstances for each local planning authority. These might include (but may not be limited to): publication of an interim policy statement, or updating relevant local plan policies. Local planning authorities should assess their own circumstances when considering the most appropriate way to achieve this in their context.”

147. The PPG therefore sets out the actions that the Council should take in relation to providing First Homes if there is any concern about their affordability, simply saying that First Homes will not be required and implementing a policy that seeks an alternative kind of affordable housing instead, is not one of those options.

148. HBF also suggest that the viability assessment needs to consider the return on First Homes in a different way from other affordable housing, as they are sold direct to consumers not to RSL.

149. HBF also note that within the Viability Assessment many references are made to Appendix I, however only Appendices 2,3, and 4 appear to have been made available on the evidence section of the Local Plan website for this consultation. HBF have been unable to locate Appendix One.

Policy DP45: Residential space standards

Policy DP45 is not considered to be sound as it is not effective, justified or consistent with national policy

150. The policy requires all new housing to meet Nationally Described Space Standard (NDSS). HBF does not support the introduction of the optional Nationally Described Space Standard though policies in individual Local Plans. If the Council wanted to do this they would need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF⁴, which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”.

151. The NPPF⁵ requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG⁶ 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:

⁴ para 130f & Footnote 49

⁵ Para 31

- 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’.

152. 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.

153. 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.

154. 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.

155. 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.

Policy DP46: Housing type and mix

Policy DP46 is not considered to be sound as it is not effective, justified or consistent with national policy

156. In the section entitled 'Accessible and adaptable homes' the policy seeks to require "all new dwellings will be required to meet Building Regulations M4(2) standard ('accessible and adaptable dwellings') and a minimum of 5% of affordable dwellings will be required to meet Building Regulations M4(3) standard ('wheelchair user dwellings'), or a higher proportion where there is evidence of local need."
157. The second paragraph of the policy goes on to set out the justification for this approach, as such it should not be in the policy, but in the supporting text.
158. 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.
159. HBF also notes that the PPG⁷ 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 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

⁷ PPG Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

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.”

160. 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.
161. There is also a need to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. This part of the policy needs to be amended to recognise this distinction. This issue should also be factored into the whole plan viability assessment as both M4(3)a and M4(3)b impact on viability, with M4(3)b being considerably more expensive.

Policy DP47: Older persons accommodation

Policy DP47 is not considered to be sound as it is not effective, justified or consistent with national policy

162. The economics of providing older persons housing are different from open-market and affordable housing, for example, due to the need to provide communal spaces. It is for this type housing to be considered separately in the whole plan viability appraisal. HBF have been unable to locate Appendix I of the viability report, and therefore unable to read or comment on it.

Omission- Lack of Monitoring Framework

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

163. 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.
164. 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.

165. 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.

166. 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.

167. 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.

Future Engagement

168. 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

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