

# **Wiltshire Housing Site Allocations Plan Examination**

Hearing Statement on Behalf of Linden Homes

Matter 2: Consistency with the Wiltshire Core Strategy

**Respondent Ref: 890227**

**March 2019**

HEARING STATEMENT ON BEHALF OF LINDEN HOMES

MATTER 2: Consistency with the Wiltshire Core Strategy (WCS)

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1. The following Hearing Statement has been prepared on behalf of Linden Homes in relation to Inspectors Initial Questions Matters 2: Consistency with the Wiltshire Core Strategy (WCS). This Statement addresses questions raised by the Inspector of relevance to previous representations made by BBA Architects and Planners on behalf of Linden Homes, and should be read in conjunction with those representations (reps 580, 581, 582).
2. This statement covers the following Inspectors questions 2.1; 2.2; 2.3; 2.4; 2.5; 3.3; and 3.4.

**Q2.1 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?**

3. Core Policy 2 of the WCS sets out an overall housing requirement of “*at least 42,000 homes*” across the whole of the Council administrative area. The fact that the requirement is described as a minimum figure is significant. The Inspector in approving the WCS recognised that the requirement did not meet the full objectively assessed need (calculated at 44,000) and the plan was adopted with the understanding that there would be an early review of the Core Strategy.
4. Core Policy 2 further disaggregates the overall requirement to three Housing Market Areas (HMA) (plus the area West of Swindon which does not meet the requirements for the defined HMAs). The disaggregation of the overall housing requirement to the three HMA’s is in accordance with the National Planning Policy Framework (NPPF) methodology and the WCS Inspector was satisfied that this is a sound approach, rather than further disaggregation to the community/settlement level:

*The evidence supports the CS disaggregation of new housing across the three HMAs of the county which is sound and the effectiveness of the plan is maintained by not inflexibly distributing housing at the more micro level of each Community Planning Area (WCS Inspectors Report, Paragraph 83)*

5. The Community Area requirements and settlement requirements are expressed as “indicative requirements” which provide an approximate level of housing for each community area/settlement. The Core Strategy states that these are defined “*in order to support the most sustainable pattern of growth, in line with the principles defined in Core Policy 1*” (WCS paragraph 4.20). Paragraph 4.20 goes on to state:

*The indicative figures also allow a flexible approach which will allow the council including through the preparation of the Site Allocations DPD and local communities preparing neighbourhood plans to respond positively to opportunities without being inhibited by an overly prescriptive, rigid approach which might otherwise prevent sustainable development proposals that can contribute to delivering the strategic objectives of the plan.*

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6. The settlement requirements therefore perform an important function of appropriately distributing development across each HMA in accordance with the Council's vision and objectives and, in turn, the Settlement Strategy as set out in Core Policy CP1. The requirements are expressed as "indicative" or "approximate" requirements in order to provide flexibility in meeting the requirements of each HMA. However, it is clear from the Core Strategy that flexible approach is to ensure that the Development Plan is able to respond positively to requirements and not restrict sustainable development which accords with the WCS. This is further expressed in para 4.28 of the WCS which states:

*These more localised indicative requirements as set out within the Area Strategy Core Policies are intended to prevent settlements receiving an unbalanced level of growth justified by under or over delivery (my emphasis) elsewhere*

7. The WCS is clear therefore the indicative requirements are there to ensure that settlements receive the appropriate amount of growth in accordance with the Settlement Strategy, and this should not be affected by under or over delivery in settlement within the same HMA. This is particularly key in the North and West Wiltshire HMA (N&WWHMA) where Trowbridge (a Principal Settlement and therefore the most sustainable location for growth) is currently falling considerably short of its indicative requirement, where other settlements (Malmesbury, Westbury, Calne) have seen more than their anticipated level of growth. Aggregation of the residual requirement across the whole HMA would mean that the overall housing requirement is reached. However, this would perpetuate an unbalanced approach to housing across the HMA, not in accordance with the Settlement Strategy, with Trowbridge falling well short of its indicative requirement and not fulfilling its role as a principal settlement.
8. Therefore, to be sound (positively prepared, justified and effective) and to be consistent with the WCS, the Housing Site Allocation Plan (WHSAP) needs to allocate sufficient housing to both meet the housing requirement for each HMA, and also seek to meet, as close a possible, the indicative settlement housing requirements, recognising that the overall housing requirement is set out as a minimum, and therefore not a limit to growth. It is acknowledged within the Core Strategy that there is flexibility, and therefore scope to go over or under the indicative settlement requirements. However, currently, as shown in representations, the allocations for Trowbridge fall so far short of indicative requirements that housing distribution would be unbalanced and contrary to the Settlement Strategy of the WCS. Trowbridge, appropriately, has the most allocations within the N&WWHMA (1050 dwellings), but this still does not come close enough to meeting the residual indicative requirement (2,347 dwellings excluding allocation) to be in accordance with the WCS.
9. In this context, for the WHSAP to be considered sound, where there are opportunities to provide additional housing in sustainable locations in and around Trowbridge they should be considered positively.

**Q2.2 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?**

10. Table 4.1 as amended in Annex A: Proposed Changes to figures in Section 4: Housing Delivery Strategy sets out the Council's most up to date position with regards the residual level of development required to meet the housing requirement for each Housing Market Area (HMA) (PC3).
11. Table 4.1 sets out completions (2006-2017) and developable commitments (2017-2026) with the residual figure between this and the minimum housing requirement expressed as a "minimum to be allocated". For the N&WWHMA the minimum to be allocated figure is calculated to be 1,109 dwellings. What is notable in the amendments to the table in PC3 of the proposed changes consultation, is that the minimum to be allocated figure has nearly doubled since the last time it was assessed (July 2018). This is a result of commitments dropping by 960 and completions only increasing by 422. As noted in previous representations, this reduction is largely as a result of delays to large committed sites at Hunters Moon in Chippenham and Ashton Park in Trowbridge.
12. It is noted from the proposed changes to paragraph 4.2 that the commitment figures used in table 4.1 do not include Windfalls, which makes the minimum to be allocated figure more robust.
13. The Council appropriately express the residual level of development required to meet the housing requirement as a minimum figure. The overall housing requirement is a minimum requirement, with the WCS Inspector acknowledging that the Objectively Assessed Need is higher than the requirement and the need to boost significantly the supply of housing (NPPF 2012, Paragraph 47). The WHSAP therefore should be looking beyond the minimum required with an appropriate buffer to ensure it is achieved and to maintain a five year housing supply.
14. Policy H2 (as amended) sets out the housing allocations for the N&WWHMA and proposes to allocate a total of 1400 dwellings across 13 sites. It is noted however, that not all these dwellings are predicted to deliver within the plan period (Table 4.7 of the WHSAP [as amended] shows 1,253 for the N&WWHMA within the plan period). This is therefore only a buffer of 144 dwellings over the "minimum to be allocated" figure.
15. In addition, as noted under Q2.1 above, when assessing compliance with the Wiltshire Core Strategy, meeting the overall housing requirement is not the only element that needs to be considered. The WHSAP needs to ensure that appropriate levels of housing are allocated to each settlement / community area in accordance with their respective indicative requirements set out in the WCS to ensure the plans compliance.
16. However, whilst the majority of dwellings within the N&WWHMA are allocated to sites in Trowbridge (1050 dwellings) there is still a significant under delivery against the residual "approximate" requirement for Trowbridge (as set out in the WCS). The Council's evidence is

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unclear on the precise shortfall, ranging between 1,180 (Trowbridge Community Topic Paper) and 1,297 (Paragraph 4.52 in the WHSAP as amended by PC25) dwellings. The Council have cited two main reasons for the shortfall:

- The delay to developing the strategic allocation at Ashton Park
- *“The inability to identify enough land free from environmental constraints that could compensate for the consequences of delay to Ashton Park”.*

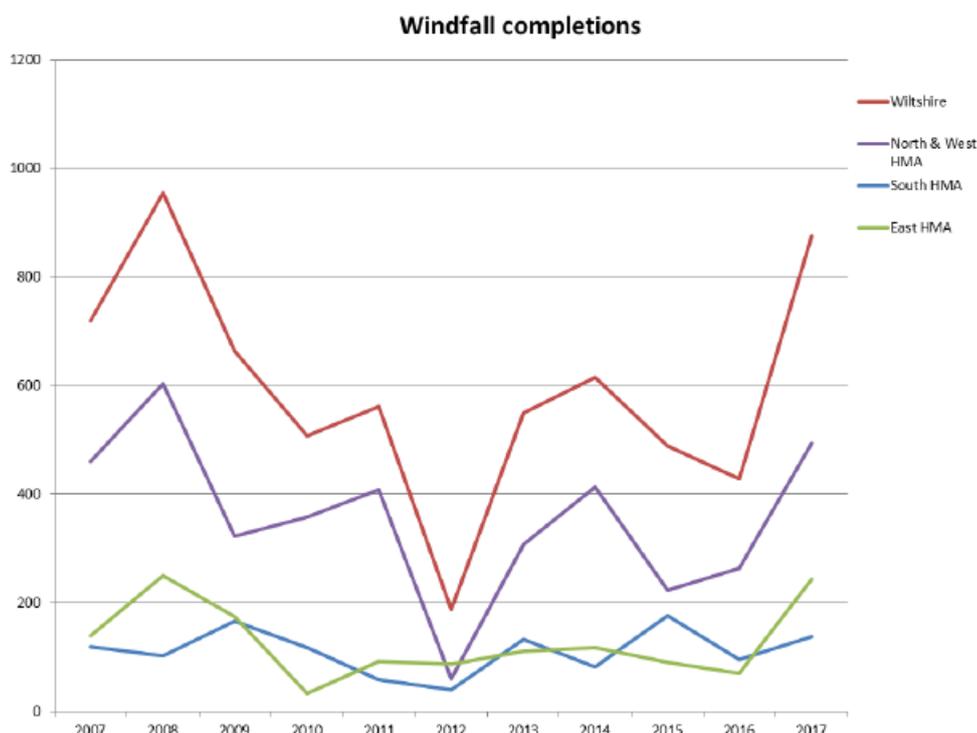
17. The WHSAP notes at paragraph 4.56 that *“the shortfall compared to an indicative level is not so severe as to jeopardise the position of Trowbridge as a Principal Settlement or undermine objectives of the spatial strategy”*. However, the 1,297 dwellings represents a 19% shortfall, which is a significant under supply. It is accepted that the constraints around Trowbridge means that the identification of suitable sites to fully meet the residual requirement is limited. The ability of the settlement to achieve the requirement on suitable, sustainable and deliverable (in the plan period) sites needs to be taken into account given that that the requirement figure is not an absolute and the WCS does allow flexibility. However, where sustainable sites have been identified, every opportunity should be made to maximise the potential delivery from these sites in and around Trowbridge. This would more closely meet the indicative requirement for the settlement and boost the delivery of housing more generally in the N&WWHMA.
18. In the context of the reducing expected delivery from existing commitments in the plan period, an overall housing requirement that is expressed as a minimum, and the principal settlement in the HMA (Trowbridge) falling far below its indicative requirement, to be sound (positively prepared, justified and effective) it is essential that in excess of the “minimum to be allocated” figure is allocated in the N&WWHMA to ensure the housing requirement is delivered. The supply of housing can be boosted by increasing delivery from existing allocations, such as H2.2 which has capacity for in excess of 300 dwellings.

**Q2.3 ARE THE COMPONENTS OF DELIVERY IDENTIFIED IN THE PLAN, INCLUDING COMPLETIONS, COMMITTED DEVELOPMENTS AND WINDFALLS, JUSTIFIED AND REALISTIC?**

19. BBA Architects and Planners has not undertaken an in-depth review of the Council’s anticipated completions on committed developments and windfalls. However, it is evident from the Proposed Changes to the WHSAP that the anticipated delivery from commitments is subject to change which can have a significant impact on the residual number of dwellings needing to be developed in the plan period to achieve the minimum overall housing requirement.
20. Delays to two large committed sites at Hunters Moon in Chippenham and Ashton Park in Trowbridge are cited as having the impact of nearly doubling the “minimum to be allocated” figure in table 4.1 of the WHSAP from 571 to 1,109 for the N&WWHMA (Topic Paper 3, Housing Land Supply Addendum). This demonstrates the need to allocate in excess of the “minimum to be allocated” to ensure that any further delays to committed development within the plan period do not have the result of meaning that the minimum requirement is not reached.

21. The Council has identified a Windfall Allowance (2017-2026) for the N&WWHMA of 2,209 dwellings. This Windfall Allowance has not been included in table 4.1 of the WHSAP for determining the “minimum to be allocated” figure. However, it is used in table 4.7 of the WHSAP which assesses housing supply against the minimum housing requirement for the N&WWHMA.

22. Figure 5.1 in Topic Paper 3 Housing Land Supply Addendum shows windfall completions:



23. Whilst it is accepted that the Council have taken a conservative view on the likely delivery from windfalls (considering the overall average annual delivery), figure 5.1 demonstrates how much delivery fluctuates and therefore how difficult it is to predict deliveries from this source of supply. The supply is clearly not consistent across the plan period to date.

24. Paragraph 5.7 of the Topic Paper 3 Addendum recognises that “*In line with the Plan objective to provide surety of supply through allocations, the use of windfall allowance should not be relied upon*”. This approach is supported and consistent with the NPPF (2012) requirement to plan positively to meet the development needs of the area (Paragraph 14).

**Q2.4 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?**

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25. The Submitted WHSAP as amended through proposed changes allocates a total of 1,400 dwellings for the North and West Wiltshire HMA(N&WWHMA).
26. However, Table 4.7 as amended by PC15 shows the impact of the proposed allocations in the WHSAP in meeting the minimum housing requirements of the respective HMAs (it is noted that not all the allocations dwellings are predicted to be delivered in the plan period). For the N&WWHMA, Table 4.7 predicts that there will be a surplus of 2, 353 dwellings within the plan period. This includes the current proposed plan allocations and includes a windfall allowance. The windfall allowance is 2,209 dwellings (2017-2026) and therefore the surplus across the whole of the plan period is almost completely reliant on the completion of windfalls.
27. Paragraph 14 of the NPPF (2012) sets out the presumption in favour of sustainable development. For plan-making that this means that:  
*Local Planning authorities should positively seek opportunities to meet the development needs of their area.*
28. The reliance on windfall development to exceed the housing requirement, where the housing requirement is expressed as a minimum and in the context of the objectively assessed need being higher, is not a positive, plan lead approach to meeting the housing needs of the area.
29. The WHSAP therefore as it stands is unsound as it is not positively prepared, justified or consistent with national policy (para 182, NPPF 2012). To be positively prepared, the WHSAP should be maximising the delivery from sites which have already been recognised as sustainable. This would provide a greater surplus to overall housing provision within the N&WWHMA without, necessarily, the requirement to identify additional sites for allocation or over reliance on a windfall allowance.

**Q2.5 IS THE PREDICTED DELIVERY OF ALLOCATED SITES REALISTIC IN TERMS OF THE CONTRIBUTION THEY WOULD MAKE THROUGH THE PLAN PERIOD?**

30. Linden Homes has control over the central 6.4ha portion of the allocated site H2.2 Land off the A363 at White Horse Business Park, Trowbridge. Linden has been liaising with other parties within the allocation in order to bring forward a co-ordinated and comprehensive scheme for the whole area.
31. Linden are a National House Builder and keen to develop the site as soon as possible. The Linden part of the site is served by Little Common, a public highway which has been assessed to provide appropriate access for the site. The Linden part of the site could therefore come forward independently (whilst being in accordance with a wider masterplan) or provide a "Phase 1" of development. A pre-application enquiry has already been undertaken with the Council and an application could be progressed shortly.
32. The WHSAP currently grossly under allocates the H2.2 site and therefore the potential contribution that the allocation could make to the delivery of housing within Trowbridge in the remaining part of the plan period. As noted in previous representations and in the

accompanying hearing statement, it has been demonstrated that in excess of 300 dwellings could be provided on site whilst ensuring that the aims and objectives of the Core Strategy are met.

**Q3.3 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: AREAS WITH MADE OR EMERGING NEIGHBOURHOOD PLANS**

33. A Regulation 14 consultation draft of the North Bradley Neighbourhood Development Plan (NDP) was out for consultation until 3<sup>rd</sup> March 2019. BBA submitted representations to this on behalf of Linden Homes.
34. Whilst it is clear that attempts have been made by North Bradley Parish Council to speed up the production of the NDP, this is still a considerable way from being adopted. The WHSAP will be adopted before the NDP reaches submission stage and therefore it must be in accordance with the outcomes of the WHSAP.
35. The reg 14 NDP has some fundamental issues regarding compliance with the Development Plan and will require considerable amendments. It is therefore considered that very limited weight can be applied to the current draft of the NDP in accordance with paragraph 216 NPPF 2012.

**Q3.4 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?**

36. BBA has answered the first part of Q3.4 as part of comments in relations to questions under issue 2. As previously stated, the overall housing requirement is expressed as a minimum figure in the Wiltshire Core Strategy and therefore the WHSAP should appropriately allocate, where possible, sufficient dwellings to exceed this amount, to:
  - ensure the minimum requirement is delivered (taking into account potential under delivery from some sites, or from existing commitment)
  - potentially exceed the minimum requirement, recognising that the objectively assessed need for the area will not be met by just meeting the minimum requirement.
37. The WHSAP should allocate development in accordance with the development strategy set out in CP1 of the Core Strategy. The settlement requirements established in the Core Strategy reflect the Settlement Hierarchy in CP1 and therefore inform the appropriate distribution of development across Wiltshire. The requirements are expressed as “indicative” or “approximate” in order to provide flexibility in meeting the targets of each HMA. However, it is clear from the Core Strategy that the flexible approach is to ensure that the Development

Plan is able to respond positively to requirements and not restrict sustainable development which accords with the WCS. This is further expressed in para 4.28 of the WCS which states:

*These more localised indicative requirements as set out within the Area Strategy Core Policies are intended to prevent settlements receiving an unbalanced level of growth justified by under or over delivery (my emphasis) elsewhere.*

38. Over delivery has taken place in a number of towns within the North and West Wiltshire HMA (N&WWHMA). This has not been a plan led approach to development. The delay to the production of the WHSAP has led to many windfalls coming forward, including larger scale development outside of development boundaries which have been approved in the absence of a five year housing land supply.
39. Under supplying settlements in the WHSAP to take account of over supply elsewhere will exacerbate the issue of development not proceeding in accordance with the Settlement Strategy. Aggregation of the residual requirement across the whole HMA would mean that the overall housing requirement is reached. However, this would perpetuate an unbalanced approach to housing across the HMA, not in accordance with the Settlement Strategy, with Trowbridge falling well short of its indicative requirement and not fulfilling its role as a principal settlement.
40. To be sound (positively prepared, justified and effective) the WHSAP should be looking to achieve the indicative requirements of settlements as closely as possible. To do this, the delivery from allocated sites should be maximised.