

# **WILTSHIRE HOUSING SITE ALLOCATIONS PLAN (WHSAP) EXAMINATION**

## **MATTER 2:**

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

**ON BEHALF OF: ROBERT HITCHINS LIMITED**

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**2. 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?**

2.1.1 Core Policy 1 sets out the settlement strategy and identifies the different tiers of settlements based on the understanding of the role and function. The settlement strategy is then coupled with the Delivery Strategy in Core Policy 2 which seeks to deliver development across Wiltshire in the plan period according to the HMAs.

2.1.2 The WCS Inspector identified that there was a need for 44,000 homes across Wiltshire (paragraph 78 of Inspectors Report). However, the Inspector found a requirement of 42,000 homes to be sound as this would provide a significant boost whilst being achievable (paragraph 80) and that this would be reviewed by a SHMA in early 2016 (paragraph 81).

2.1.3 Core Policy 2 of the WCS provides the minimum housing requirement for each HMA, which provides for a minimum of 41,100 homes with an additional 900 at the West of Swindon (totalling 42,000); but enables some flexibility within each HMA e.g. as set out in paragraph 4.34.

2.1.4 Paragraph 4.20 of the adopted Core Strategy states that Wiltshire's proposed housing requirement is set out against defined sub county areas as identified in the SHMA i.e. East Wiltshire, North and West Wiltshire and South Wiltshire HMA. It is therefore necessary that these are met or exceeded as a minimum.

2.1.5 Whilst it is noted that it is not the purpose of this examination to re-open any discussions on matters that were considered at the examination of the WCS nevertheless as the Council consider that they can demonstrate in excess of the OAN (44,000 dwellings) they are obliged by the NPPF 2012 to have a housing requirement that reflects this figure (ref paragraph 47).

2.1.6 The new SHMA (2017) published to inform the review of their local plans including the preparation of a non-statutory Joint Spatial Framework to enable each plan period to be extended to 2026 has identified that the need is 43,247 dwellings i.e. in excess of Core Policy 2. Similarly, although not relevant for

- the purpose of this examination it remains material that the standard method identifies a need for 44,805 homes.
- 2.1.7 Therefore, whilst the need has remained broadly consistent (44,000 to 43,247 to 44,805), the constraint which was found sound by the WCS Inspector is no longer justifiable. As an inevitable result, Core Policy 2 is out-of-date such that if this is not reviewed all planning applications will be considered in the context of the 'tilted balance'.
- 2.1.8 As the need has already been established through the WCS examination, and it is only the constraint which is out-of-date, it is unnecessary to consider this in detail. The minimum housing requirement should simply be 44,000 to accord with paragraphs 14 and 47 of the former NPPF under which this plan is being examined.
- 2.1.9 Table 1 of the WCS provides indicative requirements for each Community Area (CA) and each sub-CA area. Paragraph 4.20 identifies that these allow a flexible approach which will allow the Council to respond positively to opportunities through the WHSAP.
- 2.1.10 Paragraph 4.30 indicates that these indicative requirements are not intended to be so prescriptive as to be inflexible or ineffective, and that they provide the framework for the WHSAP.
- 2.1.11 Paragraph 4.33 identifies that they provide for an appropriate distribution of housing and the most sustainable pattern of growth. Paragraph 4.33 states that the housing market areas from the appropriate scale for disaggregation across Wiltshire. Indicative requirements are then provided for each Community Area within each HMA.
- 2.1.12 However, paragraph 4.34 goes on to identify that it would be appropriate for the supply in one sub-CA area to contribute to the requirements of another within the same HMA but that it would be wholly inappropriate for the entirety of the indicative requirement to be met within another sub-CA area.
- 2.1.13 Therefore, the minimum requirement for each HMA must be met ideally in accordance with the indicative sub-CA requirements, but there is some flexibility for these to be met elsewhere, where for example, there is

insufficient capacity providing the broad spatial strategy is accorded with (addressed under Issue 3).

**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?**

2.2.1 Annex A in the Proposed Changes (EXAM01) PC15 indicates that if all the sites deliver as anticipated then there is a surplus in all the HMAs. This occurs providing the sites deliver as anticipated by the Council (see below). There is sufficient capacity to exceed the minimum out-of-date housing requirements in the East HMA and the North and West HMA.

2.2.2 The method for calculating the windfall allowance in Wiltshire was considered through the WCS examination and it is specified on page 421 of the WCS. The Council has however chosen to adopt a different windfall allowance which is contrary to the WCS in the interim to produce the figure for South Wiltshire, North and West Wiltshire and East Wiltshire.

2.2.3 The Housing Land Supply April 2014 (published July 2014) provides the windfall figures which accord with the method specified in the WCS and produces a small site windfall allowance.

- For South Wiltshire HMA of only 340 homes in 9 years with an additional large site windfall allowance of 91 homes.
- For North and West Wiltshire HMA, 889 homes from 2017 – 2026 with an additional large site allowance of 220 dwellings.
- For East Wiltshire HMA, 180 homes from 2017 – 2026 with an additional large site allowance of 53 dwellings.

2.2.4 These figures are significantly different than those proposed in the Housing Site Allocations DPD in PC 15 Table 4.7

2.2.5 Furthermore, it should be noted that the large site windfalls will double count the allocations in the WHSAP, as they are large sites which would previously have come forward, but which should now be allocated in the WHSAP. As a result, the large site windfall allowance should no longer be relied upon.

2.2.6 Whilst there is sufficient capacity across East Wiltshire HMA and North and West Wiltshire HMA to meet the minimum out-of-date housing requirements of the WCS if the Council's trajectory is achieved (see below), this will not be in

- accordance with the spatial strategy (addressed under Issue 3) as there is a significant difference between the indicative housing requirement for sub-areas and that which is planned to occur.
- 2.2.7 For example, there are significant shortfalls in three of the higher order settlements in the North and West Wiltshire HMA namely Chippenham Town (264), Trowbridge Town (1,297) and Warminster Town (165).
- 2.2.8 The WHSAP proposes that it is appropriate to meet these indicative requirements (which themselves do not meet needs) in other sub-areas which may result in a fundamentally different spatial strategy, although this may be necessary if the indicative requirements cannot be met.
- 2.2.9 Table C1 of the WCS indicates that the WHSAP and neighbourhood plan allocations are expected as a minimum to address the full shortfall which arises once the windfall allowance of the WCS has been applied.
- 2.2.10 For North and West Wiltshire HMA even with the reduced windfall allowance applied, there is a surplus against the housing requirement. The deliverability of this surplus can be questioned as some of the sites have not come forward as envisaged e.g. sites at Trowbridge, however, a key issue in the consideration of this plan is that the WCS will become out-of-date in January 2020, and consequently if the Housing Site Allocations Plan is adopted later this year it will have a housing requirement that will shortly be out-of-date.
- 2.2.11 It is therefore considered that the housing requirement should be amended to reflect the WCS Inspector's view, *"Overall, the balance of evidence suggests that the objectively assessed housing need, to be disaggregated across the three Wiltshire HMAs, is currently in the region of 44,000 dwellings over the plan period."*
- 2.2.12 We have set out in our representations to the Pre-Submission Draft Plan in September 2017 why there can be no reason for not meeting the full OAN as required in paragraph 47 of the NPPF 2012. The Housing Site Allocations Plan should therefore seek to deliver the OAN of 44,000 dwellings, such an approach would be wholly consistent with the housing requirement of the Core Strategy which requires the delivery of at least 42,000 dwellings.



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

2.3.1 PC 15 provides an update to Table 4.7 to reflect the latest housing land supply statement. Our most recent representations responding to the Proposed changes address these points.

2.3.2 There are a number of sources of supply in the HLSS which should not be relied upon to deliver e.g. windfalls as outlined below.

2.3.3 The Council are now using an approach which gives a higher figure and are relying on a greater number of large windfall sites than found sound by the Inspector for the Core Strategy.

2.3.4 The Council are also allocating sites, therefore the capacity is reduced for windfalls as these sites will come forward as allocations. This would suggest that the number of windfalls will be below the declining historic trend.

2.3.5 It is considered that going forward for the remaining plan period that there is an over reliance on windfalls, this together with the continued uncertainty over the sites proposed in Trowbridge, where the density has been increased, therefore demonstrates the need to consider increasing the number of proposed sites in the Plan, or at the very least to include reserve sites at sustainable market towns.

2.3.6 The Council continue to rely upon the delivery of saved Local Plan allocations in the Table 4.7 of the HLSS, although the number of sites and the contribution from those sites has reduced to 123 dwellings in North and West Wiltshire HMA over the remaining plan period.

2.3.7 The saved local plan allocations from the North Wiltshire Local Plan are:

- Quemerford House and Mill {3 dwellings}

2.3.8 The saved local plan allocations from the West Wiltshire Local Plan are:

- Land off Oldfield Road, Westbury {30 dwellings}
- Station Road, Westbury Town {90 dwellings}

2.3.9 These sites were allocated in June 2006 in North Wiltshire and in June 2004 in West Wiltshire. In the intervening 12/14 years these sites have not delivered and as such they are unlikely to provide a reliable source of supply in the future.

2.3.10 There is a difference in the deliverable housing land supply from that set out in the Housing Land Supply Statement published March 2018 (base date April 2017) as set out in our response to the Proposed Changes.

Plan period supply in North and West Wiltshire

2.3.11 The Council’s trajectory (Housing Land Supply Statement 2017) from which the figures in Annex A to WHSAP 03.01 are taken is now somewhat out-of-date and does not take account of circumstances which have arisen in the interim which affect the overall position for the purposes of the examination.

2.3.12 The following is not a comprehensive review, but rather highlights some of the issues which Pegasus Group are aware of.

2.3.13 The starting point is that according to Table 4.7 of Annex A to WHSAP 03.01, over the plan period in North and West Wiltshire there is a surplus of 144 homes (excluding windfall) or 2,353 (including windfall).

2.3.14 The Council has recently conceded in their rebuttal proof to an appeal at Land at Purton Road, Swindon the following in the North and West Wiltshire HMA:

Site	Reduced capacity across plan period	Reduced capacity within five-years
Rowden Park, Chippenham	-20	-20
Land at Oxford Road, Calne	-2	-2
Land east of Semington Road, Melksham	0	-25
Land east of Spa Road, Melksham	0	-40
Land north of Bath Road, Corsham	-80	-80
Backbridge Farm, Malmesbury CA remainder	0	-50
<b>TOTAL</b>	<b>-102</b>	<b>-217</b>

- 2.3.15 It is also evident that the site at South East Trowbridge will no longer meet its identified trajectory. An outline planning application was submitted on this site in May 2015, which gained a resolution to grant planning permission in April 2018, but for which a S106 agreement has still not been reached and accordingly this site still does not benefit from outline planning permission. In the absence of planning permission, no applications for the approval of reserved matters have yet been submitted and so there is simply no prospect of this site achieving completions in mid-2020 as anticipated by the Council. The most optimistic position is that the site will be delayed by one year which would reduce the deliverable supply and the plan period supply by 250 homes.
- 2.3.16 The Council also rely upon Rawlings Green achieving the first completions in mid-2020. Again this site is subject to an outline planning application which has not been determined and so even optimistically the delivery of this site will be delayed by at least a year which will reduce the five-year supply and the plan period supply by 100 homes.
- 2.3.17 Similarly, the Council rely upon the Persimmon and Hannick West of Warminster strategic allocation delivering next year despite the fact that this remains subject to an undetermined outline planning application. Again, this site will be delayed by at least a year which will reduce the five-year supply by 80 and the plan period supply by 100 homes;
- 2.3.18 The WCS was found sound on the basis of the windfall allowance set out in the WCS. However, in the interim the Council have reviewed the methodology such that the assumed windfall allowance is contrary to the WCS and it has been found to not be supported by robust evidence in the Alderbury S78 Inquiry. Therefore, it is necessary to revert to the windfall allowance set out in the WCS which would now provide 889 homes from 2017-26 rather than the 2,209 identified by the Council in table 4.7 of Annex A of WHSAP 03.01.
- 2.3.19 As a result of the preceding analysis, there is a shortfall of 408 homes (excluding windfall) or a surplus of 481 homes (including windfall) in North and West Wiltshire over the plan period. Therefore, even if all of the sites deliver as anticipated and windfall comes forward as anticipated in the WCS, there is a surplus of only 2% in North and West Wiltshire against the minimum housing requirement. However, against the housing need there will remain a significant shortfall.

2.3.20 In order to ensure that the minimum housing requirement is met, and more importantly that needs are met, it is considered that additional allocations should be identified in North and West Wiltshire.

Five-year supply in North and West Wiltshire

2.3.21 The latest assessment of the Council was undertaken in the context of the former NPPF. This identifies a five-year requirement for 6,508 homes (excluding any buffer) in the period 2017-22.

2.3.22 On this basis the Council identified a 6.25 year land supply excluding any buffer in the Housing Land Supply Statement April 2017 based on a deliverable supply of 8,130 homes.

2.3.23 However, the Council now identify that as a result of changes to the proposed allocations this has reduced to 6.21 years in Table 4.8 of Annex A to WHSAP 03.01.

2.3.24 Whilst the total deliverable supply or the components of this are not provided by the Council, it can be calculated that a 6.21 year land supply would require a deliverable supply of between 8,083 and 8,084 homes rather than the 8,130 identified in the Housing Land Supply Statement.

2.3.25 The requirement for 6,508 homes adopts the Liverpool approach which was found to be sound as an interim measure at the WCS examination, given that the former PPG which identified a preference for the Sedgefield approach was published through the course of the examination, and the Council were unable to demonstrate a sufficient supply using the Sedgefield approach.

2.3.26 The WCS Inspector found this sound on the basis that it would be reviewed annually through five-year land supply updates within the SHLAA (paragraph 98 of WCS Inspectors report).

2.3.27 In the intervening 4 years the Council has not reviewed the approach once but has rather left this for S78 appeal Inspectors.

2.3.28 The new PPG (3-044) identifies that the Sedgefield approach should apply unless an examining Inspector has identified that a different approach should be adopted. No Inspector has reached such a conclusion in Wiltshire which applies at the current time and accordingly it is necessary to adopt the

- Sedgefield approach in Wiltshire, consistent with the findings of the Alderbury appeal Inspector.
- 2.3.29 The use of the Sedgefield approach in accordance with the PPG would result in a five-year requirement for 6,767 homes excluding any buffer.
- 2.3.30 Once a 5% buffer is applied this would produce a five-year requirement for 7,105 homes. The starting point for the Council based on their adjusted deliverable supply of between 8,083 and 8,084 homes is that they are able to demonstrate a 5.69 year land supply. However, the identified supply is flawed for a number of reasons.
- 2.3.31 Firstly, the Council has conceded that 217 of these are not deliverable (see Table above) in an ongoing appeal. This would reduce the supply of the Council to 7,867 or a 5.54 year land supply.
- 2.3.32 As described above the sites at South East Trowbridge, Rawlings Green and West of Warminster have also been subject to delays since the Housing Land Supply Statement was produced which reduces the deliverable supply by a further 430 homes to 7,437 or a 5.23 year land supply.
- 2.3.33 The WCS identifies the methodology for calculating the windfall allowance on page 421. This was tested by the WCS Inspector, found to be sound and forms part of the development plan. This approach would result in a windfall allowance of 583 homes in five-years in North and West Wiltshire.
- 2.3.34 However, the Council now adopt a different methodology contrary to that specified in the WCS which identifies a windfall allowance of 980 homes in five-years. This revised approach was dismissed by the Alderbury Inspector recently. Once the correct windfall allowance is assumed, this would reduce the deliverable supply by a further 397 homes to 7,040 or a 4.95 year land supply under the former NPPF for the purposes of the examination.
- 2.3.35 There are a host of other sites which have been delayed since the Housing Land Supply Statement was produced in April 2018 but it is unnecessary to consider these as even based on the few sites above it is clear that the Council are unable to demonstrate a five-year land supply even if all of the emerging allocations are found to be sound.

- 2.3.36 Furthermore, the moment before and after adoption of the WHSAP, the five-year land supply will be tested under the new NPPF which identifies that sites subject to outline planning permission and allocations should only be considered deliverable where there is clear evidence that completions will begin within five-years.
- 2.3.37 The Council's supply of 7,040 homes includes a total of 3,515 homes on such sites and the Council has not provided any clear evidence that completions will begin on these within five-years. Therefore, the five-year land supply shortfall (based on the currently available evidence) will be much more pronounced following the adoption of the WHSAP.
- 2.3.38 The minimal surplus over the plan-period against a minimum housing requirement which does not meet needs coupled with the absence of a five-year land supply under either the former or current NPPF necessitates the identification of additional sites for the WHSAP to be sound and for it to be effective post-adoption.

**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?**

2.4.1 It is considered for the reasons set out in our representations that the minimum housing requirement is no longer justified and it is out-of-date.

2.4.2 In North and West Wiltshire, the WHSAP does just about make sufficient provision providing windfall comes forward alongside the allocations. However, the WHSAP does not make sufficient provision to demonstrate a five-year land supply and so the development plan policies will instantly be considered out-of-date without additional provision.

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

2.5.1 The Council has not prepared trajectories for these sites and so it is not possible to assess the realism of the trajectories assumed by the Council. The absence of such trajectories undermines the assessment of the soundness of the WHSAP, especially given the concerns about articulated in paragraph 3.4.1.



**3. 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?**

3.1.1 No comments.

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

3.2.1 No comments.

**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*).**

3.3.1 No comment.

**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?**

3.4.1 In our representations in respect of the North and West Wiltshire HMA, we have questioned the deliverability of some of the sites. Land has not come forward at the two Principal Settlements as envisaged in the Core Strategy. Whilst land has come forward at the market towns within the HMA and exceed rates. However, the indicative levels of housing for market towns are not a ceiling and according to the Plan variations would not seem to present new or significant issues for local infrastructure and environmental capacity.

**4. 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?**

4.1.1 Pegasus has no comments on this question.

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

- 4.2.1 Pegasus has not made any representations on the consideration of alternative sites and their assessment.

**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?**

4.3.1 This is more of a matter for the Council.

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

4.4.1 This is more of a matter for the Council.



**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?**

4.5.1 This is more of a matter for the Council.

**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?**

4.6.1 This is more of a matter for the Council.