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5/9/2025

Dear Planning Policy Team,

DRAFT BURY LOCAL PLAN (REGULATION 18)

1. Thank you for consulting with the Home Builders Federation (HBF) on the Draft Bury Local Plan.
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 multinational 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 notes that paragraph 234 of the 2024 NPPF states that *'for the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply: (c) the plan includes policies to deliver the level of housing and other development set out in a preceding local plan (such as a joint local plan containing strategic policies) adopted since 12 March 2020'*. It goes on to state that where paragraph 234(c) applies the plan will be examined under the relevant previous version of the Framework.
4. We would like to submit the following comments upon selected policies within the Draft Local Plan consultation document. These responses are provided to assist the Council in the preparation of the emerging local plan. The HBF is keen to ensure that Bury produces a sound local plan which provides appropriate policies for the area.

Format

5. Whilst not a matter of soundness it would be helpful if the council could include clause / paragraph numbers within all of the policies. The numbering of each clause / paragraph within a policy will aid referencing for those making representations on the local plan as well as for applicants and decision makers following the adoption of the plan.

Plan Period

6. The Plan Period is identified as 2022 to 2042. 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 into account the likely timescale for delivery. The HBF considers that the Council may want to be looking to prepare a new Local Plan that will look forward to at least 2045 to ensure that it covers the 15-year period, they may also want to consider whether any strategic sites require the Council to plan over a longer period for these areas.

Vision and Objectives

7. The HBF notes that the strategic objectives include an objective to deliver an appropriate supply of well-designed housing to meet needs. The HBF considers that meeting the current and future housing needs should be a key part of the vision and objectives for the Plan.

Policy LP-CC1: Climate Change

8. This policy states that the Council will take a proactive approach to ensuring that the Borough is resilient and adaptive to the cause and effects of climate change. In particular, the Council will seek to meet a number of measures including to ensure that new development minimises emissions and maximises the use of renewable energy and resources and to achieve a step change in new housing development design to deprioritise the car and to prioritise space for pedestrians, safe play and cycling.
9. The HBF generally supports the Council in seeking to minimise carbon emissions. However, the HBF considers that the Council should ensure that this policy is only implemented in line with the December 2023 Written Ministerial Statement² which states that *‘a further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continue to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes’*. It goes on to state that *‘the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current, or planned building regulations, should be rejected at examination if they do not have a well-reasoned and robustly costed rationale’*. The HBF considers as such it is appropriate to refer to the Future Homes Standard and the Building Regulations as the appropriate standards for development, and to seek to use these standards to reduce energy use and improve energy efficiency.

¹ NPPF December 2023 Paragraph 22 / NPPF 2024 Paragraph 22

² <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

10. The HBF also generally supports the Council in looking to prioritise space for pedestrians, safe play and cycling. The HBF considers that it would be beneficial for the Council to provide more detailed information as to how this will be implemented through the development management process and consultations with the Highways Authority. It will be important here that other parts of the Council are part of this step change and that it isn't down to the applicant to negotiate the implementation of this step change.

Policy LP-H1: Housing Land Provision

11. This policy states that the Council will seek to ensure that sufficient land is available to deliver the adopted housing requirement for Bury as set out in the Places for Everyone Policy JP-H1. It also states that the Council will seek to ensure that targets for affordable housing are met, that the specific housing needs of particular groups are catered for, and that housing sites deliver an appropriate mix of house types, sizes and tenures that reflect the specific housing needs.
12. The Places for Everyone (PfE) document identifies a housing requirement of 452 dwellings per annum (dpa). This is stepped with 246dpa in the period 2022-25, 452dpa in the period 2025-30 and 520 in the period 2030-39. The Plan notes that as a joint plan the PfE document has redistributed some of Bury's housing needs amongst other districts to reflect the availability of land and strategic priorities for the conurbation. The Plan also states that the housing requirement will be 452dpa for the period 2039-42.
13. The HBF considers that the Council should plan for growth, this would be in line with the NPPF³ which states that Plans should be prepared positively, in a way that is aspirational but deliverable. The HBF notes that the local housing need (LHN) as identified by the current standard method is 979dpa, this is an increase from the LHN identified under the previous standard method of 596dpa. The HBF does not consider that it is appropriate for the Local Plan to continue with the lower housing requirement from the Places for Everyone document post the end of the PfE Plan period. The HBF considers that at that point this Plan should revert to the figures identified by the Standard Method. The HBF considers that this would be in line with the NPPF seeking to Plan in a positive manner, and in line with the Building the Homes we Need Written Ministerial Statement in relation to taking the tough choices needed to improve affordability, turbo charge growth and build the 1.5 million homes the Government have committed to deliver.
14. The Local Plan does not include any site allocations for residential development. It appears to be reliant on the PfE allocations within Bury and windfall development to meet its housing requirements.

Policy LP-H2: Windfall Housing Development

³ NPPF 2023 Paragraph 16

15. This policy proposes that any planning applications for housing development on a site that is not allocated for residential use will generally be allowed to come forward if a number of criteria are met.
16. The HBF is generally supportive of the Council including a policy to allow for windfall development. However, the HBF is concerned that some of the criteria are unnecessary or unclear and should be deleted or amended, for example (c) looks for the site to adequately serviced by appropriate infrastructure, this is poorly written so it is not clear if the infrastructure needs to be in place at the time of the application or whether it can be made appropriate as part of the development of the site. The HBF is also concerned by the restrictions in terms of locations to sites within the urban area or on suitable previously developed land in the Green Belt. The HBF considers that there are likely to be other sustainable sites which could come forward as appropriate windfall, and that further flexibility should be brought into this element of the policy.

Policy LP-H3: Housing Mix

17. This policy looks to ensure that an appropriate mix of dwellings will be delivered over the Plan period to address the housing needs of the local community. It suggests that when determining an appropriate mix of dwelling types and sizes, account will be taken of the Housing Needs and Demand Assessment, the characteristics of the site, the general nature of the proposal and the affordable housing targets.
18. 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, does not consider the viability of the site, or requires the applicant 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. The HBF also notes that the Housing Needs and Demand Assessment is a snapshot in time, and may become dated, the Council may want to include references to more up to date information in the policy, not just the justification text, as well as the reference to other sources of evidence.
19. This policy states that the Council will support proposals for specialist and supported accommodation in appropriate locations to meet needs, including proposals that will provide suitable accommodation for a growing older population.
20. The HBF considers that the support for proposals for specialist and supported accommodation is generally appropriate. However, it is not entirely clear what the Council may be looking for in terms of an appropriate location to meet needs, and it is recommended that further details as to how this may be implemented is included, and that this is provided in consultation with specialist and supported accommodation providers.

Policy LP-H4: Affordable housing provision

21. This policy states that all developments that provide 10 or more net additional dwellings should deliver affordable housing: 10% of all units on developments of 10-24 dwellings; 25% of all units on developments of 25 or more dwellings; and 50% of all units on sites of 10 or more dwellings in the Green Belt. The policy clarifies that Use Class C2 will not be required to provide affordable housing. It also suggests that the tenure mix should be 60% social or affordable rent and 40% affordable home ownership, and that the affordable housing provision should generally reflect the mix and range of house types and sizes that are proposed on a site.
22. The HBF notes that the Council has not undertaken a Viability Assessment at this point, and that it will be undertaken to support the next stage in the production of the Local Plan. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF⁴ is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability. The HBF considers that the Council will need to thoroughly test the viability of any affordable housing requirement to ensure that it is deliverable alongside the other policy requirements in this Plan.
23. The HBF considers that it is appropriate for the Council to plan for the affordable needs of its community, and to ensure that it does this in line with the requirements in the NPPF⁵. This should ensure that any affordable housing requirements are clearly set out, and are evidenced as viable through an assessment, and that flexibility is provided within the policy where viability may be an issue. 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.

Policy LP-H5: Housing for Older People and People with Disabilities

24. This policy seeks to secure a broad range of housing choices for older people and people with disabilities, maximizing their ability to live independently, including by requiring all new dwellings to be built to the 'accessible and adaptable' standard in Part M4(2), in accordance with Place for Everyone Policy JP-H3. It states that all development proposals creating 10 or more self-contained dwellings will be required to deliver Affordable Housing in accordance with Policy LP-H4.
25. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. Whilst there is general support for such development, the HBF would recommend that the Council should be more proactive in working with providers of this type of development to identify appropriate sites for allocation. This approach would provide far more certainty to the council that the need for such accommodation will be met

⁴ NPPF2024 paragraph 35

⁵ NPPF 2024 paragraph 63 - 66

in full. The HBF considers that the Council should note the difference between homes suitable for older people and specialist housing for older people, and the difference in need and demand for these types of homes.

26. The PPG⁶ states that the need to provide for older people is critical, and that offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. It goes on to state that Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people and that Plans need to provide for specialist housing for older people where a need exists⁷. It also notes that allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. As such, the HBF considers that the Council needs to work closely with the providers of older persons housing to identify appropriate sites or to provide appropriate policies.
27. Older persons' housing differs from mainstream housing with key variables such as build costs, marketing and sales periods, unit size, non-saleable community space, empty property costs and benchmark land values. These all affect viability and it is inappropriate to apply generic affordable housing targets, especially without appropriate viability testing.
28. Policy LP-H5: requires new residential accommodation targeted at older people to be designed to reflect the relevant best practice, including the HAPPI ten key design principles. It should be noted that the M4 standards provide a regulatory framework for accessibility and the HAPPI principles are guidance that should be seen as an aspiration rather than a requirement.

Policy LP-H7: Custom, self-build and community-led housing

29. This policy seeks the provision of at least 5% of all developments of 200 or more homes to be serviced plots for sale to self-build and custom housebuilders where practicable. It suggests that where it can be demonstrated that there is no demand for the provision of self-build plots after having been made available in serviced form at a realistic price and marketed appropriately over a continual 6-month period.
30. The HBF would be keen to understand the evidence to support the need for custom and self-build housing in Bury, and how it has informed the requirements of Policy LP-H7. The PPG⁸ sets out how custom and self-build housing needs can be assessed. The Housing Topic Paper suggests that the Council's Self & Custom Build Register currently has 206 entries, of which 203 are individuals and 3 are associations seeking a single plot site, this is the total number of entries covering the period from 1 April 2016 to 30 October 2024. This is an average of around 24 entries each year. The Topic Paper also suggests that 104 permissions have been granted for self and custom build housing for 113 plots, giving an average

⁶ PPG ID: 63-001-20190626

⁷ PPG ID: 63-006-20190626 & ID: 63-012-20190626

⁸ PPG ID: 67-003-20190722

of 13 plots each year. The Topic Paper also highlights that the Council have sought further information and that 33 people responded highlighting that a single plot was of interest to most (30 responses), although 19 respondents would consider a plot in a larger scheme.

31. The HBF does not consider that the Council has appropriate evidence to support the requirement for developers on sites of 200 dwellings or more to provide 5% of all new homes as 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 Council's own evidence also highlights that whilst some would consider a home as part of larger scheme most would prefer a single plot.
32. The PPG⁹ 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 outside but adjacent to settlement boundaries on sustainable sites especially if the proposal would round off the developed form.

Policy LP-CM1: New Development and Social Value

33. This policy suggests that all development should be located, designed, constructed and operated in a way that maximises its social value and quality benefits to Bury's communities. It states that the Council will require all applications for major developments to be accompanied by a Social Value Strategy.
34. 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 2024 the HBF and Lichfields' produced a report on The Economic Footprint of House Building in England and Wales¹⁰ this document not only highlighted the economic benefits but also the social benefits. It highlighted that in 2023 house building created nearly 834,000 jobs, supported 6,000 apprentices, 900 graduates and 3,300 other trainees, provided £10.8bn of new affordable homes, £1.5bn provided for infrastructure including £677m on new and improved education facilities, £216m invested in open space, youth, community, sport and leisure facilities and an additional £6.8bn spent in local shops and services by residents of these new homes.
35. 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

⁹ PPG ID: 57-025-20210508

¹⁰ <https://www.hbf.co.uk/policy/economic-footprint/>

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.

Policy LP-TR7: Electric vehicle Charging Infrastructure

36. This policy states that unless superseded by new higher Building Regulations standards, new development shall make provision for electric vehicle charging infrastructure, for dwellings with off-street parking, at least one dedicated charge point per dwelling and for residential developments with shared parking areas with more than 10 associated parking spaces, at least one dedicated charge point per dwelling plus passive charging provision for all remaining parking spaces.
37. The HBF considers that the provision of electric vehicle charging capability is unnecessary as Part S of the Building Regulations now provides the requirements for Electric Vehicle charging in residential developments, including identifying where exceptions may apply. The HBF considers that it is important that the Council does not set its own standards for development which may differ from the approaches set out in other consenting regimes.

Policy LP-G16: Biodiversity net gains from new development

38. This policy states that in accordance with the provisions of the Environment Act (2021) and PfE Policy JP-G8, the Council will require development to provide measurable net gains for biodiversity of no less than 10% and in line with regional guidance.
39. The HBF notes the introduction of Biodiversity Net Gain (BNG) which came in for large sites on February 12th, 2024, and for small sites from 2nd April 2024. It is therefore important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.
40. The HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. The HBF notes that this represents a lot of new information that the Council will need work though and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG¹¹ is clear that there is no need for individual Local Plans to repeat national BNG guidance.
41. It is important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the BNG PPG¹².

¹¹ ID: 74-006-20240214

¹² ID: 74-054-20240214 & ID: 74-056-20240214

42. The HBF considers that there are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site. As this is still a new policy area and the market for off-site provision is not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Viability Assessment, when undertaken, must clearly set out how it considered the implications of mandatory BNG and how it was arrived at using the most up to date BNG costs information available.
43. The HBF recommends that that Council work closely with the HBF, PAS, DEFRA and others with expertise in BNG to ensure that the policy is amended appropriately to reflect the latest position.

Policy LP-G18: Trees, woodland and hedgerows

44. This policy states that the Council will require planning applications to be accompanied by adequate tree survey information where necessary and where the development would result in the loss of existing trees, requiring replacement on the basis of two new trees for each tree lost. It also seeks to ensure the provision of street trees into new development.
45. The HBF is concerned by the potential tree ratio provided and the need to include street trees on all new developments. Whilst sometimes these may be appropriate, it may not always be the case, and this could have significant potential implications in terms of viability of the development, not only due to the tree costs but also in terms of efficient land use, site layout and highways considerations. The HBF considers that in relation to the provision of street trees the Council should ensure that the policy contains at least the same level of flexibility as provided by the NPPF in relation to specific cases with clear, justifiable and compelling reasons why this would be inappropriate. The HBF considers that it will be important for the Council to gather appropriate evidence in relation to this policy that considers its practical implementation, and how it sits alongside other plan requirements.

Policy LP-W4: Water Efficiency

46. This policy states that the Council will require all new residential developments to achieve, as a minimum, the optional requirement set through Building Regulations Requirement G2 or any future updates.
47. The HBF does not consider that it is necessary for development to adopt, as a minimum, measures to limit water usage including the implementation of the optional technical standards for water efficiency. The optional water standard is 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.

48. 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. PPG¹³ 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'*. PPG¹⁴ 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 Bury are not considered to be an area of Water Stress as identified by the Environment Agency¹⁵. 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.

Policy LP-DM1: Planning Conditions and Obligations

49. This policy states that in considering the extent of planning obligation, the Council will have due regard to the viability of the development. If an applicant considers that a scheme cannot fully support the required planning obligations, they should submit comprehensive and robust evidence on scheme viability and where possible this should be done through an open book approach.
50. The NPPF¹⁶ 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 Viability Assessment has not yet been prepared and as such it is not possible to for the HBF to comment on the viability of the policies proposed in this Plan.
51. Development can only be required to mitigate its own impact and cannot be required to address existing deficiencies in infrastructure or services. It is therefore essential for the Infrastructure Development Plan (IDP) to clearly show the existing and known deficiencies in the current infrastructure, before reaching any conclusion on the cumulative effects of new development, and any contribution that is needed from new development to mitigate any additional individual and/or cumulative impacts.
52. This policy also introduces a clawback mechanism into a legal agreement if the development is more viable than originally assumed through the viability assessment. Whilst this may be appropriate for large or multi-phase development it is not appropriate for smaller and / or, single phased developments, such as an older persons' housing scheme that is

¹³ PPG ID: 56-014-20150327

¹⁴ PPG ID: 56-015-20150327

¹⁵ 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

¹⁶ NPPF 2024 paragraph 35

built in one phase with an estimated build time of 12-18 months. It has been repeatedly noted by the inspectorate that review/clawback mechanisms are unnecessary for this typology.

Implementation, monitoring and review

53. The HBF recommends that the Council include an appropriate monitoring framework which sets out the monitoring indicators along with the relevant policies, 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.

Viability

54. The HBF has not been able to find an up-to-date Viability Assessment. The HBF considers that a viability assessment will need to be prepared to reflect the current plan policies and requirements and the current costs. Without this part of the evidence, the HBF is not able to comment on the deliverability of the policy requirements or the Local Plan overall. The Council will also need to ensure that they have considered viability in preparing their Plan, viability assessment should not constrain sustainable development but should be used to ensure that policies are realistic, and that the total cumulative costs of all relevant policies will not undermine deliverability of the Plan. The Council needs 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.

Future Engagement

55. 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 housebuilding industry.
56. 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,



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