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Dear Sir / Madam,

## **HALTON DELIVERY AND ALLOCATIONS LOCAL PLAN (DALP)**

Thank you for consulting with the Home Builders Federation on the Halton Delivery and Allocations Local Plan.

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.

The Council will be aware that the HBF provided comments upon the previous draft of the plan, dated 10<sup>th</sup> March 2016.

### **Duty to Cooperate**

The Council have prepared a Duty to Cooperate Statement, this sets out the cross-boundary issues and the bodies that the Council have worked with. It is evident that the Council have worked with other authorities to produce both the SHELMA and the SHMA and that meetings regularly occur between a number of neighbouring authorities. However, it is not readily clear what decisions and actions have been agreed at these meetings and whether they have higher level agreement.

Compliance with the duty needs to go beyond merely consulting with neighbouring authorities, it should implement actions and have evidence of high level agreements to tackle strategic issues, including meeting the housing needs of the wider market area. As expected, the key concerns of the HBF relate to housing need and delivery, and the need for the authorities of the housing market area to work together to ensure that the need is met, and homes are delivered.

The Government proposes that all Councils will have a Statement of Common Ground (its draft form in place in six months) in place twelve months from the publication of the revised NPPF (anticipated in 2018). If any Statements of Common Ground are prepared the HBF may wish to submit further comments on the Council's legal compliance with the Duty.

**Policy CS(R)1: Halton's Spatial Strategy**

*Policy CS(R)1 is not considered to be sound as it is not positively prepared, justified or consistent with national policy for the following reasons:*

This policy states that at least 10,718 net additional dwellings should be provided within the plan period, this is equivalent to 466 dwellings each year. This figure is taken from the 2016 SHMA. As set out in our previous comments, the HBF have concerns that the choice of scenarios used within the study may lead to a suppression of the overall housing need figure. The HBF consider that it is imperative that the Council align the growth aspirations of the Council, the Liverpool City Region and the Northern Powerhouse with the housing figure used. A failure to do this is likely to lead to the plan being found unsound at examination. In this regard it is considered that 466 dwellings per annum is unlikely to represent the full OAN for the area, and there appears to be justification for an increase.

The HBF has commented on the Liverpool City Region SHELMA, but without repeating the entire letter, which has been appended, the general points of note for this consultation are as follows. The HBF support the use of the LEP's growth ambitions and targets as the basis for calculating the employment space and housing needs of the region, and consider a 0.7% pa growth target to be a legitimate figure to use for a plan period covering 2012 – 2037. The HBF does not consider the 'Baseline Scenario' set out in the SHELMA to be appropriate. However, the HBF considers the 'Growth Scenario' to provide a more appropriate figure as it encourages a level of housing and economic growth by a reasonable, but not remarkable degree.

Therefore, the HBF recommends that the Council use the housing figure of 565 dwellings each year, from the SHELMA economic growth scenario, as the OAN for the area and uses this as the basis for calculating the housing requirement.

The HBF is generally supportive of the strategy for Halton, allowing for an appropriate level of greenfield expansion. However, whilst it is considered that the re-use of previously developed land is positive, it should not limit the development of other sustainable sites.

**Policy CS(R)3: Housing Supply and Locational Priorities**

*Policy CS(R)3 is not considered to be sound as it is not positively prepared, justified or consistent with national policy for the following reasons:*

As set out in the response to CS(R)1, the HBF do not support the proposed housing figure and recommend that the Council increase the housing requirement figure. The HBF are however supportive of the language used in the policy, with regard to the reference to 'at least' and 'net additional'.

The HBF are generally supportive of the Council seeking to maintain a 5-year supply of deliverable housing land across the Borough. However, further information should be provided as to how the Council intend to do this. This could include the level at which any trigger would be actioned and details on what the action could be, for example this could include a link to Policy GB2 and the release of additional sites for housing.

**Policy CS(R)13: Affordable Housing**

*Policy CS(R)13 is not considered to be sound as it is not effective or consistent with national policy for the following reasons:*

The HBF supports the need to address the affordable housing requirements of the borough. The NPPF is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability. Paragraph 173 of the NPPF established the importance of viability testing to ensure that the sites and scale of development identified in the Plan should not be subject to such scale of obligations and policy burden that their ability to be developed might be threatened.

There does not appear to be a viability report available with this document and therefore at this point it is not possible for the HBF to comment on the viability of this policy or others within the document. However, it is noted that the previous affordable housing policy has had limited success in delivering affordable housing and therefore the HBF consider that the Council should consider reducing the requirement. 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 high as this will jeopardise future housing delivery. Therefore, site by site negotiations on these sites should occur occasionally rather than routinely.

**Proposed Modifications in relation to Policy CS(R)13: Affordable Housing**

- The HBF recommends that further consideration is given to the viability of development in relation to the requirements of this policy and other policies within the Local Plan.
- The HBF recommends that the affordable housing requirement should be reduced to a level that has more realistic prospects of delivery.

**Policy RD1: Residential Development Allocations**

*Policy RD1 is not considered to be sound as it is not positively prepared for the following reasons:*

The HBF does not wish to comment upon the acceptability or otherwise of individual sites. It is, however, important that all the sites contained within the plan are deliverable over the plan period.

The Council's assumptions on sites in relation to delivery and potential capacity should be realistic based on evidence supported by the parties responsible for housing delivery; engagement with the relevant landowner, promoter or developer; and sense checked by the Council based on local knowledge and historical empirical data.

It is important that the plan should seek not only to provide sufficient development opportunities to meet the housing requirement but also to provide a buffer over and above this requirement. The reasons for the inclusion of such a buffer are two-fold. Firstly, the NPPF is clear that plans should be positively prepared, aspirational and significantly boost housing supply. In this regard the housing requirements set within the plan should be viewed as a minimum requirement, this interpretation is consistent with numerous inspectors' decisions following local plan examination. Therefore, if the plan is to achieve its housing requirement as a minimum, it stands to reason that additional sites are required to enable the plan requirements to be surpassed. Secondly, to provide the necessary flexibility in line with paragraph 14 of the NPPF. A buffer of sites will therefore provide greater opportunities for the plan to deliver its housing requirement.

The table at para 17.6 titled Housing Land Supply identifies a need for 6,847 dwellings to be allocated based on the housing requirement of 10,718 dwellings. The allocations within Policy RD1 appear to identify sites with a potential capacity significantly beyond the figure recognised as required by the Council's Housing Land Supply table.

If the housing requirement was increased to more closely reflect the LCR SHELMA 565 housing figure, this would identify a need for at least 9,124 dwellings to be allocated, and with the addition of a buffer at 20% this would increase the need for allocations to 10,949.

The allocations appear to show a potential capacity for a little over 10,000 dwellings this would need to be increased to provide for the LCR SHELMA figure of 565 dwellings per annum plus a buffer to allow for choice and flexibility and to significantly boost housing supply.

#### **Proposed Modifications in relation to Policy RD1: Residential Development Allocations:**

- The HBF recommend that the Council engages with the relevant landowner, promoter or developer to ensure that the potential capacities identified are appropriate and to ensure that the proposed allocations are delivery within the plan period.
- The HBF recommend that further sites are allocated to meet the needs set out in the LCR SHELMA and to provide an appropriate buffer to support delivery, and provide choice and flexibility.

#### **Policy RD5: Specialist Housing**

*Policy RD5 is not considered to be sound as it is not justified, effective or consistent with national policy for the following reasons:*

The HBF is generally supportive of providing housing for specialist needs. However, the HBF have some concerns in relation to this policy. Part two of the policy looks for development to include bungalows and / or adaptable housing within their schemes, whilst part three looks for developments to incorporate specially designed housing or specialist accommodation to meet the needs of older people and people with support needs. PPG (ID 56-07) identifies the type of evidence required to introduce such a

policy, 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 Halton which justifies the inclusion of optional higher standards for accessible and adaptable homes. Whilst the SHMA may provide some of evidence, large elements such as the likely future need, impact on viability and adaptability of the existing stock need to be provided. Evidence of an ageing population does not in itself justify the requirements of this policy, without appropriate evidence the HBF would not support the introduction of this policy.

In relation to part three of the policy it is not clear when or how the Council expect this evidence to be produced and as such it is not clear when the policy would be implemented or how. There is also no clarity in relation to what proportion of the development would be expected to meet the specialist needs.

#### **Proposed Modifications in relation to Policy RD5: Specialist Housing**

- The HBF recommend the Council ensure they have the appropriate evidence to support the introduction of this policy or that the elements that are not justified are deleted from the policy.

#### **Policy RD7: Custom and Self Build Housing**

This policy looks for developments of 20 dwellings or more to provide serviced plots for the provision of custom and self-build dwellings.

In principle the HBF is supportive of self-build & custom build for its potential contribution to overall housing supply. The HBF would recommend appropriate evidence is collated 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 custom build developers to maximise opportunities.

#### **Policy GB Temp: Green Belt Release Allocations**

The NPPF, paragraphs 83 to 85, provides the mechanism for releasing Green Belt through the Local Plan process and requires local authorities to demonstrate exceptional circumstances. Providing other avenues of delivery have been explored the need to meet the housing needs of an area has been accepted to meet exceptional circumstances in other Local Plan examinations. The policy justification and the Green Belt Exceptional Circumstances Paper (December 2017) provide the Council's reasoning for releasing Green Belt land.

The HBF agrees that the requirement to allocate sufficient land for the development of market and affordable housing to meet the identified needs, along with the consideration of existing constraints and potential supply from other reasonable options provide the exceptional circumstances that justify the alteration of Green Belt boundaries through the preparation of the Local Plan. Indeed, it is noted that without such releases the amount of new development that could be provided would be significantly below identified needs, this would lead to significant reliance upon neighbouring authorities agreeing to take any unmet needs.

## **Policy GB2: Safeguarded Land**

This policy sets out the circumstances where safeguarded land could come forward for development, this includes a shortfall in the five-year housing land supply.

The HBF supports the provision of safeguarded land. Paragraph 85 of the NPPF is clear that safeguarded land can be utilised; 'in order to meet longer-term development needs stretching well beyond the plan period'. Neither the NPPF nor NPPG define 'well beyond the plan period' but it is clear that the government do not wish to see regular reviews of the Green Belt (NPPF paragraph 83). In this regard the HBF recommends that sufficient safeguarded land is provided to ensure that further amendments to the Green Belt are not anticipated at plan review and therefore a minimum of 15 years of development land beyond the plan period would appear appropriate. Therefore, the HBF would recommend that further sites are identified as safeguarded for future development.

The Council will be aware that safeguarded land can only be released upon plan review. To provide flexibility within the plan the Council may wish to consider allocating some of this land as contingency land which could be released if allocations are not performing as anticipated, and this would enable these sites to come forward more swiftly.

## **Whole Plan Viability**

The Council have not published a whole plan viability assessment as part of this consultation. Therefore, it is not possible to consider whether policy requirements and infrastructure provision required are viable. This lack of evidence is not considered acceptable as it fails to give the development industry the opportunity to submit comments on the viability of a plan prior to its submission. It also suggests that the cumulative impact of the plan on the viability of development did not inform its preparation and the Council cannot say at this point whether or not the plan is deliverable. Paragraph 173 of the NPPF requires Council to consider the implications on viability of policies in the local plan, therefore the HBF consider the viability assessment to be a key supporting document that should have been published as part of this consultation.

## **Monitoring**

This Local Plan document does not appear to include any additional monitoring requirements over and above those identified in the Core Strategy. The HBF recommends that the monitoring framework is updated to reflect the latest document, and that specific monitoring triggers are introduced. Such triggers could include, but not be restricted to; persistent failure to meet its housing requirement, lack of a five-year housing supply, and additional household growth information identifying an increased need for new housing. It is also noted that one of the main implementation and delivery tools was considered to be the DALP document, the updated framework will obviously need to consider further methods of implementation and delivery.

## **Future Engagement**

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.

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,

A handwritten signature in black ink, appearing to read 'Mark Behrendt', with a stylized flourish at the end.

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