

**WILTSHIRE HOUSING SITE ALLOCATIONS PLAN
EXAMINATION IN PUBLIC**

MATTER 2

**STATEMENT ON BEHALF OF
LEDA PROPERTIES LTD**

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1.0 INTRODUCTION

- 1.1 This statement is submitted by Leda Properties Ltd (“Leda”) in relation to the Examination in Public of the Wiltshire Housing Site Allocations Plan (“WHSAP”). Carter Jonas LLP is instructed by Leda.
- 1.2 Leda is the owner of Land at Marsh Farm, Royal Wootton Bassett (RWB). A description and outline of the site is shown at **Appendix 1** of this representation.
- 1.3 It is understood that the WHSAP was submitted for examination in July 2018 and therefore before the deadline (24 January 2019) for assessing development plans against the revised National Planning Policy Framework (NPPF) as outlined in the ‘transitional arrangements.’ This statement therefore, is with reference to the NPPF 2012, unless where necessary some cross reference has been made to the revised 2019 version.
- 1.4 Leda has an overall view that the WHSAP is a plan that has been overtaken by the passage of time and includes more development that has already been completed or consented – in the various calculation tables – than is allocated for future development. There is a surplus of development identified above the quoted needs of the WCS that renders the WHSAP unnecessary. The purpose of the WHSAP is therefore not clear, and its value in managing development is severely limited by its critically flawed 6.5 year time horizon.
- 1.5 The WHSAP should be withdrawn from examination and instead energy and resource should be better directed into a review of the strategic plans for Wiltshire, this potentially jointly with Swindon Council. The housing needs for at least the next 15 years should be identified and planned for effectively.
- 1.6 A revised strategy that will identify a continued need for new housing development should include a spatial strategy and housing targets for the unitary authority area of Wiltshire, each of the identified housing market areas and for settlements and/or parishes should they wish to development a Neighbourhood Plan. As part of the revised spatial strategy – whether at a local or neighbourhood level – land at Marsh Farm should be allocated for mixed use development. This development could be effectively landscape led to ensure the management of its settlement edge setting and include an element of employment to help reduce the out-commuting of residents to get to work.
- 1.7 This statement is in response the Inspector’s **Matter 2:**
- **Issue 2 – questions 1 and 2**
 - **Issue 3 – questions 1, 2, 3 and 4**
 - **Issue 4 – questions 1 and 2**

And should be read in conjunction with statements for Matters 1 and 4.

2.0 MATTER 2: CONSISTENCY WITH THE WILTSHIRE CORE STRATEGY (WCS)

Issue 2: Does the WHSAP make adequate provision to meet housing requirements as set out in the WCS?

Question 1

The WCS contains housing figures at a County, HMA and settlement level. Which is the most appropriate scale at which to consider provision in order to assess consistency with the WCS?

- 2.1 National guidance on this matter is relatively limited, however paragraph 47 of the National Planning Policy Framework (NPPF) – 2012 – states the following (with our emphasis):

“To boost significantly the supply of housing, local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area”*

- 2.2 The above excerpt from the NPPF would suggest that the Housing Market Area (HMA) is the appropriate level at which to understand need and forms the basis for plan making. The County level housing need is also important in Wiltshire, in particular, because it is the authority level at which national statistics are reported.
- 2.3 Nationally reported statistics have taken on greater significance since the revisions of the NPPF in 2018 and 2019 and the new guidance regarding the standard methodology for calculating housing need and the housing delivery test. Whilst it is acknowledged that the WHSAP is being examined under the NPPF 2012 the consequences of the WHSAP; the decisions taken after its adoption; and, the monitoring of its delivery will all occur under the revised version.
- 2.4 The further detailed spatial articulation of the HMA needs identified for the Wiltshire Core Strategy (WCS) are set out in Core Policy 1. Core Policy 1 contains a settlements strategy or hierarchy of centres in an attempt to direct development to the most sustainable locations. The policy is also supported by Table 1 “*Indicative Housing Requirements - Settlements and Community Areas.*”
- 2.5 In Leda’s view, therefore, that the most appropriate way to understand the conformity of the WHSAP with the WCS is to consider all three of the County, HMA and settlement/community area housing figures. None of these figures should be considered as a cap, and there should be flexibility between them - should the indicative spatial aspirations or the identified needs targets be shown to be missed through plan monitoring. Leda make further comment in this point, under the Inspector’s Issue 3, question 4.
- 2.6 A further point that Leda wish to highlight is that the premise for the WHSAP is flawed because the housing numbers and the time horizons for the plan period are out of date. It is Leda’s submission in response to the Inspector’s Issue 1, question 7, that the WHSAP is not legally compliant because it fails to follow national policy and include an adequate plan period. This matter is also one of soundness because, regardless of which numbers are the most appropriate to take from the WCS to understand the conformity of the WHSAP with its parent plan, these numbers are out-of-date and there

will only be 6.5 years of the plan left to deliver once the WHSAP has been adopted. This cannot be considered to be positively prepared, effective or consistent with national policy.

- 2.7 The WHSAP should therefore either be:
- (a) Withdrawn until an a strategic plan with an appropriate time horizon can direct development effectively; or,
 - (b) merged into a revised strategic document such as the emerging Joint Core Strategy with Swindon Council.

Question 2

Based on the most up-to-date evidence, what is the residual level of development required to meet the housing requirement identified in the WCS? What component of this is the WHSAP expected to meet?

- 2.8 This question is a difficult one to answer because the 'most up-to-date evidence' would suggest that the WCS is out of date and therefore the premise of the WHSAP is flawed and clearly unsound.
- 2.9 The WCS plan period of 2006 – 2026 includes more time passed than years for which to plan. The WHSAP, at Table 4.7 "*HMA housing land supply 2006-2026*" demonstrates a "surplus" in each HMA above what is expected to be allocated in the plan itself. This shows, therefore, that completions and other commitments through grant of planning consent – and the allowance for some windfall development – has already effectively met the needs identified in WCS. The conclusion has to be that there is, in fact, nothing left to plan for in the WHSAP and there is no component of the WCS identified housing needs that it is expected to meet.
- 2.10 As Leda has already explained in response to the Inspector's Issue 1 question 7 and above at Issue 2 question 1 there is only 6.5 years of the plan period remaining. Therefore, whatever the intended premise of the WHSAP was, and whatever component need it was expected to the deliver, it has been overtaken by the passage of time and ought to be withdrawn in favour of a strategic plan review.

Issue 3: Does the distribution of site allocations accord with the spatial strategy in the WCS?

Question 1

Is the overall distribution of housing allocations consistent with the spatial strategy set out in the WCS?

- 2.11 It would appear that development has generally been consistent with the spatial strategy of the WCS. Core Policy 1 has been relatively successful at channelling development to larger urban areas and more sustainable settlements. This is shown in tables 4.9, 4.10 and 4.11 of the WHSAP.
- 2.12 As Leda has already detailed, however, the limited time horizon and scale of housing left to allocate in the WHSAP means that the distribution of remaining development will have little effect on the overall management of development.

- 2.13 Leda is in general agreement with the spatial strategy and settlement hierarchy of the WCS and in particular that settlements like RWB have the capacity to grow and support further housing and employment. It is suggested that this approach can be reasonably easily transferred over into a revised development strategy and the continued need for new homes can be cascaded through the hierarchy and allocated with a legally compliant and sound timeframe.

Question 2

Is the distribution within each HMA consistent with the WCS?

- 2.14 As referred to above in response to the Inspector's Issue 3, question 1; tables 4.9, 4.10 and 4.11 of the WHSAP quite clearly show that the distribution of development has generally been consistent with the WCS.
- 2.15 This is another example that demonstrates that the WHSAP is serving a limited purpose in managing development as the majority of it has already been completed or is committed. The allocations are in fact a surplus to the needs identified and are therefore making more of a contribution to future needs that ought to be included in a much needed strategic plan review.
- 2.16 Leda reiterate that they support the premise of the distribution of development to sustainable locations, but the need that underpins the current distribution, and the premise for the WHSAP, is unsound.

Question 3

Is the approach set out in Stages 1 and 2 of the site selection process justified? In particular, has a consistent and justified approach been taken to excluding specific locations from the scope of the exercise, including:

- **Principal Settlements, Market Towns, Local Service Centres and Large Villages;**
 - **areas where housing needs in the WCS are indicated to have been met; and**
 - **areas with made or emerging Neighbourhood Plans?**
- 2.17 The exercise starts from the wrong point. The "*Strategic Assessment*" should be the first step, this should use the Strategic Housing Land Availability Assessment (SHLAA) to identify *all* the suitable, available and achievable sites and then any spatial distribution and planning judgement should be brought to bear through the plan making process.
- 2.18 Furthermore, Core Policy 1 of the Core Strategy includes a relatively comprehensive list of settlements and locations that all should have been fully considered to ensure that the WHSAP is in full compliance with its parent document.
- 2.19 The site selection process is a misrepresentation of the available evidence, and is artificially constrained by the flawed premise for the WHSAP; its limited plan horizon and overall scope for development. The SHLAA evidence is likely to have followed the relevant guidance but the presentation of it does not follow national planning practice guidance.
- 2.20 Planning practice guidance is clear:

The area selected for the assessment should be the housing market area and functional economic market area. This could be the local planning authority area or a different area such as 2 or more local authority areas or areas covered by the Local Enterprise Partnership.

Paragraph: 007 Reference ID: 3-007-20140306

2.21 Furthermore, the guidance goes on to state:

The assessment should identify all sites and broad locations regardless of the amount of development needed to provide an audit of available land. The process of the assessment will, however, provide the information to enable an identification of sites and locations suitable for the required development in the Local Plan.

Paragraph: 009 Reference ID: 3-009-20140306

2.22 The specific locations listed in the Inspector's question should not have been excluded from the process, all of the settlements and community areas should have been included to ensure a transparent and rigorous assessment. Had the WHSAP had a legally compliant and sound plan horizon a decision to exclude some locations from the next stage of allocating sites, because there was sufficient land allocated or committed, could be justified, but this is not the case. The fact that so much of the plan period has passed – and the identification of significant levels of windfall in the WHSAP – demonstrates that the site assessment is an unnecessary exercise at this point in time. A better and more rigorous process could be achieved through a comprehensive strategic plan review.

Question 4

Are the differences between overall provision identified in the WHSAP and the WCS justified? Should any shortfalls in provision within particular settlements be compensated for with development in other locations?

2.23 Notwithstanding the fact that tables 4.7, 4.9, 4.10 and 4.11 of the WHSAP demonstrate that completions, commitments and windfalls render the need for further allocations in the WHSAP unnecessary there are some locations where there will be an undersupply compared to the indicative strategy of the WCS.

2.24 Leda is of the view that the overall housing targets for the unitary authority area and the HMA are the most important targets. The spatial indicative numbers at each settlement are of value in understanding and delivering the vision and objectives of the development plan, but are not those against which housing land supply and critically the Housing Delivery Test will be measured.

2.25 Where there are settlements with under provision, there could be the scope for other settlements to pick up some of the slack of the under provision. However, since the overall housing targets have been met, there appears to be little motivation for the Council to engage with the challenge and opportunities that this might present. Notwithstanding this, the housing targets are out-of-date and should be revised as part of a comprehensive review of the Core Strategy

Issue 4: Has the site selection process for housing allocations been soundly based?

Question 1

Have the site allocations been undertaken on a consistent basis having regard to the strategic objectives and policies of the WCS, the policies of the NPPF and the evidence base?

- 2.26 Notwithstanding the fact that tables 4.7, 4.9, 4.10 and 4.11 of the WHSAP demonstrate that completions, commitments and windfalls render the need for further allocations in the WHSAP unnecessary those sites that are proposed to be allocated appear to be consistent and generally sound.
- 2.27 As Leda has demonstrated in response to the Inspectors Issues 1, 2 and 3 it is not the allocations within the plan that are necessarily in question, it is the premise for allocating them at all, and indeed the premise for the WHSAP that is entirely inconsistent with the NPPF.

Question 2

Were reasonable alternatives considered and tested? Are the reasons for selecting the preferred sites and rejecting others clear?

- 2.28 In response to the Inspector's Issue 3, question 3 Leda has explained how it is unsound that the site selection process excluded certain areas from assessment. This did not follow planning practice guidance, and has also effectively removed the proper consideration of reasonable alternatives.
- 2.29 On page 11 of Sustainability Appraisal it is explained that:

Reasonable alternative site options for assessment in the SA were identified by the Council using the Housing Site Selection Process Methodology. Potential housing sites in areas of search which did not progress to the stage of SA have not been considered as 'reasonable alternatives'. The Council's Topic Paper 2 'Site Selection Process Methodology' which accompanies the Plan, explains why housing site allocations in these areas have not been sought.

- 2.30 This approach has meant that in locations that are excluded from the site selection process including:
- Principal Settlements, Market Towns, Local Service Centres and Large Villages;
 - areas where housing needs in the WCS are indicated to have been met; and
 - areas with made or emerging Neighbourhood Plans

Have not be appraised, and this in an inappropriate way to consider reasonable alternatives. This is especially the case given Leda's response to Issue 3 question 4, which suggested that the overall number of homes in the unitary authority area and HMA are the most important numbers to consider in terms of housing supply and delivery. As such if it transpired that there was not the sustainable or available capacity to deliver the housing numbers at a particular settlement, any of the others could have picked it up and should therefore have been assessed as a reasonable alternative. In

short, a strategy or policy decision has been inappropriately applied to the sustainability appraisal and this has constrained its conclusions.

APPENDIX 1

Land at Marsh Farm, Royal Wootton Bassett

Land at Marsh Farm is located on the northern edge of the town at Coped Hall, lying to the west of the A3102 and north of the B4042, extending northwards to the M4 motorway. The land is presently in agricultural use and generally has gentle contours and a level topography. There is varied landscaping around the site's perimeter, with hedges demarcating the existing field pattern and some mature trees.

To the southwest, across the B4042, are residential properties, while to the east, across the A3102, are agricultural fields. To the west is an area that is being developed to accommodate a new sports 'hub' comprising a range of facilities for rugby, cricket, football and tennis. Along the A3102 frontage of the site there are also a number of residential properties and the Marsh Farm Hotel.

The Coped Hall roundabout to the south west corner of the site is a key gateway into Royal Wootton Bassett from Swindon and the M4 and is the focus for a range of commercial activities including a car sales garage (given permission to become Aldi supermarket), public house, Travis Perkins builder's merchants and a Rapid Hire tool and plant hire centre.

There is potential at Land at Marsh Farm to deliver a comprehensive landscape led mixed use development of around 100 (or more) dwellings, a care home, community facilities, employment, public open space, a supermarket, landscape works, and an extension to the sports 'hub'.

A number of studies have already been carried out on the site including:

- Landscape and Visual Impact Assessment
- Ecology Survey
- Air Quality Assessment
- Flood Risk Assessment
- Noise Survey
- Archaeological Evaluation
- Transport Assessment
- A Statement of Community Involvement
- Illustrative Masterplan

No 'show stopper' constraints were identified in the studies. The site is not located within any areas where development should be restricted i.e. it is not designated as a SSSI, Green Belt, green space, schedule ancient monument etc. In short, there are no over-riding obstacles to development. The site is readily available for development.

Location plan

The plan shows Leda's whole land holding north of Royal Wootton Bassett but it is not necessarily considered that the entire land area would be pursued for development.