



WHSAP Examination in Public



Matter 1 Hearing Statement



Boyer

Matter 1: Legal Compliance, Duty to Cooperate, Sustainability Appraisal and consultation

Boyer on behalf of Persimmon Homes

REP ID: 983136 / 1132230

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1. INTRODUCTION

- 1.1 Boyer is instructed by Persimmon Homes (Wessex) and Persimmon Homes (South Coast) to submit Hearing Statements in response to the Inspector's Initial Matters, Issues and Questions (MIQs).
- 1.2 The purpose of this Hearing Statement is to consider matters related to legal compliance (Matter 1). This Hearing Statement should be read in conjunction with separate Hearing Statements prepared in respect of the following Matters:-
 - Matter 2: Consistency with the Wiltshire Core Strategy
 - Matter 3: Housing Site Allocations
 - Matter 4: Settlement Boundaries
- 1.3 Set out within this Hearing Statement are our responses to specific questions identified by the Inspector which should be read in conjunction with representations submitted on behalf of Persimmon Homes at the Regulation 19 stage.

2. ISSUE 1: QUESTION 1.4

Has the Sustainability Appraisal (SA) been prepared having regard to the requirements of the Strategic Environmental Assessment Directive and Regulations and guidance in the PPG? Is it clear how the SA influenced the final plan and dealt with mitigation measures, and has it sufficiently evaluated reasonable alternatives?

- 2.1 As explained in the Sustainability Appraisal (SA) Non-Technical Summary [SA 01 B.a] the plan has been subject to the SA in order to predict and evaluate the nature and scale of sustainability effects with the 12 SA objectives providing the Framework against which policies and sites are assessed. In terms of the assessment of effects, SA 01 B.a explains that this includes an assessment of a range of reasonable alternative sites using the SA Framework.
- 2.2 SA 01 B.a (page 10) explains that reasonable alternative site options for assessment in the SA were identified by the Council using the Housing Site Selection Process methodology [TOP 02]. Potential site options in 'Areas of Search' which did not progress to the stage of SA have not been considered as 'reasonable alternatives'. Conversely, only those sites considered to be 'reasonable alternatives' were subject to the SA process.
- 2.3 Reasonable alternatives are the different realistic options considered by the plan-maker and the SA should outline the reasons the alternatives were selected. The SA process commences at Stage 3 of the site selection process. Prior to this, sites/locations were considered outside of the SA Framework and decisions as to whether or not such options should proceed to further assessment were made. The decision to reject site options at Stages 1 and 2 was not informed by the SA process. Consequently, a policy-on filtering exercise is applied to determine which sites / locations should be subject to the SA process as reasonable alternatives.
- 2.4 The sustainability credentials of sites/locations rejected through Stages 1 and 2 have not been considered as part of the site selection process and we have genuine concerns that this initial aspect of the site selection process renders the identification of sites (and reasonable alternatives) flawed and unjustified, on the basis that such options were not subject to the same level of assessment.
- 2.5 Topic Paper 2: Site Selection Process Methodology [TOP 02] confirms that the site selection process is focused on Community Areas where housing land supply needs to be supplemented in order to meet the Wilshire Core Strategy (WCS) indicative levels of housing development for the Plan period 2006-2026. Paragraph 3.8 of TOP 02 states that is only necessary to allocate land for housing development "*where it is a strategic priority to do so*" in areas where the WCS indicative housing requirement is yet to be addressed.

- 2.6 The terms “strategic priority” is not defined, but it is evident that shortfalls in housing delivery exist at the HMA level (South Wiltshire) and individual Settlements / Community Areas, the most significant of which is Trowbridge, with an identified shortfall of 1,297 dwellings [**PC21-EXAM. 01.45**]. Advancing a plan with such shortfalls, even when proposed allocations are taken into account, is not considered to be sound as the strategy evidently fails to deliver its objectives.
- 2.7 The filtering exercise at Stage 1 removes a significant number of settlements / locations from any further assessment, justified on the basis that there is no quantified need or strategic necessity to identify additional sites for development. Such an approach is not considered to be sound on the basis that it fails to set out a strategy that is justified when assessed against all reasonable alternatives.
- 2.8 It should be noted that the WCS Inspector’s Report specifically referenced the intention of Wiltshire Council to produce a new Strategic Housing Market Assessment (SHMA) “by early 2016” (para 81 of WCS IR) which may revise the objectively assessed needs for the relevant HMAs. In this context the Inspectors Report states: “Consequently, I consider that at this current time the minimum housing figure within the CS should reasonable equate to at least 42,000 homes over the plan period with the flexibility to deliver more.”
- 2.9 In this context, paragraph 4.20 of the WCS states:
- “Wiltshire’s proposed strategic housing requirement is set out against defined sub-county areas as identified within the Wiltshire Strategic Housing Market Assessment (SHMA). However, in order to support the most sustainable pattern of growth, in line with the principles defined in Core Policy 1, indicative requirements are provided for each Principal Settlement, Market Town and by Community Area within paragraph 4.26. The indicative figures also allow a flexible approach which will allow the council, including through the preparation of the Site Allocations DPD, and local communities preparing neighbourhood plans, to respond positively to opportunities without being inhibited by an overly prescriptive, rigid approach which might otherwise prevent sustainable development proposals that can contribute to delivering the strategic objectives of the plan. (Our emphasis).*
- 2.10 In this context WCS Paragraph 4.33 goes states that “Neighbourhood Plans should not be constrained by the specific housing requirements within the Core Strategy and additional growth may be appropriate and consistent with the Settlement Strategy (Core Policies 1 and 2)”. Moreover, paragraph 4.33 also states that wider opportunities can be considered, particularly those that can contribute to maintaining a deliverable five year housing land supply and “delivering the strategic objectives of the plan.”
- 2.11 Core Policy 2 (Delivery Strategy) states that “Sites for development in line with the Area Strategies will be identified through subsequent Site Allocations DPDs and by supporting communities to identify sites through neighbourhood”. It does not state that the DPD will only seek to identify sites in order to satisfy the minimum and indicative requirements at specific settlements / community areas.

- 2.12 Therefore to exclude from the SA process site options which are in areas where the minimum/indicative requirements have been met does not, in our view, provide sufficient justification to consider that such options are not reasonable alternatives.
- 2.13 WCS Strategic Objective 3 relates to the aspiration of the Plan to provide everyone with access to a decent, affordable home. In this regard paragraph 6.40 of the WCS recognises that the strategic housing requirement (42,000) is a minimum requirement over the Plan period and states that it is critical that any new homes built benefit new and existing communities by:
- ensuring new homes are available, affordable and appropriate
 - delivering the right types of homes to support good health and social well being
 - Providing infrastructure improvements alongside new housing.
- 2.14 Opportunities to deliver development that would support this strategic objective should be considered as reasonable alternatives, as opposed to a slavish adherence to a quantitative requirement which is a minimum requirement in any event.
- 2.15 The failure to provide for sufficient homes at Trowbridge and the South Wiltshire HMA runs counter to the stated objectives in the WCS and would, in our view, amount to a significant adverse effect in terms of SA Objective 8, as it significantly reduces the opportunities for provide housing or land for housing to meet the needs of the community.
- 2.16 Such an approach is considered to be in stark contrast to the realities of housing delivery that has occurred in Wiltshire during the Plan period. As explained in **EXAM. 01.45**, the WCS indicative requirements assigned to individual settlements/community areas have not been applied in order to impose a cap or moratorium on development. PC18 and PC21 demonstrate clearly that development in excess of these indicative requirements is commonplace at a significant number of settlement resulting in total housing delivery being in excess of the WCS requirements. In doing so this has not undermined the spatial strategy and in allowing planning applications for development, where such development would exceed the indicative requirements, such schemes have been considered against the individual areas strategies to which they relate.
- 2.17 The SA does not consider wider development opportunities at settlements where the indicative requirements have been met as such locations are rejected from the site selection process prior to the SA process. Such opportunities are therefore not subject to any considerations as to their suitability for development and by doing so, this prevents the SA from fulfilling its requirements to adequately consider reasonable alternatives. It is a deliberate “policy-on” decision to exclude such areas from assessment and this is not considered to be justified in terms of subjecting the WHSAP to a detailed site selection process that considers genuine reasonable alternatives.

More or less sustainable

- 2.18 Notwithstanding our concerns related to the exclusion of significant areas/settlements and associated site options as reasonable alternative. **SA. 01 B.a** explains that site options were assessed against the SA scoring system in order to identify whether a site was 'more sustainable' or 'less sustainable'. This classification is critical as it determines whether a site option is advanced to Stage 4 (detailed assessment) in the site selection process.
- 2.19 **SA. 01 B.a** explains that "*As a general rule of thumb*" site options with five or more moderate effects are considered to be 'less sustainable' and sites with four or less moderate effects are considered 'more sustainable'. Moderate adverse effects is defined in the Generic Assessment scale as "*option likely to have a moderate adverse effect on the objective. Mitigation likely to be difficult or problematic.*" It does not state that mitigation is not possible.
- 2.20 Stage 4a of the selection process is summarised in TOP 02 where it explains (para 6.1) that the 'more sustainable' options are assessed in greater detail and subject to further consultation with specialist consultee, such as heritage, landscape, transport highways and the Environment Agency.
- 2.21 TOP 02 expressly states that only in "exceptional circumstances" would 'less sustainable' sites be subject to this further, more detailed assessment. This is considered to be a significant flaw in the SA process as it does not subject site options to a fair and equitable assessment.
- 2.22 Moreover, the value in subjecting site options to the detailed assessment (State 4) is recognised in TOP 02 where it states (paragraph 6.4) "*In some cases, more detailed assessment revealed that adverse effects with development of a site could not be adequately mitigated or were greater than expected.*" This demonstrates that it is only through the detailed (stage 4 assessment) that the true sustainability effects of site options can be understood.
- 2.23 There is no explanation within the SA as to why the threshold for a site to be identified as either 'more' or 'less' sustainable is set at five moderate adverse effects. It would appear to represent an arbitrary filter that is not supported by any robust justification. The terminology used is also considered to be problematic, reference to 'more' or 'less' sustainable does not provide a definitive position as to whether such site options are, in their own right, a sustainable development option. Notwithstanding, it is only those sites which attribute 4 or less moderate adverse effects which are advanced to detailed consideration.
- 2.24 As explained in our response to Matter 2, the initial stages of the site selection process (stages 1 and 2) artificially dictate the extent and scope of the SA and pre-determine what constitutes a reasonable alternative.
- 2.25 Moreover, the classification of sites through the SA as 'more' or 'less' sustainable is based on an arbitrary approach that lacks of specific justification. The SA process only site options in detail site options at Stage 4. The SA should be an iterative process that considers site options from the outset. The scope of the SA, specifically in terms of reasonable alternatives it not considered to be sound and it does not demonstrate that the most effective strategy has been identified when considered against all reasonable alternatives.

