

Minsmere Road, Keynsham

LPPU Hearing Statement Matter 5



Boyer

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1. INTRODUCTION

- 1.1 This hearing statement has been prepared by Boyer on behalf of Taylor Wimpey UK Ltd in response to the Inspector's questions under Matter 5 (Other District Wide Development Management Policies) relating to the Bath and North East Somerset Council Local Plan Partial Update (LPPU) Examination.
- 1.2 Taylor Wimpey UK Ltd support the identification of land at Minsmere Road included as an emerging allocation under Policy KE3D East of Keynsham Former Safeguarded Land within the LPPU.
- 1.3 By way of background, the land at Minsmere Road was promoted for residential development during the preparation of the adopted B&NES 2014 Core Strategy and the 2017 PlaceMaking Plan, and again in 2018, as part of the new Local Plan Consultation. The Core Strategy Inspector (Simon Emerson BSc DipTP MRTPI) at that time recommended the removal of the land from the Green Belt and safeguarded the site for future residential development.
- 1.4 Land at Minsmere Road, Keynsham is identified in the LPPU for development of around 70 homes and associated infrastructure. We support the allocation of the land as a sustainable location for residential development over the plan period; and will play an important role in delivering the District's housing requirement across Bath and North East Somerset. Taylor Wimpey UK Ltd share this conclusion and are keen to work with the Council, statutory organisations and infrastructure providers to deliver the site.
- 1.5 It should also be noted that Taylor Wimpey have prepared and submitted an Outline planning application (Ref. 21/05471/OUT) to B&NES for the land at Minsmere Road in December 2021 in line with the draft allocation. As a consequence, the allocation at Minsmere Road is capable of being delivered with the LPPU plan period and before 2029.

2. MATTER 5: OTHER DISTRICT WIDE DEVELOPMENT MANAGEMENT POLICIES

Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?

Policy SCR6 Sustainable Construction Policy for New Build Residential Development

Q.88 Are the cost assumptions arising from Policy SCR6 in the viability assessment for the Plan robust, realistic and justified? What, if any, effect would the requirements of Policy SCR6 have on meeting the other policy requirements of the Plan, such as affordable housing? What would the effect of the Policy be on the deliverability of new homes?

- 2.1 We are concerned that the requirements of Policy SCR6 and the need for new build residential development to supply all energy demand through onsite renewables will have a detrimental impact on the delivery of dwellings across the plan area. On this basis, Policy SCR6 is not effective or justified and therefore unsound.
- 2.2 While the Local Plan is supported by a Viability Study (CD-VIA001) it is unclear as to the cost assumptions which have been included within this report for achieving net zero carbon developments and we have concern about the rapidly changing nature of sustainable construction technologies.
- 2.3 In paragraphs 4.27-4.33 of the Viability Study a number of cost uplifts have been tested as fixed percentage figures. It is correct for different uplifts to be tested but it is unclear as to why the Council consider that net zero carbon can be achieved in residential developments through Option A at a cost equivalent to 3% of build costs (paragraph 4.30 of the Viability Study). In Appendix 1 of the Viability Study, the table confirms that "Zero Carbon objectives tested in appraisals" for Policy SCR6, but there is no further commentary or justification as to the reasoning for the cost assumptions and the testing undertaken. Given the omission of the explanation for this evidence within the Viability Report, it is not considered that Policy SCR6 is based on proportionate evidence and is therefore not justified.
- 2.4 Taylor Wimpey UK Ltd recognise and support the Government's drive to achieve more energy efficient dwellings. However, to do this the Local Plan needs to provide greater flexibility for approaches to be tailored on a site-by-site basis and we do not consider it appropriate to include a fixed percentage assumption within the appraisals as this does not reflect the flexibility within the Building Regulations and Government aspirations as part of the Future Homes Standards.
- 2.5 As a national housebuilder, Taylor Wimpey places significant importance on ensuring that homes are built to high sustainability standards and meet Building Regulations. Taylor Wimpey have committed to ensuring that all new homes achieve these high standards; and this is achieved through a variety of measures which may include improved glazing, insulation, internal heating sources, grey water recycling systems and other additions such as bird boxes, bug hotels and planting across a site which is climate resilient.

- 2.6 By utilising a variety of methods, Taylor Wimpey UK Ltd can ensure that a site-by-site approach is achieved, allowing sufficient flexibility to deliver the highest sustainability outcome. We are concerned that the approach outlined in Policy SCR6 removes the flexibility and ability to implement a site-specific solution to sustainable construction. This lack of flexibility renders Policy SCR6 ineffective and therefore unsound.
- 2.7 As well as reducing the flexibility in the approach to each site, the requirements being sought by the Council will risk having significant impacts on the development viability of development proposals within the authority. It will then be for the decision maker to balance the competing demands of the Local Plan policies and we fear this will then lead to a reduction in the delivery of other facilities such as affordable housing on development sites – effectively rendering such local plan policies ineffective.
- 2.8 Concerns in respect of scheme viability and the level of affordable housing (for example) that could be required on a site will lead to a delay in the decision-making process and consequently a delay to the delivery of new homes across the plan area. At a time where housing need across the country is high, Local Plans should be positively prepared, and Planning Policies should not cause delays or form obstacles to the delivery of new homes.

Q.91 The Written Ministerial Statement of 15 December 2021 sets out that the new overheating standard is a part of the Building Regulations and is therefore mandatory and there will be no need for policies in development plans to duplicate this. In this context, what is the justification for the requirement for applications for 50 dwellings or more to demonstrate that the CIBSE TM59 overheating target has been met in the current climate, and a strategy submitted to show how overheating can be mitigated in the future climate, and is this consistent with national policy?

- 2.9 Taylor Wimpey UK Ltd note the Written Ministerial Statement was published post the submission of the LPPU to the Secretary of State for examination. In light of the Written Ministerial Statement, Taylor Wimpey agrees with the Inspector that the new overheating standard which forms part of the Building Regulations does not need to be duplicated within Policy SCR6.
- 2.10 Taylor Wimpey considers that to avoid duplication and to accord with national policy, the requirement for applications for 50 dwellings or more to demonstrate that the CIBSE TM59 overheating target has been met in the current climate, and a strategy submitted to show how overheating can be mitigated in the future climate should be removed from the final worded policy to accord with national policy.

Policy SCR8 Embodied Carbon

Q.96 What is the justification for the size thresholds for the application of the Policy, and the requirement that an Embodied Carbon Assessment that demonstrates a score of less than 900kg/sqm of carbon can be achieved within the development for the substructure, superstructure and finishes?

- 2.11 The Council in Policy SCR8 have sought to introduce requirements for an Embodied Carbon Assessment to be undertaken for developments and the need for these to demonstrate a score of less than 900kg/sqm which we consider to be unjustified by the evidence base supporting the Local Plan.
- 2.12 In conjunction with neighbouring authorities in the West of England and in collaboration with the West of England Combined Authority, the Council has prepared "Evidence Base for Net Zero Building Policy" (Document reference CD-RCC008). The purpose of the study is to provide an evidence base for revised Local Plan climate policies with a specific focus on the embodied carbon of domestic and non-domestic buildings and the cost uplifts associated.
- 2.13 It is acknowledged that introducing measures to reduce carbon emissions is a key activity to address climate change, however the policy is not considered to be sound as it is not based on a robust and credible evidence base in accordance with paragraph 35 of the NPPF.
- 2.14 As currently written Policy SCR8 is not justified, as it is unclear how the figure of less than 900kg/sqm has been calculated and why a threshold of 50 dwellings (or 5000m² commercial floor space) have been selected by the Council.
- 2.15 Evidence base documents (such as CD-RCC008) fail to identify the targets which have been included within the policy and the justification for these requirements is not provided within the supporting text to the policy.
- 2.16 We are also concerned that the cost implications of undertaking such an assessment and the requirements relating to such (including the process of reviewing and analysing the information) has not accurately been considered as part of viability testing, which the Council has undertaken.

Q.97 What effect would policy SCR8 have on the delivery of new buildings?

- 2.17 Taylor Wimpey consider that the requirements as outlined in Policy SCR8 would cause delays to the delivery of new buildings across the plan area. The Council are seeking to introduce a requirement for a technical assessment which will need to be undertaken by specialists prior to an application being submitted.
- 2.18 Delays will also be likely during the determination stages of an application, as the Council will need to satisfy themselves that the Embodied Carbon Assessments submitted are robust and credible and we anticipate these will be subject to further independent review (although the Local Plan is silent on how these will be considered).
- 2.19 National policy is evolving in regard to Embodied Carbon and the assessments necessary to fully understand the carbon impact a development will have on the environment. In accordance with paragraph 35 of the NPPF, Taylor Wimpey considers that Local Plan Policy SCR8 should be amended to reflect national policy. This will ensure flexibility in approach that does not cause delay to the delivery of buildings across the plan area.

Q.100 Is the requirement for the provision of on-street charging of electric vehicles where off-street parking is not provided justified, and would it be effective?

- 2.20 We do not consider that the approach to on-street charging is justified or effective and fails to meet the tests of soundness on which the Local Plan is to be judged.
- 2.21 It is acknowledged that provision for electric vehicle parking connections will be required over the plan period and Taylor Wimpey has a strong track record of providing these in appropriate locations across their development sites. However, when these are to be provided for on-street parking provision it leads to a number of issues which conflict with land ownership constraints and management issues.
- 2.22 In order to provide on-street charging provision for electric vehicles, cables and other associated infrastructure is required either on, across or under third party land, which after completion of the development will be outside of the control of the developer.
- 2.23 On-street parking can be provided through a variety of different means and approaches and the technology is continually evolving. However, the provision of on-street parking although achievable is difficult to manage and can lead to other issues such as public safety and the need to avoid trip hazards with cables crossing public areas.

Policy NE3a Biodiversity Net Gain

Q.106 What are the implications of the Environment Act 2021 for the Policy?

- 2.24 We are concerned that Policy NE3a: Biodiversity Net Gain does not fully accord with the requirements of National Policy and those of the Environment Act 2021. It is noted that the supporting text references (para 267b) the Environment Bill which was enacted on 9th November 2021.
- 2.25 The Environment Act 2021 is therefore the basis for the Local Plan Policy, and we consider that the policy should be amended to better reflect the contents of the Act. As currently written, Policy NE3a provides a number of requirements in respect of percentage targets (10%) and timescales (30 years).
- 2.26 Although we support the Council's intention to provide a policy to inform future decision making in respect of Biodiversity Net Gain, it currently provides uncertainty as a decision maker will need to consider the implications of the policy and the Act, this may lead to inconsistency and varied approach which is not effective.

Q.107 Is the Policy justified in not setting out a transition period for the implementation of the requirement for Biodiversity Net Gain?

- 2.27 In our view the Policy should make reference to the Environment Act 2021 and then provide local guidance on which to make decisions within the plan area. As currently written this policy is not justified as it fails to follow the national policy approach and that contained within the Environment Act which allows for a period of transition.

Policy NE1: Development and green infrastructure

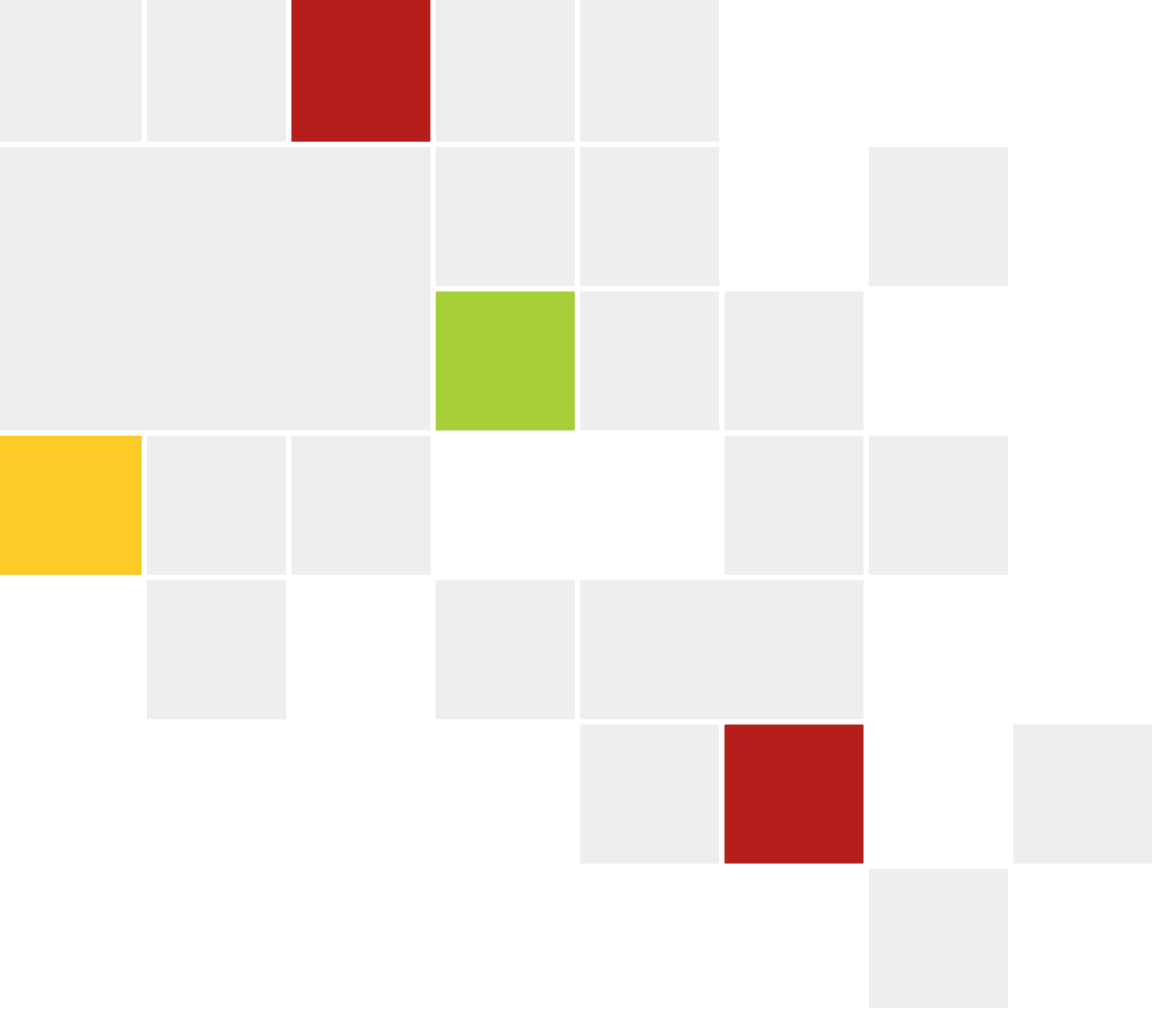
Q.110 Would the requirements for green infrastructure be effective, such as where it may not be possible to provide new connections between existing and/or new linear wildlife habitats?

- 2.28 We consider that the policy as currently written is not justified and therefore is not sound. Policy NE1 as currently written requires development proposals to make a positive contribution to the green network, but fails to take acknowledge that this may not be possible in all instances.
- 2.29 Taylor Wimpey actively seek to identify opportunities to enhance the network of green infrastructure across and around all of their development sites. However, this is not the only consideration. At times development proposals will have a negative impact on the existing network of green infrastructure but through a positive development proposal these can be enhanced, and betterment achieved as part of the overall planning balance.
- 2.30 Securing appropriate mitigation through positive enhancements as part of development proposals on a site-by-site basis ensures that over the plan period the green infrastructure is improved and the benefits for the wildlife and local community are achieved.
- 2.31 Removing the need for such connections and allowing for a flexible and managed approach as part of development proposals will ensure that the decision maker has the opportunity to consider the potential development and judge it accordingly against the social, environmental and economic objectives as outlined in the NPPF and reach a decision which is informed by the necessary planning balance and inputs.

Policy H7 – Housing accessibility

Q.119 Are the percentage requirements proposed for accessible housing provision for affordable and market housing justified?

- 2.32 The percentages set out in the revisions proposed to Policy H7 – Housing Accessibility are not justified and therefore in our view do not meet the Tests of Soundness.
- 2.33 The Council have sought to introduce detailed percentage requirements within the amended policy but we are unclear as to how these have been reached and have concerns in relation to the viability testing that has been undertaken.
- 2.34 The Council have indicated that the percentages within the policy have been informed by the Strategic Housing Market Assessment (CD-HOU003 and CD-HOU004). However, it is unclear as to how the conclusions of the SHMA have been translated into policy requirements. As we have outlined in Regulation 19 representations, the policy requirement of 48% has been justified by the Council on the basis of additional households anticipated to experience health problems over the plan period.
- 2.35 In our view, this approach is not justified and policy requirements should be robustly justified with a clear understanding of the need for them. Introducing a policy requirement on the basis of anticipation is not a sound approach when considered against the requirements of the NPPF.
- 2.36 As set out in paragraph 387b of the emerging Local Plan “BNP Paribas Real Estate on behalf of B&NES Council, tested the housing accessibility standards as set out in the SHMA and concluded that the policy requirement could *‘be absorbed with little impact on residual land values’*”
- 2.37 The Viability Study prepared by BNP Paribas Real Estate (August 2021), (evidence base reference CD-VIA001) outlines that the assessment model has considered the additional costs of providing homes which meet the accessibility requirements. However, it is unclear as to what inputs have been introduced to the viability calculations to reach this conclusion. Appendix 6 of the Viability Study includes reference to figures from September 2014 which are sourced from the DCLG (Department of Communities and Local Government). In our view using figures from 2014 is unjustified and does not provide a sound and robust basis on which to inform planning policies and requirements.
- As a result of the uncertainty provided due to the lack of information provided, we are then unable to fully understand the conclusions reached and the policy requirements. The policy is therefore not justified and should be subject to further review.



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