

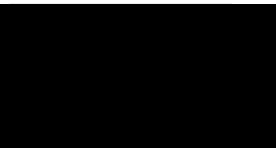
Sent by Email
bootleaap@programmeofficer.com
10/04/2025

Dear Kerry Trueman, Programme Officer for the Bootle AAP,

**SEFTON LOCAL PLAN: BOOTLE AREA ACTION PLAN EXAMINATION INSPECTOR'S MATTERS,
ISSUES AND QUESTIONS**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Bootle Area Action Plan Inspector's Matters, Issues and Questions.
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 would like to submit the following comments on selected questions posed within the Inspector's Matters, Issues and Questions.

Yours sincerely,



Joanne Harding
Planning Manager – Local Plan (North)

Email: [REDACTED]

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Matter 2: Role and scope of the AAP

Issue: Is the Plan consistent with other National and Local Policy in light of Regulation 8(4) and 8(5)?

- 1. *Is the Plan sufficiently clear and effective in establishing its relationship to the wider development plan?***
- 2. *Is the Plan consistent with the Local Plan?***
 - 2.1. The HBF notes that some of the policies contained in the AAP are not consistent with the Local Plan, in particular those in relation to the use of the M4 standards and the housing mix. More detail is provided in the HBF response to Matter 3.
- 3. *Is the Plan required by policy in the Local Plan to deliver a particular amount of housing to assist with the delivery of the Local Plan aims?***
 - 3.1. The Local Plan proposes 11,520 new homes in Sefton and 1,655 new homes (net of demolitions) for Bootle and Netherton in the period 2012 to 2030. The HBF is not aware of any requirement in the Plan for the preparation of the Bootle Area Action Plan, or for it to deliver these homes. The Authority Monitoring Report (2023/24) identifies that 5,868 dwellings have been completed in Sefton between 2012/13 and 2023/24, it does not identify what proportion of this has occurred in Bootle.
 - 3.2. 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.
 - 3.3. The HBF notes that the People's Site, Linacre Lane, Bootle is allocated in the Local Plan and the AAP for 110 dwellings in both documents.
 - 3.4. The HBF would suggest that the Bootle AAP will make a limited contribution to the housing needs of Sefton going forward, however, it will still be important to ensure that these homes are delivered.

Matter 3: The Policies

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

13. Are the policies contained in the Plan positively prepared in a way that is aspirational but deliverable?

13.1. The HBF is concerned that the Plan is not deliverable, and a number of policy requirements are not viable, and will lead to the stalling of housing sites. The HBF considers that if the Plan is not deliverable it cannot be considered to be positively prepared.

14. Will the specific allocations and policies in the Plan as a whole be effective given the outputs of the viability testing?

14.1. The HBF is concerned that the allocations and policies in the Plan will not be effective given the challenges identified in the Viability Assessment. The Viability Assessment states that there is a high level of viability pressure across the different typologies / live sites, to the extent where the majority show an unviable outcome with full planning policies applied. Even with an uplift in values there are still sites which remain unviable, the HBF also question whether there will be an increase in values to the levels suggested are needed to increase the viability of the developments. It is also noted that even small increases in costs would also impact on the viability of developments, and given the implications of the Building Safety Levy (PDL £10.83 / Non-PDL £21.66 per square-metre of chargeable floorspace) from Autumn 2026, which will see a charge on all new dwellings in England which require a building control application, this remains a serious concern, even if sales values are increased.

15. Have the allocations been selected on a robust basis?

15.1. The HBF does not wish to comment on the selection of allocations.

16. Are the proposed allocations flexible enough to accommodate needs not anticipated in the Plan and to enable a rapid response to changes in economic circumstances?

16.1. The HBF does not wish to comment on the flexibility of allocations.

17. Are design code (BAAP1) and masterplan (BAAP3, BAAP4, BAAP6, BAAP20) requirements justified and effective?

17.1. As set out in our response to questions 20 and 21. The HBF is concerned that the requirements set out in BAAP1 are not justified and effective.

18. Have the recommendations in the SFRA Overview Update been incorporated into the Plan? Are they necessary for soundness?

18.1. The HBF would expect the Council to incorporate the recommendations of the SFRA Overview Update as appropriate.

19. Are the modifications already proposed to policies in the Plan necessary for soundness?

19.1. The HBF does not consider that all of the modifications already proposed to policies in the Plan are necessary for soundness. For example, the HBF does not consider that the proposed modification to policy BAAP2 is necessary for soundness. The HBF does not consider that this policy is sound, it is not justified and the HBF considers that this has implications for the viability and deliverability of homes, and may impact of the delivery of the Plan. The HBF also does not consider that the proposed

modifications to policy BAAP24 are necessary for soundness, although parts of the modification proposed may be beneficial the whole modification is not sound or appropriate.

BAAP1 Design

20. *Would the policy be effective in raising design quality given the outputs from the Viability Assessment (document SP5)?*

20.1. 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. The HBF considers that whilst it is laudable to seek to raise the design quality of development in the area, the Council should not be overly prescriptive about how this is done, as this has the potential to stall or prevent development, particularly given the viability challenges identified in the area.

21. *Is the explicit intention to raise design quality justified?*

21.1. The HBF considers, in line with the NPPF, that the creation of high quality, well designed and sustainable buildings and places is fundamental, and it agrees lower quality design is unlikely to be justified. However, as above the Council need to be realistic about what can be delivered viably.

BAAP2 Best Use of Resources

22. *In the 23 December 2023 Written Ministerial Statement, the Government set out that they do not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned building regulations (unless the criteria set out are met). The Statement notes in particular effects on complexity, economies of scale and viability. In light of that, are criteria 1 and 2 of the policy justified and will the policy be effective?*

22.1. The HBF considers that criteria 1 is not justified and not in line with the 2023 Written Ministerial Statement (WMS), the WMS is clear that the Government does not expect plan-makers to set local energy efficiency standards that go beyond current or planned building regulations. It highlights that the proliferation of multiple, local standards by local authorities can add further costs to building new homes by adding complexity and undermining economies of scale. Whilst this policy doesn't directly set standards, it is looking for development to incorporate measures to reduce greenhouse gas emissions by methods including energy efficiency measures. The HBF is concerned that this policy still sees the Council looking for developments to go over and above the Building Regulations standards, and has the significant potential to do exactly what the WMS highlights in that it is likely to add complexity and undermine economies of scale, and as a consequence reduce viability and deliverability of development. The HBF would strongly recommend that this element of the policy is deleted, and reference is made as needed to the appropriately set national standards and those used in Building Regulations.

22.2. The HBF notes that the Council proposes a change to the wording of part 2 of policy BAAP2 so that it says: "2. All new build housing developments ~~should aim to be water efficient by seeking to encourage water consumption to fewer than~~ **must achieve, as a minimum, the optional requirement of** 110 litres per person per day **set through Building Regulations Requirement G2: Water Efficiency.**" The HBF considers that this proposed modification is unsound for the same reasons that it considered the existing criteria unsound, as set out below.

22.3. The HBF considers that criteria 2 is also unjustified. PPG¹ 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'. PPG² 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 Agency³. 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.

23. If the policy as written is sound, is it flexible enough to meet changes in economic circumstances?

23.1. The HBF does not consider that this policy is sound. However, if it is to be retained the HBF considers that it would require significant amendments to ensure that it is clear that the Council is not expecting developments to go over and above the requirements in the Building Regulations, and that the optional standard in relation to water consumption is not a requirement either.

24. Is the policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

24.1. The HBF does not consider that this policy is clearly written and unambiguous so it is evident on how a decision-maker should react to development proposals, particularly, as the HBF considers that this potential for the Council to overstep, and to insist on measures which are not appropriate including those in relation to reducing greenhouse gas emissions and water consumption.

BAAP10 Healthy Bootle

29. Is criteria 1.viii justified and effective?

29.1. The HBF does not wish to comment on the support in principle for the provision of public health facilities.

30. Is the requirement for a Health Impact Assessment at the thresholds set out in the policy, justified?

30.1. The PPG⁴ 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

¹ ID: 56-014-20150327

² ID: 56-015-20150327

³ 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

⁴ PPG ID:53-005-20190722

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.

- 30.2. 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'*.

31. Are those thresholds justified?

- 31.1. As above, 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.

BAAP16 Housing Land Provision

38. Will the policy be effective in helping the Council deliver against its overall housing requirement?

- 38.1. 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. The Local Plan proposes 11,520 new homes in Sefton and 1,655 new homes (net of demolitions) for Bootle and Netherton in the period 2012 to 2030.
- 38.2. 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.
- 38.3. The Authority Monitoring Report (2023/24) identifies that 5,868 dwellings have been completed in Sefton between 2012/13 and 2023/24, at an average of 489 dwellings per annum (dpa) it does not identify what proportion of this has occurred in Bootle. The HBF notes that local housing need for Sefton, using the Standard Method that would have been in place at the time of submission is 578dpa, whereas the current local housing need, using the current Standard Method is 1,368dpa. Highlighting, that going forward this Plan will make a limited impact on the overall housing need, and the housing requirement likely to be identified in the emerging SDS or future Local Plan.
- 38.4. The HBF is concerned that given the viability challenges identified in the Viability Assessment that the housing proposed in the Plan may not be delivered and therefore the Plan will make a very limited contribution to helping the Council deliver against their overall housing requirement.

39. Are the proposed allocations flexible enough to accommodate needs not anticipated in the Plan, and to enable a rapid response to changes in economic circumstances?

- 39.1. The HBF does not wish to comment on the flexibility of allocations.

BAAP17 Affordable Housing and Housing Mix

40. Is the policy flexible enough to accommodate needs not anticipated in the Plan?

- 40.1. The HBF does not consider that sufficient flexibility has been built into this policy, to reflect local needs and requirements. The HBF does not consider that the policy is flexible enough in relation to viability, where the Viability Assessment already identifies significant viability challenges it seems unnecessary to require that applicants to undertake further viability work, to demonstrate to the satisfaction of the Council what they already know from their own evidence. The HBF also does not consider that the policy is flexible enough in relation to the housing mix, the M4(2) and M4(3) requirements and the Self and Custom Build provision. Where elements of need and demand should be taken into account, and more up-to-date evidence should be considered.
- 40.2. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF⁵ 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 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.
- 40.3. The Sefton Local Plan states that in developments of 50 or more dwellings, at least 20% of new market properties must be designed to meet Building Regulation Requirement M4(2) accessible and adaptable dwellings. The Local Plan does not include a policy requirement in relation to the M4(3) standard. However, the AAP includes a requirement 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. The HBF considers that these elements are inconsistent with the Local Plan, but if retained should be applied on a more flexible basis, taking viability into account and whether there is actually any market demand for these homes.
- 40.4. The HBF does not consider that requiring developments of 100 or more homes to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.
- 40.5. However, if a self-build policy is to be pursued, then the HBF considers that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should

⁵ NPPF Dec 2023 Paragraph 34

be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self and custom builders. The HBF would therefore suggest that any unsold plots should revert to the original developer after a six-month marketing period.. not the two years currently proposed.

40.6. The PPG⁶ 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 Homes 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 District 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.

41. Is the proposed tenure mix consistent with national and local policy?

41.1. The Sefton Local Plan states that in developments of 25 or more dwellings a minimum of 25% of market dwellings must be 1 or 2 bedroom properties, and a minimum of 40% of market dwellings must be 3 bedroom properties. This is consistent with the Bootle AAP for market homes, however, the AAP adds further requirements for affordable housing. As set out above and in our Reg 19 response, the HBF would again highlight how important it is that this policy is workable, and ensures that housing delivery is not compromised or stalled due to overly prescriptive requirements, which reduce viability and deliverability of the development. 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, or by a registered provider.

BAAP24 Environmental Improvements

48. Is the overall requirement for and threshold of contributions towards environmental improvements in the local area justified?

48.1. 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.

48.2. The HBF considers that it is not clear what the evidence is for this policy and why it is required and why the threshold proposed is appropriate, plans can only be considered to sound if they are justified and consistent with national policy. The NPPF⁷ is clear that Plans should set out the contributions expected from development and that such policies should not undermine the deliverability of the 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. As at present the HBF would argue that this policy requirement is undermining the delivery of the Plan.

48.3. The Council propose to amend Part 3 of the policy to state that the total financial contribution can be

⁶ PPG ID: 57-025-20210508

⁷ NPPF 2021 paragraph 34

offset through providing environmental improvements off-site, or on-site if these are substantively over and above normal policy requirements and the Council considers that they provide clear benefits to future residents and the wider neighbourhood. The HBF continues to consider that the policy should be deleted, however, if retained recognition that improvements can be made on site appears appropriate. The HBF is, however, concerned by the reference to 'substantively over and above normal policy requirements', the HBF would question why it the provision needs to be 'substantively' over and how the level of provision will be determined.

48.4. The Council proposes to amend the explanation to this policy to make clear the viability assessment mechanism and that applicants should bear the cost. A new paragraph of explanation (based on paragraph 8.21 of the Local Plan) could say: "5.247A Where an applicant seeks to depart from the policy position and provision of a commuted sum due to viability consideration, the Council will require a full financial assessment to be submitted by the applicants. This will be appraised by independent economic viability consultants. The applicant will be required to meet the full cost of this work". The HBF does not consider that this proposed amendment is necessary for soundness. The HBF would also highlight its early point in relation to the Council's own viability evidence demonstrating the viability challenges and why there should be a need for an applicant to repeat this work, at their own cost, unnecessarily.

49. What evidence is there to justify the inclusion of hot food takeaways in the requirement for contributions to environmental improvements?

49.1. The HBF does not wish to comment on the inclusion of hot food takeaways in the requirements.

50. Is the policy clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals

50.1. The HBF considers that this policy is not sound and should be deleted. However, if it is to be retained, the HBF considers that amendments are required, for example to increase the opportunity to provide environmental improvements in kind, on or off site, in place of the financial contribution, and to provide a clear policy on the potential to remove the environmental improvement contribution where the scheme would not be viable. The HBF also considers that there needs to be clarity on how this policy works alongside other requirements such as open space provision and BNG.