

**WILTSHIRE HOUSING SITE ALLOCATIONS PLAN**

**INDEPENDENT EXAMINATION**

**MATTER 2**

**CONSISTENCY WITH THE WILTSHIRE CORE STRATEGY (WCS)**

**HEARING STATEMENT**

**ON BEHALF OF**

**BOWOOD ESTATE**

**ID: 1124796**





## Contents

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Date of Issue: March 2019

## 1. Introduction

- 1.1 This Position Statement sets out a brief response on behalf the Bowood Estate (BE) to various issues identified by the Inspector in relation to Matter 2 (Consistency with the Wiltshire Core Strategy (WCS)). The question numbers to which the responses are directed correspond with those set out in the 'Inspector's Initial Matters, Issues and Questions (MIQs) to the Council' (dated 8 February 2019).
  
- 1.2 This Hearing Statement should be read in conjunction with the representations made on behalf of the BE to the Pre-Submission Draft Plan. A copy of those representations is included at Annex 1 for the Inspector's ease of reference. The objections contained in those submissions remain unresolved.

## 2. Issue 2

### **Does the WHSAP make adequate provision to meet the housing requirements set out in the WCS?**

#### Question 2.1

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 For the purposes of plan-making, the scales are relevant for different purposes.
- 2.2 The County-level is appropriate for the purposes of ensuring that, overall, the plan-led provisions are sufficient to 'meet' the housing requirement overall. In particular, it provides a benchmark against which to assess whether there is any headroom on the supply side to allow for non-implementation of elements that comprise the supply.
- 2.3 On the Council's own assessment, the provisions of the submitted plan result in a total supply of 45,629 dwellings, which exceeds the minimum WCS housing requirement (42,000 dwellings) by 8.6%. For reasons that are set out in relation to Question 2.4 below, that is insufficient to ensure that the minimum overall requirement is delivered.
- 2.4 Given the size of Wiltshire County, and the consequent multiple HMAs that it comprises, disaggregation of indicative housing requirements to an HMA level is considered to be relevant to ensure an appropriate spatial distribution and that housing is delivered where it is required, and necessary to support economic growth. In particular, given the comparative urbanisation and economic potential of the northern part of the County, it is appropriate that the North and West Wiltshire HMA should be the focus for the majority share of growth. Absent such disaggregation in a county of the scale and diversity of Wiltshire, there is a risk that the spatial distribution of growth might not align with the locus of need and potential deliverability, and/or be distributed such as to support economic growth.
- 2.5 Whilst an indicative distribution of growth between settlements within each HMA is useful to benchmark alignment with the spatial strategy overall, the quantum of housing identified for each settlement is of little relevance to either the allocation of sites in the WSAP or the



subsequent control of development through the development management process. It should certainly not be construed as a ceiling level for development associated with any settlement, not least since the overall growth requirement is expressed as a minimum, and is therefore to be exceeded.

### **Question 2.2**

**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?**

- 2.6 The Council's most up to date evidence relating to the residual requirement is set out in Topic Paper 3<sup>1</sup>. It is anticipated that this will be updated for the purposes of the Examination. As at July 2018, the residual minimum requirement for the County as a whole, allowing for completions during the plan period to date, was 19,341 dwellings, with corresponding figures for the HMAs of 2,316 (East Wiltshire), 11,715 (North & West Wiltshire) and 5,032 (South Wiltshire). Therefore, with less than one-third (33%) of the plan period remaining, over 46% of the minimum plan-period requirement remains to be delivered.
- 2.7 Given an annual delivery requirement of 2,100 dwellings, completions were therefore some 2,541 below where they should have been as at May 2018. This represents more than a year's equivalent of housing that ought to have been delivered by that stage in the plan period, having not been provided. The situation for the North and West HMA is similar to that county-wide, with a delivery deficit of 1,319 homes as at May 2018 against an annual requirement of 1,237 homes.
- 2.8 For reasons set out in representations<sup>2</sup>, and in response to Question 2.4 below, the planned provision should significantly exceed the residual requirement.

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<sup>1</sup> Topic Paper 3 – Addendum: Housing Land Supply Addendum, Submission Version – July 2018

<sup>2</sup> Representations on behalf of the Bowood Estate to the Pre-Submission Draft Plan, September 2017 – see pp. 2-6 in particular

### **Question 2.3**

**Are the components of delivery identified in the Plan, including completions, committed developments and windfalls, justified and realistic?**

- 2.9 The components of supply (as set out in Table 4.7 of Topic Paper 3) are relevant. However, there is no compelling evidence to justify the windfall allowance, as required in accordance with the NPPF (para. 71).
- 2.10 There is also an implicit assumption that the components of supply are deliverable, with little contingency for non-implementation. Whilst the Council's position will no doubt be that the overall supply exceeds the minimum requirement, the overrun (3,629 dwellings) is almost completely accounted for by the windfall allowance (3,633 dwellings), which the Council has failed to justify. There is therefore no contingency to take into account non-implementation of a proportion of the commitments on which reliance is placed.

### **Question 2.4**

**In light of the above, does the WHSAP make adequate overall provision to ensure the delivery of the minimum housing requirement as set out in the WCS?**

- 2.11 For reasons set out in representations on behalf of BE, the WHSAP fails to make adequate provision to ensure delivery of the minimum housing requirement as set out in the WCS. In their representations BE cited from Topic Paper 4<sup>3</sup> in which the Council acknowledged the uncertainties affecting the supply and development of housing, for which reason the WCS sets requirements as a minimum amount of housing which suggested the need to plan for a 'generous supply' of housing land<sup>4</sup>. To this end, the Council considered it prudent for the plan to look to provide at least six years of supply in each of the remaining years of the plan period, and therefore to aim to have a 20% buffer<sup>5</sup>. This is consistent with the approach endorsed by the North Somerset Site Allocations Plan Examination Inspector to ensure delivery at a sufficient rate to meet the overall requirement in a context of significant reliance on large strategic sites and a residual plan period of less than 10 years.

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<sup>3</sup> WHSA PSCONS07, Topic Paper 4, Developing Plan Proposals, June 2017

<sup>4</sup> Representations on behalf of the Bowood Estate to the Pre-Submission Draft Plan, September 2017, p.3

<sup>5</sup> Ibid, p.4

- 2.12 Given that the overall provision exceeds the minimum requirement by only 8.6%, and which equates almost entirely with the unjustified windfall allowance, the Council has failed to meet the objectives that it has set for itself. Moreover, it is wholly inadequate given that, to meet the minimum requirement, it would necessitate all existing commitments and allocations, including strategic allocations some of which are known to be subject to considerable uncertainties (in particular that at Rawlings Green, Chippenham), to deliver their full capacity during the residue of the plan period. That is a wholly, and arguably unprecedented, prospect.
- 2.13 In the representations on behalf of BE the requirement for the North and West Wiltshire HMA set out in Table 4.7 of the Pre-Submission Draft WHSAP was re-worked to demonstrate the implications of including a more realistic windfall allowance (5%) and applying the 20% buffer foreshadowed in the Council's own evidence base. The table below repeats the same exercise for the three HMAs as a whole to demonstrate the need for additional site allocations to be made in the plan.

**Table 4.7 (Revised)<sup>6</sup>**

| Min Hsg Reqt | Completed (2006-17) | Residual Reqt. (RR) | Adjusted RR (+ 20%) (AR) | Commitments (2017-26) | Windfall Allowance (2017-26) (AR x 5%) | Plan Allocations | Total (T) | Deficit (AR - T) |
|--------------|---------------------|---------------------|--------------------------|-----------------------|--|------------------|-----------|------------------|
| 41,100       | 21,167              | 19,933              | 23,920                   | 18,598                | 1,196                                  | 2,231            | 22,025    | 1,895            |

- 2.14 It is therefore clear that the WHSAP fails to make adequate overall provision to ensure the delivery of the minimum housing requirement set out in the WCS. Additional provision of approximately 2,000 dwellings is required to provide greater certainty that the minimum requirement will be delivered during the residual 7 years of the plan period.

<sup>6</sup> Adapted from Table 4.7 (HMA Housing Land Supply 2006-2026) of Wiltshire Site Allocations Plan, Submission Draft Plan, July 2018

## Question 2.5

**Is the predicted delivery of allocated sites realistic in terms of the contribution they would make through the Plan period?**

- 2.15 For reasons acknowledged by the Council in Topic Paper 4 and cited by BE in representations<sup>7</sup>, predicting rates of delivery with any degree of certainty is virtually impossible, for which reason the provision of a sizeable buffer beyond the minimum requirement is an imperative to provide any realistic prospect of the minimum requirement being met during the plan period. The need for a buffer is accentuated in this instance given the limited duration of the plan period remaining.
- 2.16 Therefore, even if the predicted delivery of allocated sites is *prima facie* realistic, there are so many variables that can influence whether or not a site comes forward that there will remain a significant degree of uncertainty. For this reason, a robust non-implementation allowance is critical, particularly when dealing with a plan period of such limited residual duration.

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<sup>7</sup> See para. 2.11 above

### **3. Issue 3**

#### **Does the distribution of site allocations accord with the spatial strategy in the WCS?**

##### **Question 3.1**

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

- 3.1 For reasons set out in response to Questions 3.2-3.4 below, the overall distribution of housing allocations is not considered to be consistent with the spatial strategy set out in the WCS.

##### **Question 3.2**

**Is the distribution within each HMA consistent with the WCS?**

- 3.2 The distribution of site allocations in the WHSAP does not accord with the spatial strategy in the WCS. It does not make any allocations at the principal settlement of Chippenham, and allocates sites at only one of the HMA's market towns. Apart from Trowbridge and Warminster, allocations are made at five of the HMA's lower order settlements.
- 3.3 Allocations at Trowbridge amount to a further 800 dwellings in addition to the strategic allocation for 2,600 dwellings in the WCS at South East Trowbridge. A number of the market towns, such as Calne, which are not allocated strategic sites in the WCS or non-strategic sites in the WHSAP, are therefore not assigned growth despite their strategic role in the settlement hierarchy set out in the WCS. That is inconsistent with the strategic role of market towns set out in WCS Core Policy 1, which acknowledges their potential for 'significant development' that will increase the jobs and homes in each town 'in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities'.
- 3.4 In the case of Calne, as set out in the representations on behalf of BE, the Wiltshire Infrastructure Delivery Plan identifies specific community infrastructure in need of

enhancement, including the development of local primary care health facilities<sup>8</sup>. The absence of either a strategic allocation in the WCS, or an allocation in the WHSAP, at Calne, means that the strategic objective to enhance services and facilities at one of the districts market towns that provides an important role for its surrounding rural hinterland in addition to the town's own significant existing population, has not been achieved. This is notwithstanding the opportunity for doing so provided by the omission site at South West Calne that has been promoted through the WHSAP by BE<sup>9</sup>.

- 3.5 The distribution within the North and West HMA is therefore inconsistent with the WCS in that it fails to focus development on the principal settlements and market towns. In this it is also inconsistent with the infrastructure delivery strategy that seeks to sustain and enhance services and facilities through focusing growth at the main settlements which provide a greater range of existing services and facilities and critical mass of population to support them.

### Question 3.3

**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?**

- 3.6 Notwithstanding their indicative nature, the areas of search have been driven by the housing quanta identified at a settlement level. For those settlements where commitments and allocations have reached the indicative levels identified in the WCS, the allocation of additional sites in the WHSAP does not appear to have been considered. This would seem to be elevating the status of the settlement level figures beyond their purpose, given that they are intended to be neither minimum nor maximum figures.

- 3.7 The exclusion of sustainable settlements, such as Calne, from consideration for further allocations through the WHSAP at the initial stage on the basis of existing commitments, is

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<sup>8</sup> Representations on behalf of the Bowood Estate to the Pre-Submission Draft Plan, September 2017, p.8

<sup>9</sup> Ibid, p.9

considered to be wholly inappropriate. Moreover, it presumes that all existing commitments will be developed, which for reasons adduced in earlier evidence, is wholly unrealistic.

- 3.8 The approach set out in stages 1 and 2 also fails to give due weight in the process to wider strategic objectives, and in particular the opportunity to deliver specific community infrastructure. As alluded to in response to Question 3.2 above, in excluding Calne from consideration at stage 1 of the process, the ability to achieve the strategic objective for the town of the delivery of new local primary health care facilities has been largely ignored, and is unlikely to be achieved in consequence.
- 3.9 The site selection process is therefore considered to be flawed since it assumes that all commitments are deliverable, fails to have due regard to the settlement hierarchy, and does not give any weight to wider strategic objectives, and in particular the objectives of the Wiltshire Infrastructure Delivery Plan that can be facilitated through site allocations in appropriate locations. A particular example of where the latter could be facilitated is at Calne, where there is an opportunity to bring forward new local primary healthcare facilities in conjunction with the allocation of land at South West Calne promoted as an omission site by BE.
- 3.10 The Site Selection Process Methodology<sup>10</sup> indicates that the neighbourhood planning process will only preclude the WHSAP from allocating land for housing in those areas where it is not a strategic priority to do so. Those areas are identified as the level of 'large villages' in the settlement hierarchy. Therefore, it is available to the WHSAP to allocate sites at the market towns even where there is a neighbourhood plan in place given that such settlements perform a strategic role in the settlement hierarchy. There would certainly be no conflict with the Calne Community Neighbourhood Plan to allocate additional land at south west Calne given that the Neighbourhood Plan has sought to allocate sites additional to the strategic requirements, and with a particular emphasis on sites that can deliver much needed new community infrastructure.

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<sup>10</sup> Topic Paper 2, Site Selection Process Methodology, July 2018, para. 3.8

### Question 3.4

**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?**

- 3.11 The allocation strategy in the WHSAP appears to have little regard for the evidence of deliverability, which is considered to be critical at such an advanced stage in the plan period. As a generality, the market towns in closest proximity to the M4 in the northern part of the plan area exhibit a high level of both completions and commitments, indicating a strong housing market and deliverable sites. Whilst Chippenham exhibits a close alignment between overall provision and the WCS, completions to date have been low as a proportion of the overall total, and therefore the future rate of completions will need to be high for the town to yield its capacity during the remainder of the plan period. Given that the capacity at Chippenham is heavily reliant on strategic sites with significant infrastructure requirements identified in the Chippenham Site Allocations Plan, the potential for slippage is very high.
- 3.12 Trowbridge also demonstrates a low rate of completions relative to the overall requirement. The ability of the market to deliver the uplift in completions required during the remainder of the plan period, including the several new site allocations in the WHSAP in addition to the strategic sites identified in the WCS, is therefore uncertain.
- 3.13 Given the advanced stage of the plan period, it is considered that shortfalls in provision in the southern part of the North and West Wiltshire HMA should be compensated for by development at the settlements where there is evidence of good levels of housing delivery, and in particular at the market towns which are not reliant on large strategic sites. Calne is one such town where the evidence is that the housing market is strong and there is good potential to deliver a higher quantum of housing during the residue of the plan period. As outlined in earlier evidence, an additional housing allocation at south west Calne has the potential to deliver key community health care infrastructure in accordance with strategic objectives for the town that will otherwise go unmet.



## 4. Issue 4

### **Has the site selection process for housing allocations been soundly based?**

#### **Question 4.1**

**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?**

- 4.1 For reasons set out in response to Issue 3, the site allocations have failed to have sufficient regard to the strategic objectives and policies of the WCS. In particular, they have failed to have sufficient regard to the settlement hierarchy, and in particular the priority afforded to the market towns; they have also failed to have due regard to the imperative to deliver new social and community infrastructure.

#### **Question 4.2**

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

- 4.2 Given that the allocation strategy has been driven by the 'minimum' settlement level housing figures rather than the spatial strategy of the WCS, reasonable alternatives involving a focus of allocations at higher order settlements that are a better fit with the WCS spatial strategy, have not been considered and tested. Moreover, an alternative strategy focused on the potential to deliver identified needs for social and community infrastructure at appropriate settlements where the advantage of such infrastructure delivery can be maximised, have not been considered.



**ANNEX 1**

**BOWOOD ESTATE  
REPRESENTATIONS TO WHSAP**



# **WILTSHIRE HOUSING SITE ALLOCATIONS PLAN**

**PRE-SUBMISSION DRAFT**

**REPRESENTATIONS**

**ON BEHALF OF**

**BOWOOD ESTATE**



# Contents

**1 Representations Form\_Part A**

**2 Representations Form\_Parts B**

**3 Reasons for Representations (as set out in Part B Forms)**

**Annexes**

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Date of Issue: September 2017



**SECTION 1**

**REPRESENTATIONS FORM  
PART A**



## Wiltshire Housing Site Allocations Plan

Pre-submission Draft Representation Form and Notes

Ref:

(For official use only)

**Please return to Wiltshire Council, by 5pm on Friday 22<sup>nd</sup> September 2017.**

**By post to:** Spatial Planning, Economic Development and Planning, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN.

**By e-mail to:** [spatialplanningpolicy@wiltshire.gov.uk](mailto:spatialplanningpolicy@wiltshire.gov.uk)

**Tel:** 01225 713223

**Website:** <http://wiltshire.gov.uk/wiltshsgsiteallocationsplan>

This form has two parts:

Part A – Personal details

Part B – Your representation(s). Please use a separate sheet for each representation.

### Part A – Personal details

\*if an agent is appointed, please fill in your Title, Name and Organisation but the full contact details of the agent must be completed.

|                                  | 1. Personal details | 2. Agent's details (if applicable)* |
|----------------------------------|---------------------|-------------------------------------|
| Title                            | Mr                  | Dr                                  |
| First name                       | Marcus              | Thomas                              |
| Last name                        | Lee                 | Rocke                               |
| Job title<br>(where relevant)    | Estate Manager      | Director                            |
| Organisation<br>(where relevant) | Bowood Estate       | Rocke Associates Ltd                |
| Address Line 1                   | The Estate Office   | Number One                          |
| Address Line 2                   | Calne               | Queen Square Place                  |
| Address Line 3                   | Wiltshire           | Bath                                |
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| Postcode                         | SN11 0LZ            | BA1 2LL                             |
| Telephone Number                 |                     | 01225 433675                        |
| Email Address                    |                     | trocke@rockeassociates.co.uk        |



**SECTION 2**

**REPRESENTATIONS FORM  
PARTS B**





**Part B – Please use a separate sheet for each representation**

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/ justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation to the pre-submission draft consultation.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/ she identifies for examination.**

|                       |               |
|-----------------------|---------------|
| Name or organisation: | Bowood Estate |
|-----------------------|---------------|

3. To which part of the Wiltshire Housing Site Allocations Plan does this representation relate?

|         |                      |            |         |
|---------|----------------------|------------|---------|
| Policy: | Paragraph: 4.28-4.33 | Table: 4.7 | Figure: |
| Site:   | Other:               |            |         |

4. Do you consider the Wiltshire Housing Site Allocations Plan is:

|                       |      |                                     |     |                                     |
|-----------------------|------|-------------------------------------|-----|-------------------------------------|
| (i) Legally compliant | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/>            |
| (ii) Sound            | Yes: | <input type="checkbox"/>            | No: | <input checked="" type="checkbox"/> |

*If you have entered **No** to 4 (ii), please continue to Q5. In all other circumstances, please go to Question 6.*

5. Do you consider the Wiltshire Housing Site Allocations Plan is **unsound** because it is not:

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| (1) Positively prepared             | <input checked="" type="checkbox"/> |
| (2) Justified                       | <input checked="" type="checkbox"/> |
| (3) Effective                       | <input checked="" type="checkbox"/> |
| (4) Consistent with national policy | <input checked="" type="checkbox"/> |

6. Please give details of why you consider the Wiltshire Housing Site Allocations Plan is not legally compliant or unsound. Please be as precise as possible.

**If you wish to support the legal compliance or soundness of the Wiltshire Housing Site Allocations Plan, please also use this box to set out your comments.**

|  |
|--|
| See attached representations                                   |
| <i>(Continue on a separate sheet/ expand box if necessary)</i> |







7. Please set out what change(s) you consider necessary to make the Wiltshire Housing Site Allocations Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the Wiltshire Housing Site Allocations Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any proposal or text. Please be as precise as possible.

See attached representations

*(Continue on a separate sheet/ expand box if necessary)*

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

|  |   |  |
|--|---|--|
| <b>No</b> , I do not wish to participate at the oral examination | ✓ | <b>Yes</b> , I wish to participate at the oral examination |
|--|---|--|

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.

The matters set out in the accompanying submissions relate to the site allocation strategy of the Plan and the adequacy of its provisions to meet the requirements of the Core Strategy. The changes sought may require consequential changes to other policies and provisions of the plan that are not the specific focus of these representations as set out in Section 3 above. Since the changes sought involve material change to the provisions of the WHSAP, and challenge the soundness of the plan in terms of adequacy of its provisions and approach, it is considered necessary to attend the Examination to assist the Inspector with his / her inquisitorial testing of its provisions to ensure that the DPD is 'sound' and will deliver the necessary development requirements during the plan period.

*(Continue on a separate sheet/ expand box if necessary)*

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

|            |           |       |                   |
|------------|-----------|-------|-------------------|
| Signature: | T S Roche | Date: | 18 September 2017 |
|------------|-----------|-------|-------------------|





**Part B – Please use a separate sheet for each representation**

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/ justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation to the pre-submission draft consultation.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/ she identifies for examination.**

|                       |               |
|-----------------------|---------------|
| Name or organisation: | Bowood Estate |
|-----------------------|---------------|

3. To which part of the Wiltshire Housing Site Allocations Plan does this representation relate?

|  |                      |            |         |
|--|----------------------|------------|---------|
| Policy: H2                                       | Paragraph: 4.28-4.29 | Table: 4.5 | Figure: |
| Site: Omission Site at Wenhill, South West Calne |                      | Other:     |         |

4. Do you consider the Wiltshire Housing Site Allocations Plan is:

|   |      |                                     |     |                                     |
|---|------|-------------------------------------|-----|-------------------------------------|
| (i) Legally compliant   | Yes: | <input checked="" type="checkbox"/> | No: | <input type="checkbox"/>            |
| (ii) Sound  | Yes: | <input type="checkbox"/>            | No: | <input checked="" type="checkbox"/> |
| <i>If you have entered <b>No</b> to 4 (ii), please continue to Q5. In all other circumstances, please go to Question 6.</i> |      |                                     |     |                                     |

5. Do you consider the Wiltshire Housing Site Allocations Plan is **unsound** because it is not:

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| (1) Positively prepared             | <input checked="" type="checkbox"/> |
| (2) Justified                       | <input checked="" type="checkbox"/> |
| (3) Effective                       | <input checked="" type="checkbox"/> |
| (4) Consistent with national policy | <input checked="" type="checkbox"/> |

6. Please give details of why you consider the Wiltshire Housing Site Allocations Plan is not legally compliant or unsound. Please be as precise as possible.

**If you wish to support the legal compliance or soundness of the Wiltshire Housing Site Allocations Plan, please also use this box to set out your comments.**

|  |
|--|
| See attached representations                                   |
| <i>(Continue on a separate sheet/ expand box if necessary)</i> |



7. Please set out what change(s) you consider necessary to make the Wiltshire Housing Site Allocations Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the Wiltshire Housing Site Allocations Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any proposal or text. Please be as precise as possible.

See attached representations

*(Continue on a separate sheet/ expand box if necessary)*

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

|  |   |  |
|--|---|--|
| <b>No</b> , I do not wish to participate at the oral examination | ✓ | <b>Yes</b> , I wish to participate at the oral examination |
|--|---|--|

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.

The matters set out in the accompanying submissions relate to the site allocation strategy of the Plan and the adequacy of its provisions to meet the requirements of the Core Strategy. The changes sought may require consequential changes to other policies and provisions of the plan that are not the specific focus of these representations as set out in Section 3 above. Since the changes sought involve material change to the provisions of the WHSAP, and challenge the soundness of the plan in terms of adequacy of its provisions and approach, it is considered necessary to attend the Examination to assist the Inspector with his / her inquisitorial testing of its provisions to ensure that the DPD is 'sound' and will deliver the necessary development requirements during the plan period.

*(Continue on a separate sheet/ expand box if necessary)*

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

|            |           |       |                   |
|------------|-----------|-------|-------------------|
| Signature: | T S Roche | Date: | 18 September 2017 |
|------------|-----------|-------|-------------------|





**SECTION 3**

**REASONS FOR REPRESENTATIONS**





# WILTSHIRE HOUSING SITE ALLOCATIONS PLAN

## PRE-SUBMISSION DRAFT PLAN (JUNE 2017)

### Representations on behalf of the Bowood Estate

September 2017

**ROCKE  
ASSOCIATES**

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The representations below set out the response of the Bowood Estate (BE) to the provisions of the Wiltshire Housing Site Allocations Plan (June 2017) (WHSAP). They set out the case for allocation of the omission site comprising land at Wenhill, South West Calne (SHLAA sites 709, 3311, 3312, 3251).

The Bowood Estate has also made representations in response to the Regulation 16 Consultation on the Calne Community Neighbourhood Plan (CCNP). Given that the strategy of the latter plan is to allocate additional land beyond the requirements of the Wiltshire Core Strategy (WCS), the allocation of sites at Calne in the WHSAP to meet the requirements of the WCS would not conflict in any way with the provisions of the emerging CCNP since it is intended to exceed the 'indicative' 'minimum' provisions of the WCS for Calne.



## PLAN PROVISIONS

Paragraphs 4.28-4.33

Table 4.7

Objective 2 Housing Land Supply

HMA Housing Land Supply 2006-2026

### OBJECTION

The provisions of Table 4.7 over-estimate the available supply of housing land in the period to 2026.

The five year housing land supply has been tested through recent Appeals, and found to be considerably less favourable than the Council's estimates set out in Table 3.3 of Topic Paper 3<sup>1</sup>. In the most recent Appeal decision relating to a site at Lynham<sup>2</sup>, following an Inquiry held in July 2017 and therefore shortly after the publication of Topic Paper 3, whilst the Inspector concluded that the Council could demonstrate a five year supply of deliverable housing land, he found it to be much less than the estimated 6.62 years for the North and West Wiltshire Housing Market Area adduced in the topic paper. The Inspector concluded there to be a supply equating to 5.11 years, possibly reducing to 5.05 years if a further 80 units at risk at the Rawlings Green strategic site in Chippenham were deducted. Moreover, whilst the Inspector accepted that there was not currently evidence of persistent under-delivery, and therefore a 5% buffer should apply to the calculation of the five year supply for the purposes of that Appeal, he cautioned that "... performance is not strong and there are worrying signs that the Council needs to address, particularly in the more recent years since adoption of the WCS where delivery has not met requirements"<sup>3</sup>.

The Council's five year land supply relies significantly on delivery from large strategic sites, not least at Chippenham. The Inspector in the Lynham Appeal gave weight to the fact that they were allocated in a very recently adopted Plan (the Chippenham Site Allocations Plan), and that the issues raised in terms of matters which may delay delivery, in particular of the strategic site at Rawlings Green, were considered at the Examination and there was no significant evidence that would lead him to a different conclusion from the Examination Inspector. However, given that there are land ownership and infrastructure delivery issues

<sup>1</sup> WHSA, Topic Paper 3, Housing Land Supply, June 2017

<sup>2</sup> PINS Ref: APP/Y3940/W/16/3162581, Land to the south east of South View and north of Webbs Court, South View Lynham, 17 August 2017

<sup>3</sup> Ibid, para. 44



that could potentially delay the delivery trajectory from strategic sites, and particularly that at Rawlings Green, there is a realistic prospect of slippage against the delivery trajectory. Given that the Council's five year land supply is marginal, the five year supply found to exist in August 2017 could easily and quickly fall into deficit.

The above scenario is foreshadowed in Topic Paper 4<sup>4</sup> in which the Council holds as follows:

*It is difficult to predict rates of development with a high level of certainty because a number of issues can affect construction. Also, in Wiltshire, large mixed use sites ('strategic sites') are a significant component of land supply in each HMA and they can be complex and time consuming to deliver. Consequently, it is prudent to look beyond the required minimum to achieve a five year housing land supply and ensure a continuity of housing supply, as well to help ensure choice and competition in the market. (para. 1.5)*

*Levels of housing suggested for settlements and rural areas by the WCS are indicative in order to provide flexibility within each HMA. Figures are provided in the Area Strategy Policies at the Community Area level as well as for the Principal Settlements, Market Towns and Local Service Centres in the South Wiltshire HMA. They are expressed as 'about' or 'approximate' figures and neither minimum nor maximums; instead they are an indication of the general scale of growth appropriate for each area and settlement during the plan period. (para. 1.7)*

*There are considerable uncertainties affecting the supply and development of housing. Forecasting supply over a decade cannot be exact. National policy anticipates that the Council will boost significantly the supply of housing and requires the Council to include an additional buffer over the need to demonstrate 5 years worth of housing land supply. The WCS sets requirements as a minimum amount of housing for each HMA. This all suggests planning for a generous supply of housing land, which is considered below. (para. 2.1)*

*The sustainable development of the County depends upon development being plan-led to manage environmental impacts, ensure economic growth and properly co-ordinate infrastructure provision. Developers commonly challenge the Council's approach to land supply in order to promote sites excluded from the development plan. This can create uncertainty around infrastructure provision and concern that less sustainable sites are being developed. (para. 2.2)*

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<sup>4</sup> WWSA PSCONS07, Topic Paper 4, Developing Plan Proposals, June 2017

*Therefore, to be sure of maintaining a five year housing land supply over each of the remaining years of the plan period, annual supply should exceed the five years and buffer required by planning policy. Any target level will be arbitrary but the Plan might look to provide at least six years of supply in each of the remaining years of the plan period (to allow for any possibility of under-delivery in future), but less where it can be safe to assume that reviews of the development plan will by then have brought forward additional site allocations to a point of sufficient certainty. (para. 2.3)*

Whilst the Council contends in the topic paper that persistent under-delivery has not taken place in any of the County's HMAs and this view has been consistently supported at Planning Appeals, it accepts that it would be "... prudent to aim to have a 20% buffer"<sup>5</sup>.

It is therefore clear from the evidence base that the underlying strategy in preparing the WHSAP is to plan to exceed the WCS requirements at the most sustainable locations by up to 20%, and that this is not construed as being inconsistent with the WCS. It is an approach that has been endorsed in the preliminary findings of the Examination Inspector for the North Somerset Site Allocations Plan<sup>6</sup>. Following preliminary Examination Hearings in May 2017, the Inspector has advised the Council of the need to apply a 20% slippage allowance to the residual housing requirement having regard to the considerable reliance on large strategic sites which can fail to deliver at the anticipated rate, and in the context of less than ten years of the plan period (to 2026) remaining. In consequence, the Council has been required to allocate sites for an additional 2,500 dwellings beyond the housing requirement of the Core Strategy to provide greater certainty that the housing that is needed will actually be delivered during the residual plan period.

There are parallels in the current case given the Council's acknowledgement that large strategic sites are a significant component of the land supply, and in the context of a plan period that is more than half time-expired at the time of preparation of a Plan that is to identify non-strategic housing allocations. Considered in the context of the above, and the parameters set for the WHSAP, its provisions are insufficient to meet its objectives.

In terms of the overall provisions for the North and West Wiltshire HMA, there is considerable reliance placed on unidentified windfall sites to deliver a substantial proportion (over 17%) of the residual requirement. This results in considerable uncertainty since there can be no assurances that sites will be

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<sup>5</sup> Ibid, para. 2.11

<sup>6</sup> North Somerset Site Allocations Plan, Inspector's letter to the Council following the closure of the hearings on 18<sup>th</sup> May 2017, 26 June 2017



brought forward to meet this element of supply. Past rates do not provide reliable evidence of future supply, particularly since settlement boundaries are only being adjusted to take into account commitments that have been commenced. This approach will not provide any additional windfall potential.

The advice in paragraph 48 of the NPPF requires ‘compelling evidence’ to demonstrate not only that windfall sites have ‘consistently’ become available in the local area, but also ‘will continue to provide a reliable source of supply’. No such compelling evidence has been provided. If the reliance on windfalls is removed from the balance, then the surplus for the HMA currently identified in Table 4.7 of the submission draft WHSAP, reduces to 624 (5% of the residual requirement).

However, the surplus assumes that all commitments and proposed plan allocations will be implemented and deliver their full capacity during the Plan period. This is unlikely to be the case, and is not supported by evidence. Indeed, evidence from the recent Housing White Paper<sup>7</sup> is that more than 30% of homes granted planning permission remain unbuilt after five years. If, as in North Somerset, a 20% non-implementation allowance is applied to the residual requirement to reduce the risks of the minimum requirement not being delivered during the short remaining term of the plan period, then the surplus turns into deficit of 1,804 homes in the North and West Wiltshire HMA. Even if a modest, and more realistic, windfall allowance of 5% of the residual requirement is permitted, then there remains a shortfall of more than 1,000 dwellings.

The revised requirement for the North and West Wiltshire HMA incorporating the above adjustments is set out in revised Table 4.7 below:

**Table 4.7 (Revised)<sup>8</sup>**

| Min Hsg Req | Completed (2006-17) | Residual Req. (RR) | Adjusted RR (+ 20%) (AR) | Commitments (2017-26) | Windfall Allowance (2017-26) (AR x 5%) | Plan Allocations | Total (T) | Deficit (AR - T) |
|-------------|---------------------|--------------------|--------------------------|-----------------------|--|------------------|-----------|------------------|
| 24,740      | 12,603              | 12,137             | 14,565                   | 11,566                | 728                                    | 1,195            | 13,489    | 1,076            |

Therefore, following the Council’s own approach of applying a 20% buffer to increase land supply to a level at which delivery uncertainties can be accommodated, there is a need for additional site allocations to be

<sup>7</sup> DCLG, Fixing our broken Housing Market, February 2017

<sup>8</sup> Adapted from Table 4.7 (HMA Housing Land Supply 2006-2026) of WSHA PSCONS01, Draft Wiltshire Site Allocations Plan, June 2017



made in the plan. Over-reliance on windfalls, as is currently the case with the Plan, simply compounds rather than accommodates uncertainties.

## REQUIRED CHANGES

The following changes should be made to the Plan:

- Amendment of Table 4.7 of the submission draft Plan (HMA housing land supply 2006-2026) in accordance with Table 4.7 (Revised) set out in the foregoing submissions.
- Allocation of additional sites to accommodate the deficit, including the omission site at Wenhill, Calne identified in the representations below.





## PLAN PROVISIONS

|   |  |
|---|--|
| <p>Paragraphs 4.28-4.29</p> <p>Table 4.5</p> <p>Policy H2</p> | <p>Summary of Site Allocations</p> <p>North West HMA – Summary of Allocations</p> <p>North and West Wiltshire Housing Market Area<br/>Housing Site Allocations</p> |
|---|--|

## OBJECTION

Objection is raised to the above provisions of the plan since they do not include the allocation of housing sites at Calne, and in particular the omission site at Wenhill, South-West Calne identified on the Plans at Annex 1, for housing and associated community benefits.

For reasons set out in representations above, the Plan needs to make additional allocations to achieve its objectives to exceed the minimum housing requirements by a margin that will provide headroom for future under-delivery and therefore greater certainty of future supply. This is consistent with the NPPF objective to ‘boost significantly’ the supply of housing, and is also consistent with the WCS which identifies the housing requirement as a ‘minimum’. It is also germane that the housing requirement in the WCS is below the Objectively Assessed Need for the area, as acknowledged by the Inspector in the recent Appeal decision at Lynham<sup>9</sup>.

The additional requirement for the North and West Wiltshire HMA is for over 1,000 dwellings. Given that the WHSAP does not relate to Chippenham, the focus for the additional allocations must be at the other principal settlements within the HMA. Trowbridge is already the focus for non-strategic allocations in the WHSAP, in addition to the significant strategic allocations in the WCS. There is therefore a limit to which the market can accommodate and deliver additional housing beyond the existing allocations and commitments at that settlement.

<sup>9</sup> Ibid, Footnote 2, para. 15



Aside from Chippenham and Trowbridge, Calne is one of the principal settlements in the North and West Wiltshire HMA. It is subject to neither strategic allocations, nor are non-strategic sites currently allocated in the submission draft WHSAP. Whilst a site of 250 dwellings is proposed in the emerging CCNP, the latter plan makes it clear that the allocations that it contains are ‘in addition’ to WCS requirements and will be brought forward where there are opportunities to deliver significant community benefits. Therefore, the allocation of a site, or sites, at Calne to meet WCS requirements is entirely consistent with both the WCS spatial strategy and the intentions of the CCNP to allocate sites beyond WCS requirements.

As is acknowledged in the WHSAP evidence base<sup>10</sup>, WCS Core Policy 8 and supporting text identify specific issues to be addressed in planning for the Calne Community area, including, *inter alia*, “*non-strategic growth should be brought forward in accordance with Core Policy 2 and phased throughout the plan period to deliver homes in a balanced manner **that will enable infrastructure and traffic congestion issues to be addressed***”<sup>11</sup>. Moreover, the Wiltshire Infrastructure Delivery Plan identifies specific ‘essential’ requirements that will need to be addressed in planning for the community area, including “*support development of local primary care health facilities, which are expected to exceed capacity by the end of the plan period*”<sup>12</sup>. Given that the WHSAP does not currently intend to allocate sites at Calne since it relies on existing commitments and windfalls, the ability to secure these ‘essential’ infrastructure requirements through the forward planning process is limited, particularly the development of local primary health care facilities.

The omission site at South West Calne is identified in the emerging CCNP as one of two sites that has the potential to offer community benefits. However, Land North of Low Lane is preferred in view of its perceived community benefit in terms of delivering a link road from Prince Charles Drive to Sand Pit Road. However, the preference for Land North of Low Lane did not take into account the very substantial community benefits that land to the south west can offer, and in particular the improvement to healthcare facilities through relocation of the Patford Street Surgery which is a recently identified requirement that can be accommodated on the omission site. Neither the requirement, nor the opportunity, were identified in the evidence base that supports the emerging CCNP.

<sup>10</sup> WHSA PSCON17, Calne Community Topic Paper, June 2017

<sup>11</sup> Ibid, para 2.4 (emphasis added)

<sup>12</sup> Ibid, para. 2.5

## The Community Benefits of Allocating the Omission Site at Wenhill, South West Calne

The full portfolio of community benefits that allocation of land at Wenhill, South West Calne can offer are summarised on the Concept Plan included at Annex 1 to these representations. They include:

- ***New Healthcare Facilities:*** Provision of a new, expanded and comprehensive health care facilities incorporating relocation of the Patford Street Surgery and the District Nurses to bespoke, accessible accommodation supported by dedicated car parking.
- ***Local Link Road via Bentley Lane:*** Creation of a potential new vehicular connection between Silver Street and the A4 via Bentley Lane which will ease congestion in the town centre at the existing Silver Street / London Road junction, in particular for traffic associated with the School and Leisure Centre.
- ***Sustainably Located Homes:*** Delivery of up to 250 homes in a location that integrates well with the existing community and provides good accessibility on foot and by bicycle to the town centre, the town's only Secondary School, the Leisure Centre and other key facilities, thereby easing traffic congestion.
- ***Delivery of Affordable Housing:*** Delivery of much needed affordable housing / starter homes to meet high levels of demand. Further allocations of developable housing sites beyond the minimum WCS requirements are essential to addressing high levels of residual affordable housing needs.
- ***New Green Routes for Pedestrians and Cyclists:*** Creation of green routes through the site and via a new permissive right of way for pedestrians and cyclists across Bowood Estate land connecting with Sustrans Cycle Route 403. This will provide new connections from Silver Street through the site and adjacent BE land, to the cycle route, thereby greatly enhancing connectivity for the new and existing communities on the south and south west sides of Calne. To the extent that it would encourage and facilitate travel by modes alternative to the car, it would further contribute to the strategic objective to ease congestion in Calne town centre.
- ***Enhancement of (on-and off-site) Green Infrastructure:*** The proposed development will incorporate substantial new on-site green infrastructure. In particular, a substantial new open green space to the north west of Vernleaze, a Grade II\* Listed Building. This will enhance public appreciation of both the heritage asset and the elevated views to the countryside to the west and north west. A smaller green space is also proposed centrally within the development, together with substantial landscaped margins

to provide a soft green edge to the development that will facilitate both informal recreation and biodiversity enhancement and appreciation. Off-site enhancement of green infrastructure will include both the creation of a circular riverside walk to the north of Station Road and extension of the Castlefields Town Park (both listed separately below).

- ***Circular Riverside Walk:*** Opportunity to provide a circular riverside walk to the north of Station Road connecting with Sustrans Route 403.
- ***Extension of Castlefields Town Park:*** Opportunity to extend the Castlefields Town Park.
- ***Wilts and Berks Canal Restoration:*** Opportunity to contribute to reinstating part of the Wilts and Berks Canal, a restoration project that is valued and championed by the local community.

Allocation of the omission site at Wenhill, South West Calne is therefore necessary to deliver not only much needed housing and affordable housing pursuant to WCS requirements, but also to bring forward essential community infrastructure that is necessary to support already committed growth at the town, and which therefore provides no opportunity to secure it. It will make a significant contribution to addressing both traffic congestion and infrastructure issues at Calne in accordance with the objectives of WCS Core Policy 8.

There is no facility for CIL-funding to be allocated to delivering the essential new health care facilities given that provision is not made for it in the Council's Regulation 123 List. Moreover, a site has been neither allocated nor acquired for the delivery of such facilities. Given that the new primary health care facilities are required to support development during the current plan period, absent an allocation that can both provide the necessary land and deliver them, there is little prospect of them being provided. This would fail to uphold the strategic objective of the WCS to bring forward development that will help secure the new community infrastructure.

The allocation of the omission site at Wenhill, South West Calne is therefore in accordance with the WCS and would not prejudice the CCNP, the site allocation in which is intended to be additional to provisions that are required meet the strategic requirements. Moreover, the omission site was one of two preferred sites that emerged from several identified opportunities through the CCNP preparation process, albeit at that time the significant community benefits that could accompany its development, and in particular the delivery of new primary health care facilities, had not been identified.

Given that the allocation of additional housing sites in the CCNP is premised on the delivery of community benefits, and that it is a strategic objective for new development at Calne to assist with delivering essential new health infrastructure associated with provisions for non-strategic growth, the potential to deliver comprehensive new healthcare facilities is a community benefit to which very substantial weight is properly given. It is an overarching strategic objective of the WCS to ensure that growth is accompanied by the provision of new healthcare facilities. Moreover, the need to expand the existing GP surgeries is a specific strategic objective for Calne that is identified in the WCS (para. 5.41) in recognition that existing surgeries are at or near capacity (para. 5.38).

The WCS objective to deliver new healthcare facilities at Calne is reflected in the objectives set out for the CCNP, which include the encouragement of high quality and accessible, *inter alia*, medical provision for all residents in line with growth in the area (CCNP, para. 50). Notwithstanding the foregoing, the CCNP makes no provision for new healthcare facilities, and is therefore silent on where they should be accommodated. As such, the CCNP does not currently demonstrate how the strategic objectives of the Core Strategy are to be delivered. Given the requirement for additional housing land, and the WCS objectives to deliver new community infrastructure at Calne, and specifically new primary healthcare facilities, it is imperative that the WHSAP makes provision at Calne that can deliver the strategic community infrastructure requirements. Allocation of the omission site at Wenhill, South West Calne is therefore necessary both to meet housing requirements, and to deliver the specific strategic infrastructure requirements for the town that non-strategic housing allocations at Calne are intended to help secure.

## REQUIRED CHANGES

Amend Policy H2 as follows:

- To include the allocation of the omission site at Wenhill, South West Calne, as identified on the Site and Concept Plans at Annex 1 to these representations, for residential development and new community infrastructure, to include provision of a new health centre with associated car parking.

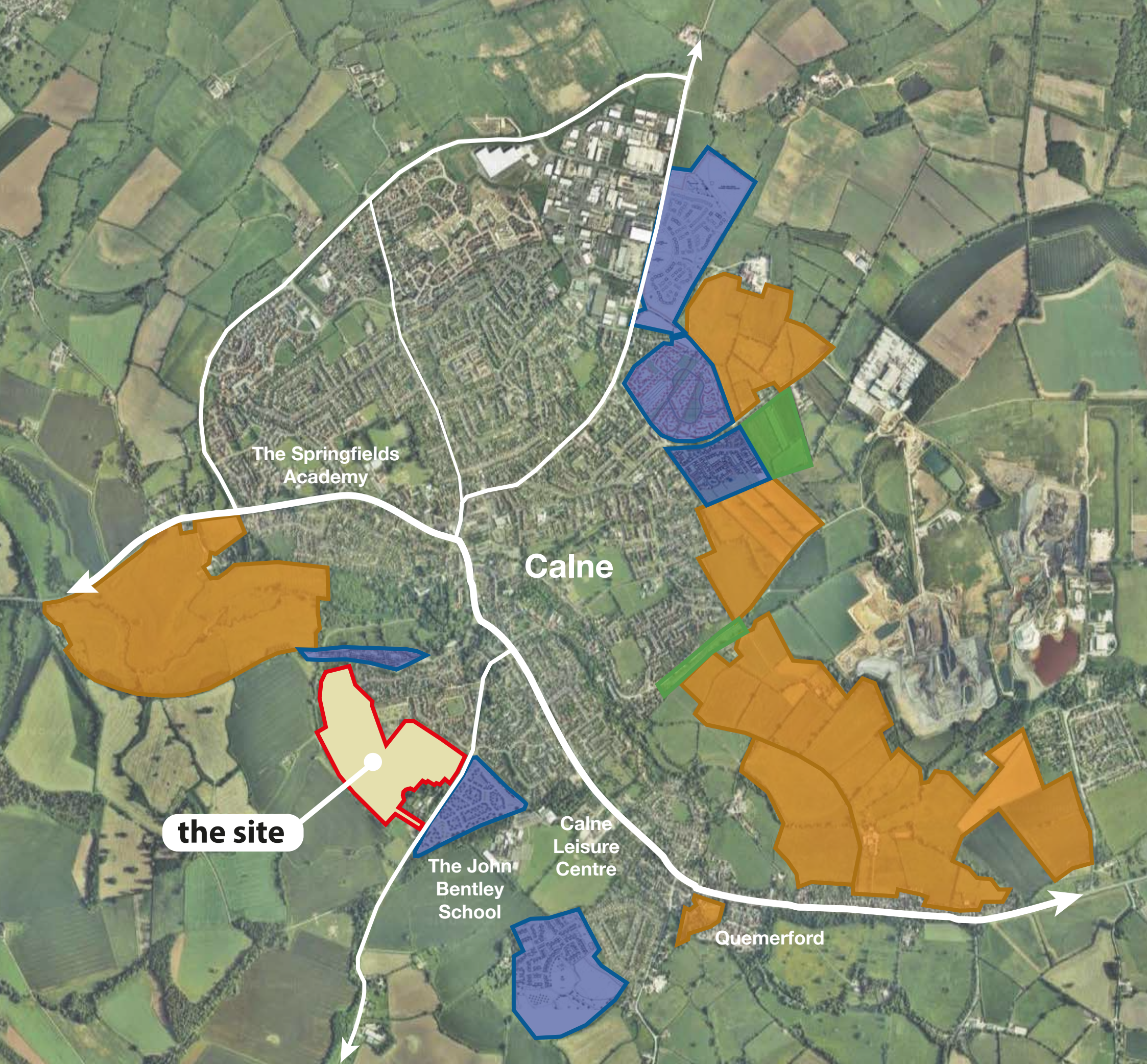


**ANNEX 1**





**SITE CONTEXT AND CONCEPT PLANS**







**Legend:**

-  The Site
-  Development sites with Planning Permission
-  Development sites proposed within the Neighbourhood Plan
-  Development sites considered for the Neighbourhood Plan (SHLAA sites)





**Concept Plan Legend**

-  Development Boundary
-  Main Access to Development
-  Pedestrian Only Access to Development
-  Existing / potential new road links
-  New footpaths
-  Existing footpaths / cycle routes
-  Proposed residential development
-  Proposed Surgery / Community Nurses
-  Squares / meeting places
-  Existing Hedges and Trees retained
-  Proposed tree / hedge planting
-  Childrens' Play Area
-  Public Open Space

client:  
**Bowood Estate**  
 project:  
**Land at Vern Leaze and Wenhill**  
 drawing title:  
**Concept Plan**

job number:  
**BOW101**  
 scale:  
**1:4000@A3**  
 date:  
**December 2016**

drawing number:  
**3001\_A**  
 drawn:  
**jvs**  
 status:  
**preliminary draft**

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