

Briefing Note 355

Wiltshire Housing Site Allocations Plan

Response by North Bradley and Market Lavington Parish Councils

1.0 Introduction

Wiltshire Council is currently preparing its Housing Site Allocations Plan (HSAP). Section 1.2 of the above briefing note invites further comments on the proposed schedule of changes by noon on 11th June 2018. This document is such a response, with detailed comments being made in section 3.

1.1 Both Market Lavington and North Bradley Parish Councils are coincidentally midway through preparing neighbourhood plans (NDP's) and are alarmed and concerned that the HSAP as written and as modified by the proposed schedule directly conflicts with the Localism Agenda on which neighbourhood planning is based and which Wiltshire Council is bound by. Specifically, Localism is intended to enhance community involvement in planning whereas the HSAP process has led to ignoring a great deal of work undertaken selflessly by community volunteers and aimed at helping Wiltshire deliver necessary housing *with community support*.

1.2 Notwithstanding statements made by Wiltshire Council's officers, members should be aware that the above two neighbourhood plans have received professional advice and it is clear to them that the HSAP, as written, risks being found to be unsound at Examination, for the reasons that follow. As presently drafted, both Parish Councils will have no alternative but to object at the EIP and argue that the HSAP be rejected as unsound. They also intend to approach the Secretary of State directly about the HSAP and with specific and general comments about the failings of the present neighbourhood planning service provided by Wiltshire Council to NDP groups. The results of these exchanges will be published in the local press via the NDP groups' media officer. They will also approach their local MP's to ask that questions be raised at higher levels. You should not underestimate the anger and disappointment that is currently being felt, nor the determination that exists to put the situation right.

1.3 Conflicts in terms of site allocations exist between the HSAP and both the above neighbourhood plans, and these unfortunately stem from a fundamental misinterpretation of the Regulations by Wiltshire Council. This has resulted in a deeply flawed planning process, likely to undermine the HSAP. Members need to be aware of this, because it conflicts with what they are being told by officers. It has also caused the volunteer groups, giving up their time to produce the neighbourhood plans, to conclude that Wiltshire Council still prefers a traditional pre-localism, top-down planning approach rather than one based on co-operation and co-ordination with neighbourhood planning in Wiltshire.

1.4 As a result of the Wiltshire approach, there is now an emerging conflict between many neighbourhood plans and Wiltshire policy. This is completely unnecessary and most regrettable – but there is still time to put this right and deliver the housing we need with community consent.

1.5 Numerous attempts have been made to begin a dialogue for example:

North Bradley:

- Response to HSAP – August 2017 (detailed explanation of emerging conflict)
- Letter to Spatial Planning – March 2018

Market Lavington:

- Letter of Concern 28th June 2017
- Response to HSAP – August 2017 (detailed explanation of emerging conflict)
- Letter 29th August 2017
- Letter 26th September 2017

However, Wiltshire Council shows little interest in genuine partnership working.

1.6 The slow and inadequate responses to these urgent pleas to co-operate in planning Wiltshire's future, together with poor levels of support in general (see below) indicate that Wiltshire Council still prefers traditional top-down planning and does not want real engagement between neighbourhood plans and their own strategies.

The consequences for this flawed approach, if not corrected, are likely to include:

- The rejection of the HSAP at Examination
- Damage to the image of Wiltshire Council if seen to be ignoring Localism and the rights of the community to have a fair say in planning their future (the debate will extend into the local press).
- Considerable loss of public money and time (the Parish Council's intend to submit a freedom of information request to determine how much has been spent by Wiltshire Council. Grant payments to the NDP groups are also likely to have been wasted if the plans continue to be ignored).
- Significant extra work for neighbourhood plan groups and widespread damage to the reputation of neighbourhood planning in Wiltshire (the two PC's are in contact with other groups who also have concerns they are considering bringing to the EIP and the Secretary of State).
- Delays in delivering the necessary housing for Wiltshire

1.7 It is essential that members realise that conflict between neighbourhood planning and the HSAP is not what the NDP groups want. They are not opposed to providing the necessary housing for Wiltshire; the disagreement is ONLY over whether this should be met – at least partly - through the democratic, community-based approach of neighbourhood planning or whether sites should be imposed in a top-down manner by Wiltshire Council. The latter approach is what the HSAP uses.

1.8 Both NDP's have good strategies, based on factual professional evidence that command public support. However, they, like all neighbourhood plans in Wiltshire, have been effectively ignored by the HSAP process. The statement at 3.3 in the Briefing Note that a comprehensive approach to neighbourhood planning has been taken is false. The actual approach, contrary to Government guidance, has been to deliberately ignore all neighbourhood plans until near their final stages (Reg 16). This delay in engaging with local groups has created the present conflict and could easily have been avoided. The Wiltshire approach contrasts with more enlightened approaches elsewhere – for example at East Cambridgeshire Council - Neighbourhood planning does not have to be done this way.

2.0 **Background to Reasoned Justification**

Section 3 following contains detailed responses to the Schedule contained within the Briefing Note. However it is considered essential for members to realise just how flawed the HSAP process has been and so it is first necessary to present some basic arguments to set the comments in context.

2.1 The present approach of the HSAP is to take note of neighbourhood plans *only after they reach a very advanced stage* (Regulation 16 stage – i.e. submission). This is far too late, and it means that NDP groups may in some cases have been patiently working up proposals for years only to have them overridden at the last minute by the HSAP, with huge waste of effort and money resulting (it should be remembered that the NDP groups are funded by Government grants, so this is tax-payer's money that is being thrown away on abortive work).

2.2 In fact, Annex 1. Paragraph 216 of the NPPF says:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

2.3 Wiltshire Council's approach is far too crude in giving no weight at all before the Reg.16 stage and only after that considering it relevant. The NPPF implies a much more nuanced and gradual approach.

In fact, Planning Practice Guidance explicitly requires decision makers to '*respect evidence of local support prior to referendum*' – that is BEFORE Reg.16 has been reached.

Planning Practice Guidance Neighbourhood Planning para 07 says:

'An emerging neighbourhood plan may be a material consideration. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies.... Decision makers should respect evidence of local support prior to referendum when seeking to apply weight to an emerging neighbourhood plan.It is for the decision maker in each case to determine what a material consideration is and what weight to give it.'

2.4 In summary, the Wiltshire approach relies on a very narrow view of the Regulations and ignores three main things:

- The wider regulatory context including planning practice guidance
- Best practice elsewhere
- Recent judgements in the Courts.

The above points will be explored below.

2.5 **The wider regulatory context.**

Consultation.

The statement at 3.3 of the Briefing Note that a *'comprehensive assessment of neighbourhood plan's across Wiltshire has also been undertaken'* is simply not true. A rough census of plans has been compiled but the approach has been to ignore **their actual proposals** until Regulation 16 and this falls far short of what is required by the Regulations.

Additionally, while Parish Council's were consulted, there was no direct consultation with Neighbourhood Plan Steering Groups – these are semi-autonomous and simply consulting the Parish Council is not sufficient. Both North Bradley and Market Lavington Steering Groups communicated their ideas to Wiltshire Council at an early stage but these were brushed aside and an attempt made to impose the HSAP against community wishes.

2.6 Duty to co-operate

The duty to co-operate in relation to planning of sustainable development is enshrined in law through Section 33A of the Planning and Compulsory Purchase Act 2004 (PCPA) (inserted by Section 110 of the Localism Act 2011). It is also included within the National Planning Policy Framework (NPPF). The NPPF Paragraph 157 states: *'Crucially, Local Plans should ... be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations'*.

PPG adds:

'The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.'

Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan'. Paragraph: Planning Practice Guidance, Neighbourhood Plans, 009 Reference ID: 41-009-20160211.

Regarding the duty to co-operate, PPG says:

'The duty requires active and sustained engagement. Local planning authorities and other public bodies must work together constructively from the outset of plan preparation to maximise the effectiveness of strategic planning policies. It is unlikely that this could be satisfied by consultation alone. Local planning authorities that cannot demonstrate that they have complied with the duty will fail the independent examination process'. Paragraph: 009 Reference ID: 9-009-20140306

- 2.7 while a list of prescribed organisations is set out in Regulation 4 of the Town & Country Planning (Local Planning) (England) Regulations 2012 as amended (the Regulations), it is not generally realised that this list is NOT EXHAUSTIVE. It does not specifically list parish councils or neighbourhood plan groups. However the Regulations DO stress the need for co-operation in the preparation of plans and it seems essential therefore that such close co-operation exists where Wiltshire Council is preparing a Local Plan and well-established neighbourhood plan groups are likewise engaged. How can good, efficient and democratic planning happen otherwise?
- 2.8 In fact, attempts by the NDP teams to work with the LPA have been rebuffed, with local proposals over-riden by Wiltshire Council. There has been none of the collaborative working required by PPG . Wiltshire Council has decided to ignore the actual content all plans until a very late stage – despite the years of unpaid voluntary work and tens of thousands of tax pounds that that have gone into them by that point. This wastage of community effort, goodwill and public money cannot be either wise or correct.

Let's see what PPG has to say about the nature of the co-operation required:

'Cooperation should take place throughout Local Plan preparation – it is important not to confine cooperation to any one point in the process.

Local planning authorities and other public bodies need to work together from the outset at the plan scoping and evidence gathering stages before options for the planning strategy are identified. That will help to identify and assess the implications of any strategic cross boundary issues on which they need to work together and maximise the effectiveness of Local Plans. After that they will need to continue working together to develop effective planning policies and delivery strategies. Cooperation should continue until plans are submitted for examination and beyond, into delivery and review.

Local planning authorities should bear in mind that failure to demonstrate compliance with the duty at the Local Plan examination cannot be corrected after the Local Plan has been submitted for examination. The most likely outcome of a failure to demonstrate compliance will be that the local planning authority will withdraw the Local Plan'. PPG Paragraph: 012 Reference ID: 9-012-20140306

2.9 In connection with the NDP's of North Bradley and Market Lavington, there has been no:

- Early pre-HSAP-publication discussion of sites
- No joint working groups established
- No detailed responses given to very detailed submissions
- No attempt to create a joint, as opposed to Wiltshire Council strategy, by combining or 'trading' sites to reflect local wishes.

2.10 Wiltshire Council's approach seems to be to take no note of emerging policies or sites in neighbourhood plans until Regulation 16 – right near the end of the NDP process. How can this be working *'together from the outset* (emphasis ours) *at the plan scoping and evidence gathering stages before options for the planning strategy are identified'*? How can over-riding years of work by community volunteers be helping to minimise *'any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies'* (PPG)? Simply providing some very basic support yet making no effort to take on board emerging NDP ideas or respond to requests to harmonise the merging HSAP strategy with that of emerging NDP's cannot be meaningful co-operation or consultation.

2.11 By eschewing effective and meaningful partnership working in favour of quicker, cheaper but far less democratic top-down planning, it is impossible to deliver what Government guidance requires – see PPG 009 Reference ID: 41-009- 20160211;

'The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies'

The present Wiltshire approach of ignoring emerging neighbourhood plan sites until the plan submission stage makes conflict inevitable. What should have happened was that Wiltshire Council should have done an audit of emerging NDP sites before producing the HSAP and then seen if any of these could be taken forward in a joint planning process. THIS CRUCIAL STAGE WAS OMITTED.

2.12 Localism

The Localism Act 2011 was designed to give local communities more control over what happens in their areas. The NPPF emphasises this, clearly indicating that giving local communities a say in planning is crucial; indeed, this forms one of the Core Planning Principles set out in paragraph 17 of the Framework:

'Within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision-taking. These principles are that planning should:

*be genuinely plan-led, **empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.** Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;'*

2.13 Since the Localism Act, the direction of travel of Government policy towards neighbourhood planning has been clear; successive measures have strengthened it – including the 2017 Neighbourhood Planning Act. Wiltshire Council officers seem unwilling to acknowledge this changed context, but it is clear from ministerial statements and court judgements (of which more later). Other authorities are also responding more positively.

2.14 What the parish councils would have liked would have been an early review of emerging sites and an agreed joint approach. It is quite in order for an NDP to propose alternative sites to an emerging Local Plan – yet this cannot take place unless the LPA is willing to co-operate. The NDP teams feel that they have been denied this ability.

'A neighbourhood plan can propose allocating alternative sites to those in a Local Plan, but a qualifying body should discuss with the local planning authority why it considers the Local Plan allocations no longer appropriate. In rural areas, all settlements can play a role in delivering sustainable development.' PPG Paragraph: 044 Reference ID: 41-044-20160519

PPG continues:

'If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress'. PPG Paragraph: 043 Reference ID: 41-043-20140306

2.15 It might be argued that involving NDPs could slow down delivery of strategic needs, but this need not be the case. Both the NDP's the subject of this Response and the HSAP are at similar stages. NDPs are also generally faster than traditional local plans.

Nationally, two studies by the DCLG have conclusively demonstrated that NDP's actually deliver MORE housing and do it faster than do traditional Local Plans. (<https://www.gov.uk/government/collections/notes>)

2.16 **Best practice elsewhere**

Wiltshire Council officers argue that they are impelled to take their present approach due to the pressing need to deliver strategic housing. However, this is false. Not only are the timescale of NDPS and the HSAP similar, other authorities are pursuing more enlightened approaches, where neighbourhood planning and local planning co-operate much more closely and efficiently.

2.17 For example, East Cambridgeshire District Council, gives weight to emerging NDP's at this stage. East Cambs., talking about their Local Plan on their website states:

"To support Neighbourhood Planning, the East Cambs Local Plan (which is at an early stage of preparation as at January 2016) will:

- *Be prepared expediently to ensure an up-to-date Local Plan is in place;*
- *Address clearly and fully the strategic priorities for the district;*
- *Clarify which policies are "strategic" (and which are "non-strategic");*
- *Acknowledge the ambitions of any emerging neighbourhood plans, ensuring Local Plan policies are carefully worded to avoid any future conflict with Neighbourhood Plan policies; and*
- *Leave 'space' for Neighbourhood Plans – some (non-strategic) issues may be more effectively dealt with through Neighbourhood Plans". (E Cambs Website).*

This is a far more positive and pro-active stance than is being taken by Wiltshire Council.

2.18 **Recent Government Statements and the Courts.**

The direction of travel for neighbourhood planning is clear – the Government supports it and considers that it has a firm place in the planning system. The Courts are also starting to interpret Planning Law and Regulations insofar as they relate to neighbourhood planning and these show an increasing tendency to support the early consideration (and attribution of weight to) emerging neighbourhood plans.

2.19 Take for example the case of *Crane V Secretary of State for Communities and Local Government* (2015) EWHC 425. In his judgement, on Monday 23rd February 2015, Mr Justice Lindblom stressed that Neighbourhood plans are seen by the Government as an important part of its "localism agenda". He quotes the Secretary of State in a decision letter dated 17 April 2014, which places great weight on the policies of a neighbourhood plan because of paragraphs 183 to 185 of the NPPF, which 'underlines the Government's commitment to neighbourhood planning as a process in which communities are able *"to develop a shared vision for their neighbourhood"* ..and to *"shape and direct sustainable development in their area"*

2.20 Justice Lindblom also quoted the "Core Planning Principle" set out in paragraph 17 of the NPPF that planning should *"be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area"*

2.21 The effect of this and other judgements must be to emphasise that weight should be given earlier in the process to neighbourhood plans and in particular that communities should have power and influence in planning for their areas. What this means and indicates in relation to the case of the North Bradley and Market Lavington NDPs, is that the ability of a community to influence development in their area is being accorded much greater weight in the courts and by the Secretary of State than it is by Wiltshire Council.

2.22 Resources

It is understood that the Council is facing staffing problems and that resources for Plan production are tight. However this is not a good enough reason to ignore obligations under the law. Wiltshire Council in fact receives over £30,000 in Government support specifically ear-marked for each neighbourhood plan. However the money does not appear to be getting through and appears to be diverted onto other causes. Market Lavington and North Bradley Parish Councils therefore intend to submit a Freedom of Information Request to demonstrate how the funds have been used.



In North Bradley residents and volunteers have been working for free for almost two years to create their neighbourhood plan.

3.0 Comments on the Schedule

Comments on the Schedule are presented in two tables, one for Market Lavington and one for North Bradley, below. However by way of some general observations: The schedule of changes in the Briefing Note refers to neighbourhood plans hardly at all – and then only in connection with boundary changes. Both North Bradley and Market Lavington Parish Councils submitted extensive responses – yet these remain unacknowledged in the schedule. This seems indicative of Wiltshire Council’s general attitude to neighbourhood planning and is of very great concern.

3.1 Market Lavington

Market Lavington Parish Council has been developing a plan for over 3 years, and has attempted to maintain a dialogue with Wiltshire Council throughout NDP production. While this has been somewhat one-sided, a letter was received from Alistair Cunningham (Director, Economic Development and Planning) dated 3rd July 2017 that seemed to offer some hope;

‘If the Market Lavington NP can now be progressed quickly, it could very well overtake the draft Housing Site Allocations Plan and thereby remove the need for this Council to progress proposals at the village. As anticipated by legislation, national and local planning policy, we will of course continue to support the Steering Group in developing the NP. However, I ask that you, or your consultant, arrange to provide officers with a clear timetable for the next steps in preparing the document. This will help determine whether there is a need to amend the draft HSAP in due course’.

A timetable was promptly provided, but the sites suggested by the NDP have been ignored in the recent schedule of changes this commitment seems not to have been honoured.

3.2 Specific comments regarding to the Schedule are given in the table below. What is sought is, as implied in the letter from the Director, a ‘trading’ of sites, whereby the strategic need for Market Lavington is met through the sites of the NDP which have local support rather than through the imposed strategy of Wiltshire Council.

Reference	Description	Comment
PC 13	Claim that 1247 homes at Ashton park will not be built until after 2026	Evidence supporting this is weak and the statement should be revised. See North Bradley section below.
PC 18	Policy H1 proposes allocating: <ul style="list-style-type: none"> • Underhill Nursery (50 homes) • Southcliffe (15 homes) • East of Lavington School (15 homes) <p>In Market Lavington parish</p>	Underhill nursery is OPPOSED by the NDP and should be withdrawn in favour of sites that have community support. SEE APPENDIX 1. Southcliffe (15 homes) is allocated by the NDP and East of Lavington School has been re-allocated following Reg 14 Consultation at an increased 20 homes. In lieu of Underhill Nursery, the NDP allocates: Longfield(20 homes) Spin Hill (25 homes) The total number of homes proposed by the HSAP in Market Lavington is 80, and by the NDP 80. In order to deliver the Localism Agenda the NDP sites should replace those proposed by the HSAP.
PC 29	Policy H1	Underhill nursery is OPPOSED by the NDP and should be withdrawn

- 3.3 Market Lavington would also like to raise again their concerns at the poor standard of co-ordination and support provided by Wiltshire Council. For example there have been long periods of time when we have not had an allocated link officer. Eventually, following repeated requests for a Link Officer, Kate Sullivan (Planning Officer) was appointed. Kate made the effort to attend one of our Steering Group meetings, and has been very helpful in obtaining maps etc. however, by her own admission, we were the first Neighbourhood Plan she had worked with, and she struggled with initially getting to grips with the process, and often had to seek further advice before being able to answer any of our questions. The point we would like to make however is that Wiltshire Council receive in excess of £30,000 for each Neighbourhood Plan produced, very little of which it would appear is currently used to directly support Steering Groups, through what is a complex and highly regulated process.
- 3.4 In fact, there have been a number of occasions that Wiltshire Council have themselves caused delays in the progress of the plan. For instance, there was very little communication regarding the on-going submission of SHLAA sites, which resulted in new sites coming to light later in the process, which then needed to be included in consultation and site assessment analysis / the notification extremely late in the process that a 'Housing Needs Survey' was required – arranging this and waiting for the subsequent report caused a delay of approx. 7 months (we first approached Wiltshire Council 15/8/16 to request a survey be undertaken, subsequent report finally received 3/3/17).
- 3.5 That there is no attempt being made to co-ordinate the HSAP and the NDPs is very clear from the fact that our Link officer had prepared for us detailed maps of our sites, several months before the draft HSAP was published in summer 2017. If Wiltshire Council knew of our sites, why was no attempt made to work with us to produce a co-ordinated strategy? A map showing the NDP sites, which would deliver 80 homes – the same as the HSAP – is given in Appendix 2.



The Market Lavington Community has spent hundreds of hours working on the NDP.

3.6 North Bradley

The North Bradley DPD has in fact been developing since November 2016. Early community engagement took place in February and March 2017 and sites consultation took place in spring 2018. After conducting a considerable amount of research and gathering community views, Regulation 14 consultation for the NDP is now imminent and the NDP has been submitted for SEA and HRA Screening. The sites proposed amount to some 90 homes and are given in Appendix 3.

Reference		
PC 13	Claim that 1247 homes at Ashton park will not be built until after 2026	Evidence supporting this is weak and the statement should be revised. See North Bradley section below.
PC 18	<p>The original Policy H2 allocates within the NDP Area: Elm Grove Farm (200 homes) Land off WHBP (150 homes) Southwick Court (180 homes)</p> <p>Number of homes have been raised and this should be reversed – see below.</p>	<p>NDP Opposes Land off WHBP and this allocation should be dropped in favour of the overall NDP plan which has community support.</p> <p>This is as follows: The NDP accepts Elm Grove Farm and Southwick Court.</p> <p>In lieu of WHBP the NDP now allocates:</p> <p>The Paddock (8 homes) 54 Woodmarsh (25) Park Farm (35 homes) Land off Westbury Road, Yarnbrook (22) Total 90</p> <p>The original HSAP housing numbers in North Bradley parish were 530: If the NDP strategy is adopted this would (using original HSAP figures) fall to:</p> <p>Elm Grove Farm (200) Southwick Court (180) NDP sites as above (90)</p> <p>Total 470 – but see below.</p>
PC33	Elm Grove Farm has been increased to 250 homes.	Object – case for this much housing is weak – see below. The figures should revert to those in the original HSAP
PC38/ 39	White Horse Business park reduced to 19.96 ha but housing numbers raised to 225	Object – case for this much housing is weak see- below. The figures should revert to those in the original HSAP.

- 3.7 It can be seen from the above that the North Bradley NDP allocates less housing than that advocated by the HSAP. Government policy states that an NDP cannot propose less development than the development plan. However;
- the HSAP is not yet part of the development plan and the possibility of replacing the proposed site at White Horse Business Park with the NDP sites is still an open possibility.
 - the case of need for housing put forward by the HSAP is flawed for the following reasons:
- 3.8 While the DPD states that there will be a shortfall of 1247 homes, this is disputed. The figure is based on the un-verifiable assumption that the Ashton Park will be much slower in delivery than anticipated (many homes not being delivered until after 2026) and that sites for additional homes therefore need to be identified to avoid a shortfall in housing land supply later in the plan period.
- 3.9 The assumption is presented as fact, however, it relies, according to the HSAP evidence base, simply on the word of the developers who supplied this information (an intention not to develop all of the site until after 2026) to the LPA. An intention or 'finger in the air' estimate of this type cannot be considered to be reliable. The developers may have a vested interest in encouraging the belief that delivery will be slow (so as to get other land allocated in the DPD). They are certainly not equipped with a crystal ball and cannot therefore accurately predict delivery ahead.
- 3.10 This is particularly relevant at the present time, which is one of great economic uncertainty, as the UK struggles with negotiations on Brexit. The share prices of housebuilders have been hard hit by Brexit (making it more difficult for them to raise finance for new housing projects) and many have announced that they are putting new projects on hold. Yet recent announcements by opposition parties in the UK suggest that Brexit, least of all a Hard Brexit, may not even happen. The truth is no one knows how Brexit will pan out, yet the DPD would have us believe that housing developers can accurately predict delivery for up to 9 years ahead! This seems very unlikely, if not impossible.
- 3.11 We then have to consider what would happen should the developers simply change their minds if circumstances change. This is not at all unlikely; should the Brexit logjam be suddenly released (for example if an agreement was reached to stay in the EU or at least the customs union) then the circumstances and attractiveness of development at Ashton Park could change dramatically and almost overnight. This would pump 1000 homes into the housing supply far earlier than the DPD predicts.
- iii. It is likely that the NDP will allocate more sites in its first review (3 years).
 - iv. Windfalls are not likely to provide a large number of homes, but some will be delivered on top of the NDP allocations.
 - v. The parish council is prepared to discuss site numbers at Park Farm and at the Yarnbrook site if a larger number would be helpful.
 - iv. The NDP contains other pro-development policies (such as a general housing policy)

- 3.12 The main reason for opposing the proposed site off A 363 at White Horse Business Park is because of the damage this will do to the landscape setting of North Bradley. This has been clearly demonstrated in the Landscape and Visual Analysis Report (that Wiltshire Council has been sent) - Yet this is completely ignored – including by the HSAP SA – a potentially fatal omission for the HSAP. Community engagement revealed a strong desire to preserve the identity and setting of North Bradley village and to prevent it from losing its identity as a suburb of the principal settlement. See Appendix 4 for maps showing the proposed site and proposed protected area.
- 3.13 The WHBP allocation must also therefore be opposed because it conflicts with Core Policy 29. A landscape protection policy in the NDP takes forward paragraph 5.150 of Core Policy 29 the Wiltshire Core Strategy (WCS). This encourages the community to develop a policy for the rural setting ‘gap’ between the village and Trowbridge in a neighbourhood plan.

‘It is recognised that the villages surrounding Trowbridge, particularly Hilperton, Southwick North Bradley and West Ashton, have separate and distinct identities as villages. Open countryside should be maintained to protect the character and identity of these villages as separate communities. The local communities may wish to consider this matter in more detail in any future community-led neighbourhood planning.’

However, now that the community has accepted their invitation and done this, Wiltshire Council seems to want to ride rough-shod over the result.

- 3.14 While development must take place to provide necessary housing, this should not be at the expense of destroying character and sense of place. If repeated across Wiltshire this would lead to an anonymous sprawl with everywhere becoming simply ‘somewhere on the way to somewhere else’. It is the individual character of settlements that residents value and which underpin the county’s tourism and leisure industries. Development which destroys this is not sustainable since it involves handing on to our descendants something worse than what we ourselves inherited.

3.15 **Defective Sustainability Appraisal**

Sustainability is something that was considered for the HSAP by the HSAP’s SA report (dated June 2017). In the view of the PC, this report is flawed and the HSAP is therefore unsound.

Objective 7 of the SA was *‘Conserve and enhance the character and quality of Wiltshire’s rural and urban landscapes, maintaining and strengthening local distinctiveness and sense of place.’*

- 3.16 Objective 7 should have enabled the plan makers to determine that the site off White Horse Business park (H 2.2) would be harmful to the setting of North Bradley. It is hard to see how they could have avoided this conclusion because paragraph 5.150 of Wiltshire Council's own Core Strategy Core Policy 29, clearly establishes the importance of this area. However, in Section 7.10.74 of the SA itself (regarding this site) we find no mention at all of the impact on the setting of North Bradley at all, except for a statement that:

'The site is situated to the immediate east of North Bradley village and west of the White Horse Business Park. The land comprises a series of agricultural fields / informal open space and, as such, would not maximise the use of previously developed land'.

- 3.17 The score given for this site against Sustainability Objective 7 records only minor adverse effects on landscape. This completely ignores the sensitivity of the area in landscape setting terms as established by WCS paragraph 5.150, to which it fails to refer, and is clearly wrong in terms of actual impact as is proven by the Landscape Setting Report commissioned for the NDP (See map extract as Appendix 4). The latter clearly demonstrates the importance of retaining this area. That the SA could have made such a fundamental mistakes brings its entire credibility into question. Clearly, the crucial importance of the area as a setting for North Bradley was not considered and the SA is therefore flawed and the policies based on it are unsound.

4.0 **Conclusion**

North Bradley and Market Lavington Parish Councils ('the Parish Councils') fully accept the need to deliver strategic housing for Wiltshire and are committed to neighbourhood plans which aim to do just this. However we have a choice in the County about how this is done; through traditional top-down planning by unelected officers or with the help and support of the community they serve via neighbourhood plans.

- 4.1 The Parish Councils do not desire conflict but harmony between the older traditional and newer community based plans. The carefully crafted neighbourhood plans present alternative strategies, with similar aims to the HSAP and are worthy of more consideration than they have received so far.
- 4.2 The proposal from both Parish Councils is therefore that a meeting should take place and that a joint approach should be adopted whereby strategic need is met first by neighbourhood plans sites and only where this is insufficient should strategic sites be imposed.
- 4.3 If this is not done then irreparable harm will be done to the reputation of Wiltshire Council and neighbourhood planning in the county. Public money will be wasted at a time when it is in short supply. The conflict will be carried over into the EIP for the HSAP and into the wider political and public domains and this will delay the delivery of much needed housing. These are consequences that the Parish Councils sincerely want to avoid.

North Bradley Parish Council NDP Steering Group
Market Lavington Parish Council NDP Steering Group

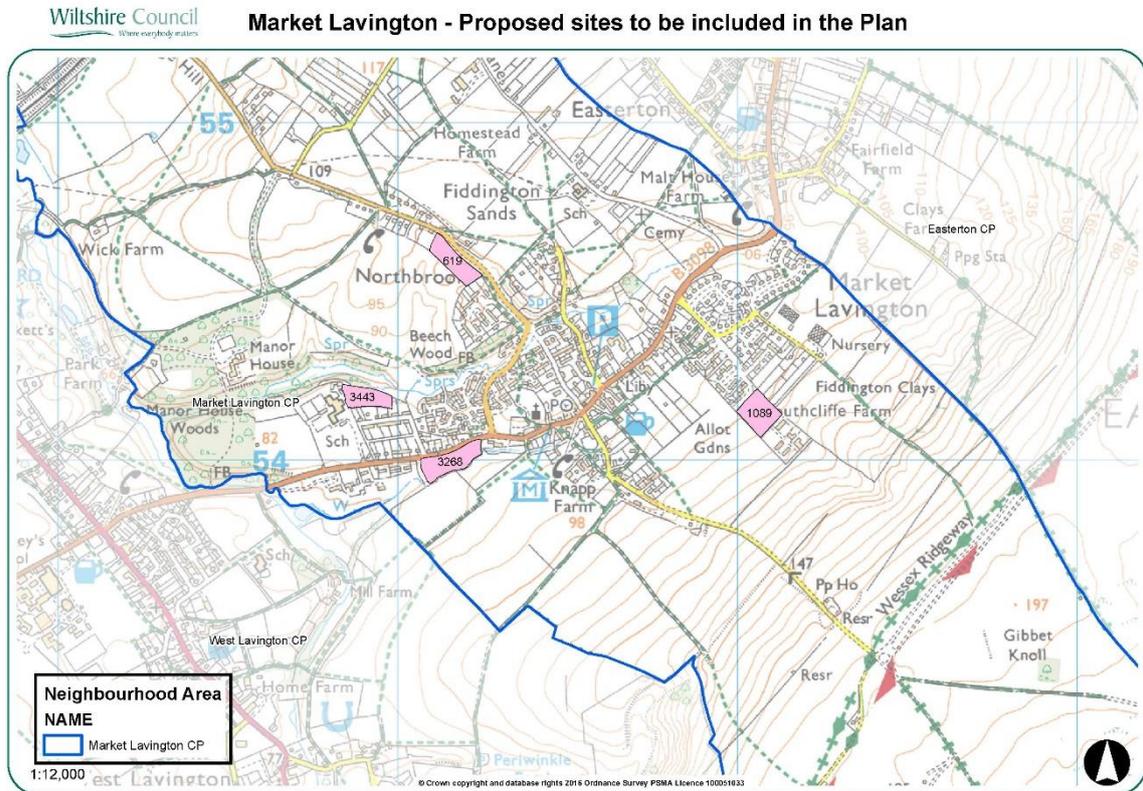
31st May 2018

APPENDIX 1:

Site name / SHLAA no.	Number of Dwellings NDP	Number of Dwellings DPD	Notes / Reasons
Underhill Nursery *	N/A	50	<p>This site was considered and was rejected for the following reasons:</p> <ul style="list-style-type: none"> • It is larger than the preferred size expressed in community engagement and tends to undermine the agreed strategy of a number of smaller sites located around the village (See Appendix 6). • The location is at the end of the village that suffers the worst congestion problems particularly bad pinch point, and mini-roundabout with limited vision – even if access were improved this would create a lot more traffic at exactly the worst location, especially on the High Street, and in Fiddington Clay Road. • The loss would represent a loss of employment possibilities which the NDP is trying to encourage. We would prefer the site to be used for agriculture, horticulture or suitable rural businesses. • The site is prone to bad flooding, being located at the bottom of a hill. This problem is likely to grow due to climate change. Development could add to the problem. • Soil contamination is likely to be present after horticultural use • Alternative sites are available (and proposed) in the NDP which adequately provide for the sustainable growth of Market Lavington <p>If not removed, this site proposal will effectively undermine the existing neighbourhood plan, which seeks to ‘plan by consent’ – giving local people a direct say in how and where Market Lavington grows. If the site is imposed, regardless of the NDP, then it could destroy confidence in neighbourhood planning and Localism generally.</p> <p>The Parish Council therefore respectfully requests that this site be dropped from the DPD.</p>

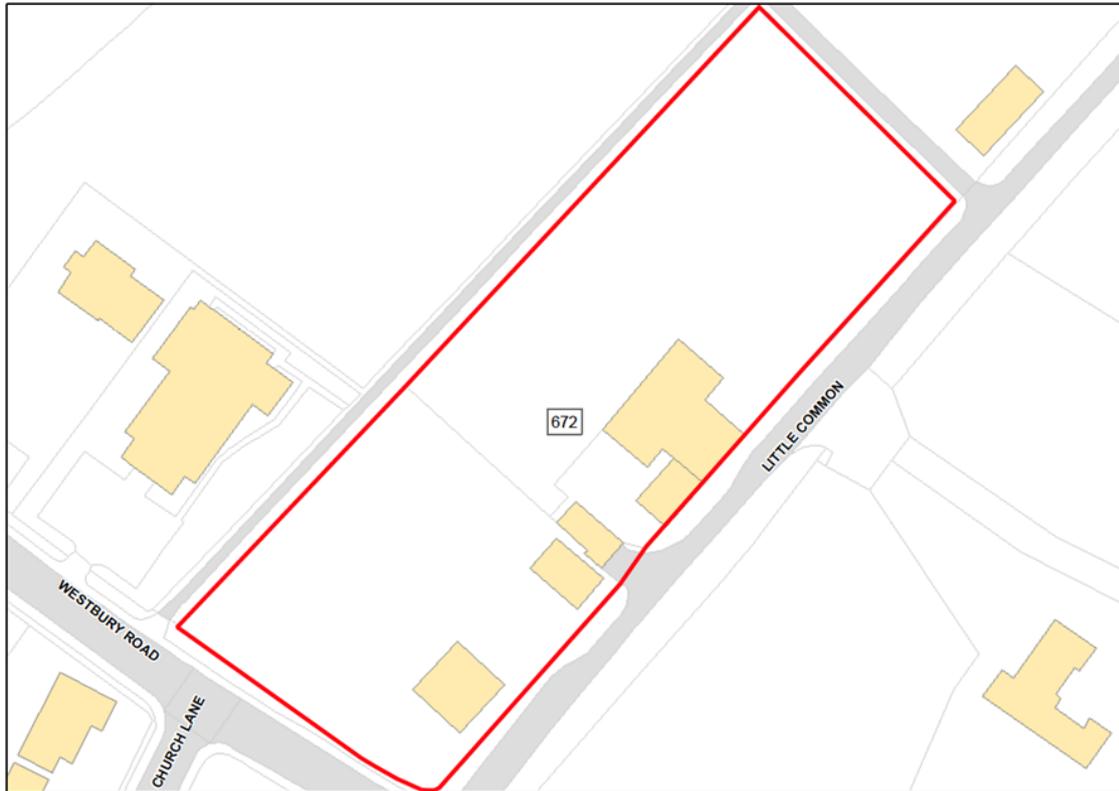
* also known as Fiddington Nursery

Appendix 2: Market Lavington NDP Proposed Sites

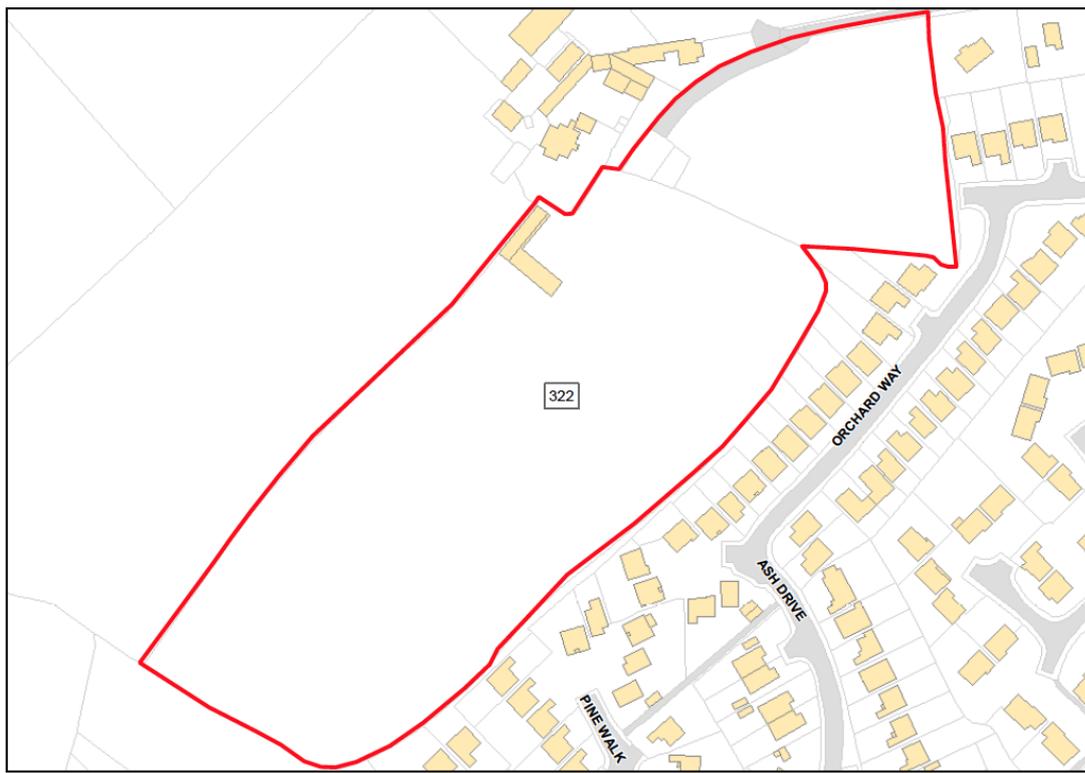


Appendix 3: North Bradley NDP Sites

The Paddock, Little Common Lane, (SHELAA 672)

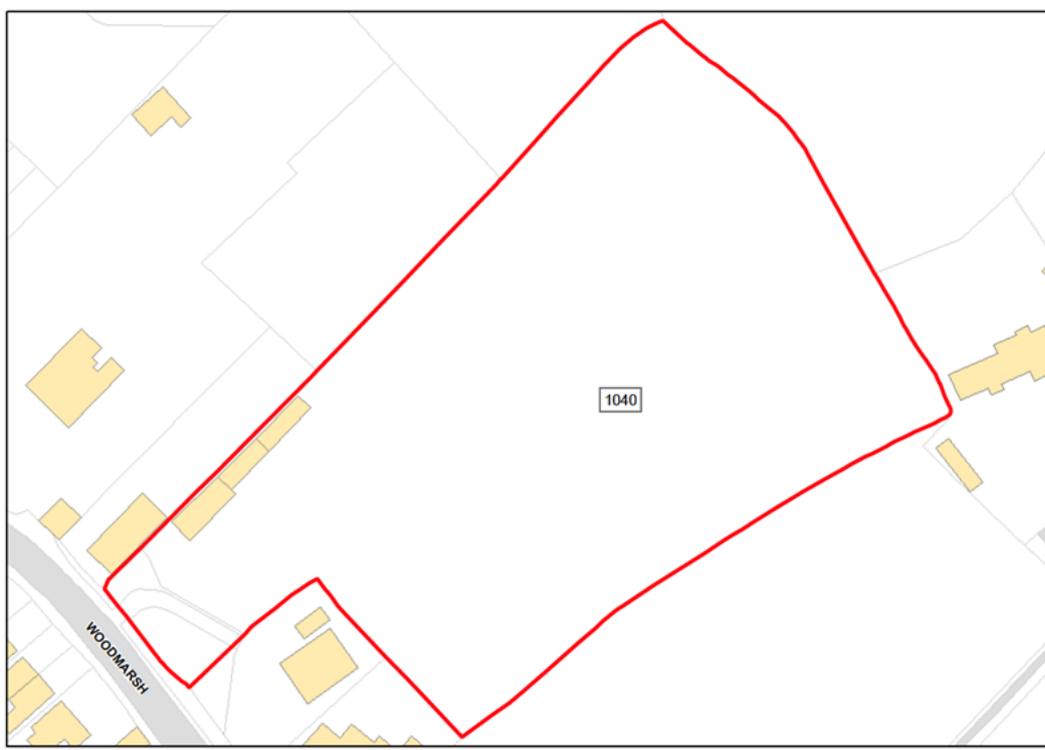


Park Farm, SHELAA 322

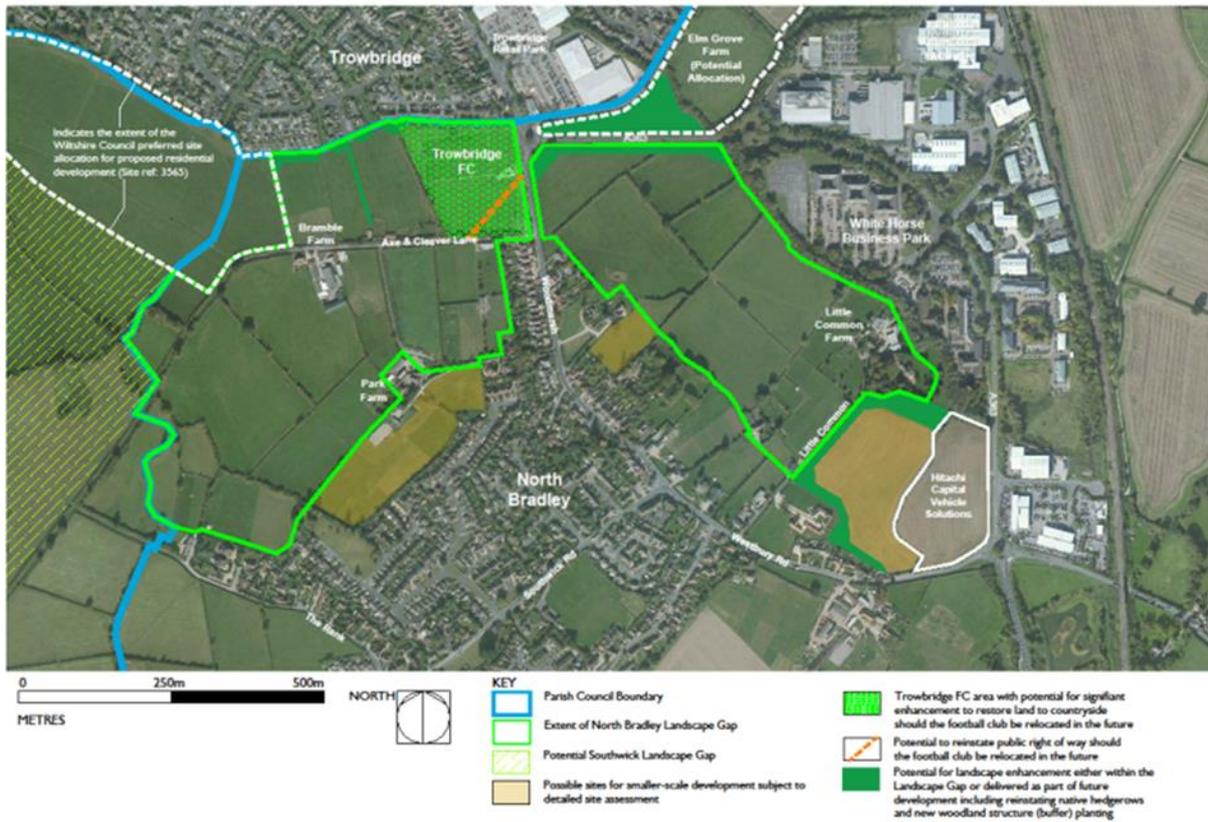


54

Woodmarsh, SHELAA 1040



Appendix 4: Landscape Protection Area proposed for North Bradley



Proposed HSAP site H 2.2 that will destroy the landscape setting of North Bradley.

