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Dear Planning Policy Team,

**OADBY & WIGSTON LOCAL PLAN 2020-2041: REGULATION 18 PREFERRED  
OPTIONS CONSULTATION DRAFT**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Oadby and Wigston Local Plan 2020-2041 Regulation 18 Preferred Options consultation draft.
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 notes that this version of the draft plan does not contain any site allocations although it does contain a list of all of the sites that have been submitted as site options to date. The HBF also notes that the new Local Plan will take account of Leicester City Council's declared unmet needs, specifically housing, and that the Plan period start date is consistent with those dates set out within the Leicester and Leicestershire Authorities Statement of Common Ground.

**Duty to co-operate**

4. The Council will need to ensure that they engage effectively with neighbouring areas with regard to housing needs. In particular the council will need engage with its partners in the Leicester and Leicestershire Statement of Common Ground to ensure that it is kept up to date and reflects the latest evidence available to the Council.

**Format**

5. The HBF would strongly recommend that the Council ensure that all of the text within the Plan has paragraph numbers and that the clauses and bullets within the policies are numbered or lettered to ensure ease of use for all.

**Plan Period**

6. The Council proposes a plan period of 2020 to 2041. The start date of the Plan is consistent with the dates set out within the Leicester and Leicestershire Authorities



Statement of Common Ground relating to Housing and Employment Land Needs (June 2022). The NPPF<sup>1</sup> is clear that strategic policies should look ahead over a minimum 15-year period from adoption, and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery. Therefore, the HBF considers that the Council may need to keep the end date of the plan period under review to ensure that the Plan will still provide 15 years on adoption.

### **Vision and Spatial Objectives**

7. Spatial Objective 7 is in relation to growth of the urban areas, this looks to make the efficient use of land and plan for suitable and well-located housing which meets identified need. This is generally supported by the HBF. Spatial Objective 8 is in relation to a balanced housing market, the HBF considers that it is appropriate to include an objective relation to providing a balanced housing market and to providing housing opportunities that meet the housing needs of the entire local community across their lifetime, and that this should include a mix of type, tenure and affordability.

### **Policy 1: Spatial Strategy for Development with the Borough (Strategic)**

8. The Council propose that this policy will provide a broad indication of the overall scale of development in the Borough. It is also intended that it will deliver the regeneration of the centres of Oadby, Wigston and South Wigston, with new development concentrated in the built-up urban areas and only utilising greenfield sites where necessary. However, the Council also identify that it would not be prudent to accommodate all new housing development within the Borough's urban areas and neither would this be the best approach to meeting housing needs across the Borough as a whole.
9. The Council set out that the proportion of Leicester City's unmet housing need attributed to the Borough is 52 dwellings per annum (dpa). They also set out that the Council's standard method identified local housing need is 188dpa. This is based on the Leicester and Leicestershire Housing & Economic Needs Assessment (LLHENA) from June 2022. It is noted that this is now a little out of date and that the Standard Method currently identifies a minimum Local Housing Need (LHN) of 198dpa<sup>2</sup>. The LLHENA Housing Distribution Paper suggests that difference between Leicester's LHN and their supply generates an unmet need for Leicester of around 18,700 dwellings to 2036, equivalent to 1,169dpa. The paper considers redistribution based on the functional relationship to Leicester, adjustments to support future economic growth, implied stock growth, adjustments to support deliverability and to manage commuting and adjustments based on the current plan provision and land supply. This has led to the paper proposing a housing requirement 240dpa for Oadby and Wigston. The Council have stated that they will make provision for 240dpa or 5,040 new homes over the 21-year plan period.
10. The Council have highlighted that they are still to gather evidence and to assess the sites that have been submitted. And only once this evidence has been gathered will the

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<sup>1</sup> NPPF Dec 2023 paragraph 22

<sup>2</sup> MHCLG Household Projections 2014 2024: 22,279, 2034: 23,638, average change 135.9. Median workplace-based affordability ratio 11.3 (2023, release 25 March 2024). Adjustment factor:  $((11.3 - 4)/4) \times 0.25 + 1 = 1.45625$ .

Council be able to determine the full extent of the need for growth and the impacts of growth. The HBF considers that it is important that the Council gathers the appropriate evidence and uses this to support their proposed policies.

11. The HBF considers that it is important that the spatial distribution of sites follows a logical hierarchy, provides an appropriate development pattern and supports sustainable development within all market areas.
12. The HBF considers that the Council should consider the housing requirement to ensure that it reflects the local housing need identified by the standard method and gives consideration to the circumstances where a higher figure would be appropriate. The NPPF<sup>3</sup> states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method set out in the PPG. The PPG sets out the method for calculating the minimum annual local housing need figure<sup>4</sup>. As set out above, the HBF considers that this may need to be updated to reflect the latest evidence. The PPG<sup>5</sup> also sets out when it might be appropriate to plan for a higher housing need figure than the standard method, these include where there are growth strategies for the area, where there are strategic infrastructure improvements, where an authority is taking unmet need from a neighbouring authority, and where previous levels of housing delivery, or previous assessments of need are significantly greater than the outcome from the standard method. The HBF strongly recommends that the Council considers all of these circumstances not just in relation to the need for addressing unmet needs.
13. The HBF also notes that the LLHENA identifies an affordable housing need within Oadby and Wigston of 69 affordable home ownership dwellings per annum and 139 rented affordable dwellings per annum. This would be a significant proportion of the proposed housing requirement. It is noted that the PPG<sup>6</sup> states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. Therefore, the HBF considers that the Council should also be taking this affordable housing requirement into consideration as part of their housing requirement.

## **Policy 2: Regeneration Schemes and Large Scale Change (Strategic)**

14. This policy states that when large scale change of either 100 homes or more or 5 hectares or more is proposed the Council will require the production of a masterplan, development brief, design code, phasing plan and transport assessment.
15. The HBF considers that the Council may want to consider the wording of this proposed policy, is the Council suggesting that all of these documents need to be produced for every development of more than 100 homes or could it be one of these documents, or a mix of these documents and the HBF considers that it would be appropriate for this

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<sup>3</sup> NPPF December 2023 Paragraph 61

<sup>4</sup> PPG ID:2a-004-20201216

<sup>5</sup> PPG ID: 2a-010-20201216

<sup>6</sup> PPG ID: 2a-024-20190220

evidence to be proportionate to the scale of the development. The NPPF<sup>7</sup> is also clear that Travel Plans are only required for developments that will generate significant amounts of movement, and therefore a transport assessment may not be required for every development that has 100 homes or more, if the transport generated is not significant. A Transport Statement may be more appropriate, and again the HBF would recommend that the Council considers the wording of the policy in relation to this to ensure it is in line with the NPPF, and that it is appropriately flexible and proportionate to the development.

### **Policy 3: Infrastructure and Developer Contributions (Strategic)**

16. This policy states that developer contributions secured from new development will be used by the Council to deliver the infrastructure required to facilitate sustainable growth. It goes on to state that the Council will only consider any variation to the requirements set out in this policy in exceptional circumstances, and in such cases, it must be robustly demonstrated to the Council by the applicant that this would be unviable based on a PPG-compliant developer funded viability assessment agreed with the Council (through an open book approach).
17. The HBF considers that the Council should reflect on the wording of this policy, much of the proposed text appears to be a statement of intent rather than a policy. Development can only be required to mitigate its own impact and cannot be required to address existing deficiencies in infrastructure or services. It is therefore essential for the Infrastructure Development Plan (IDP) to clearly show the existing and known deficiencies in the current infrastructure, before reaching any conclusion on the cumulative effects of new development, and any contribution that is needed from new development to mitigate any additional individual and/or cumulative impacts.
18. Without an up-to-date Viability Assessment the HBF is not able to comment on whether the text in relation to Exceptional Circumstances is appropriate. However, the HBF would generally recommend that a policy includes the opportunity for negotiation around policy requirements for site specific reasons, to reflect viability challenges identified in the Viability Assessment or to reflect changes in viability since the undertaking of the Viability Assessment.

### **Policy 5: Climate Change (Strategic)**

19. This proposed policy states that development proposals are expected to reduce the amount of energy used in construction and operation of buildings and improve energy efficiency to contribute to achieving net zero.
20. The HBF supports the Council in seeking to reduce the amount of energy used and to improve energy efficiency. However, the HBF considers that the Council should ensure that this policy is only implemented in line with the December 2023 Written Ministerial Statement<sup>8</sup> which states that 'a further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the

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<sup>7</sup> NPPF December 2023 Paragraph 117

<sup>8</sup> <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

grid continue to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes'. It goes on to state that '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. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale'. The HBF considers as such it would be appropriate to make reference to the Future Homes Standard and the Building Regulations as the appropriate standards for development. The Council will also be aware that the Future Homes and Buildings Standards: 2023 consultation<sup>9</sup> has been undertaken covering Part L (conservation of fuel and power), Part F (ventilation) and Part O (overheating).

21. It goes on to state that development must incorporate green infrastructure into the public realm and must achieve an overall net gain for biodiversity commensurate with the scale of the development.
22. The HBF is concerned about the need to incorporate green infrastructure into the public realm, and consider that the Council may want to include more flexibility in this policy around the location of the green infrastructure. The HBF is also concerned around the inclusion of policy text around biodiversity net gain. The HBF considers that there is potential for confusion and contradiction here, and the HBF considers that this element of the policy should be removed. BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Therefore, developers must deliver a biodiversity net gain of 10%, there is no need for further policy in relation to an overall net gain in biodiversity commensurate with the scale of the development. The PPG<sup>10</sup> is clear that there is no need for individual Local Plans to repeat national BNG guidance. It is 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.
23. The policy also states that development must be designed to adapt to and mitigate the impacts of climate change and reduce vulnerability, particularly in terms of overheating, flood risk and water supply.
24. The HBF considers that the Council may need to provide more detail as to how this will be determined in order for more detailed comments to be provided. But for example, the HBF would suggest that as there is already building regulations in relation to overheating it is not necessary for this to be considered within planning policy for an individual dwelling, although there may be potential for it to be a consideration in relation to the potential layout of the development.

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<sup>9</sup> <https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation/the-future-homes-and-buildings-standards-2023-consultation>

<sup>10</sup> PPG ID: 74-006-20240214

### **Policy 6: Flood Risk and Sustainable Water Management (Strategic)**

25. This policy states that all development must be able to robustly demonstrate that water is readily available to support the proposed scale of growth, and that clear management arrangements and funding for ongoing maintenance of water availability and quality over the lifetime of the development is known.
26. The HBF opposes the requirement for applicants to assess or demonstrate the capacity of the water company to connect a development with water services (e.g. the supply of fresh water and the treatment of wastewater). HBF also rejects the requirement for applicants to demonstrate water neutrality, as the legal responsibility for the supply of water services falls to the water company. These are not land use planning matters. They are matters managed under a separate statutory regime. Matters relating to water and sewerage infrastructure and its availability and/or network capacity are both controlled by separate, dedicated legislation, i.e., s37 (water) and s94 (sewerage) of the Water Industry Act 1991. Second, the planning process should not be used as a route to subjugate established primary legislation.
27. The ability of the water companies to support the development requirements of the Local Plan is, however, a legitimate matter for the local authority to assess as part of preparing the local plan. The local authority is required to do so through the preparation of the evidence to support the local plan, including a statutory Sustainability Appraisal and an Infrastructure Delivery Plan. The purpose of this preparatory work is to ensure that the local plan is deliverable by taking into account constraints, such as those defined in NPPF<sup>11</sup>.
28. As competent authorities, water companies, are told under the Water Industry Strategic Environmental Requirements technical document (WISER) that, in order to comply with their obligations under the Habitats Regulations, they must take account of predicted growth in housing development in their business plans and maintain and upgrade their wastewater systems in that light. As statutory consultees to the local plan process, water companies have more than sufficient time to predict, plan and provide the requisite infrastructure.
29. Housebuilders are required contribute financially towards the construction of infrastructure for water services through the payment of connection charges to water companies. There is no need for a Local Plan to put any further requirements on to the developer in relation to water management.

### **Policy 8: Renewable and Low Carbon Energy (Non-Strategic)**

30. This policy states that all new homes must incorporate renewable and low carbon energy production equipment into its building fabric to meet at least 10% of the predicted total annual energy requirements of the building and its occupants.
31. The HBF considers that this requirement is unnecessary and should be deleted. The HBF recognises that there may be potential for renewable energy generation on-site,

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<sup>11</sup> NPPF Dec 2023 Paragraph 20(b)

however, it may be more sustainable and efficient to use larger scale sources rather than small-scale, it is also noted this policy also takes no account of the fact that over time energy supply from the national grid will be decarbonised.

#### **Policy 9: Affordable Housing (Strategic)**

32. This policy states that the Council requires the provision of affordable homes on all major developments, with Oadby providing 30% affordable housing, Wigston (including Kilby Bridge) providing 20% and South Wigston 10%. It goes on to state that the type, tenure and mix of affordable homes will be negotiated at the time of the proposal being determined. It also states that at least 10% of the total number of homes to be provided must be available for affordable home ownership and at least 25% of all affordable homes will be sought as First Homes.
33. The HBF also notes that the LLHENA identifies an affordable housing need within Oadby and Wigston of 69 affordable home ownership dwellings per annum and 139 rented affordable dwellings per annum. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF<sup>12</sup> is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability. The Council should be mindful that it is unrealistic to negotiate every site on a one-by-one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery. As the Council has not provided a Viability Assessment during this consultation it is not possible for the HBF to comment on the soundness or suitability of this policy.

#### **Policy 10: Housing Density (Strategic)**

34. This policy looks for development to be provided at a density of at least 50 dwellings per hectare (dph) where they are located within the town centre boundary of Wigston or the district centre boundaries of Oadby and South Wigston, and at a density of at least 40dph on sites that are located outside of the town centre boundary of Wigston and the district centre boundaries of Oadby and South Wigston.
35. The HBF supports the efficient use of land and understands the inclusion of a density policy. The HBF considers that the inclusion of a level of flexibility to take account of site specific circumstances is appropriate.
36. The HBF considers that it is important to ensure that the density requirements do not compromise the delivery of homes in sustainable locations to meet local needs. The Council will need to ensure that consideration is given to the full range of policy requirements as well as the density of development, this will include the provision of M4(2) and M4(3) standards, the NDSS, the provision of cycle and bin storage, the mix of homes provided, the availability of EV Charging and parking, any implications of design coding and the provision of tree-lined streets, tree replacement and canopy proportions, highways requirements, Biodiversity Net Gain, and Building Regulations requirements in relation to heating and energy and the Future Homes Standard.

#### **37. Policy 12: Housing Choices (Non-Strategic)**

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<sup>12</sup> NPPF Dec 2023 Paragraph 34

38. This policy states that the Council expects all applications for new residential development to contribute towards delivering a mix of dwelling types, tenures and sizes to meet the identified needs of the Borough. Table 2 within the policy sets out housing mix as identified in the LLHENA. The policy also states that the Council will support the development of bungalows, ground floor accommodation, specialist care accommodation, elderly care accommodation and retirement accommodation that meets an identified need and is proposed in appropriate sustainable locations.

#### Requirements of Specific Groups

39. The policy goes on to state that all new build homes will be expected to comply with M4(2) standards, and that all major residential development proposals to deliver 10% of market homes and 20% of affordable homes to comply with M4(3) standards.
40. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG. The PPG<sup>13</sup> identifies the type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for Oadby and Wigston which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommends that an appropriate transition period is included within the policy.
41. The PPG also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances, and the ability to provide step-free access. If the policy is to be retained it will need to be amended to include these considerations.
42. The Council should also note that the Government response to the Raising accessibility standards for new homes<sup>14</sup> 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. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.
43. The Council should also be aware that Part M Building Regulations Standard M4(3) Category 3: Wheelchair User Dwellings (or equivalent replacement standards) can be split into two different provisions. M4(3)(2a) where provision made must be sufficient to

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<sup>13</sup> ID: 56-007-20150327

<sup>14</sup> <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>



allow simple adaptation of the dwellings to meet the needs of occupants who use wheelchairs and M4(3)(2b) where the provision made must be sufficient to meet the needs of occupants who use wheelchairs. There are very different costs between the M4(3)(2a) and M4(3)(2b) standards and they will need to be considered by the Council. It should also be noted that optional requirement M4(3)(2b) applies only where the planning permission under which the building work is carried out specifies that it shall be complied with and that local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling<sup>15</sup>.

#### Internal and External Space Standards

44. This policy states that new dwellings across all tenures will be expected to meet as a minimum the Government's Nationally Described Space Standards (NDSS).
45. The NDSS as introduced by Government, are intended to be optional and can only be introduced where there is a clear need and they retain development viability. As such they were introduced on a 'need to have' rather than a 'nice to have' basis. PPG<sup>16</sup> identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas: Need, Viability and Timing. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

#### **Policy 19: Improving Health and Wellbeing (Strategic)**

46. This policy states that proposals for major development or development located in an identified area of concern in the Leicestershire Joint Strategic Needs Assessment (2023) or other development likely to have a potentially significant health impact in relation to its use and/or location will be required to submit a Health Impact Assessment (HIA) Screening Statement.
47. 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.
48. The PPG<sup>17</sup> sets out that HIAs are 'a useful tool to use where there are expected to be significant impacts' 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,

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<sup>15</sup> PPG ID: 56-009-20150327

<sup>16</sup> PPG ID:56-020-20150327

<sup>17</sup> PPG ID:53-005-20190722

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 all major developments 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.

#### **Policy 20: Car Parking and Electric Vehicle Charging (Non-Strategic)**

49. This policy states that all new development must ensure that there is suitable provision of car parking spaces and Electric Vehicle charging facilities. The HBF considers that the provision of electric vehicle charging capability is unnecessary as Part S of the Building Regulations now provides the requirements for Electric Vehicle charging in residential developments, including where exceptions may apply.
50. The policy goes on to state that car parking provision and associated facilities in all new developments must accord with the standards set out in the Leicestershire Highway Design Guide (or equivalent) and the latest edition of the Building Regulations. The HBF does not consider it appropriate to require a development to accord with the standards set out in the Leicestershire Highway Design Guide (or equivalent), as any requirements within these documents will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan. The policy also does not need to require development to accord with the latest edition of the Building Regulations, these are a statutory instrument in their own right.

#### **Policy 31: Protecting Biodiversity and Geodiversity (Strategic)**

51. This policy states that in accordance with the latest National Guidance, all new developments must provide a minimum 10% net gain in biodiversity. It suggests that the net gain must be measurable; accessible by the public, on site in the first instance or through biodiversity off-setting if necessary; demonstrated via a Biodiversity Net Gain Plan using the most up to date biodiversity accounting metric developed by DEFRA.
52. In light of all the new guidance on Biodiversity Net Gain (BNG) that has recently been published, the Council will need to ensure its approach to BNG to ensure it fully reflects all the new legislation, national policy and guidance. The 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 final version of DEFRA BNG Guidance was published on 12th Feb 2024 and the final version of the PPG published on Feb 14<sup>th</sup> 2024. The HBF understands that both may be further refined once mandatory BNG is working in practice, to reflect any early lessons learnt. The HBF notes that there is a lot of new information for the Council to work though and consider the implications of, in order to ensure that any policy on BNG policy so that it complies with the latest policy and guidance now this has been finalised. It is important that mandatory BNG does not frustrate or delay the delivery of much needed homes.

53. The PPG<sup>18</sup> is clear that there is no need for individual Local Plans to repeat national BNG guidance. It is 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. There are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council's viability assessment. Although the national policies requiring 10% BNG cannot be subject to site specific viability discussion, any policy requirements over 10% can be. Any policy seeking more than 10% BNG needs to reflect this position. The PPG<sup>19</sup> is also clear that plan makers should not seek a higher percentage than the statutory objective for 10% BNG, unless justified. Therefore, the HBF recommends that the policy is amended to state '10%' rather than 'a minimum of 10%'.
54. The HBF notes that BNG has been designed as a post permission matter to ensure that the 10% BNG will be met for the development granted permission. Schedule 14 of the Environment Act sets out that a general condition will be applied to every planning permission (except those exempt from BNG) that a BNG Plan should be submitted and approved by the LPA before commencement of development. Therefore, the Council cannot require a final BNG Plan to be provided at application stage. This is particularly the case for large sites where development will be phased. The PPG now includes additional Guidance on how phased development should be considered, which the Council will need to consider and accommodate when revising this BNG policy. The PPG<sup>20</sup> clearly sets out what information an applicant must submit as part of a planning application, and as planning policy does not need to repeat this guidance, the HBF recommends that this section of the policy be deleted.
55. The HBF notes that the lack of flexibility in the policy and considers that the Council may want to review this. The HBF also considers that it would be appropriate to differentiate between the purchase of off-site units, and purchase of national credits as per the biodiversity gain hierarchy.
56. The HBF recommends that that Council work closely with the HBF, PAS, DEFRA and others with expertise in BNG to ensure that the policy is amended appropriately to reflect the latest position.

### **Policy 35: Trees, Woodlands and Hedgerows (Non-Strategic)**

57. This policy states that any trees or hedgerows removed should, where practical and appropriate, be replaced on a greater than 1:1 basis to retain and enhance levels of canopy coverage and contribute to on-site biodiversity net gain. It goes on to state that all major developments in LSOAs with a canopy coverage score of under 16.5% will be required to provide a minimum on site canopy coverage of at least 16.5%.
58. The HBF is concerned by the potential tree replacement strategy and tree canopy policy provided, this could have significant potential implications in terms of viability of the

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<sup>18</sup> PPG ID: 74-006-20240214

<sup>19</sup> PPG ID: 74-006-20240214

<sup>20</sup> PPG ID: 74-011-20240214

development, not only due to the tree provision costs but also in terms of efficient land use, site layout and highways considerations. The HBF considers that it will be important for the Council to gather appropriate evidence in relation to this policy that considers its practical implementation, and how it sits alongside other plan requirements.

### **Policy 37: Monitoring and Implementation (Strategic)**

59. This policy states that the Council will monitor progress towards the achievement of indicators and targets set out in the Monitoring Framework. It suggests that where policy specific targets have not been met actions listed in the Framework will apply. It also sets out that the Council will review whether the Plan needs updating at least once every five years taking account of changing circumstances and relevant changes in national policy.
60. The HBF considers this is more of a statement of intent rather than a policy and does not appear to serve a clear purpose, and whilst it is useful to have the information set out, the HBF does not consider it is necessary for this to be policy.

### **Monitoring**

61. The HBF recommends that the Council include an appropriate monitoring framework which sets out the monitoring indicators along with the relevant policies, the data source and where they will be reported, this should also include the targets that the Plan is hoping to achieve and actions to be taken if the targets are not met. The HBF recommends that the Council provide details as to how the plan will actually be monitored, and identifies when, why and how actions will be taken to address any issues identified.

### **Viability**

62. The HBF has not been able to find an up-to-date Viability Assessment. The HBF considers that a viability assessment will need to be prepared to reflect the current Plan policies and requirements and the current costs. Without this part of the evidence, the HBF is not able to comment on the deliverability of the policy requirements or the Local Plan overall.

### **Future Engagement**

63. 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.
64. 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,

R. H. Danemann

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