



WHSAP Examination in Public



Matter 2 Hearing Statement



Boyer

Matter 2: Consistency with the Wiltshire Core Strategy

Boyer on behalf of Persimmon Homes

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1. INTRODUCTION

- 1.1 Boyer is instructed by Persimmon Homes (Wessex) and Persimmon Homes (South Coast) to submit Hearing Statements in response to the Inspector's Initial Matters, Issues and Questions (MIQs).
- 1.2 The purpose of this Hearing Statement is to consider matters related to consistency with the Wiltshire Core Strategy (WCS) (Matter 2). This Hearing Statement should be read in conjunction with separate Hearing Statements prepared in respect of the following Matters:-
 - Matter 1: Legal Compliance
 - Matter 3: Housing Site Allocations
 - Matter 4: Settlement Boundaries
- 1.3 Set out within this Hearing Statement are our responses to specific questions identified by the Inspector which should be read in conjunction with representations submitted on behalf of Persimmon Homes at the Regulation 19 stage.

2. ISSUE 2: 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 The supporting text to WCS Core Policy 2 (Delivery Strategy) at paragraph 4.20 refers to the fact that the strategic housing requirement is set out against defined sub-county areas as identified in the Wiltshire SHMA. In order to support the most sustainable pattern of growth, 4.20 also explains that indicative requirements are provided for each Principal Settlement, Market Town and by Community Area.
- 2.2 Paragraph 4.33 confirms that it is the HMAs which form an appropriate scale for disaggregation and it is at this scale that housing land supply will be assessed. One of the (two) objectives of the WHSAP is to allocate sites to ensure delivery of homes across the plan period and to maintain a five year housing land supply. It is considered that this objective has two distinct elements: 1) delivery of homes across the plan period and 2) to ensure that there is a rolling five year housing land supply.
- 2.3 Housing figures at the more localised level, i.e. settlements and Community Areas, continue to be of significance and relevant to the WHSAP, as the distribution of the strategic housing requirement is key function of Core Policy 2 (Delivery Strategy), explained as necessary (4.33 WCS) to ensure the most sustainable pattern of growth).
- 2.4 The Schedule of Proposed Changes (EXAM/01) updates to the housing position in Wiltshire has been provided. The details of which are set out in Annex A [**Exam. 01.45**], summarised as follows
- 2.5 EXAM.01.45 also provides updates to Tables 4.9-4.11 (PC18 / PC20 / PC 27) which sets out the housing position in respect of settlements and Community Areas, including the variation of total housing delivery over the Plan period against the indicative WCS requirements. These tables highlight the disparities at individual settlements / Community Areas, in terms of their ability to meet the WCS requirement.
- 2.6 By Way of Example, the Market Town of Calne (North and West HMA) is projected to deliver housing in excess of the indicative requirement (+31%), whereas Trowbridge, as a Top Tier Principal Settlement, is identified to fall short of its indicative requirement (-19% / -1297 dwellings)
- 2.7 The objective of the WHSAP to maintain a five year housing land supply “in each of the HMAs” should not be applied in the context of the WHSAP as a mechanism through which the failure of individual settlements or Community Areas to meet their indicative housing requirement is either ignored and diluted by the consideration of housing at the higher HMA level. The HMA figures can conceal under provision at specific settlements/community areas, as such shortfalls are off-set by those settlements/locations which have delivered housing in excess of their indicative minimum requirement.

- 2.8 The soundness of the WHSAP should be assessed in terms of the housing figures and projected delivery at all levels in order to ensure the objectives of the WCS are achieved.

3. ISSUE 2: 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?

3.1 **Exam.01.045** is referenced within the Schedule of Proposed Changes as the most up to date evidence on housing delivery over the Plan period. PC3 (amended Table 4.1) summarises the minimum number of new homes which need to be allocated in order to reach the minimum strategic housing requirement. PC15 then sets out the total allocations (excluding windfall) in each HMA, as follows:

Housing Market Area	Minimum to be allocated	WHSAP Allocations	Difference
East	5	161	+156 dwellings
North & West	1,109	1,253	+144 dwellings
South	1,331	804	-527 dwellings

3.2 **Exam.01.45** confirms that the proposed allocations in the South Wiltshire HMA are not sufficient to meet the minimum requirement. In order to address this deficit, the Council is reliant upon windfall. The reliance on windfall does not represent a positive form of planning and is at odds with Paper 3 [TOP/03C] paragraph 5.7 where it states: “...in line with the Plan objective to provide surety of supply through allocations, the use of a windfall allowance should not be relied upon.” The emphasis should be on identifying sufficient sites to meet the minimum WCS requirement, and where necessary additional sites allocated to address this shortfall.

3.3 The WHSAP accepts this shortfall on the basis that it remains in “broad conformity” with the WCS [paragraph 6.8 – TOP/04C], owing to the fact that a five year housing land supply can be demonstrated. It should be noted however, that on the basis of the Council’s own figures [table 6.6 TOP/04C] projected housing land supply in the South Wiltshire HMA reduces to just 2.42yrs by the end of the Plan period.

3.4 Topic Paper 4 [TOP/04C] states that: “..To deliver the requirement may rely in part on windfall development. However figures show this is a reliable source of supply in Wiltshire.” Such an approach is inconsistent with the Council’s own statements on windfall and is at odds the noted objective of the plan to provide “surety of supply through allocations.”

3.5 This necessitates the need for the WSHAP to identify and allocate for development additional sites in order to provide such surety of supply.

- 3.6 The use of the HMA level housing data is not supported as a sole indicator of whether or not the WHSAP is delivering the WCS minimum housing requirements. To do so masks significant under delivery at individual settlements and Community Areas. Therefore housing delivery should be considered at both HMA and settlement level. In respect of the HMA level, as stated previously, the proposed allocations in the South Wiltshire HMA are not sufficient to meet the minimum requirement and additional sites need to be identified including at the principal settlement of Salisbury where additional and appropriate sites are available.
- 3.7 Similarly, the Principal Settlement of Trowbridge (North and West HMA) will under-provide by 1,297 dwellings. It cannot be considered a sound approach that a Principal Settlement, which is by definition a strategically important settlement, does not provide for sufficient housing to meet its indicative housing requirement.
- 3.8 The Trowbridge Community Area Topic Paper [**CATP/17a**] acknowledges (para 5.22) that the proposed allocations are not capable of delivering all the indicative housing requirement. However, it states that the proposed allocations are considered to be the best and most appropriate options to allocate at the town “when compared to reasonable alternatives”. Notwithstanding our previously expressed concerns regarding ‘reasonable alternatives’ (see Matter 1), paragraph 5.22 goes on to conclude that: *“Development of the sites would contribute positively towards meeting some of the indicative shortfall as well as delivering aims of the area strategy for the town through a plan-led approach to maintaining levels of housing supply.”*
- 3.9 There is disconnect between what the stated objective of the WHSAP is defined as being, specifically the delivery of housing over the plan period, and the apparent primary consideration to preserve the ability of the Council (at the HMA level) to maintain a five year housing land supply. In doing so this fails to respond appropriately to areas where there is a housing delivery shortfall. As a result the approach of the WHSAP is not considered to be either justified or effective in that it fails to respond, through the allocation of additional sites and consideration of genuine reasonable alternatives, to identified shortfall in housing delivery for the Plan period.
- 3.10 Table 5.8 of Topic Paper 4 [**TOP/04C**] sets out the % variation at urban areas in terms of total housing delivery against the WCS indicative requirement for the North and West HMA. This repeats the shortfall at Trowbridge referenced above, as well as Chippenham (-6%/-264 dwellings) and Warminster (-9%/-165dwellings). By way of introduction to Table 5.8, reference is made that *“The Plan must be in general conformity with the WCS”*. In the commentary on Table 5.8 [**TOP/04C** – para 5.11] it concludes that: *“Overall the level of development at the urban areas remains in conformity with the WCS.”* This can only be based on the use of the -2% variation figure quoted for the urban areas within Table 5.8. Such conclusions are not considered to be soundly based as it does little to address significant shortfalls at specific settlements, which in themselves cannot be considered to be consistent with the WCS.

4. ISSUE 2: QUESTION 2.4

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

- 4.1 The advantage, to the Council, of using the HMA figures is that it would suggest that in strategic terms, when completions, commitments and WHSAP allocations are taken together, the WHSAP will satisfy the minimum requirements for the East and North & West HMAs. As explained in our response to Question 2.2, it is acknowledged within the evidence base [TOP/04C] that there is a shortfall for the South Wiltshire HMA (-527 dwellings). Therefore in the context of the South Wiltshire HMA it is self-evident that the WHSAP does not make adequate provision.
- 4.2 It is only through an allowance for windfall that there is headroom, albeit marginal, between the minimum requirement and Wiltshire HMA figures, as shown below.

Housing Market Area	Minimum to be allocated	WHSAP Allocations	% variation (excluding windfall)	% variation (including windfall)
East	5	161	+2.6%	+16.4%
North & West	1,109	1,253	+0.5%	+9.5%
South	1,331	804	-5.1%	+2%

- 4.3 Windfall is therefore an essential component of housing delivery, contrary to the stated position within Topic Paper 3 [TOP/03C] that in order to provide surety the use of a windfall allowance should not be relied upon.
- 4.4 Notwithstanding the HMA figures, at specific locations/settlements the WHSAP fails to make adequate provision for housing resulting in the WCS minimum housing requirement not being met.
- 4.5 Consequently it is considered that the WHSAP fails to make appropriate provision for housing delivery against the minimum WCS housing requirements. The WHSAP cannot therefore be considered sound and it is neither effective, in terms of satisfying a housing requirement, nor is it justified, as it has been advanced in full knowledge that specific settlements, including the top tier Principal Settlement of Trowbridge will not deliver the WCS indicative housing requirements.

5. ISSUE 3: 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?**

- 5.1 TOP.02 sets out the site selection process methodology and explains the basis of the Stage 1 and Stage 2 process. Stage 1 (Areas of Search) is defined as the stage which “...focuses on community areas where housing land supply needs to be supplemented in order to meet the WCS indicative levels of housing development for 2006-2026.” However, it is evident that the WHSAP does not fulfil this function in the settlement of Trowbridge.
- 5.2 The initial Areas of Search are Principal Settlements, Market Towns and some Local Service Centres. In respect of Community Area Remainders, the focus is on Local Services Centres and Large Villages. Such an approach is consistent with the WCS Spatial Strategy and hierarchy of settlements.
- 5.3 Our principle concern with the Stage 1 process is that it is restricted to areas where there remains a residual balance of housing needs against the WCS indicative requirements. It implies that at such locations/settlements the strategy to 2026 is that no additional development will be accommodated. This does not represent a positive form of planning.
- 5.4 Such an approach is also considered to run counter to what has occurred at settlements in Wiltshire in the current plan period and specifically that growth in excess of the indicative requirements is commonplace throughout Wiltshire. As demonstrated by PC21, numerous settlements will deliver a quantum of development over the Plan period above the WCS indicative requirements: Calne (+31%); Malmesbury (+18%); Royal Wootton Bassett (+8%) and Westbury (+19%). It does not follow therefore that growth in excess of the indicative WCS requirements for individual settlements or community areas, does not represent a genuine reasonable alternative that should be excluded from the site selection process.
- 5.5 **TOP.02** (paragraph 3.8): states that it is only necessary for this Plan to allocate land for development where it is a strategic priority to do so. This statement is somewhat misplaced as it implies that a strategic priority is inextricably linked to a quantitative measure of performance against minimum/indicative requirement. Notwithstanding, the WHSAP continues to be advanced with the acknowledgment that development will be significantly below the indicative requirements at the Principal Settlement of Trowbridge and that the South Wiltshire HMA minimum requirement of the Plan period will also not be achieved.
- 5.6 The evidence base does not define what it considers to constitute a “strategic priority” but it would be expected that the shortfalls in housing delivery referenced above, would fall within this category.

- 5.7 Stage 2 (Strategic Assessment) sets out the 'exclusionary criteria', and identifies those sites which are rejected from further consideration. The first bullet point to Table 4.1 [TOP/02] identifies, as an exclusionary criteria, those sites which are fully or partly within a Principal Employment Area, or other existing development plan allocations.
- 5.8 Such an approach is not considered to be justified as a basis for the complete rejection of a potential reasonable alternative. By way of example, land promoted by Persimmon Homes (Land at Biss Farm, Trowbridge: ref: 3247) was excluded from further assessment at Stage 2a on the basis that the site is located within a designated Principal Employment Area ('West Ashton Road' – WCS Core Policy 35).
- 5.9 No assessment as to the suitability and deliverability of this site for employment was undertaken within the site selection process. Such an approach is not considered to be consistent with national policy. In this context, paragraph 22 of the NPPF confirms that planning policies should avoid the long term protection of sites allocated for employment where there is no reasonable prospect of a site being delivered for that purpose.
- 5.10 Furthermore, Paragraph 161 of the NPPF clearly requires that reviews of land available for economic development should be undertaken at the same time as, or combined with, Strategic Housing Land Availability Assessments and *"Should include a reappraisal of the suitability of previously allocated land."*
- 5.11 The site selection process has been advanced without any re-appraisal of land allocated for employment.
- 5.12 Land at Biss Farm is identified in the SHELAA [SHELAA 18] (Site ref: 3247), where it is considered to be suitable, available, achievable and deliverable for residential development. It is explained in the SHELAA methodology [SHELAA 01] at paragraph 2.4 that *"more detailed for suitability of land for employment uses will be carried out as part of the Employment Land Review process."*
- 5.13 The latest iteration of the Wiltshire Employment Land Review as published on the 31 May 2018, with the WHSAP submitted on the 31 July 2018. The Employment Land Review is not referenced in any of the following Examination documents: The WHSAP submission document [WHSAP 01.01]; the Schedule of Proposed Changes [WSHAP 03.01]; the Site Selection Process Methodology [TOP 02]; or, Topic Paper 4: Development Plan Proposals Addendum [TOP 04C].
- 5.14 Paragraph 7.22 of the 2018 Employment Land Review specifically considers the de-allocation of sites and correctly notes that if there is no reasonable prospect of delivering a proposal within the plan period then it should be deleted or amended. In the context of land at Biss Farm, this is subject to a live planning application (LPA Ref: 17/09961/OUT) for a mixed use development comprising residential development, extra care facility, primary school and pub/restaurant.

- 5.15 A detailed review of the Biss Farm Site through the site selection process would have identified that prior to its inclusion within the Principal Employment Area through the adopted WCS (2015), the site was allocated in the previous Local Plan (the West Wiltshire District Plan, adopted 2004) and the preceding West Wiltshire Local Plan (1996). Indeed, it is recognised in the 2018 Employment Land Review that there is a history of unimplemented permissions and that despite being allocated since the 1990s the site has not come forward for employment development.
- 5.16 This is of particular relevance in the context of the acknowledged shortfall in housing delivery at Trowbridge. Topic Paper [CATP/17a] states that notwithstanding this shortfall against the WCS requirements, the proposed allocations *“are considered to be the best and most appropriate options to allocate at the town, when compared with all reasonable alternatives”*. Such a conclusion is not considered to be justified as the site selection process has not considered all reasonable alternatives owing to the exclusionary criteria and the failure of this process to consider appropriately the reappraisal of land currently allocated for employment.

Neighbourhood Plans

- 5.17 Paragraph 5.4 of Topic Paper 4: [TOP/04C] confirms that the WHSAP aims to complement work undertaken by local communities in terms of preparing Neighbourhood Plans. It states that *“Where Neighbourhood Plans have been ‘made’ or are well advanced the Plan leaves decisions on the scale and locations for growth in settlements to the communities concerned.”* The definition of a ‘well advanced’ neighbourhood plan is provided at footnote 14 to the Site Selection Process Topic Paper [TOP/02], as those plans which have been publicised under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 5.18 The Regulation 16 stage is where the LPA is satisfied that the draft plan complies with the statutory requirements set out in the Town and Country Planning Act 1990 (as amended). It does not conclude whether or not the basic conditions have been satisfied, as this can only be undertaken once the draft plan has been subject to independent examination.
- 5.19 As specific example of the apparent inconsistent approach to Neighbourhood Plans in the WHSAP relates to the settlement of Market Lavington (Devizes Community Area). Within Topic Paper 6 [TOP/06C], it confirms an indicative residual requirement of 81 dwellings (-16.5%). In order to meet this requirement the Submission WHSAP proposed allocations, including land at Underhill Nursery/Fiddington Hill (c.50dwellings) (site ref 2055/530).
- 5.20 However, as explained in the Topic Paper [CATP/06] the Schedule of Proposed changes proposes to delete site allocations that emerged as preferred sites in the site selection process. This is justified at paragraph 7.2 [CATP/06] on the basis that there is a significant supply within the East HMA and furthermore; *“there is the opportunity, as set out at paragraph 6.4, for the Market Lavington Parish Council to allocate land for housing in their emerging Neighbourhood Plan.*

- 5.21 The status of the Neighbourhood Plan as explained in the July 2018 Topic Paper [CATP/06] was: “*The Qualifying Body are making good progress towards finalising the Regulation 16 version of their plan*”. It should be made clear that at the time of preparing the July 2018 Topic Paper and to date, the Market Lavington Neighbourhood Plan has not reached Regulation 16 stage, which is clearly referenced with footnote 14 of Topic Paper 2 [TOP/02] as the stage at which a Neighbourhood Plan could be considered to be well advanced.
- 5.22 The approach to Market Lavington and subsequent removal of proposed allocations represent an inconsistent and flawed approach to Neighbourhood Plans. Moreover, the apparent key determinant of the wider HMA land supply in the decision to allocate sites at settlements / areas where there is an identified shortfall, is in itself flawed as it conceals housing shortfalls within HMAs.

6. ISSUE 3: 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?

- 6.1 **PC18** and **PC21** sets out the variation in committed and planned housing delivery compared with the WCS indicative housing requirements. Such variation is concealed in the HMA data table [**PC15**] through the inclusion of windfall and as a result of the cumulative presentation of housing delivery, whereby significant over-provision in one settlement off-sets deficits in another.
- 6.2 In doing so this presents an inaccurate and misleading analysis of housing delivery and therefore it is necessary consider the housing delivery position at the more localised / settlement level. Whilst some of the identified shortfall [**PC18**, **PC21** and **PC27**] is negligible, significant shortfalls remain throughout Wiltshire at a range of settlements and locations.
- 6.3 Where shortfalls have been identified, and cannot be accommodated by additional sites (reasonable alternatives) within that particular settlement, this should necessitate the need to consider development options at settlements that are well located, and closely related to, the settlement where the shortfall is arising.
- 6.4 The site selection process, specifically stages and 1 and 2, prevents the WHSAP from considering such options, specifically where indicative requirements have already been met. It imposes a moratorium on wider opportunities for development, failing to provide a policy framework that responds positively to delivery constraints through the consideration of alternative strategies / development options, which could compensate for under-delivery.
- 6.5 In the case of Trowbridge, the WHSAP is being advanced on the basis that a significant level of development will not be provided for. Westbury is well located to Trowbridge and has the potential to provide a positive response to the shortfalls at Trowbridge. However, the site selection process does not consider additional development options at Westbury in this context, as the site selection processes concludes at Stage 1, on the basis that the indicative residual requirement for Westbury is met.
- 6.6 In the case of the Southern HMA, it is accepted that the proposed allocations are not sufficient to meet the minimum requirement. The SA and site selection process, however, has resulted in sustainable and reasonable alternatives being discarded without due consideration. For example, Persimmon control a site at Downton Road, Salisbury that was discounted at stage 3 due to scoring (in the Council's view) five moderate adverse effects. Substantial evidence was provided at pre-submission stage to demonstrate why this view was flawed but this seems to have been disregarded by the Council. In circumstances where the proposed allocations are not sufficient to meet requirement, such an approach is unacceptable.

- 6.7 The failure of the WHSAP to satisfy the WCS requirement demonstrates that the plan is not effective and therefore not sound. It is considered necessary that reasonable alternative development options, to include the re-distribution to appropriate settlements, should form part of the site selection process. This should include an assessment of suitable sites at other locations, and the potential of such options to support, as far as possible, the spatial objectives as settlements where the shortfall is arising.

7. ISSUE 4: QUESTION 4.2

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

- 7.1 Concerns regarding the extent to which reasonable alternatives have been considered and tested are set out in our response to previous questions.