

# Decision Pathway – Report



**PURPOSE:** Key decision

**MEETING:** Cabinet

**DATE:** 04 February 2020

<b>TITLE</b>	Community Led Housing Land Disposal Policy & Self-Build Housing Land Disposal Policy		
<b>Ward(s)</b>	Citywide		
<b>Author:</b> Tim Southall & Kelly Thomas	<b>Job title:</b> Housing Delivery Manager Community Led Housing Manager		
<b>Cabinet lead:</b> Cllr Paul Smith	<b>Executive Director lead:</b> Stephen Peacock, Growth and Regeneration		
<b>Proposal origin:</b> Mayor			
<b>Decision maker:</b> Cabinet Member <b>Decision forum:</b> Cabinet			
<b>Purpose of Report:</b> To authorise the adoption of the Community Led Housing Land Disposal Policy & the Self-Build Land Disposal Policy.  To delegate authority to the Executive Director for Growth and Regeneration in conjunction with the Director – Legal and Democratic Services and the Deputy Mayor – Finance, Governance and Performance to dispose of 4 identified sites with potential to deliver over 10 homes in accordance with the Community Led Housing Land Disposal Policy.			
<b>Evidence Base:</b> The Mayor of Bristol has set out the commitment of building 2,000 new homes – 800 affordable homes a year by 2020. As well as this ambition for delivering additional homes, the Mayor has set out a number of principles relating to how the additional homes should be delivered, which include: <ul style="list-style-type: none"> <li>- Working in partnership across the city to deliver this target</li> <li>- Using a wide mix of measures to increase development</li> <li>- Promoting affordable housing</li> </ul> <p>In order to assist with meeting this commitment, a Community Led Housing Land Disposal Policy and a Self-Build Land Disposal Policy have been developed.</p> <p><b>Community Led Housing Land Disposal Policy</b> The Housing Delivery Plan 2017-2020 sets the Council strategic approach to delivering new homes. It includes a commitment to working in partnership with community-led housing groups to build new homes.</p> <p>Community-led housing enables local people to play a leading and lasting role in solving local housing problems, creating genuinely affordable homes and strong communities in ways that are difficult to achieve through mainstream housing development. The Council has worked to develop the Community-Led Housing Land Disposal Policy (CLH LDP) at Appendix A1 to enable development of land by Community-Led Housing Groups.</p> <p>The CLH LDP provides for social value to be taken into account in accordance with the Council’s Social Value Policy approved by Cabinet in January 2019. Taking social value into account will allow appropriate weight to be accorded in a transaction where goods, services, works and utilities are provided in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy,</p>			

whilst minimising damage to the environment.

The Council intends to dispose of sites with the capacity to deliver between 3 -10 homes, identified as suitable for delivery via community-led housing in accordance with the CLH LDP.

The following four council owned sites, have been identified as suitable for delivery via community-led housing pursuant to this Policy:

1. Land to side of Hillfields Park Community Centre, Speedwell, BS16, 4EH
2. Constable Road, (26-32), Lockleaze, BS7 9YB
3. Queens Road Car Park, Queens Road, Bishopsworth, BS13 8PH
4. Sea Mills Training Centre, The Crescent, Sea Mills, BS9 2JT

Plans are provided at Appendix M and valuations of these sites are provided at exempt Appendix J. Each of the 4 sites has the potential to deliver in excess of 10 homes. Cabinet approval is sought to the principle of disposing of these sites in accordance with the CLH LDP.

Other Community Led Housing schemes are being developed in the City. Further Cabinet approvals will be sought to dispose of Council sites, with the potential to deliver in excess of 10 homes, in accordance with the CLH LDP in due course if required.

#### **Self-Build Land Disposal Policy**

Government strongly believes that self and custom build housing has a crucial role to play in delivering the homes, diversifying the housing market and giving consumers greater choice over the kind of home they want to live in.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) requires relevant authorities to:

- Keep a register of individuals and groups who wish to self or custom build in their local area;
- Have regard to demand on their register when undertaking planning, housing, disposal of land and regeneration functions; and
- Grant permissions to enough suitable serviced plots to reflect the demand within 3 years of that demand.

As required by legislation the Council established a self-build register on 1 April 2016. The Act requires that suitable development permission are given for enough serviced plots of land to meet the demand for self-build and custom housebuilding arising in each base period. Time for compliance with this duty is within 3 years from the end of the relevant base period. The first base period was from 1 April 2016 until 30 October 2016. Time for compliance was therefore 30 October 2019. During that first base period, there were 85 individuals registered on the self-build register. For the first base period, we are able to confirm to Government that we have granted sufficient permissions to meet demand as reflected by the register. The Council, however currently have a total of 976 people registered on our Self-Build Register and hence the Council needs a steep increase in planning permissions in order to meet the demand for self-build going forward.

In order to assist with enabling people in the city to build their own homes, the Self-Build Land Disposal Policy sets out how the Council will dispose of council land specifically for the purpose of facilitating self-build and custom build delivery.

#### **Cabinet Member / Officer Recommendations:**

##### **That Cabinet:**

1. authorise the adoption of the Community Led Housing Land Disposal Policy
2. authorise the adoption of the Self-Build Housing Land Disposal Policy ;and
3. Delegate authority to the Executive Director for Growth and Regeneration in conjunction with Director - Legal and Democratic Services and Deputy Mayor – Finance, Governance and Performance to dispose of the following sites in accordance with the Community Led Housing Land Disposal Policy:
  - i. Land to side of Hillfields Park Community Centre, Speedwell, BS16, 4EH

- ii. Constable Road, (26-32), Lockleaze, BS7 9YB
- iii. Queens Road Car Park, Queens Road, Bishopsworth, BS13 8PH
- iv. Sea Mills Training Centre, The Crescent, Sea Mills, BS9 2JT

**Corporate Strategy alignment:**

1. This will support delivery of the Fair & Inclusive Key Commitment: Make sure that 2,000 new homes – 800 affordable – are built in Bristol each year by 2020.
2. This will support the delivery of the Empowering and Caring Key Commitments: Prioritise community development and enable people to support their community.
3. This will support delivery of the Fair and Inclusive Key Commitment: Help develop balanced communities which are inclusive and avoid negative impacts from gentrification.
4. This will support delivery of the Well Connected Key Commitment: Reduce social and economic isolation and help connect people to people, people to jobs and people to opportunity.

**City Benefits:**

The proposal will facilitate the supply of housing and affordable housing which will be of benefit to the whole city.

Economic, environmental and social benefits are sought and delivered to the ‘local area’ in a number of ways, the outcomes to be delivered benefit our citywide ‘community’, these take a particular focus on equalities, health and sustainability.

Disused land is put to good use and the City receives capital receipts and additional Council tax.

**Consultation Details:**

Initial engagement has been undertaken with a range of Community-Led Housing Providers in the City including but not limited to Bristol Community Land Trust, Bristol and Bath Regional Capital, Southmead Development Trust, Ecomotive (representing the WOE HUB), Locality, Power to Change. A further engagement took place with key partners on 9<sup>th</sup> December including; West of England HUB, Homes England, Bristol Community Land Trust, Barton Hill Resettlement, Black South West Network, Southmead Development Trust, Knowle West Media Centre, Lockleaze Neighbourhood Trust, Bristol and Bath Regional Capital, Locality and Triodos Bank.

**Background Documents:**

- [Housing Delivery Plan 2017-2020](#)
- [Council’s Social Value Policy](#)
- [The Self-build and Custom Housebuilding Act 2015 \(as amended by the Housing and Planning Act 2016\)](#)

<b>Revenue Cost</b>	£N/A	<b>Source of Revenue Funding</b>	
<b>Capital Cost</b>	£N/A	<b>Source of Capital Funding</b>	
<b>One off cost</b> <input type="checkbox"/>	<b>Ongoing cost</b> <input type="checkbox"/>	<b>Saving Proposal</b> <input type="checkbox"/>	<b>Income generation proposal</b> <input type="checkbox"/>

**Required information to be completed by Financial/Legal/ICT/ HR partners:**

**1. Finance Advice:**

The land under this proposal has been identified specifically for community housing delivery. The Council’s assets and any disposal should be achieved at the best consideration, taking into account the Red Book market valuation of the land. Under this proposal, the bids for land for Community Led Housing will be assessed to demonstrate the viability, deliverability and achievability of the scheme and the Council’s objectives in affordable housing delivery. Sustainability of plans will be considered as part of the evaluation of bids. For self build plots, sites will be sold at market value.

All capital receipts from the disposal of land will be retained corporately in order to determine how they can be utilised most effectively as per the flexible use of capital receipts guidance, the Medium Term Financial Plan and Capital Strategy.

**Finance Manager: Wendy Welsh, Finance Manager, 21 January 2020**

**2. Legal Advice:**

When disposing of land pursuant to these policies, including the 4 sites detailed in the recommendations section of this report, the relevant officers will need to ensure legal advice is sought regarding procurement and state aid law, to ensure these are complied with.

It should be borne in mind that while it is valuable for the Council to have policies, such policies may not fetter the Council's discretion (i.e. the Council will need to consider exceptions), otherwise decisions made pursuant to the policy may be vulnerable to judicial review.

The Council is under a duty by virtue of S123 of the Local Government Act 1972 to achieve best value for its assets and any disposal should be at the best price reasonably obtainable. The duty to seek best consideration is subject to certain exceptions, most notably section 2 of the Local Government Act 2000 providing the Council with well-being powers to accept a disposal at undervalue within the £2 million threshold, where the authority considers the disposal will help it to secure the promotion or improvement of the economic, social or environmental well-being of its citizens.

In the event that the total undervalue of property passing under either scheme exceeds £2 million, Secretary of State consent will be required to the new policy.

The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes several duties on the Council relating to self-build and custom housebuilding including; establishing/publishing a self-build register; having regard to the register when carrying out various functions (including disposing of land); and granting planning permission. This policy will ensure the duty to have regard to the register is satisfied before disposing of land. This policy will not, however, satisfy the duty to grant planning permission for serviced plots.

**Legal Team Leader: Sinead Willis, Commercial and Governance team, 26 November 2019**  
**Property Planning and Transport: Andrew Jones, and Joanne Mansfield 5<sup>th</sup> December 2019**

**3. Implications on IT:** No anticipated impact to IT Services

**IT Team Leader: Simon Oliver, Director Digital Transformation**

**4. HR Advice:** There are no HR implications evident

**HR Partner: Celia Williams, HR Business Partner- Growth and Regeneration**

<b>EDM Sign-off</b>	Stephen Peacock	27 <sup>th</sup> November 2019
<b>Cabinet Member sign-off</b>	Cllr Smith	10 <sup>th</sup> December 2019
<b>For Key Decisions - Mayor's Office sign-off</b>	Mayor's Office'	<b>13<sup>th</sup> January 2020</b>

<p><b>Appendix A1 – Community Led Housing Land Disposal Policy</b></p> <p><b>Appendix A2 - Self Build Housing Land Disposal Policy</b></p> <p><b>Further essential background / detail on the proposal can be found at these links:</b></p> <p><a href="#">Housing Delivery Plan 2017-2020</a></p> <p><a href="#">Council's Social Value Policy</a></p> <p><a href="#">The Self-build and Custom Housebuilding Act 2015</a></p>	<b>YES</b>
---	------------

<a href="#"><u>(as amended by the Housing and Planning Act 2016)</u></a>	
<b>Appendix B – Details of engagement carried out - Detailed above</b>	<b>NO</b>
<b>Appendix C – Summary of any engagement with scrutiny - None</b>	<b>NO</b>
<b>Appendix D – Risk assessment</b>	<b>YES</b>
<b>Appendix E – Equalities screening / impact assessment of proposal</b>	<b>YES</b>
<b>Appendix F – Eco-impact screening/ impact assessment of proposal</b>	<b>YES</b>
<b>Appendix G – Financial Advice - Detailed above</b>	<b>NO</b>
<b>Appendix H – Legal Advice - Detailed above</b>	<b>NO</b>
<b>Appendix I – Combined Background papers</b>	<b>NO</b>
<b>Appendix J – Exempt Information</b>	<b>YES</b>
<b>Appendix K – HR advice Detailed above</b>	<b>NO</b>
<b>Appendix L – ICT - Detailed above</b>	<b>NO</b>
<b>Appendix M – Boundary Plans of 4 sites identified for disposal and valuations</b>	<b>YES</b>
<b>Appendix 1&amp;2 Heads of Terms for Community Led Housing Land Disposals</b>	<b>YES</b>
<b>Heads of Terms for Self-Build Housing Land Disposals</b>	<b>YES</b>

## Community Led Housing Land Disposal Policy 2020

### 1. Introduction

The Council, in its Corporate Strategy 2018-2023, has set out a commitment to build 2,000 new homes – 800 affordable – a year by 2020. As well as the ambition for delivering additional homes the Council has set a number of principles relating to how homes should be delivered, which include:

- Working in partnership across the city to deliver these targets;
- Using a wide range of measures to increase housing supply;
- Promoting affordable housing.

The Housing Delivery Plan 2017-2020 sets the Council's strategic approach to delivering new homes. It includes a commitment to working with community led housing groups and to supporting self-build in the city.

### 2. Purpose

The Community Led Housing Land Disposal Policy (CLH LDP) sets out the policy for the disposal of Council-owned sites to community led housing organisations and associations of individual self-builders. The CLH LDP provides a framework within which to operate to ensure that any site offered under this policy is distributed in a fair, transparent way, that maximises best consideration, whilst relying on the provisions of the Local Government Act 2000 where the authority considers the scheme will secure the promotion or improvement of the economic, social and environmental wellbeing of its citizens.

### 3. Definitions Used (including any subsequent amendments)

#### ***Affordable Rent***

Rented homes at an agreed % of open market rent (including the service charge element) on provision that the initial rent *up to 31<sup>st</sup> March 2020* is not in excess of the Local Housing Allowance limits for the specific property type in the Bristol City Council administrative area *and after April 1st 2020 not in excess of 35% gross household income*.

#### ***Best consideration***

Under section 123 of the Local Government Act 1972 local authorities cannot dispose of an interest in land for less than the best consideration reasonably obtainable, without the consent of the Secretary of State. <sup>2</sup>

#### ***Community-led housing***

Although the legal form and activities of each community-led housing group and scheme may differ, schemes that are genuinely community-led will adhere to three common principles, set out below. Schemes which meet the following principles will be defined as Community-led for the purposes of this policy:

- Commitment to community engagement and consent throughout the development process. Communities do not necessarily have to initiate the conversation, or build homes themselves.
- Commitment by the community group to taking a long-term legally binding role in the ownership, stewardship, or management of the homes; and such is supported by a strategy and business case.
- Commitment by the community group to deliver clearly defined benefits of the scheme to the local area or other group, such benefits to be if possible legally protected in perpetuity.

#### ***Pro Contract***

Online procurement portal which is used by the Council and their Buyers.

#### ***Rent inflation index***

An arrangement that allows all Social Rents and Affordable Rents to be increased annually by consumer price index plus 1% or such other alternative index or comparable measure of price inflation as may be agreed in writing with the Council on the understanding that no rents proposed are in excess of 35% of gross household income.

### **Shared equity**

Homes where the equity is shared between the owner of land (typically 40%) and the purchaser of the house (typically up to 60%). This allows for a household on a median household income, in the local area, to not exceed 35% of their gross household income on paying their mortgage and other housing costs. There are currently grants available from the Council to facilitate the delivery of these homes.

### **Shared ownership**

Part-buy/part-rent homes, on schemes under 10 homes, where the purchaser buys a proportion of the property's equity up to 40% using a mortgage and deposit while paying rent of up to 1.5% of the retained equity on the remainder. The purchaser has the opportunity to increase their share of ownership in the property over time in a process known as stair-casing until eventually the purchaser owns the full 100% of the home. On schemes over ten homes, if funded by Homes England, different regulations will apply.

### **Social rent**

Rented homes on the proviso that the initial rent (based on the National Rent Scheme 2015) and the service charge element are not in excess of Local Housing Allowance limits for the specific property type in the Bristol City Council administrative area and, after April 2020, not in excess of 35% gross household income.

### **Social value**

Economic, social and environmental well-being as more clearly set out in [Council's Social Value Policy](#).

### **Subject to Planning**

Planning permission must be sought and obtained from the Local Planning Authority before any development starts. The grant of planning permission may be subject to conditions.

### **Sweat Equity**

An interest in a property earned by a tenant in return for labour towards the build.

### **Sweat Rent Reduction**

A reduced rent earned by a tenant in return for labour towards the build.

### **Undervalue**

The disposal of any interest in land for a price which is less than best consideration reasonably obtainable.

## **4. Housing schemes of 3-10 homes**

Council sites with the capacity to deliver between 3 -10 homes, identified as suitable for delivery via community-led housing, will be marketed through Pro Contract to those eligible, legally constituted community groups, as defined below. Offers will be sought on a 'Subject to Planning' basis with the purchaser responsible for all risks and costs. All proposals will be evaluated against the following criteria (detailed in Section 9).

- Housing scheme - demonstrating: how far the proposal incorporates shared equity (with Sweat equity % or Sweat rent reduction) and the affordability, type, design and specification of homes.
- Community benefits
- Deliverability of proposal
- Social Value
- Financial offer

All proposals/homes will be required to meet relevant Building Regulations and be fully compliant with the [Bristol Local Plan](#) and all relevant supporting guidance.

### **Who is Eligible to Apply?**

Unless there are exceptional circumstances, land will only be disposed of to legally constituted community groups falling into one of the following categories:

1. A company limited by guarantee registered as a charity with the Charity Commission

2. A charitable incorporated association
3. A community interest company limited by guarantee without shares whose articles of association comply with schedule 1 from the CIC Regulations 2005
4. A community interest company limited by guarantee with a share capital, or company limited by shares that only pay dividends to asset-locked bodies, whose articles of association comply with schedule 2 from the CIC Regulations 2005; or
5. An industrial and provident society registered before 2014
6. A community benefits society registered under the Co-operative and Community Benefit Societies Act 2014.

Examples of types of organisation are:

- community land trusts which take one of the legal forms set out above
- Community-led housing groups which take one of the legal forms set out above
- co-housing groups which take one of the legal forms set out above
- 
- registered providers working in partnership with a Community-led housing group (for this category it is the Community-led housing group that must be incorporated)

## 5. Housing schemes in excess of 10 homes

Cabinet approval will be required to the principle of disposing of Council owned sites with the capacity to deliver over 10 homes, identified as suitable for delivery via community-led housing, in accordance with this policy.

Following Cabinet approval, the sites will be marketed through Pro Contract to those eligible, legally constituted community groups, as defined below. Offers will be sought on a 'Subject to Planning' basis with the purchaser responsible for all risks and costs. All proposals will be evaluated against the following criteria (detailed in Section 9).

- Housing scheme - demonstrating: how far the proposal incorporates shared equity (with Sweat equity % or Sweat rent reduction) and the affordability, type, design and specification of homes.
- Community benefits
- Deliverability of proposal
- Social Value
- Financial offer

All proposals/homes will be required to meet relevant Building Regulations and be fully compliant with the [Bristol Local Plan](#) and all relevant supporting guidance.

### Who is Eligible to Apply?

Unless there are exceptional circumstances, land will only be disposed of to legally constituted community groups falling into one of the following categories:

- A company limited by guarantee registered as a charity with the Charity Commission
- A charitable incorporated association
- A community interest company limited by guarantee without shares whose articles of association comply with schedule 1 from the CIC Regulations 2005
- A community interest company limited by guarantee with a share capital, or company limited by shares that only pay dividends to asset-locked bodies, whose articles of association comply with schedule 2 from the CIC Regulations 2005; or
- an industrial and provident society registered before 2014
- A community benefit society registered under the Co-operative and Community Benefit Societies Act 2014"
- Examples of types of organisation are: community land trusts which take one of the legal forms set out above
- Community-led housing groups which take one of the legal forms set out above
- co-housing groups which take one of the legal forms set out above registered providers working in partnership with a Community-led housing group (for this category it is the Community-led housing group that must be incorporated)

## 6. Heads of Terms

The Heads of Terms for Community Led Housing land disposals are attached at Appendix 1.

## 7. Availability of Grant

The Council intends to continue to make the following grants available to Community Led Housing Groups under the Affordable Housing Funding Policy 2019. When making land offers under the CLH LDP through Pro Contract bidders are asked to identify whether any Council or Homes England grant is likely to be applied for at a later date.

## 8. Governance

A panel of officers from the relevant professional disciplines will evaluate the bids received on ProContract and then recommend the disposal to Executive Director for Growth and Regeneration for final decision which will be recorded on ProContract.

## 9. Appraisal criteria of all CLH schemes

Bidders will be required to make submissions through Pro Contract which will be appraised against the following criteria and scoring chart. Any application that does not achieve a score of at least 3 out of 5 on any of the criteria will be discounted or may be asked to make a new submission.

All bidders should first demonstrate their organisation is financially sound by submitting either; financial accounts for up to 3 years, a set of financial statements provided by a qualified accountant or evidence of financial standing of individuals within the organisation, This will enable the Council to undertake a Pass/Fail assessment prior to scoring the scheme detailed below.

Ref	Topic & Weighting	Criteria	Evidence	Score
1	Housing Proposal 20%	Demonstrate how your Proposal(s), <a href="#">highlighting location, tenure mix, affordability, type, design and specification of homes</a> , complies with: <a href="#">Bristol Local Plan</a> and all relevant supporting guidance. And responds to: <ul style="list-style-type: none"> <li>• Zero Carbon housing – accreditation from Passivhaus, Bio Regional One Planet or equivalent</li> <li>• Housing Innovations through MMC</li> </ul>	Text response up to 500 words	0-5
2	Deliverability 20%	Demonstrate that your organisation has or will have the skills and time to enable this scheme to start on site within next thirty six months and be delivered within a further twenty four months by making available: <ul style="list-style-type: none"> <li>• Planning status</li> <li>• Deliverability of scheme i.e. highway access or other encumbrances.</li> <li>• Innovative construction practices including use of modular homes to accelerate delivery</li> <li>• Long term management arrangements</li> </ul>	Text response up to 500 words  <a href="#">Supported with a Gantt Chart or similar with key milestones</a>	0-5

3	<b>Community Benefits 20%</b>	<ul style="list-style-type: none"> <li>• Number of social/affordable rent/ shared equity homes to be transferred to CLH group.</li> <li>• Retained equity secured by CLH group.</li> <li>• Future revenue stream of CLH group.</li> <li>• Number of self-build/custom build homes or plots proposed.</li> </ul>	Text response up to 500 words	<b>0-5</b>
4	<b>Social Value 20%</b>	<p>Social value offer</p> <p>Tell us what issues will be addressed; the impact and outcomes that demonstrates how your proposal will respond to BCC Social Value Policy evidenced by the Social Value Toolkit.</p> <p>You are asked to submit your responses to this question on the Social Value Toolkit/ Measures table available to download from Pro-Contract and upload the completed table with your application. You should identify measures (column E) relevant to your scheme and include a description of your commitments together with details of evidence used to confirm commitments have been delivered (columns H and I).</p> <p><i>(Please note it is intended to include all social value commitments as contractually binding obligations in the disposal agreement with the Council and compliance with such obligations will be monitored.)</i></p>	Completed Social Toolkit /Social Value Measures Table with supporting text up to 500 words	
5	<b>Financial Offer 20%</b>	<p>Financial offer supported by business plan for scheme that shows viability and affordability It is important to include:</p> <ul style="list-style-type: none"> <li>• What you propose to do and how it will be funded including and public grant requirements</li> <li>• The level of funding secured vs pledged</li> <li>• How the asset will be sustained in the long term</li> <li>• Any other existing public grant you are in receipt of in relation to this or any other scheme</li> </ul>	<p>Business plan <a href="#">and Development appraisal</a> for the site.</p> <p>Completed Financial Model Template</p>	

**Guidance for awarding scores for questions**

Assessment	Scores 0-5	Reason to award this score based on evidence provided against the criteria included
------------	------------	---

Unacceptable	0	<ul style="list-style-type: none"> <li>Does not meet the criteria; Does not comply and/or insufficient information provided to demonstrate that the organisation has the ability, understanding, experience, skills, resource &amp; quality measures required to meet the objectives sought and deliver , with little or no evidence to support the proposal.</li> </ul>
Serious reservations	1	<ul style="list-style-type: none"> <li>Satisfies the criteria with major reservations;</li> <li>Considerable reservations of the organisations' relevant ability, understanding, experience, skills, and resource &amp; quality measures required to meet the objectives sought and deliver , with little or no evidence to support the proposal.</li> </ul>
Minor reservations	2	<ul style="list-style-type: none"> <li>Satisfies the criteria with minor reservations;</li> <li>Some minor reservations of the organisations relevant ability, understanding, experience, skills, and resource &amp; quality measures required to meet the objectives sought and deliver with little or no evidence to support the proposal.</li> </ul>
Satisfactory	3	<ul style="list-style-type: none"> <li>Satisfies the criteria;</li> <li>Demonstration by the organisation of the relevant ability, understanding, experience, skills, resource &amp; quality measures required to meet the objectives sought and deliver with evidence to support the proposal</li> </ul>
Good	4	<ul style="list-style-type: none"> <li>Satisfies the criteria with minor additional benefits;</li> <li>Above average demonstration by the organisation of the relevant ability, understanding, experience, skills, resource &amp; quality measures required to meet the objectives sought and deliver;</li> <li>Proposal identifies factors that will offer potential added value, with evidence to support the proposal.</li> </ul>
Excellent	5	<ul style="list-style-type: none"> <li>Significantly exceeds the criteria ;</li> <li>Exceptional demonstration by the organisation of the relevant ability, understanding, experience, skills, resource &amp; quality measures required to meet the objectives sought and deliver;</li> <li>Proposal identifies factors that will offer potential added value, with evidence to support the proposal.</li> </ul>

### Self-Build Housing Land Disposal Policy 2020

#### 1. Introduction

The Council, in its Corporate Strategy 2018-2023, has set out a commitment to build 2,000 new homes – 800 affordable – a year by 2020. As well as the ambition for delivering additional homes the Council has set a number of principles relating to how homes should be delivered, which include using a wide range of measures to increase housing supply.

Government strongly believes that self and custom build housing has a crucial role to play in delivering the homes this country needs, diversifying the housing market and giving consumers greater choice over the kind of home they want to live in.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) requires relevant authorities to:

- keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land to self-build or custom-build their own homes,
- have regard to the register when carrying out planning, housing, land disposal and regeneration functions; and
- give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding as evidenced by entries on the register.

As required by legislation the Council established a self-build register on 1 April 2016. The Act requires that suitable development permission is given for enough serviced plots of land to meet the demand for self-build and custom housebuilding arising in each base period. Time for compliance with this duty is within 3 years from the end of the relevant base period.

In order to enable people in the city to build their own home, this policy seeks to dispose of council land specifically for the purpose of self-build which includes custom build, thereby satisfying the duty to have regard to the self-build register when disposing of land.

#### 2. Purpose

The Self- Build Housing Land Disposal Policy (SBH LDP) sets out the policy for the disposal of Council-owned sites for the purpose of self-build or custom build delivery. It details a framework within which to operate to ensure that any site offered under this policy is disposed of in a fair, transparent way that maximises Best Consideration.

#### 3. Definitions Used (including any subsequent amendments)

##### ***Best consideration***

Under section 123 of the Local Government Act 1972 local authorities cannot dispose of an interest in land for less than the best consideration reasonably obtainable, without the consent of the Secretary of State. <sup>2</sup>

##### ***Serviceable plot***

A serviceable plot of land is a plot of land that either has access to a public highway and has connections for electricity, water and waste water, or, in the opinion of a relevant authority, can be provided with access to those things within the duration of a development permission granted in relation to that land.

#### 4. Self-build housing sites of 1-2 homes

Small Serviceable Plots with a development capacity to deliver up to two homes will be exclusively made available for a period of six months to those individuals and associations detailed in this policy.

The Council intends to market self build housing sites, potentially through an agent, seeking the highest conditional offer subject to planning for the freehold interest of each identified plot to build a private home on the basis that all purchasers have undertaken the necessary searches and carried out all appropriate due diligence. The site will be sold subject to planning to the highest value bidder and the purchaser will bear all risks and costs to prepare the plot for development.

The following self-builders and custom housebuilders are eligible to bid for these plots:

- Individuals on the Self-build Register who are looking to build their own homes to live in as their main residence.
- Associations of individuals on the Self-build Register (on the understanding that each member is also eligible for entry on the Self-build Register) and can include a body corporate that exercises functions on behalf of an association of individuals.

The Council intends to dispose of such sites to the bidder that;

- will use the site for the purpose of their main residential home; and
- is able to demonstrate that they have the funds to purchase the plot and the funds or the ability to raise funds to develop the plot; and
- makes the highest offer.

## **5. Exclusions**

The Council is creating micro plots in gardens of existing Council owned housing stock. These plots are excluded from this policy.

## **6. Heads of Terms**

The Heads of Terms for Self-Build Housing land disposals are attached as Appendix 2.



## Bristol City Council Equality Impact Assessment Form

Name of proposal	Community Led Housing Land Disposal Policy & Self –Build Housing Land Disposal Policy
Directorate and Service Area	Growth and Regeneration – Housing Delivery
Name of Lead Officer	Abigail Stratford

### Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

#### 1.1 What is the proposal?

The Community Led Housing Land Disposal Policy (CLH LDP) sets out the policy for the disposal of Council-owned sites to community led housing organisations, self-build associations building housing on the Council’s land. It details a framework within which to operate to ensure that any site offered under this policy is distributed in a fair, transparent way that maximises best consideration whilst relying on the provisions of the Local Government Act 2000 where the authority considers the scheme will secure the promotion or improvement of the economic, social or environmental wellbeing of its citizens.

The Self-Build Housing Land Disposal Policy (SB LDP) set out the policy for the disposal of Council-owned land to enable people to build their own homes.

### Step 2: What information do we have?

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

#### 2.1 What data or evidence is there which tells us who is, or could be affected?

- Wider Bristol Strategic Housing Market Assessment: including population and economic activity projections for older people; female participation; young people etc.
- Neighbourhood Plans in Lawrence Weston, Old Market

#### 2.2 Who is missing? Are there any gaps in the data?

Awaiting data and findings from Black and South-West Network BAME Housing Needs and Aspirations Survey 2019 – which will include an assessment of how different types of housing (private/social/council) can meet BAME needs and aspirations and investigate what is the role of community led housing in addressing these needs.

#### 2.3 How have we involved, or will we involve, communities and groups that could be affected?

Initial engagement undertaken to formulate policy and mechanisms with CLT, community

led housing groups. Further engagement planned with these groups a self-build representative and a self-build organisation, after draft text signed off by Legal, Finance and Senior Management team so that final draft can be prepared before Cabinet.

### **Step 3: Who might the proposal impact?**

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

#### **3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?**

We have not identified any potentially adverse impacts at this stage. However there is a risk of indirect discrimination if the policy framework does not lead to a fair and transparent process for disposal of land, or does not ensure that future site development meets the needs of Bristol's diverse population.

#### **3.2 Can these impacts be mitigated or justified? If so, how?**

CLTs or CLH groups can be established by anyone, including BME and Disability led organisations, and groups representing other protected characteristics. There have already been early discussions with the Phoenix Centre about a possible scheme. We will provide on-going targeted market development opportunities to support small organisations and self-builders with the application process.

We have obtained funding from the Homes England Community Led Housing Fund to work in partnership with the Black South-West Network to carryout research into Understanding the role of community-led housing in addressing the housing crisis.

Self-build sites can be acquired by anyone who meets the criteria within the policy. The policy is fully inclusive.

#### **3.3 Does the proposal create any benefits for people with protected characteristics?**

The CLH LDP provides CLH groups an opportunity to people with protected characteristics to purchase BCC land whilst relying on the provisions of the Local Government Act 2000 where the authority considers the scheme will secure the promotion or improvement of the economic, social or environmental wellbeing of its citizens. This policy is innovative and BCC will be the first Council in country to adopt such a policy.

#### **3.4 Can they be maximised? If so, how?**

Benefits can be maximised by ensuring that information about the CLH LDP and SB LDP are available in alternative formats, and well promoted to equalities groups and communities of interest

### **Step 4: So what?**

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your

Equality Impact Assessment can be measured going forward.

4.1 How has the equality impact assessment informed or changed the proposal?	
The Council, through CLH LDP will maximise best consideration whilst relying on the provisions of the Local Government Act 2000 where the authority considers the scheme will secure the promotion or improvement of the economic, social or environmental wellbeing of its citizens	
4.2 What actions have been identified going forward?	
To establish a Panel to review the submissions received and establish the internal decision making process	
4.3 How will the impact of your proposal and actions be measured moving forward?	
Annual review of all land transactions that are subject to this proposed policy	
Service Director Sign-Off: Zoe Wilcox	Equalities Officer Sign Off: Reviewed by Equality and Inclusion Team
Date: 27 <sup>th</sup> November 2019	Date: 5 <sup>th</sup> December 2019

## Eco Impact Checklist

<b>Title of report:</b> Community Led Housing Land Disposal Policy & Self-Build Housing Land Disposal Policy				
<b>Report author:</b> Tim Southall & Kelly Thomas				
<b>Anticipated date of key decision;</b> 4 <sup>th</sup> February 2020				
<b>Summary of proposals:</b> To authorise the adoption of the Community Led Housing Land Disposal Policy & the Self-Build Housing Land Disposal Policy				
Will the proposal impact on...	Yes/No	+ive or -ive	If Yes...	
			Briefly describe impact	Briefly describe Mitigation measures
Emission of Climate Changing Gases?	Yes	-ive	Further house building leads to increase in CO2 emissions	For Community Led Schemes, purchasers offer will be considered against social value outcomes – inc how scheme reduces CO2 emissions.
Bristol's resilience to the effects of climate change?	Yes	-ive	Loss of habitats on brown field land Pressure on water systems	Need to encourage adequate POS in new housing schemes Prevent builders building on flood plains and SUDs
Consumption of non-renewable resources?	Yes	-ive	Building materials	Work with CLH groups to encourage use of green building materials. All bidders will be required to make submissions and be scored through Pro-contract. Criteria they must comply with include Bristol Local Plan, including policies BSC13-15 which cover climate change, sustainable energy, sustainable design and heat hierarchy. And weighting against zero carbon homes technology will be part of the social value scoring, with accreditation against Passivhaus, Bio Regional or One Planet or

				equivalent.  Liaise with Self-Builders to encourage adoption of sustainable materials and methods.
Production, recycling or disposal of waste	Yes	-ive	Poor waste management on sites	Work with CLH groups & Self-Builders to encourage good waste management. Waste management plans may need to be submitted dependant on size of development.
The appearance of the city?	Yes	+ive	High quality designed housing schemes	Urban Living SPD
Pollution to land, water, or air?	Yes	-ive	Further new homes is likely to put greater demands on eco-system	Encourage CLH groups and Self-Builders to implement best green living principles
Wildlife and habitats?	Yes	-ive	Loss of habitats on brown field land	Need to encourage adequate POS in new housing schemes

**Consulted with: Bristol Community Land Trust, CLH groups and other stakeholders**

**Summary of impacts and Mitigation - to go into the main Cabinet/ Council Report**

The significant impacts of this proposal are that the new housing developments will arise as a result of this policy. Many of these new schemes will have many social and economic benefits to the City; however these will need to be weighed against the environmental impacts.

The proposals include the following measures to mitigate the impacts. Many of these impacts can be mitigated by working closely with CLH groups; however following the Faraday case the Council can only guide and encourage it cannot be prescriptive in how it undertakes its disposal and procurement processes

The net effects of the proposals are Empowered Community led Housing Group building homes to meet their needs and aspirations and empowered individuals enabled to build their own homes and meet their own housing needs.

**Checklist completed by:**

Name:	Tim Southall & Kelly Thomas
Dept.:	Growth and Regeneration – Housing Delivery
Extension:	25138
Date:	26 <sup>th</sup> November
Verified by Environmental Performance Team	Nicola Hares

