

Bootle Area Action Plan
Sefton Council,
Planning Department,
Magdalen House,
Trinity Road,
Bootle
L20 3NJ



SENT BY EMAIL
BootleAAP@sefton.gov.uk
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Dear Planning Policy Team,

SEFTON LOCAL PLAN: BOOTLE AREA ACTION PLAN PUBLICATION DRAFT

1. Thank you for consulting with the Home Builders Federation (HBF) on the Bootle Area Action Plan Publication Draft.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF also notes a consultation on the NPPF and the standard method for calculating housing need has taken part during this consultation on the Bootle Area Action Plan, and that this is likely to have implications for the production of the Local Plan, the AAP and the policies they both contain.

BAAP1 Design

Policy BAAP1 is not considered to be sound as it is not justified, is not effective and is not consistent with national policy for the following reasons:

4. This policy states that lower development values in the area should not be used to justify lower quality design and the Council will new development as an opportunity to raise design quality in the area.
5. Whilst the HBF considers that this policy is laudable. The HBF considers that the Council will need to be realistic in terms of what is possible in the area due to the viability of development. The HBF notes that the Viability Assessment has not assessed the viability implications of this policy. The HBF also notes that the Viability Assessment identifies that the 15 of the 16 typologies are not viable within the base appraisals, and that even if the market values in the area increased by 10% the majority of typologies are still not viable.



BAAP2 Best Use of Resources

Policy BAAP2 is not considered to be sound as it is not justified, is not effective and is not consistent with national policy for the following reasons:

6. This policy states that major development should incorporate measures to reduce greenhouse gas emissions where practicable. It also states that all new build housing developments should aim to be water efficient by seeking to encourage water consumption to fewer than 110 litres per person per day. It also goes on to state that evidence demonstrating the best use of resources must be submitted with all major development proposals.
7. The HBF considers that it is important that the Council does not set its own standards for development which may differ from the approach being taken by national Government, and that any such policy in relation to reducing greenhouse gas emissions, low carbon, local heat and energy solutions are implemented on a flexible basis, and that the Council recognise the decarbonisation of the national grid. This would be in line with the Written Ministerial Statement of December 2023¹.
8. Building Regulations Part L 2013 is often used as a base line for measuring future building performance in terms of carbon reduction. Part L 2021 sees a 31% reduction in carbon use when compared to that of Part L 2013, it still sees the use of gas or fossil fuel heating used in new properties. The 31% improvement is achieved through enhanced performance to the design of the building fabric and within the appliances used within the home. Part L 2025 (known as the Future Homes Standard (FHS)) is expected to see a 75% to 80% reduction in carbon use when compared to Part L 2013. Any new home built to the Part L 2025 will not utilise any form of fossil fuel heating within the home, it will only contain sources of electric heating and electrical appliances. This means that the homes built to the FHS will be 'zero carbon ready'. This in turn means that as the National Grid decarbonises, no additional work will be needed to be carried out to those properties in order for them to function as 'zero carbon homes'.
9. 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.
10. As set out in the NPPF², 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. Therefore, 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. PPG³ states that where there is a '*clear local need, Local Planning Authorities*

¹ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>

² Paragraph 31

³ ID: 56-014-20150327

(LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day'. PPG⁴ 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, Sefton and Bootle are not considered to be an area of Water Stress as identified by the Environment Agency⁵. 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.

BAAP10 Healthy Bootle

Policy BAAP10 is not considered to be sound as it is not justified, is not effective and is not consistent with national policy for the following reasons:

11. This policy states that development proposals of 30+ dwellings must be accompanied by a Health Impact Assessment.
12. The HBF generally supports plans that set out how the Council will achieve improvements in health and well-being. In preparing its local plan and this area action plan the Council should normally consider the health impacts with regard to the level and location of development. Collectively the policies in the plan should ensure health benefits and limit any negative impacts and as such any development that is in accordance with that plan should already be contributing positively to the overall healthy objectives of that area.
13. The PPG⁶ sets out that HIAs are 'a useful tool to use where there are expected to be significant impacts' but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the local plan a HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring a HIA. In addition, the HBF considers that any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA for developments of 30 or more dwellings without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the PPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to substantially mitigate the impact.

⁴ ID: 56-015-20150327

⁵ 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

⁶ PPG ID:53-005-20190722

14. Therefore, the HBF recommend that this policy is amended to state that *'where development proposals depart from the Plan and are likely to have a significant impact on the health and wellbeing of the local population they should be accompanied by a Health Impact Assessment. This should include an analysis of how the above requirements, and any other potential health impacts, have been addressed within the proposal'*.

BAAP16 Housing Land Provision.

Policy BAAP16 is not considered to be sound as it is not positively prepared and not justified, for the following reasons:

15. This policy suggests that the area within the Bootle Area Action plan is estimated to contribute approximately 1,500 dwellings between 2024 and 2040 to Sefton's housing supply.
16. The HBF is keen that the Council produces a plan which can help the Council to deliver against its overall housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the Plan period. The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.
17. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sefton and Bootle's housing requirement, with an appropriate mix of housing to meet their needs. This sufficiency of housing land supply (HLS) should meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (YHLS), and achieve Housing Delivery Test (HDT) performance measurements.

BAAP17 Affordable Housing and Housing Mix

Policy BAAP17 is not considered to be sound as it is not justified, is not effective and is not consistent with national policy for the following reasons:

18. This policy states that housing developments that provide 15 dwellings or more should provide a minimum of 15% of the homes as affordable. It suggests that the affordable housing tenure should be 33% as affordable or social rent, 25% as First Homes and 42% as affordable home ownership.
19. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF⁷ is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability. The Viability Assessment clearly identifies the viability issues within Bootle with only one of the 16 typologies assessed determined to be viable. There is limited improvement to the viability of development even when the market values are increased by 10%. The Council should be mindful that it is unrealistic to negotiate every site on a one-by-one basis because the base-line aspiration of a policy or combination of policies is set too

⁷ NPPF Dec 2023 Paragraph 34

high as this will jeopardise future housing delivery. The HBF considers that the evidence provided by the Council does not support the 15% affordable housing requirement, and that this should be amended and / or applied on a much more flexible basis.

20. In relation to the housing mix on schemes that provide 25% new build homes or more of any tenure the Council expect the housing mix for market housing to be a minimum of 25% 1- or 2-bedroom properties; 40% 3-bed properties. Whilst for affordable housing the mix should be 25% 1-bed properties; a minimum of 60% 1 or 2 bed properties; and a minimum of 85% 1, 2 or 3 bed properties.
21. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. It is, however, important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to overly prescriptive requirements, requiring a mix that does not consider the scale of the site or the need to provide significant amounts of additional evidence. The HBF would expect the Council to ensure that the policy is applied flexibly, and makes allowance for home builders to provide alternative housing mixes as is required by the market.
22. Part 10 of the policy states that all new homes should be designed to meet the M4(2) standards, unless site specific factors such as vulnerability to flooding, site topography, and other circumstances make a site unsuitable. Whilst Part 11 goes on to state that on schemes of 50 or more dwellings a minimum of 5% of the homes should be designed to meet the M4(3) standard.
23. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG. The PPG⁸ identifies the type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for Sefton & Bootle which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Area Action Plan policy. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommends that an appropriate transition period is included within the policy.
24. The Council should also note that the Government response to the Raising accessibility standards for new homes⁹ states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building

⁸ ID: 56-007-20150327

⁹ <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>

Regulations. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.

25. The HBF considers that if the Council has the evidence to introduce this policy, it may want to consider the most appropriate way to deliver the homes they require to meet their needs. The HBF considers that this may not always be in the form of M4(3) homes, and may need further consideration.

Self and Custom Build Homes

26. This policy also states that on schemes of 100 new build dwellings or more the Council will encourage developers to provide a small number of serviced plots up to 2% of the total housing capacity for custom or self-build homes. It suggests that these could be in lieu of on-site affordable homes.
27. The HBF would recommend appropriate evidence is collated to identify the need for self and custom housing and to ensure that house building delivery from this source provides an additional contribution to boosting housing supply. This is likely to include engaging with landowners and working with self and custom build and -community-led developers to maximise opportunities. The PPG¹⁰ sets out how custom and self-build housing needs can be assessed.
28. The PPG¹¹ 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 policy mechanisms could be used to ensure a reliable and sufficient provision of self & custom build opportunities across the area including allocation of small and medium scale sites specifically for self & custom build housing and permitting self & custom build outside but adjacent to settlement boundaries on sustainable sites especially if the proposal would round off the developed form.

BAAP24 Environmental Improvements

Policy BAAP24 is not considered to be sound as it is not justified, is not effective and is not consistent with national policy for the following reasons:

29. This policy states that residential developments that create 10 dwellings or more should provide proportionate contribution to environmental improvements in the local area. It goes on to state that the cost in qualifying schemes is set at £2,680 per housing unit.
30. The HBF considers that it is not clear what the evidence is for this policy and why it is required, plans can only be considered to sound if they are justified and consistent with national policy. The NPPF¹² is clear that Plans should set out the contributions expected from development and that such policies should not undermine the deliverability of the

¹⁰ PPG ID: 67-003-20190722

¹¹ PPG ID: 57-025-20210508

¹² NPPF 2021 paragraph 34

Plan. The HBF have already highlighted the significant viability challenges identified in Bootle, as such it is important that there is an evidenced need for this policy.

Viability

31. The Council will also need to ensure that the Plan is viable, that policies are realistic, and that the total cumulative costs of all relevant policies, including those in the Sefton Plan and its supporting documentation, will not undermine deliverability of the Plan. The Council need to ensure that policy requirements should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned development to be deliverable without need for further viability assessment at the decision-making stage.

Implementation and Monitoring

32. Section 6 of the Plan sets out the Council's proposed monitoring indicators for the AAP. It identifies the policy, an indicator related to the policy and a target or direction of travel for each indicator. The HBF recommends that the Council include an appropriate monitoring framework which not only sets out the monitoring indicators along with the relevant policies, but also sets out the data source and where they will be reported, this should also include the targets that the Plan is hoping to achieve and actions to be taken if the targets are not met. The HBF recommends that the Council provide details as to how the plan will actually be monitored, and identifies when, why and how actions will be taken to address any issues identified.

Future Engagement

33. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
34. The HBF would like to participate in the hearing sessions for the Bootle Area Action Plan in order to represent the homebuilding industry and to respond to any points that are raised.
35. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



Joanne Harding
Planning Manager – Local Plan (North)

Email: joanne.harding@hbf.co.uk

Phone: 07972 774 229