



**WILTSHIRE: EXAMINATION OF THE HOUSING SITE ALLOCATIONS PLAN (WHSAP)**

Response on behalf of De Vernon Trustees. Representor ID: 556491

The below representations are submitted on behalf our clients, De Vernon Trustees, whose interests relate to land located to the north of Potley Lane, Corsham. Their land lies adjacent to the Corsham settlement boundary on its southern side. The below representations supplement our more detailed representations submitted at the Regulation 19 stage (that we appreciate will have already been received by the Inspector).

In summary, we consider the WHSAP to fail the tests of soundness for the following reasons:

- It is not positively prepared as it substantially under delivers against the minimum WCS housing requirements.
- It is not justified as its evidence base fails to consider the option of housing allocations at Corsham or the necessary alternative of identifying additional deliverable housing allocations to meet minimum needs.
- It is not effective as it will fail to deliver a consistent 5 year HLS or the minimum housing need required by the WCS.
- It is not consistent with national policy as it fails to meet identified housing needs, boost the supply of housing or deliver an appropriate distribution of housing growth when compared to reasonable alternatives.

**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?***

**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?**

WCS Core Policy 2 states that the Council's delivery strategy will seek to deliver 'at least' 42,000 homes over the plan period 2006 to 2026. This is very much a minimum housing requirement and is not to be viewed as a development cap. The use of a minimum figure is consistent with the 2012 and 2019 versions of the NPPF that refer to the need to significantly boost the supply of housing.

Paragraph 4.33 of the WCS refers to the HMA's as forming the appropriate scale for disaggregation across Wiltshire and that it is against the HMA requirements that HLS will be assessed. This therefore provides the primary context for assessing the extent to which the WHSAP is consistent with the WCS and is how WCC have monitored HLS matters since the WCS's adoption. However, it is worth bearing in mind that as of January 2020, the WCS will be over 5 years old and the Council will have to revert to the standardised local housing need assessment method as required by 2019 NPPF paragraph 73. When this occurs, Wiltshire will fall to be considered at the County wide level. It is therefore worth bearing the need for a County wide assessment in mind as ultimately this will be how HLS is assessed in Wiltshire in the near future.

Paragraph 4.30 of the WCS refers to the Council's use of Community Areas and states that this approach is 'not intended to be so prescriptive as to be inflexible and potentially ineffective in delivering the identified level of housing for each market area'. Paragraph 4.34 states that 'for example, whilst it is appropriate for supply in Trowbridge to provide for some of the requirement of Westbury, it would be wholly inappropriate for the entirety of Westbury's requirement to be added to Trowbridge'. The key point is that whilst the WCS's Community Area (or settlement level) approach is a guide, it is not to be used in a rigid manner and development can be re-distributed to elsewhere in the HMA where such an approach would enable a more effective plan.

**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?**

Tables 4.4, 5.4 & 6.4 of Topic Paper 4 provide a summary of the requirement, completions, plan allocations and associated surplus for the respective HMAs. We reproduce these figures in the table below:

HMA	Housing Requirement 2006-2026	Housing Completions 2006-2017	Commitments 2017-2026	Plan allocations 2017-2026	Total	Surplus
East	5,940	3,624	2,311	161	6,096	156
North & West	24,740	13,025	10,606	1,253	24,884	144
South	10,420	5,388	3,701	804	9,893	-527
<b>Total</b>	<b>41,100</b>	<b>22,037</b>	<b>16,618</b>	<b>2,218</b>	<b>40,873</b>	<b>-227</b>

Notwithstanding our objections to the Council's assessment of 'commitments' (which in fact should be substantially reduced, in 2.3), the table evidences that even if all the Council's identified 'Plan allocations' and 'Commitments' deliver in full, there would still be a shortfall against the WCS's minimum housing requirement. In specific respect of the North & West HMA, a contingency of only 0.6% (144 / 24,740) is built into the residual supply when considered against the housing requirement. It follows that the WHSAP under delivers against the WCS minimum requirement and there is very little flexibility built into the plan, should any component of supply be delayed or fail to deliver.

This cannot not form a justified, effective or positively prepared delivery strategy, when considered against the reasonable alternative of some additional site allocations to enable the WHSAP to meet minimum requirements and introduce a sound level of flexibility in order to have a realistic chance of such minimum level of housing need to be achieved.

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

In our Regulation 19 representations, we referred to deliverability / developability concerns with the amount of development relied upon by WCC to come forward at certain sites in the North & West HMA. Although the WHSAP will be examined against NPPF (2012) (due to its submission date), the approach of the 2019 NPPF towards the definition of a 'deliverable' site is pertinent, given any planning application would be considered under the updated definition. We summarise our concerns in respect of the Council's 'committed development' and 'windfall' components below.

## Committed Developments

### *South East Trowbridge*

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Wilts	0	0	0	100	250	250	250	250	250
WBP	0	0	0	0	0	0	0	100	250

Paragraph 5.2 of Topic Paper 4 states that **‘the need for detailed Habitats Regulation Assessment, and subsequent bat mitigation strategy have continued to delay delivery of the strategic allocation at Ashton Park, Trowbridge’**. We referred to this site in our Regulation 19 representations and an outline application (LPA Ref. 15/04736/OUT) for 2,500 dwellings that was originally validated in May 2015. It remains undetermined (albeit a resolution to grant was made in April 2018). The site does not benefit from any outline let alone detailed permission and substantive technical issues (bat mitigation and HRA) have delayed its progress. In the absence of even an outline, let alone detailed permission, the Council’s suggestion of 100 dwellings coming forward in 2020/21 is overly optimistic. It is instead reasonable to exclude any delivery from this site from the immediate 5 year period.

The above more realistic trajectory therefore results in a reduction of 1,000 dwellings over the plan period.

### *Policy CH2 of Chippenham SAP – Rawlings Green*

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Wilts	0	0	0	50	100	100	100	100	100
WBP	0	0	0	0	0	0	0	50	100

Paragraph 5.2 in Topic Paper 4 refers to allocations in the Chippenham SAP being subject to delay or lower build rates over the remaining plan period than previously anticipated. This site allocation forms one of the Chippenham SAP allocations and was the subject of an outline planning application originally submitted in January 2016 (LPA Ref. 15/12351/OUT). We referred to it in our Regulation 19 representations and the application remains undetermined (albeit with a resolution to grant as of September 2016). Subsequently it appears that the application has been re-validated and is now under re-consideration, with no committee date listed. The site does not benefit from any outline let alone detailed permission. In addition, Chippenham SAP Policy CH2 refers to the following infrastructure phasing constraint:

**‘A Link Road from Parsonage Way to Darcy Close, including connection over the main railway line and a road to Darcy Close (Cocklebury Link Road) to be completed and open for use as part of the first phase of development’.**

The above further limits potential delivery to the first phase (of 200 units) and likely explains the long delay in the signing of a legal agreement. It is therefore reasonable to exclude any delivery from this site from the 5 year period.

The above more realistic trajectory therefore results in a reduction of 400 dwellings over the plan period.

*Policy CH1 of Chippenham SAP – South West Chippenham*

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Wilts	0	0	95	163	179	140	100	100	100
WBP	0	0	0	38	100	100	100	120	120

Paragraph 5.2 in Topic Paper 4 refers to allocations in the Chippenham SAP being subject to delay or lower build rates over the remaining plan period than previously anticipated. This site allocation forms one of the Chippenham SAP allocations and is listed in HLSS 05 under both an outline application for 1,000 dwellings at Rowden Park (LPA Ref. 14/12118/OUT), alongside a further 400 dwellings at Patterdown and Rowden. The information above provides the cumulative forecast of the authority for these sites, alongside ours, taking account of the updated assessment of delivery summarised below:

- Outline approved for 1,000 dwellings. Reserved matters applications lodged by Redcliffe Homes (114 dwellings in August 2018) and Crest Homes (152 dwellings in December 2018) have been approved. Consequently, details of 266 dwellings have been approved.
- On the area for the additional 400 dwellings, outline permission for 72 dwellings has been granted with a reserved matters application lodged by Wainhomes pending.

It follows that only 266 units at this site have detailed permission and given the submission of an RM application, a further 72 units may be deliverable inside the 5 year period. As at April 2019, it may therefore be reasonable to assume 338 units may be delivered by the end of the 2023/24 year.

The above more realistic trajectory therefore results in a reduction of 299 dwellings over the plan period.

*West of Warminster*

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Wilts	0	0	31	85	140	140	100	100	100
WBP	0	0	0	0	0	0	31	85	140

We referred to this site in our Regulation 19 representations and an outline application (LPA Ref. 15/01800/OUT) for 2,500 dwellings that was originally validated in February 2015. This remains undetermined (albeit a resolution to grant was made in June 2018). A further detailed application (LPA Ref. 17/01463/FUL) for 227 dwellings was validated in February 2017 and is also undetermined. The site does not benefit from any outline let alone detailed permission and pending applications have been long term delayed. In the absence of even an outline, let alone detailed permission, the Council's suggestion of 31 dwellings coming forward in 2019/20 is overly optimistic. It would instead be reasonable to exclude any delivery from this site from the immediate 5 year period. However, given the existence of a pending detailed application, we have included an allowance for a start in the last year of the 5 year period.

The above more realistic trajectory therefore results in a reduction of 440 dwellings over the plan period.

## Windfall Allowance

The Council include a windfall allowance of 2,209 dwellings over the period April 2017 to March 2026 for the North & West HMA (see table 5.1 of Topic Paper 3 & page 28 of HLSS 05). In addition, the Council include an allowance of 641 dwellings from small sites with permission (see HLSS 05).

The Council's windfall forecast is derived from assumptions over the approval and implementation of planning permissions. These are not considered to be as robust as an approach based on past completions, as required by the NPPF (paragraph 48, 2012 and paragraph 70, 2019) which emphasise the importance of 'historic delivery rates'.

Furthermore, so to avoid double counting the first 2 years from the base date should not include windfalls, as these would already be in the planning system and therefore form existing permissions. It is also relevant that now a plan led system is in place in WCC, the ability for unallocated sites outside settlement boundaries to come forward is therefore reduced. It follows that brownfield sites previously approved are less likely to be in the future and unplanned development is less likely to take place because clear allocations for housing development have already been identified (and already form other components of supply). This further limits the potential for windfall development.

At Table A6, the Council provide three methods for potentially calculating a windfall allowance. Method C bases itself on a windfall permission rate at a time of lower economic cycle and is 76% of the Method favoured by the Council. Given the above concerns, it is considered that this still represents an optimistic rate for windfall development and still fails the 'compelling evidence' test. However, as a pragmatic approach this and the removal of windfall development from the first two would result in a reduction of 673 dwellings over the plan period.

It is also noted that the Council's reliance upon windfall sites increases over the course of the plan period. By the final year (2025/26), the Council predict 315 of the total 1,052 units (equivalent to 30%) will come forward from windfalls. We suggest that reliance on such high windfall levels is an ineffective and unjustified approach when compared to the reasonable alternative of identifying additional site allocations through the plan led system.

## Summary

From the above assessment, the number of dwellings expected for delivery in North & West HMA from committed developments and windfalls should be reduced by 2,812 units. The answer to 2.3 is therefore no; the components of delivery identified by the Council are not justified or realistic.

## **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?**

As set out in our responses to 2.2 & 2.3, even upon the Council's own assessment of supply there is an under delivery against the minimum WCS housing requirements across the County as a whole, whilst the surplus within the North & West HMA is negligible (a flexibility allowance of 0.6%). If one then considers our criticism of the Council's alleged supply the position becomes one of substantial under delivery (over 2,500 units short in the North & West HMA) against the WCS minimum requirement. The answer to 2.4 is therefore no; The negative implications for the County and possible solutions are discussed in our responses below.

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

We do not have specific objections to the proposed allocated sites, our objections are instead that there is a fundamental need for additional allocations in order to meet minimum WCS housing requirements, in a plan led manner. However, in focusing upon the larger proposed allocations for at least 150 dwellings, it is noted that as of early March 2019, no planning applications for the residential development of the sites listed in our response to 3.1 had been submitted. To allow sufficient time for the submission, determination and implementation of any application, it is possible that these sites will not be fully completed within the plan period. This would only accentuate the under delivery referenced in our responses above yet further.

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

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

Paragraph 4.27 of the WCS included the allocation of housing sites deemed strategically important outside of Chippenham. The WCS included an allocation for at least 150 dwellings in Bradford on Avon (Core Policy 7). The WHSAP identifies a number of sites that are larger than this 'strategic' size. These include:

- East Wiltshire HMA – 270 dwellings on site H1.1 (the additional 160 dwellings);
- North & West Wiltshire HMA – 200 dwellings on site H2.1, 150 dwellings on site H2.2, 205 dwellings on site H2.3, 180 dwellings on site H2.6; &
- South Wiltshire HMA – 640 dwellings on site H3.1.

The WHSAP will not be adopted until approximately 5 and a half years from the end of the plan period at the earliest. It was anticipated to be adopted promptly after the WCS's adoption in 2015 but is now likely to be adopted close to 5 years after. We do not object specifically to the proposed allocations but do note that these larger allocations would have been best identified at the WCS stage in order to secure their delivery in full by the end of the plan period and consideration at the higher order WCS plan making level. These strategic sites are more likely to have lag times associated with the need for infrastructure prior to their development. This further emphasises the benefit of identifying additional medium sized site allocations in the WHSAP.

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

As explained in 2.1, the distribution within each HMA was indicative, there is no requirement for this to be rigidly followed in the WHSAP. Further as explained in our response to 2.2-2.4, it is essential to achieve the overall minimum requirements for the respective HMA's and the WHSAP fails to achieve this. We expand upon this point further below.

**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? (\* Note, in responding to this question, the Council is requested to provide an up to date assessment of the stage each relevant Neighbourhood Plan is at in its preparation).**

Paragraphs 5.4 & 5.5 of the Corsham Community Area Topic Paper refer to there not being a residual WCS requirement for Corsham to be delivered during the plan period and therefore the process of site selection for Corsham was ended after stage 1. It is noted that Table 4.2 in Topic Paper 3 references that a modest surplus of 6 dwellings would occur at Corsham when compared to its 'indicative' CS requirement (a flexibility of 1%). Having regard to our response to 2.1, including that the WCS requirement is a minimum and the CA distribution is not to be overly rigid, we consider that the stopping the site selection process at stage 1 was unsound. There is sufficient flexibility in the drafting of the WCS to demand an assessment of the deliverability and appropriateness of potential sites to be undertaken before the Council could ever conclude no further sites were needed and appropriate for allocation at Corsham. This point becomes particularly relevant when one considers the substantial under delivery that will occur for the reasons set out in response to issue 2. Furthermore, a number of allocations have been focused on far less sustainable locations i.e. Larger Villages rather than Market Towns. It follows that to exclude Corsham from a stage 2 level assessment was unjustified and represented an unsound methodology.

The issues discussed (including substantial under delivery across the HMA and County as a whole), are of particular concern when one considers that the submitted Corsham Neighbourhood Plan proposes no allocations and the emerging Wiltshire Local Plan Review proposes to only allocate strategic sized sites. It follows that the ability to secure a small to medium sized allocation at a sustainable market town such as Corsham would fall away until a far later date (post the Local Plan Review at the earliest) if such allocations decisions are not made now. Similar circumstances are likely to apply to other settlements. The identified shortfall against the WCS mean that adoption of the plan as drafted, would risk 'planning by appeal' and the loss of a plan led approach. Such scenarios can be avoided through the identification of further site allocations at this WHSAP stage.

**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?**

In summary, the WHSAP fails to meet WCS minimum housing requirements even using its own figures (see 2.2). This under delivery is far more severe when the components of supply are appropriately reviewed (see 2.3). The result is a substantial under provision of housing. In addition, the WHSAP has not adequately considered the possibility of further growth at Corsham (see 3.3), despite the CA approach set out in the WCS being one that should not be applied rigidly (see 2.1). The WHSAP's methodology toward site selection is therefore also flawed and has not considered reasonable alternatives that would enable it to be a justified plan.

As set out in our Regulation 19 representations, land north of Leafield Industrial Estate, Corsham can be allocated thereby contributing towards addressing the aforementioned shortfall on a site that is deliverable in full within a 5 year period. The settlement of Corsham offers a sustainable market town, with close links to the larger settlement of Chippenham and provides an appropriate location to accommodate and supplement the need for further housing growth in the North & West HMA.

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

**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?**

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

**4.3 Have the site allocations been made in accordance with Diagrams 2 and 3 of the Planning Practice Guidance on Flood Risk and Coastal Change, including the application of the sequential and exception tests?**

**4.4 Have the cumulative transport related implications of allocated sites been fully assessed and are measures to address them sufficiently clear and deliverable?**

**4.5 Have the cumulative effects of development on protected habitats and species? Will the plan be effective in ensuring their protection and/or mitigating any effects?**

**4.6 Have the cumulative infrastructure requirements of allocated sites been fully assessed, including the need for education facilities, and are measures to address them sufficiently clear and deliverable?**

For reasons summarised in our response to issue 3, the reasonable alternative of housing growth at Corsham and the need to identify additional site allocations have not been appropriately explored.

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