

Wiltshire Housing Site Allocations Plan

HEARING STATEMENT

MATTER 3

On behalf of **Barratt Homes (Bristol)**

Maxcroft Farm, Hilperton, Trowbridge

Respondent ID: 1132626 | P16-1335

WILTSHIRE HOUSING SITE ALLOCATIONS PLAN (WHSAP) EXAMINATION

HEARING STATEMENT: MATTER 3

HOUSING SITE ALLOCATIONS

ON BEHALF OF BARRATT HOMES (BRISTOL)

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) PLANNING AND COMPULSORY PURCHASE ACT 2004

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CONTENTS:

Page No:

1.	INTRODUCTION	1
2.	ISSUE 5: ARE THE PROPOSED SITES JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY?	2
3.	CONCLUSION	8

1. INTRODUCTION

- 1.1 This Hearing Statement is submitted on behalf of Barratt Homes (Bristol) Ltd in response to the Inspector's Matters, Issues and Questions issued on 8th February 2019 in advance of the forthcoming hearing sessions for the Wiltshire Housing Site Allocations Plan (WHSAP) examination.
- 1.2 Barratt Homes has land interests in the Trowbridge area and has submitted representations at previous stages of the WHSAP's preparation in support of allocating land in this location in light of the clear deficiencies of the plan as submitted to the Planning Inspectorate.
- 1.3 The Council submitted the draft Wiltshire Housing Site Allocations Plan (WHSAP) along with a 'Schedule of Proposed Changes' and supporting evidence to the Secretary of State for independent examination in July 2018. This was followed by a procedural letter from the Inspector in August 2018 which required the Council to undertake a consultation on the 'Schedule of Proposed Changes' to the WHSAP, along with the revised Sustainability Appraisal, update to the Habitats Regulations Assessment Addendum, and associated evidence. This Hearing Statement follows representations submitted in relation to Maxcroft Farm in November 2018 in response to that consultation, and those previously submitted in September 2017 in response to the pre-submission 'Regulation 19' WHSAP.
- 1.4 It deals specifically with **Matter 3: Housing Site Allocations**. A separate statement has been prepared in response to Matter 2.
- 1.5 Matter 3 comprises a single issue (Issue 5) which seeks to clarify whether the proposed sites are justified, effective and consistent with national policy. The Inspector has asked a number of questions in respect of this issue and this hearing statement seeks to address those which are relevant to our client's interest in turn.
- 1.6 To be clear, the Questions we respond to are: **5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.10 and 5.12.**

2. ISSUE 5: ARE THE PROPOSED SITES JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY?

2.1 Below we set out our response to the questions posed by the Inspector within their Matters, Issues and Questions which was issued on 8th February 2019. Given our client's land interest at Trowbridge, there is a focus on these sites specifically.

5.1 Does the plan provide sufficient detail on form, scale, access and quantity of development for each site?

2.2 The plan sets out the site allocations for each HMA area and then provides individual policies/supporting text for the individual sites. These tend to set out the headline components it expects to be delivered alongside some context on the form, scale, access and quantity of development.

2.3 This is broadly satisfactory; however, we would note that there is limited information provided to clarify how the stated quantity of development has been calculated.

2.4 This is important because, as the Inspector has noted, there are a number of constraints associated with these sites and, in order to be confident that the WHSAP will deliver the requisite quantum of housing, it is equally important to be confident that the identified sites are capable of delivering their stated quantum.

5.2 Is the amount of development proposed for each site justified having regard to any constraints and the provision of necessary infrastructure?

2.5 Without any substantive technical work undertaken in respect of the sites at Trowbridge it is difficult to comment with any degree of certainty on whether the proposed quantities of development are justified or deliverable.

2.6 However, we would again note that the plan does not set out how the proposed quantum of development has been calculated. Paragraph 4.21 of the WHSAP states that indicative capacities have been established through consultation with stakeholders during the plan's preparation. However, these capacities have been inserted in to the plan with no explanation as to how they have been arrived at.

2.7 As also stated above, it is evident from the supporting text to each of the policies that some of the sites at Trowbridge are subject to a number of constraints which will have implications for developable areas. It is reasonable to expect the plan to establish their calculations in this context, but it does not do this. As such, we do

not consider that the amount of development proposed for each site has been justified.

5.3 What is the likely impact of the proposed development on the following factors and do any of these indicate that the site should not be allocated:

- **Biodiversity, biodiversity, in particular but not restricted to European protected habitats and species;**
- **green infrastructure and agricultural land;**
- **landscape quality and character;**
- **heritage assets;**
- **strategic and local infrastructure including transport.**
- **the efficient operation of the transport network, highway safety.**
- **air and water quality, noise pollution, odours, land stability, groundwater and flood risk;**
- **open space, recreational facilities and public rights of way.**

2.8 Our previous representations set out the key constraints we had identified at Site Allocations H2.1, H2.2 and H2.6.

2.9 In short, we are concerned that the mitigation required to be delivered on these sites will be so significant as to substantively reduce the anticipated quantum of development expected to come forward.

2.10 For example, we note that Southwick Court (allocated for 180 dwellings) includes a number of listed heritage assets and significant potential for archaeological remains. There is potential for the site to require substantially higher levels of mitigation than previously anticipated which could reduce its ability to deliver its required quantum in a timely manner (i.e. within the plan period).

2.11 This, in turn, will have knock on effects for the requisite level of housing being delivered at Trowbridge within the plan period.

2.12 The issue, therefore, is not necessarily that the identified sites should not be allocated, but that there is insufficient flexibility within the plan (i.e. an insufficient number of alternative/reserve sites) to allow one to be confident that those that have been identified will be delivered within the plan period. Indeed, the identified constraints at the proposed allocations is an indicator that, at the very least, **more**

sites should be allocated, regardless of whether the existing allocations should be retained.

5.4 In relation to the above, does the plan contain effective safeguards or mitigation measures necessary to achieve an acceptable form of development?

- 2.13 The wording for each policy and/or supporting text indicates what mitigation will likely be required to address the constraints that have been identified.
- 2.14 In connection with our response to Q. 5.6, we would highlight the fact that there is a reliance on the supporting text to establish the requirements for many of the proposed site allocations at Trowbridge (i.e. H2.2-6).
- 2.15 Enshrining the individual requirements within specific policies would be a more acceptable way of ensuring that the plan contains effective safeguards or mitigation measures to achieve an acceptable form of development (e.g. in respect of bat habitat protection – see our responses to Q. 5.7 and 5.10 below).
- 2.16 At present, we are not confident that the plan contains effective safeguards or mitigation measures to achieve an acceptable form of development at the allocated sites.

5.5 What infrastructure is critical to the delivery of each site? Where contributions are specified, are they necessary and justified by the evidence base? Is the plan sufficiently clear on how and when infrastructure provision will be required?

- 2.17 Notwithstanding the Ashton Park urban extension identified in the Core Strategy, we note that the main infrastructure requirements for Trowbridge are to be met on the Elm Grove Farm site (Policy H2.2). This site is expected to deliver a community facility, new road infrastructure, land for a new 2FE primary school with playing pitches and PoS enhancements from a development of only 250 dwellings. This is in addition to further contributions toward boosts to education and healthcare (GP and Dentists) capacity within the town. We have concerns with regard to the deliverability of this site given the infrastructure requirements it is expected to deliver.

2.18 With regard to the other allocated sites, we note that no other significant levels of infrastructure are required, beyond funding contributions toward education and healthcare capacity boosts within the town at the other site allocations.

2.19 We believe that the delivery of this infrastructure is necessary and justified, particularly with regard to education infrastructure.

2.20 Given the education capacity issues within Trowbridge, and the fact that education infrastructure at Ashton Park has not yet been delivered either, we would expect the Council to clarify timescales for the delivery of additional capacity and how this marries up with their trajectories for the allocated sites over the remainder of the plan period.

5.6 Is the site in an accessible location with good access to everyday facilities by a range of means of transport? Does the plan provide an adequate basis to address any areas of deficiency?

2.21 The sites chosen are concentrated around the southern edge of Trowbridge with the exception of the site at Elizabeth Way (H2.3). Whilst access to everyday facilities in their immediate vicinity are somewhat limited they are all able to access Trowbridge Town centre via public transport links.

2.22 However, we would note that our client's site at Maxcroft Farm is similarly well related in terms of its access to everyday facilities by a range of means of transport and scores better in many sustainability aspects, not least in the matter of flood risk (see our response to Q. 5.12 below).

5.7 In cases where allocations do not have specific policies, is the reliance on supporting text likely to be an effective means of delivering the Council's requirements for each site? What is the justification for some sites having specific policies and some not?

2.23 We do not consider that the supporting text provides an effective means of delivering the Council's requirements for each site. It would be much more effective to set out the requirements for each site within a specific policy to provide clarity to developers moving forward.

2.24 Having the requirements set out within a specific policy would also require a stronger justification to be provided by the developer for any deviations from them.

2.25 For example, having requirements to include appropriate mitigation in line with the Bat Mitigation Strategy SPD enshrined within the policy wording would be a much more robust way of securing an adequate level of protection for bat habitats.

5.8 Is the development proposed for each site deliverable in the timescales envisaged?

2.26 In broad terms, we have reservations as to the deliverability of the sites at Trowbridge for the reasons discussed above. Indeed, it is possible that constraints at the individual sites (e.g. the heritage issues at Southwick Court) could result in delays to the delivery of these sites and there is no flexibility built in to address a shortfall that may arise as a result of any slips.

2.27 We are not convinced that the development proposed for each site will be deliverable within the timescales proposed. This is against the background of the plan's decision to under-deliver at Trowbridge by around 1,300 dwellings¹ on the pretext that these dwellings can be delivered after the plan period.²

2.28 There is, therefore, an imperative to identify additional sites around Trowbridge to address this shortfall let alone any resulting from delays to the delivery of the sites identified in the WHSAP (i.e. H2.1-H2.6).

5.10 For sites in Trowbridge, will the plan be effective in ensuring adequate protection for bat habitats? What is the status of the Trowbridge Bat Mitigation Strategy referred to in the HRA and paragraph 5.44 of the WHSAP? How will this be implemented?

2.29 In our previous representations we set out our concerns that a number of the identified sites have the potential to result in a significant, adverse impact on bat habitats. This is reflected in the supporting text of the plan which outlines a need for all new development to include mitigation to ensure that bat habitats are protected.

2.30 We do not wish to comment on the effectiveness of the plan, the Bat Mitigation SPD or their implementation. However, we would say that the Inspector would need to be satisfied that the plan offers a sufficient level of protection for bat habitats which pose a significant constraint for many of the allocated sites.

¹ Paragraph 4.53 of the HSAP.

² See previous representations and hearing statement for Matter 2 for further detail.

2.31 Indeed, if the inspector is not satisfied that these habitats can be protected, then they will be unable to conclude that the proposed sites are deliverable and will need to identify alternative sites accordingly.

Q. 5.12 The supporting text for sites H2.4, H2.5, H2.6, H2.9 and H3.3 refers to parts of the sites being within Flood Zones 2 and/or Flood Zones 2 and 3? Is this approach consistent with national policy? Will the plan be effective in addressing drainage issues on these sites?

2.32 We have concerns with regard to the role that consideration of flood risk issues at the aforementioned sites have played in their allocation. In short, we are not convinced that the guidance for taking flood risk into account and applying the sequential test in the preparation of a local plan has been properly applied.³

2.33 The Council updated their SFRA in 2013 and this factored into the Sustainability Appraisal when it considered the options for site allocations.

2.34 We note that the SA considered flood risk matters as part of their assessment of individual sites; however, we see no evidence of a Sequential Test being undertaken as required by said planning guidance (see footnote 3).

2.35 Indeed, it seems that the Council have concluded that sites that fall (albeit partially) within Flood Zones 2 and/or 3 are necessary to meet their housing requirement without providing sufficient evidence that this is the case through the sequential test.

2.36 Indeed, had the Council conducted the sequential test, they would have identified that land at Maxcroft Farm, which falls entirely within flood zone 1 and in a similarly sustainable location on the northern edge of Trowbridge/Hilperton, would be a sequentially preferable site in flood risk terms.

2.37 We would expect the Council to clarify and justify their approach to the site allocation process against the guidance in respect of flood risk discussed above.

³ i.e. "Diagram 1: Taking Flood Risk Into Account in the Preparation of a Local Plan" and "Diagram 2: Application of the Sequential Test For Local Plan Preparation".

3. CONCLUSION

- 3.1 This hearing statement responds directly to the relevant questions set out by the inspector in respect of Matter 3.
- 3.2 Some common themes have emerged within our answers to these questions, namely that there remain significant questions marks with regard to the deliverability of the allocated sites and the process by which they have been identified.
- 3.3 We do not believe that one can be confident that all the sites will be delivered within the plan period and there is a distinct lack of flexibility within the plan to ensure that the requisite housing is delivered at Trowbridge.⁴

⁴ Notwithstanding the fact that they are deliberately under delivering housing at Trowbridge by around 1,300 dwellings over the remaining plan period. This is set out in our previous representations.

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