



Planning Policy Team  
Bath & North East Somerset Council  
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Our Ref: LS M6/0518-22

**By email only:**

[planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk)

Dear Sir/Madam

**RE: BATH AND NORTH EAST SOMERSET LOCAL PLAN (CORE STRATEGY AND PLACEMAKING PLAN) PARTIAL UPDATE PUBLICATION DRAFT CONSULTATION**

We represent the **South West Housing Association Planning Consortium** (HAPC) which includes leading Housing Associations (HAs) across the South West. Our clients' principal concern is to optimise the provision of affordable housing through the preparation of consistent policies that help deliver the wider economic and social outcomes needed throughout the South West region.

We welcome the opportunity to comment on the Publication Draft of the Local Plan Partial Update (LPPU) before its submission for examination. The comments in this letter are in response to the Schedule of Changes to the Local Plan document.

**Revisions to the National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was revised on 20 July 2021. This revised Framework replaces the previous NPPF published in March 2012, revised in July 2018 and updated in February 2019. The revisions increased the focus on design quality, not only for sites individually but for places as a whole. Terminology is also now firmer on protecting and enhancing the environment and promoting a sustainable pattern of development. Additionally, policies have been revised relating to opting out of permitted development, the use of masterplans and design codes and the important contribution of trees in new developments. The Publication Draft should be reviewed in the context of the revised NPPF to ensure its policies are consistent with national policy.

**First Homes**

On 24th May 2021, the Government published a Written Ministerial Statement setting out First Homes requirements and published First Homes Planning Practice Guidance, with changes coming into effect from 28 June 2021. We are pleased to see that the has recognised First Homes in the LPPU by including new paragraph 349a which clarifies that the council will publish a First Homes Position Statement.

We understand that the current Plan does not impede First Homes delivery and given where the council is in the Local Plan cycle (partial update stage pending work starting next year on a new Plan), it is expected that future First Homes policy will be included in the Full Local Plan Review.

**Responding to Climate Change**

It is pleasing to see that the council is committed to providing the leadership for the District to be carbon neutral by 2030. We are pleased that the council has a strong agenda with regard to responding to climate change.

We support the proposed amendments and new policies SCR6 (Sustainable Construction Policy for New Build Residential Development) and SCR9 (Electric Vehicles) where their implementation is

thoroughly viability tested across various development scenarios to demonstrate that applicants will continue to be able to viably deliver housing alongside such demands. There are often concerns regarding the costs for HAs to implement such policy requirements across their sites.

The HAPC is concerned that the current policy wording of new draft Policy SCR6 does not allow sufficient flexibility in the approach that can be taken to reduce carbon emissions from new homes. The policy proposes a requirement of zero operational energy. This means new homes would have to generate sufficient energy to cover both regulated and unregulated energy use, equating to a circa 140% reduction on current Building Regulations standards. Such a significant jump in standards would be costly and could impact on HAs ability to supply the number of affordable homes delivered on each site because of the scale of subsidy needed. Climate change policies should ensure that while schemes are future proofed this should not prejudice the delivery of affordable housing, which remains one of the most critical priorities for the Council.

As it stands the draft policy results in a single solution approach to achieving the required standards. This could greatly restrict design options for sites, meaning some sites are not capable of being developed; and may also limit the number and type of developers that are able to achieve the proposed standards. There are various ways in which reductions in carbon emissions can be achieved; and further opportunities will arise as technology develops. It is our view that the policy should be redrafted to set out minimum and desirable outputs but allow flexibility for the developers to achieve the overall objectives of reducing emissions using whatever means they believe to be most viable, deliverable and best solution for the future occupiers.

### **Biodiversity Net Gain**

The HAPC strongly supports improvements and gains to existing biodiversity. We therefore welcome new paragraphs 267a to 267f and new Policy NE3a 'Biodiversity Net Gain'. The requirement for 10% biodiversity net gain is expected to be a mandatory requirement when the Environment Bill is enacted.

The HAPC supports new Policy NE3a which looks to mandate a minimum 10% biodiversity net gain. As such, guidance must be provided (or signposted) on how to practically achieve net gain in development. This would allow for net gain to be designed into processes at early stages and for any design issues to be detected and resolved without causing delay to development. We are therefore pleased to see that work is progressing on the B&NES Biodiversity Supplementary Planning Document (SPD) setting out local requirements for delivering biodiversity net gain and opportunities to deliver biodiversity net gain on householder and exempted brownfield sites.

Paragraph 267f states that the council is looking to take forward a requirement of 15% BNG within the full Local Plan Review. Referring to current legislation, the NPPF does encourage opportunities for biodiversity net gain but does not specify a measurable target. The Environmental Bill continues to propose a 10% increase in biodiversity net gain on development sites, although following many delays, this has yet to be passed through the House of Commons.

If the council look to impose a 15% BNG requirement, it must provide a robust evidence base for the Local Plan Review in order to demonstrate that this target would be achievable and not impede the viability of development scheme which could have a knock on effect to the delivery of affordable homes. This target is notably higher than those presented by legislation at this moment in time and should be robustly tested by a local plan viability assessment to ensure that it is a realistic requirement to impose on applicants.

### **DM 17 Amendments to Policy CP9 (Affordable Housing)**

There are no proposed changes to Policy CP9 listed in the Schedule of Changes to the Local Plan document. However, we would like to use this opportunity to reiterate the comments made in the Regulation 18 consultation with regard to Policy CP9.

We note the Council has included policy text on Build to Rent schemes in BaNES. Housing associations are keen to maximise the delivery of affordable homes including social and affordable rented properties which should be prioritised to meet affordable housing needs. Housing associations are able to offer more benefits to households than would be provided through Build to Rent schemes, including security

of tenancies. If the Council wishes to introduce a specific policy on Build to Rent, it must identify an evidence-based need for build to rent homes in the area. We would urge the Council to undertake this research in order to satisfy the requirements of Planning Practice Guidance (paragraph: 001 Reference ID: 60-001-20180913).

We would like to highlight that it is important that Policy CP9 directs readers to the most up-to-date definition for affordable housing which can be found at Annex 2 of the most recent NPPF, July 2021. Policy CP9 should reflect the NPPF in encouraging a more diverse housing stock, while enabling the delivery of sufficient numbers of housing to improve the ability of developers to deliver an appropriate and higher quantum of affordable housing.

### **Housing Accessibility**

Changes to Policy H7 now require that 7.8% of new affordable housing should be built to meet accessibility standard requirements as relates to M4(2) accessible and adaptable dwellings. This is supported where the policy is backed by up to date evidence and viability testing in line with the NPPF and PPG requirements. It is encouraging to see that Policy H7 also proposes to include an approach to site specific factors with regard to accessibility.

The above comments are intended to be constructive, to ensure the policies are found sound at examination. We would like to be consulted on further stages of the above document and other publications by the Council, by email only to [consultation@tetlow-king.co.uk](mailto:consultation@tetlow-king.co.uk); please ensure that the **South West Housing Association Planning Consortium** is retained on the consultation database, with **Tetlow King Planning** listed as its agent.

Yours faithfully



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PLANNER**

For and On Behalf Of  
TETLOW KING PLANNING

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