

Matter 5: Detailed policies

1. Is the Local Plan consistent with NPPF paragraph 21 in making explicit which policies are strategic or not?

1. The HBF notes that Part 3 is titled Strategic Policies and the policies appear to all start with WS, it is therefore assumed that the policies contained in this section are all intended to be Strategic, and all other policies are not. If this is not intended to be the case, the HBF would recommend that the Council provide further clarity.

2. With reference to NPPF paragraph 22, is the Local Plan timeframe appropriate?

2. The Local plan is intended to cover a period 2021 to 2037. The NPPF¹ states 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. The HBF considers that the Plan period to 2037 will therefore not provide an appropriate plan period at the point at which the Plan is adopted and the HBF would recommend that the Plan period is extended.

3. Where the Local Plan does not contain a policy related to an element of the NPPF is that a matter of soundness?

4. Are any policies unnecessary, or rather validation requirements, or covered by other regimes? Is that a matter of soundness?

3. The HBF would suggest that if a policy is unnecessary or covered by other regimes it is unlikely to serve a clear purpose or avoid unnecessary duplication and would therefore not be consistent with the NPPF².
4. For example, Policy WS9.3: Servicing Development states that proposals will be required to provide electric vehicle charging infrastructure in accordance with the Parking Standards in Appendix 8. The HBF considers that now that the Building Regulations are in place in relation to charging points the Council does not need to introduce their own alternative requirements which are over and above these which may create confusion and unnecessary duplication of requirements.

5. Are the following Local Plan policies justified and consistent with national policy? Are they sufficiently clear and flexible so as to be effective in practice? Are any thresholds at which requirements apply justified? (NB we have listed principally the policies where representors have raised questions in this respect, or we ourselves have questions)

a. WS 2 'Social Value'³

5. This policy requires major development proposals to include a social value statement and to demonstrate that development is located, designed, constructed and operated in a manner that delivers net social gain. The Council will also seek to enter into a planning

¹ NPPF 2021 Paragraph 22

² NPPF 2021 Paragraph 16

³ [1237833][1323696][1323698]

agreement relating to the use of local labour and provision of training as part of an agreed employment and skills plan.

6. Many residential developments will bring with them social benefits, through the provision of new more sustainable homes and potentially through the provision of affordable homes and other infrastructure provided through planning obligations. In 2018 the HBF and Lichfields' produced a report on The Economic Footprint of House Building in England and Wales⁴ this document not only highlighted the economic benefits but also the social benefits. It highlighted that in 2017 house building created nearly 698,000 jobs, supported 4,300 apprentices, 525 graduates and 2,900 other trainees, provided £4.2bn of new affordable homes, £841m provided for infrastructure including £122m on new and improved schools, £45m invested in open space, community, sport and leisure facilities and an additional £5.9bn spent in local shops and services by residents of these new homes.
7. However, the HBF does not consider that it is necessary to include a policy requiring major proposals to provide details of what social value outcomes will be delivered and how this will be measured and assessed. This is an unnecessary burden to place on applicants and is unlikely to add value to a development, over and above the general benefits associated with development as set out above.
8. Part C of this policy looks for major development proposals to use local labour and provide training and skills for local communities using an agreed employment and skills plan. The HBF considers that the Council will need to consider how this would work for the home building industry, particularly in relation to the construction period and what this would mean for longer term job stability. Whilst increasing the numbers of people working in the construction industry, along with upskilling and increasing the diversity of the workforce is a top priority for the HBF, this needs to be done in the right way.
9. The HBF Construction Skills Partnership already works with home builders in relation to employment and skills, this includes ensuring that the skills levy that housebuilders pay to the Construction Industry Training Board is deployed effectively to increase the number of people entering the industry and the quality of the skills training they receive.
10. The HBF considers that the Council will also need to consider the costs that would be associated with this policy and ensure that it is considered as part of the viability requirements. This may have a particular impact on the SME builders in the area who may not have the job opportunities available or the resources to provide appropriate training.

b. WS 3.1 'Housing Design Standards'

11. This policy states that new build dwellings should comply with the nationally described space standards (NDSS). If the Council wishes to apply the optional NDSS to all

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https://www.hbf.co.uk/documents/7876/The_Economic_Footprint_of_UK_House_Building_July_2018_LR.pdf

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dwellings, this should only be done in accordance with the NPPF⁵, which states that policies may also make use of the NDSS where the need for an internal space standard can be justified. As set out in the NPPF⁶, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG⁷ sets out that where a need for internal space standards is identified, the authority should provide justification for requiring internal space policies. Authorities should take account of the following areas need, viability and timing. Therefore, the Council should provide a local assessment evidencing their case.

12. The Local Plan CIL and Viability Assessment Study (October 2022) has included consideration of the NDSS, however, the floorspace assumptions set out in Table 5.2 do not reflect the NDSS floorspaces, particularly when allowing for the higher density requirements which is likely to see more 3 storey dwellings and therefore higher floorspace requirements.
13. It also looks to introduce the higher water efficiency standard of 110 litres per person per day. The Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. The Optional Technical Housing Standard is 110 litres per day per person.
14. A policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. PPG⁸ states that where there is a *'clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day'*. PPG⁹ also states the *'it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement'*. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The North West and Wirral are not considered to be an area of Water Stress as identified by the Environment Agency¹⁰. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy in relation to need or viability and should be deleted.

⁵ NPPF 2021 Paragraph 130f & Footnote 49

⁶ NPPF 2021 Paragraph 31

⁷ PPG ID: 56-020-20150327

⁸ ID: 56-014-20150327

⁹ ID: 56-015-20150327

¹⁰ 2021 Assessment of Water Stress Areas Update:

<https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

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15. Part 3 of the policy looks for new build dwellings to be built to be 'zero carbon ready by design' in line with Policy WS8.
16. The HBF generally supports sustainable development and considers that the homebuilding industry can help to address some of the climate change emergency challenges identified by the Council. However, the HBF recognises the need to move towards greater energy efficiency via a nationally consistent set of standards and timetable, which is universally understood and technically implementable.
17. Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations were updated in 2021 and took effect from 15th June 2022, with transitional arrangements in place for dwellings started before 15th June 2023. To ensure as many homes as possible are built in line with new energy efficiency standards, these transitional arrangements will apply to individual homes rather than an entire development.
18. The Government Response to The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings dated January 2021 provided an implementation roadmap. The 2021 Building Regulations interim uplift will deliver homes that are expected to produce 31% less CO2 emissions compared to current standards. The implementation of the Future Homes Standard 2025 will ensure that new homes will produce at least 75% lower CO2 emissions than one built to previous energy efficiency requirements. By delivering carbon reductions through the fabric and building services in a home rather than relying on wider carbon offsetting, the Future Homes Standard will ensure new homes have a smaller carbon footprint than any previous Government policy. In addition, this footprint will continue to reduce over time as the electricity grid decarbonises.
19. The HBF supports the Government's approach to the Future Homes Standard but there are difficulties and risks to housing delivery given the immaturity of the supply chain for the production / installation of heat pumps, the additional cost associated with this and the additional load that would be placed on local electricity networks in combination with Government proposals for the installation of EVCPs in new homes.
20. In autumn 2020, the HBF established a Future Homes Task Force to develop workable solutions for the delivery of the home building industry's contribution to meeting national environmental targets and objectives on Net Zero. Early collaborative work is focussed on tackling the challenges of implementing the 2021 and 2025 changes to Building Regulations successfully and as cost-effectively as possible, in particular providing information, advice and support for SME developers and putting the customer at the centre of thinking.
21. On 27 July 2021, the Future Homes Delivery Plan was published (see [The Future Homes Delivery Plan – Summary of the goals, the shared roadmap & the Future Homes Delivery Hub](#)). To drive and oversee the plan, the new delivery Hub was launched, with the support and involvement of Government. The Hub will help facilitate a sector-wide

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approach to identify the metrics, more detailed targets where necessary, methods and innovations to meet the goals and the collaborations required with supply chains and other sectors. It will incorporate the needs of all parties including the public and private sector and crucially, consumers, such that they can all play their part in delivering environmentally conscious homes that people want to live in.

22. The HBF considers that the Councils should comply with the Government's intention of setting standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils should not need to set local energy efficiency standards to achieve the shared net zero goal because of the higher levels of energy efficiency standards for new homes proposed in the 2021 Part L uplift and the Future Homes Standard 2025.
23. The HBF considers that this policy should be deleted and left for building regulations, avoiding the same set of requirements being considered twice, and potentially reaching differing conclusions.
24. Part 4 of this policy looks for all new build dwellings to be accessible and adaptable to the M4(2) standard. On developments of 17 dwellings or more it requires at least 6% to wheelchair adaptable to the M4(3)(2a) and if the Council is responsible for allocating or nominating a person for immediate occupation the 6% of dwellings will be wheelchair user dwellings to the M4(3)(2b) standard, unless site specific factors indicate an alternate design solution is necessary.
25. The PPG¹¹ 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. The HBF does not consider that the Council have provided sufficient evidence for this policy to be considered justified or consistent with national policy. There is very limited information contained within the SHMA as to why it would be necessary for all homes to be built to the M4(2) standards, and only limited data as to why the M4(3) standards would be needed. There is no information provided in relation to the accessibility and adaptability of the existing stock, and therefore it is not clear what proportion of homes are already contributing to and meeting the needs of people who may need M4(2) or M4(3) homes, or those that could be easily converted.
26. The HBF therefore considers that these housing design standards should be deleted, or if retained further evidence collated to justify their inclusion and for a viability clause to be included in the policy to recognise the viability issues that may arise due to the cumulative impact of these requirements alongside other policy requirements.

¹¹ ID: 56-007-20150327

c. WS 3.5 'Self-Build and Custom Build Housing'

27. This policy states that the Council will work with developers on sites of more than 50 dwellings to secure the delivery of serviced plots for custom or self-build dwellings. It also states that plots must be marketed for at least 12 months and if it does not sell it may remain on the market or be offered to a Registered Provider at a fair value, before being built out by the developer.
28. The HBF would be keen to understand the evidence to support the need for custom and self-build housing in Wirral, and how it has informed the requirements of Policy WS3.5. PPG¹² sets out how custom and self-build housing needs can be assessed. The SHMA (October 2021) states that during the period March 2016 to November 2018 there were 186 households on the Self-build Register, with the Hoylake / West Kirby, Heswall, mid-Wirral and the rural being mentioned most frequently as the preferred areas to live. It is noted that the Local Plan states that within the period March 2016 and January 2021 there were 304 households on the Self-Build Register, and that whilst the identified preference is for the rural area it is not likely to be met due to policy for the Green Belt. The HBF notes that the register appears to be free and unrestricted in terms of registry and as such may overrepresent the true demand for self and custom build homes. There appears to be limited information available as to how many homes are currently being delivered through self and custom build. The PPG¹³ also sets out how local authorities can increase the number of planning permissions which are suitable for self and custom build housing. These include supporting neighbourhood planning groups to include sites in their plans, effective joint working, using Council owned land and working with Home England. The HBF considers that alternative policy mechanisms could be used to ensure a reliable and sufficient provision of self & custom build opportunities across the Borough including allocation of small and medium scale sites specifically for self & custom build housing and permitting self & custom build on sustainable sites.
29. The HBF does not consider that the Council has appropriate evidence to support the requirement for developers on sites of more than 50 dwellings to provide service plots for custom or self-build housing. The HBF is concerned that as currently proposed this policy will not assist in boosting the supply of housing and may even limit the deliverability of some sites and homes. The HBF is also not clear whether there is even a demand from custom and self-builders to live on sites within a larger residential development scheme.
30. The HBF is also concerned in relation to the requirement for any plot that hasn't been sold within 12 months being offered to a Registered Provider at a fair value. It is not clear what the justification is for this policy or what is considered to be a fair value.

d. WS 5.2 'Open Space Provision'

e. WS 7.1, 7.2 and 7.3 ('design principles', 'privacy and amenity' and 'agent of change')

¹² PPG ID: 67-003-20190722

¹³ ID: 57-025-20210508

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f. WD 1.1 'Landscaping proposals'

g. WD 1.4 'Trees'

h. WD 12 'Hot Food and Drink'

i. WD 13, with reference to provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 'GPDO')?

j. Thresholds/ guidance set in appendices.

6. Is policy WS 6.3 'Masterplan Areas' sufficient clear on how strategies will come forward?

7. Are there any outstanding disputes as to the justification or consistency with national policy of development management/ detailed policies?