

Sent by EMAIL ONLY to spatialplanningpolicy@wiltshire.gov.uk

20/11/2023

Dear Sir/ Madam

Response by the Home Builders Federation to the Wiltshire Local Plan Pre-Submission Draft 2020-2038 (Reg 19) consultation

1. Please find below the Home Builders Federation (HBF) response to the Wiltshire Local Plan Pre-Submission Draft 2020-2038 (Reg 19) consultation. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year. HBF have not commented on every policy only those of relevance to our members.

General Comments and Legal Compliance

2. HBF note that this consultation characterises the Reg 19 Local Plan consultation as part of a review and update of the Local Plan rather than a new plan. If this approach is being taken, then plan review should be looking at how well the ambitions and policies in adopted Local Plan (Core Strategy and Site Allocations documents) are being delivered and what changes are needed to ensure delivery. It is noted for example that the majority of homes being 'planned for' in this plan have in fact already been built or consented.
3. The fact this is a 'review', and not a new plan is also given as the reason that the plan cannot look forward and consider anything more than broad locations of growth and/or new communities. The failure of this plan to even consider those issues is very disappointing and simply kicks these difficult decisions further down the road. New communities take a long time to bring to fruition and if one (or more) are needed in Wiltshire to address housing need this decision needs to be made sooner rather than later.
4. Paragraph 22 of the NPPF requires that "strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major



improvements in infrastructure. Where larger-scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery”.

5. HBF suggest that this Plan is not a Plan Review but a new plan seeking to adopt a whole different vision for Wiltshire. Instead of undertaking a review to look at what is and isn't working and revising policies to assist with the delivery and implementation of the agreed vision, the Council has instead sought to bring forward a new Plan. A new Plan that is seeking to reduce the amount of housing planned for in Wiltshire under the auspices of meeting only “local need” whilst at the same time over providing employment land to ensure a range and choice of sites for that sector. A new plan that is actively seeking to deliver less housing, despite the housing crisis. A new Plan that fails to comply with basic principle that a plan should be a plan, as the majority of housing development being ‘planned’ for in the plan has already been built or permitted. A plan which seeks to push back housing delivery to as late in the plan period as possible, in short, a plan that is simply not fit for purpose.
6. HBF would expect Wiltshire’s Plan (or Plan review) to be an ambitious plan that plans for the future development of Wiltshire, detailing where new housing will go, meeting housing needs, providing certainty for the house building industry and setting out a long-term vision for the County, in accordance with the NPPF. Instead, we have a document that is rowing back on the housing numbers planned for in the adopted Core Strategy and the housing numbers being planned for in the Regulation 18 consultation without justification- a misuse of the Plan Review process to change an existing adopted Core Strategy approach with a plan to deliver less housing than was already being planned for. HBF is very disappointed that in the midst of a Housing Crisis the Council is changing direction in this way.
7. Although the Figure 3.1 the Key Diagram includes an “area of search for a new community” north of Salisbury, para 3.55 explains that:

An area of search for a new community is shown on the Key Diagram within which a new settlement may be proposed in the future, subject to more detailed work as a part of a future review of this Plan (Policy 21, Salisbury Area New Community). Like its location, the size of a possible settlement would need to be determined too. If a new settlement is needed, building would commence towards the end of the plan period and construction would continue beyond 2038. In terms of estimated housing land supply and matching it to forecast need, an estimate is made of how many homes would be built before 2038 taking account of the planning process and necessary lead in times to assemble land, secure permission and deliver infrastructure.

8. The Plan is therefore failing to set out the size, location and even the need for the new settlement, whilst also seeking to rely on its delivery to meet some housing need within the plan period. Such an approach seems entirely disingenuous.
9. Para 4.124 of the Plan says “a new settlement could be for around 1,500 to 2,000 homes with 5ha of employment land, together with associated infrastructure. A future review of the Plan would decide whether a new community is needed and would be a feasible option and if so, determine a precise location, scale and supporting infrastructure.” HBF suggest these decisions need to be made now, not put off to some future plan review.
10. If Wiltshire intend to develop a new settlement as one of the ways to meet their housing need, this decision must be taken now. It can take many years if not decades for a new settlement to be delivered, and the suggestion that houses would be completed and able to make contribution to the housing land supply of this plan by 2038 is ambitious to the point of being probably undeliverable, even if the decision to progress a new settlement was made now. Deferring the decision until later means any new settlement should not be able to make any contribution of the land supply of this Plan. Therefore, additional sites in other locations need to be allocated to meet the 1500-2000 homes within the plan period that the possible new settlement is expected to rely on, even before considering whether the housing numbers in the plan should be higher in the first place.
11. As the Plan acknowledges, if a new community is needed it will take time for it to be worked up and developed, even after a decision has been made on its location and scale. Securing outline and detailed planning permission takes time, and the development still need to be built out. The Wiltshire Plan should be an actual plan, not a plan to have plan in the future. To adopt such an approach seems at odds with the whole purpose of the plan-making process, and fails to provide the certainty the development industry and local communities need.
12. If the decision is taken that a new community is not the way to meet housing need in Wiltshire, alternative measures to address this need will be required. In failing to decide on this issue, the Plan is not dealing with this issue, and therefore not making the decision it needs to in relation to housing land supply and housing delivery. This is particularly disappointing when one of the reasons given for the need to review the current plan is the slow up take of some currently allocated sites. The Plan is therefore failing to provide an effective strategy for the development of Wiltshire, it is not positively prepared, and as such is unsound.

Duty to Cooperate

13. Paragraph 1.11 states that “to inform the preparation of this Plan, the Council has worked closely with neighbouring authorities such as Swindon Borough Council. A statement setting out how the council has addressed the duty to cooperate forms part of the Local Plan evidence base and will be updated until the Plan is submitted for examination.” Without access to this document being available now HBF are unable to consider and comment on whether the Duty to Cooperate has been met or not. The document should have been made available as part of this consultation. HBF would wish to reserve the right to comment on any Duty to Cooperate issues once the statement has been prepared and published. It may impact on other comments we have made.

Local Plan Policies

SECTION THREE: Spatial Strategy for Wiltshire

Spatial Vision- between para 2.1 and 2.2

The Spatial Vision is not considered to be sound as it is not effective, not justified and not consistent with national policy

14. The spatial vision seeks to ensure that the plan delivers “sustainable employment, housing and other forms of development will have been provided to meet local needs as well as the changing climate and incorporate exceptional standards of design that enhance the natural, built and historic environment.” However, HBF suggest the vision needs to do more to address the current housing crisis. In restricting housing numbers and reducing them from the previous iteration of the Plan the Council is failing to recognise the role of house building in helping to grow the economy and attract new residents to the area and as such it fails to plan effectively for the growth of the County as required by national planning policy and legislation. This seems particularly at odds with the Council’s pro-growth agenda in relation to employment land.
15. The vision on page 25 of the current adopted Core Strategy says “Employment, housing and other development will have been provided in sustainable locations in response to local needs as well as the changing climate and incorporating exceptional standards of design.” Whereas para 2.9 of this plan says that “the challenge for the Plan is to deliver enough new homes in the right places to meet Wiltshire's objectively assessed housing needs. Providing decent and affordable homes to complement the economic growth being promoted will help improve the self-containment and resilience of Wiltshire’s communities.” The Plan must therefore make decisions about when and where new development will be permitted within the plan-period and not defer any decisions about this to some unspecified time in the future.
16. HBF therefore suggests the Council must come to a view on the need for a new settlement within this plan-making process now. If the decision is that

Salisbury's needs should be met through a new settlement, this should be included within the spatial vision for the County. If not, this housing need must be addressed in a different way, within this Plan.

17. It should also be noted that the NPPF requires the Council to plan for new housing in accordance with the standard method as a baseline starting point and then consider if any adjustments to this minimum level of housing are needed. HBF suggest additional housing is needed for a variety of reasons, detailed elsewhere in our representations and so repeated not verbatim here. However, in relation to the spatial vision, the mismatch between providing a good supply of allocations and policy flexibility to support employment growth is in stark contrast to the restrictive and inflexible approach to housing.
18. HBF would wish to see the evidence and analysis of how the successful delivery of the Core Strategy has been. The large amount of housing in this Plan that is already built or committed would suggest the Core Strategy and Site Allocations DPD approach has enabled delivery, helping the county's population to grow at a healthy rate, supporting the creation of jobs. Analysis from Turley's suggests the current Core Strategy has helped to moderate what has still been a worsening of the affordability of housing within Wiltshire and has also helped to secure new jobs beyond the target that was set. This further undermines the proposed new restrictive approach to housing. The proposed requirement for 2,041 dwellings per annum would slightly reduce the recent rate of housing provision and is a much lower aim than Wiltshire has proven able to deliver at times during the current plan period.
19. HBF notes that Turley's modelling also suggests the new approach would almost halve the recent rate of population growth, and only provide sufficient labour to support future job growth only if this aligns with the midpoint of the two forecasts purchased by the Council. HBF agrees that this is far from certain though given that the historic trend would need to slow by more than a third for this to prove accurate. It is noted that although one of the two forecasts did expect this historic trend to continue, this scenario appears to not have been seriously contemplated as the decision was taken to balance this against another extremely pessimistic forecast, by taking a midpoint. Balancing it instead against a more optimistic forecast, for instance from Experian, would suggest that more than 29,200 new jobs could be created in Wiltshire over the plan period, compared to the Council's figure of only 21,300 jobs. Supporting this higher level of job growth would require a higher level of housing.
20. Paragraph 61 of the NPPF requires that in order to "determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals." Therefore, the Government requires Local Planning

Authorities to use the standard method to calculate housing need in all but exceptional circumstances. However, policy is clear that this figure is only a minimum starting point for a housing requirement.

21. HBF believe that having calculated the housing figure using the standard method, this figure should then be assessed against other factors which may necessitate a higher housing number. The standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.
22. There remains a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Wiltshire and the Council should consider planning for an additional amount of housing to address each reason in turn. The result is likely to be a higher housing number than is currently included in the Plan.
23. The Government has made it clear that it still supports the national target of 300,000 new homes per year. HBF cannot understand how the approach in this revised plan represents proactive planning to meet the housing need of Wiltshire.

Policy 1: Settlement strategy

Policy 1 is not considered to be sound as it is not effective, not justified and not consistent with national policy

24. HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice to ensure that housing needs are met in full. HBF would wish to see the Plan set out a logical settlement hierarchy which meets all the housing needs and addresses all areas of the housing market, with a range of sites proposed for allocation. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.
25. The spatial strategy of the Plan should also recognise that there may be clusters of villages that provide a range of services for that area within reasonable travelling distance of each other, so villages may need to be grouped together. These areas might be able to sustainably support a substantial level of development but may not have all the services within one particular village.

26. Similarly, the Local Plan should recognise that settlements that currently do not have services could expand to include those services if new development is allocated in those areas. The current range of village services should not be used as a basis for only locating development close to existing services, it could in fact also identify where services could be improved through new development. Allocating housing sites in rural areas can also provide opportunities for small sites which are particularly helpful for SME builders.

The Spatial Strategy, Housing Numbers and Monitoring

27. HBFs detailed comments on the housing numbers are made in response to Policy 2: Delivery Strategy which sets out the headline housing numbers. However, in relation to the settlement strategy HBF observe that the distribution of the housing numbers is problematic if the housing numbers themselves are too small.
28. HBF questions the objective of this plan to provide “36,740 new homes in the right locations to meet objectively assessed needs through the Plan period from 2020 to 2038” is the right one. However, the proposed division of housing numbers between four areas within the Plan must ensure a supply of deliverable sites and provide flexibility within each of the four areas. HBF is apprehensive that the current four area approach has yet to demonstrate how it will be made to work in practice and how the Plan will ensure that housing is actually delivered against each of these area requirements.
29. Wiltshire is large County. HBF recognise that there is a consensus that County comprises of four different housing markets. A policy approach that seeks to ensure housing need and demand is delivered where it arises can provide a justification for taking an area by area-based approach to housing numbers, although it must also be recognised that government monitoring is undertaken on a local planning authority by local planning authority basis.
30. If the Council considers it is appropriate to utilise a development strategy that considers the four different housing market areas separately, this must be clearly and explicitly set out in the Plan. The approach must then be clearly and explicitly linked to evidence, and clearly and explicitly linked to the monitoring framework for the Plan. It is difficult to see how the proposed spatial distribution approach is intended to work in practice, when there is not currently a monitoring framework for the Plan. For example, it is currently unclear from the plan whether a reserve site in one of the HMA areas could be used to meet a housing demand or need in a different area. HBF suggest that the silence of the plan on this matter means it is ineffective and therefore unsound.
31. If the spatial strategy is to be found to be deliverable, the Local Plan needs to set an appropriate housing requirement over the correct period, decide where that housing requirement will be delivered, ensure that the Plan provides

enough land within the housing land supply including the necessary buffers and flexibility, set out how monitoring will be undertaken to see if the Plan is delivering as expected and set out what would occur if monitoring shows under-delivery of housing. HBF are of the view that the Plan fails to do each of these tasks. Furthermore, the adoption of a four-area policy approach would suggest each of the stages need to be considered of each of the four housing market areas. HBF is of the view that the Council has failed to do this both on the plan-wide basis and on an area-by-area approach.

Policy for Rural Areas

32. HBF would also question if it is appropriate to limit housing in particular settlements because they have already had some already development. Such an approach fails to provide a vision for future development in these locations. The reliance on Neighbourhood Plans to allocate sites, when the production of neighbourhood plans is optional, is also questionable. At the very least the allocation and delivery of housing through the Neighbourhood Plan process needs monitoring and an approach and timeframe to intervene if Neighbourhood Plans are not delivering the anticipated housing is needed.

The Need for a Decision on a New Settlement

33. The settlement strategy must also include reference to the new settlement if one is to form part of the spatial distribution of housing within the Plan. The failure to make a decision on this issue, despite seeking to rely on it as a mechanism for delivery, is unsound. If in reality, a new settlement is in fact not the preferred approach of the Council to meet housing need in the medium and longer term, additional allocations will need to be made to meet the 1500 to 2000 homes contribution the new settlement is expected to make over the plan period. This should be done now.

Confusing Policy Wording

34. The wording of the policy is confusing. The second sentence says "Area Strategies that follow later in the Plan refer to the specific settlements which fall within each category" but the settlements are then actually named within the later sections of this policy. This sentence is therefore both unnecessary and confusing and should be deleted.

Policy 2: Delivery Strategy

Policy 2 is not considered to be sound as it is not effective, not justified and not consistent with national policy

Overall Concerns and Objections

35. The Delivery Strategy seeks to deliver approximately 36,740 homes in Wiltshire between 2020 and 2038, in line with a distribution strategy set out in

Chapter 4, and 160 Ha of new employment land. HBF has significant concerns about the housing figure currently being proposed for Wiltshire and also the phasing of the development. It is not just how many houses but also when they are to be provided that HBF object to.

36. The Council has decided to phase the Housing Requirement as set out in Table 3.1. This shows 8,080 dwellings pre-plan adoption, 10,290 dwellings in Phase One between 2024-231 and 18,370 in Phase Two, between 2031-2038. HBF have significant concerns about the both the number of homes being planned for and the phasing of those homes within the plan period.
37. The 'new' phasing methodology seems to have been artificially contrived to make the housing requirement as low as possible and manipulate the housing figures so that the Council is able to demonstrate a five-year housing land supply on adoption, whilst still ducking many of the important strategic policy decisions that should be made within this Plan. Such an approach is both disingenuous and misleading and does nothing to address the current housing crisis.
38. When the Plan was consulted on in 2021, it proposed 45,630 homes over 20 years to 2036, but the updated Plan proposes 36,740 homes, of which over 21,900 homes have already been built or are committed.
39. In failing to make long term decisions the council is failing to plan for the right number of houses in the right places at the right time. The result is a plan which does not plan effectively for the housing and employment growth within the Wiltshire. As such the Council has failed to prepare a plan that is consistent with national policy, positively prepared, effective or justified and as such it is unsound.

Plan period

40. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF would question if the plan period is long enough to cover this requirement. This consultation closes at the end of 2023 so that allows less than two years for submission, examination, main modifications consultation, inspectors report and adoption by the Council. HBF suggest this timetable is unrealistic and the plan period should be extended. Most Local Plans we are commenting on at the moment cover a period to 2040 or 2041. Extending the plan period would require an increase to the housing requirement to cover the additional years, and consequential additional housing supply. It would also require an update to the evidence base.

Number of Homes

41. The housing requirement for Wiltshire should be based on an assessment of housing using the standard method unless exceptional circumstances apply. HFB does not believe there are any exceptional circumstances in Wiltshire that justify departing from the standard method. However, once the standard method figure has been established the Council should then consider whether it needs adjusting for other planning reasons. HFB suggest higher housing numbers are needed for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. Planning for any reduction in housing number appears perverse in the midst of a housing crisis.
42. HFB also object to the term 'approximately' being used within the policy, as this should say 'as minimum' in line with NPPF and PPG.

The Need for Small Sites

43. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.
44. The Council should set out in the Plan's policies and evidence base to set out how the plan will deliver 10% of homes on sites of less than one hectare, as required by paragraph 69 of the NPPF. Indeed, the HBF would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.
45. HBF have been unable to find within the evidence base any analysis of how the small site requirement will be delivered within this Plan. This information needs to be provided and HBF may wish to comment on it once it has been.
46. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-

strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

The Need for Affordable Housing

47. Para 3.7 of the Council's Housing Delivery Paper¹ states that "ORS forecast that around 10,450 households will need affordable housing over the Plan period. This is approximately 28% of the forecast total housing need."
48. HBF would suggest that the high level of affordable housing need within the County also justifies additional housing over and above the locally assessed housing need level. With an affordable housing policy looking to deliver 40% affordable housing on site where this viable, and significantly less, only 10%, on difficult brownfield regeneration sites, more open market housing will be needed if the plan is to deliver anything near the level of affordable housing evidenced as being needed.
49. Policy 2 states that "New housing development will be delivered in a way that prioritises the release of employment land, and the re-use of previously developed land to deliver regeneration opportunities is supported to limit the need for development on greenfield sites." Whilst HBF support the use of brownfield sites, it should be noted that the viability is such that often such sites cannot deliver affordable housing.

Link to Employment

50. The Council states that it is proactively planning for growth in employment , *including at existing, successful employment sites / hubs*, by over allocating against what is needed to ensure supply is deliverable and visible in practice. The same logic should be applied to meeting housing needs with additional housing providing to meet the economic aspirations and to address the need for mix and choice of sites in the market, and provide homes for existing and prospective employees to the benefit of the supporting those employment sites.. Without this provision the plan is unjustified, ineffective and contrary to national policy, and therefore unsound.

Phasing of Homes

51. In addition to the number of homes being planned for within the Wiltshire Local Plan Review being too low, HBF also do not support the phasing of the new housing delivery which appears to be a deliberate gaming of the system for the Council to artificially suppress housing needs and requirements in order

¹ https://www.wiltshire.gov.uk/media/12015/Wiltshire-Local-Plan-Housing-Delivery-Paper-2023/pdf/Wiltshire_Local_Plan_-_Housing_Delivery_Paper_2023.pdf?m=638313427878170000

to artificially demonstrate a five-year land supply at the time of adoption. This approach is entirely disingenuous failing to plan for the housing needs of the area as planning policy and guidance requires them to do.

52. HBF suggest that the annual requirement (which it itself should be higher) should be spread evenly over the plan period. This should be clearly set out in the housing trajectory. The NPPF (para 74) sets out that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period and if appropriate to set out the anticipated rate of development for specific sites. The Housing Trajectory in Appendix C provides insufficient detail to fulfil any monitoring function. In order to be sound and justified, a detailed housing trajectory including for specific sites should be inserted into Appendix C.
53. The Housing Trajectory in Appendix C also seems to be in complete contradiction to the phasing suggested in the Plan as it shows housing delivery significantly tailing off towards the end of the Plan period which is in direct contrast to the phasing Plan suggested by the policy. This inconsistency must be explained and/or resolved.
54. HBF do not comment on individual sites proposed for allocation, but it is noted that the Council will need to provide a site-by-site analysis to check of the deliverability of individual site allocations. HBF note that the new site allocations will be tested in due course at the Local Plan Examination. It is critical that the Council's assumptions on lapse rates, non-implementation allowances, lead in times and delivery rates contained within its overall Housing Land Supply, 5 Year Housing Land Supply and housing trajectory are correct and realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council.

Phasing and Nutrients

55. One of the reasons given by the Council as justification for both the need for a stepped housing trajectory in Wiltshire as a whole, and the need for a lower housing requirement in the Salisbury HMA specifically is the issue of nutrient neutrality. HBF believe this approach is unsound because it is unjustified.
56. The issue of nutrient neutrality applies to only parts of the County (the River Avon SAC, River Lambourn and Somerset Moors and Levels catchments, of which the latter two areas have a limited effect in Wiltshire in terms of housing supply). HBF is of the view therefore that there is no need, consequently, to delay housing delivery until a date in the future when catchment level mitigation solutions are expected to become operational.
57. It is not acceptable to use the issue of nutrient neutrality as the means by which to depress the housing requirement in Wiltshire as a whole. Housing supply needs to increase in other locations to compensate for delays in other areas. This further amplifies the need for effective monitoring of the four-area approach (as HBF argues for elsewhere).

58. HBF suggest that the Council is wrong to assume that housebuilding must await the delivery of the Council's strategic mitigation schemes, before housebuilding can commence. Action by the Council to implement strategic mitigation solutions is encouraged and the government has invited applications from areas affected to help expedite implementation, but house builders can also procure their own solutions, as they have to with delivering other infrastructure challenges as well as addressing new challenges like biodiversity net gain. We have been told with confidence by those in the business of providing mitigations, such as Greenshank Environmental, that a commercial market is becoming established quickly and there will be an adequate supply of credits very soon.
59. HBF is also expecting that the ability for housebuilders to achieve nutrient neutrality, now the Levelling Up and Regeneration Act has received Royal Assent will become easier. The Act has set a date in law by when water companies are expected to improve the performance of wastewater treatment works. These works are expected to reduce drastically the volume of nutrient that escapes into water courses. The government guidance states that the upgrades will lower the mitigation cost to developers (depending on the catchment) by an estimated 37% to 95% for phosphate and 46% to 64% for nitrate. This is set out in the Government policy statement². The benefit of this intervention can be counted upon three months after the Bill secures Royal Assent.
60. The government is confident that the effect of this intervention will make it much easier for housebuilders to achieve nutrient neutrality because cost of mitigation reduces significantly. Only homes occupied prior to the 1 April 2030 will need to account for current permit levels for a period from now to 1 April 2030. Thereafter, for all homes constructed after 1 April 2030 the new, better, permit levels can be assumed and used as the basis for calculating the nutrient budget for a development.
61. In addition, HBF are expecting new products to enter the market, that could make it easier and cheaper for housebuilders to achieve mitigation. This includes the use of non-nitrate/phosphate-based fertilisers that can be used in farming. This could be deployed as a 'bridging' solution until the 2030 date when the improvements to wastewater treatment works comes into effect.
62. It would therefore be unreasonable to restrict supply in the Salisbury HMA, or any other part of the authority, for reasons of nutrient neutrality, when this is not expected to remain an insuperable barrier for much longer. The Council should also be more proactive in looking to deliver solution to this issue, as it has been in the past.

The Need for a Buffer

² Nutrient pollution: reducing the impact on protected sites - GOV.UK (www.gov.uk)

63. Paragraph 3.31 says “since the plan period is from 2020 a number of homes have already been built (referred to as 'completions'). A proportion of the land needed to meet housing objectively assessed housing needs, already has planning permission or has been identified in allocations in existing plans, including neighbourhood plans. These are referred to as 'commitments' and are kept under review to check they can still be relied upon.”
64. There needs to be a monitoring policy to ensure these sites remain deliverable, indeed the fact some of the commitments have yet to come forward and are taking longer than expected serves to underline the need of the Plan to include a buffer, provide for a range and choice of sites within each of the four areas of Wiltshire.
65. HBF recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. Any buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and choice within the market. Such an approach is consistent with the NPPF requirements for the plan to be positively prepared and flexible. HBF is therefore supportive of an approach that uses additional housing allocations (not reserve sites) to ensure there is a housing supply buffer.
66. HBF recommend that the plan should allocate more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible.
67. In light of the four HMA approach being utilised in Wiltshire, in order for the Plan to be positively prepared and effective a buffer is needed in each of the four areas. HBF suggest that where there are reserve sites these should become allocations and even then the buffer needs to be bigger, especially as HBF are of the view that the housing requirement itself should to be increased. Where there are no reserve sites that could become allocation additional allocations are needed for the Plan to be sound.

Windfall Allowance

68. NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. By including windfalls within the Plan's housing requirement the opportunity for windfalls to provide some additional housing numbers is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.
69. It is not possible to see from the Housing Trajectory in Appendix C to clearly see how much reliance is being made on windfalls, or from when. To be both

justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply.

70. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).
71. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. HBF are particularly concerned about the contradiction between inclusion of a windfall allowance within the housing land supply calculation for Wiltshire based on past delivery and the new spatial policies in the Plan which are effectively looking to constrain windfalls, preventing them coming forward in places where they might previously have been acceptable.

Constraining Windfalls

72. The Council's Housing Delivery Paper including trajectories 2023, Sept 2023³ sets out that although the plan contains several development proposals for residential development, this is just one source of new homes. The Council is also looking to rely on windfall and small sites as additional components of the housing land supply.
73. Para 1.11 of the Delivery Paper acknowledges that "in the past, supply from both larger windfall and small sites (to whatever level that transpires) has been treated as an element of unplanned contingency." However, this new plan is, according to para 6.16, seeking to constrain windfall sites in certain locations in order to give constrained settlements "added protection to the character and setting of these settlements by ensuring site allocations on greenfield land, are minimised and only released when necessary." Para 6.17 continues "at other less constrained settlements, where there is a greater emphasis on growth, a more generous supply of land for housing development helps to ensure that new homes are provided across the County at a sufficient scale and rate."
74. Para 1.18 states that "a reliance on windfall that would detract from the need to plan positively to ensure a sufficient rate and scale of housing delivery where it is needed, meeting the needs of groups with specific housing requirements and that meets with the national objective of significantly boosting the supply of homes."

³ https://www.wiltshire.gov.uk/media/12015/Wiltshire-Local-Plan-Housing-Delivery-Paper-2023/pdf/Wiltshire_Local_Plan_-_Housing_Delivery_Paper_2023.pdf?m=638313427878170000

75. Para 3.6 of the Plan states that “a significant component of housing land supply is not identified by the Plan, either because it was not known about when the plan was prepared (windfall) or is too small for it to be considered as an allocation (sites of less than 10 dwellings). An overall contribution from both these sources of supply can be difficult to predict; in particular, large windfall sites.” There is therefore an inconsistency in what is said about windfall in the evidence and what is said about windfall in the Plan. It seems contradictory and unsound to restrict windfall sites, whilst at the same time seeking to rely on them as an important source of housing supply.
76. Although HBF agree that allocations provide greater certainty for developers than bringing schemes forward on a windfall basis, and that the small sites requirements should be met through allocations, this position is not an argument in support of the need to actively curtail windfall sites. Windfall sites by their very definition are unanticipated opportunities for additional development. To seek to rule out windfall sites in certain locations on principal runs counter to the requirement for each planning application to be considered on its own merits.
77. HBF would question how it is possible to determine at the plan-making stage that a windfall development will have an unacceptable impact on a “constrained settlement” when the details of the proposal are not known at this at time. The mere existence of, or proximity to, Green Belt, AONB or historic assets cannot rule out the principal of development, as this policy approach seeks to do.
78. If any policy in relation to ‘restricting’ windfalls is needed (which HBF does not believe it is) any policy should take the form of a criteria by which (all) windfall applications would be assessed, of which geographical locations and proximity to AONB and heritage assets could be criteria. However, as the Plan should be read as a whole, and the purpose of the Plan is to provide policies to enable applications for development to be considered against policy, a specific policy on windfall should not be needed, as the policies in the Plan should already enable any windfall application to be considered on its own merits.

Housing Number Conclusions

79. The standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF’s view in that Wiltshire requires more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.
80. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of

open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth. HBF submit that each of these reasons on its own could justify an increase in the housing requirement for Wiltshire, and the Council should consider planning for an additional amount of housing to address each reason in turn.

Policy 3: Reserve Sites for housing and broad locations of growth

Policy 3 is not considered to be sound as it is not effective, not justified and not consistent with national policy

81. HBF objects to both elements of this policy. Although in theory, an approach to plan-making that includes reserve sites, could be a sensible way for the plan to address under-delivery of housing over the plan period in line with the plan led system, the reserve sites approach being advocated by the Council seems to be a manipulation of this approach.
82. The reserve sites suggested in the Wiltshire Local Plan are not enough to provide a functional housing reserve in terms of both numbers and locations and are included within the housing land supply meaning they are no reserve sites at all but pseudo-allocations, albeit ones that the Council expressly do not want to see released if at all possible. It is disingenuous of the plan to suggest these sites are reserve sites that will only be brought forward in the case of under supply whilst at the same time including them within the housing land supply calculations.
83. Similarly, seeking to rely on broad locations of growth as a way of meeting housing land supply, in the way proposed in this Plan is ineffective, unjustified, and unsound. The policy does not include any commitment to undertake any work to progress and refine these areas of search and fails to include any indication of any timeframe for such work.
84. As such, the Plan does nothing to ensure delivery of any housing in these broad locations, whilst at the same time suggesting they are supported by policy and have a role to play in ensuring housing is delivered. This is disingenuous; a point further exacerbated by the lack of a policy on monitoring or a monitoring framework within the Plan, meaning there is not clear trigger for the council to begin any efforts and actions to try and address any shortfall in housing supply.
85. All of this adds to the perception that the plan-making process is being manipulated to reduce housing delivery in Wiltshire as much as possible, which is not in accordance with the requirements for plans to be positively prepared and is therefore unsound.

Reserve sites

86. Para 3.42 of the Plan states that “sites are identified on the policies map and proposed for new homes taking on a specific role as 'reserve sites'. However, this amount to only three sites equating to 375 dwellings in total”. HBF observe that an additional 375 total dwellings is not enough to provide a genuine contingency and address housing needs. HBF have previously commented on the need for a higher number of homes and so these are not repeated here (see comments in relation to Policy 1: Settlement Strategy and Policy 2: Delivery Strategy).
87. If the reserve site approach is to be continued HBF would suggest that there at least need to be at least one, but ideally two or more reserve sites, in each of the four housing market areas. This would ensure that if monitoring shows housing delivery falling below the housing requirements in one particular area the Council could take positive steps to address the shortfall in the area where it occurred through the release of one, or more, reserve sites. This is purpose of reserve sites.
88. HBF would also suggest that the purpose of reserve sites need to provide an alternative way of meeting identified meet for housing, if the preferred method/sites in the plan are not coming forward. This must mean that reserve sites must be viewed as offering additionality on terms of housing numbers and not already included within the housing trajectory and land housing supply.
89. For the reserve site approach to work in practice monitoring of housing numbers must therefore be undertaken at both a total County wide level and through an area-by-area approach. The Plan need to be explicit about the circumstances required for reserve site release and in particular if the inability of one area to deliver against it housing numbers would justify release of a reserve site in a different area in order to secure delivery of the overall housing numbers, or not. Clarity on this point is needed.

Broad locations for growth

90. Para 3.52 explains that “the Plan identifies Chippenham, Melksham and Trowbridge, as settlements which should be strategically planned for in the longer-term. These are referred to as ‘broad locations for growth’, where additional significant urban extensions should be identified towards the end of the Plan period to provide certainty over the direction of future growth at these places. Further work will define where and what scale, type, mix and form of development these may deliver, enabling a lengthy lead in to identify and plan for the co-ordination of major infrastructure and extensive community engagement to shape their form.”
91. Whilst the NPPF allows for plan-making to include broad locations of growth for development in years 6-10 and 11-15. The PGG is clear that “As set out in the National Planning Policy Framework, local planning authorities should

identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. Local plans and spatial development strategies may be able to satisfy the tests of soundness where they have not been able to identify specific sites or broad locations for growth in years 11-15. However, if longer-term sites are to be included, for example as part of a stepped requirement, then plan-makers will need to demonstrate that there is a reasonable prospect that they are likely to come forward within the timescale envisaged.”

92. HBF does not believe the Council has demonstrated that there is a reasonable prospect that any potential SUEs in the broad locations of growth are likely to come forward within the timescale envisaged. References in para 3.54 to master-planning of sites and the production of site-specific policies in DPDs are not accompanied by any timescales. Indeed, the policy itself includes wording that these areas are “where additional urban extensions will be identified towards the end of the Plan period to meet longer-term strategic needs for housing and employment and ensure the co-ordinated delivery of major infrastructure”. Suggesting that they may be, or they may not be.
93. HBF suggests that a vague commitment to identify additional urban extensions at some unspecified time at some point towards the end of the plan period does not meet the requirements of the NPPF or the PPG in relation to broad locations of growth. Even if there was certainty that SUEs will be identified, the requirement to link this to longer term employment and infrastructure needs suggests that this Plan should be planning for the major infrastructure required to deliver SUEs in Chippenham, Melksham and Trowbridge now.
94. HBF suggest that there is also a need to consider this future housing in conjunction with the strategy for employment, as set out in the policy wording. This would suggest the plans approach to oversupplying employment land runs in contradiction to the idea of considering housing, employment and infrastructure needs of SUEs in the round.
95. There will also be a need for site selection process if the Council is to move from broad locations to growth to work on specific masterplans. This stage of work is often contentious and should ideally be address through the Local Plan making system where alternatives can be considered rather than left to master-planning where the decision-making process may not be subject to the same robust scrutiny of a Local Plan through an EIP. Yet again in deferring key decisions on the location of development the Plan fails to set out a clear vision for the future development of Wiltshire or provide any certainty for developers.
96. The Council is also failing to demonstrate the derivability of the Plan, especially as there are known challenges to housing delivery that have been

explicitly set out in other parts of the plan, for example in relation to the nutrient neutrality issue which is likely to require district wide level solutions.

97. Although para 3.53 explains that “Broad locations for growth are intended to be identified towards the end of the plan period, for delivery then and beyond its end date.” HBF objects to key decisions being deferred to policies within a subsequent local plan. To be a positively prepared plan the broad locations of growth policy must be effective and justified within this plan period. The plan must stand on its own.
98. Overall, the Council’s approach to housing is very difficult to understand and there appear to be contradictions within the policies, between the policies, between the policies and the supporting text, and between the policies and the evidence and the explanations and analysis.
99. The Plan should clearly set out what housing will be delivered, where and when. It should provide certainty for developers through allocations and policies that set how applications for planning permission on windfall and reserve sites would be considered and when. If reserve sites are to remain, the Plan must set out how housing delivery will be monitored over the plan period, what factors would justify the reserve sites search, and how the reserve sites approach links into a spatial strategy based on four different housing market areas. At the moment the Plan fails to deliver against any of these requirements and as such is not effective, not justified and not consistent with national policy, and therefore unsound.

Policy 4 Addressing Climate Change

Policy 4 is not considered to be sound as it is not effective, not justified and not consistent with national policy

100. HBF question the value that this policy adds to the Plan. It appears to be just a collection of references to other policies in the plan, and as such adds nothing further other than the potential for confusion.
101. Although HBF support the need for development to address the impact of climate change we believe this is best dealt with in the policies that are referred to in within the climate change policy and a separate new policy on this matter is unnecessary.
102. If the intention of this text is to demonstrate how the Plan has considered climate change and illustrate that this is a cross cutting matter, this could be supporting text but there is no need for it to be a standalone policy in its own right.
103. HBF comments on the individual components of the policy can be found in response to those policies namely Policies 70, 71, 73, 87, 89, 90, 91,93, 95,96, 98 and 101. As such they are not repeated verbatim here.

104. This policy is unnecessary it is just repeating references to policies already in the plan and such should be deleted.
105. It should also be noted that HBFs comment in regard to nutrient neutrality have been made in response to 96: Water Resources, Sutton Veny and Salisbury where HBF believe this policy issue should be addressed, rather than in this catch all policy that merely directs the plan user to other policies elsewhere in the plan.

Policy 5 Securing Infrastructure and Transport Networks

Policy 5 is not considered to be sound as it is not effective, not justified and not consistent with national policy

106. Policy 5 states that “in circumstances where a developer considers a development to be unviable, a viability assessment, undertaken by an independent third party, on terms agreed by the council and funded by the developer, will be required as part of the submission of a planning application. This will involve an independent ‘open book’ approach funded by the developer. If the viability assessment adequately demonstrates that development proposals are unable to fund the full range of infrastructure requirements, then the council will:
- i. consider whether a reduced level of infrastructure funding will render the scheme unsustainable;
 - ii. where a reduced level of infrastructure does not render the scheme unsustainable, prioritise seeking developer contributions in the order set out above; and
 - iii. consider the use of an appropriate mechanism to defer part of the developer contributions to a later date, and/or review viability throughout the lifecycle of the development to capture policy compliant infrastructure if viability circumstances permit.
107. Although HBF do not object to the requirement for an open book viability appraisal as a way to demonstrate development viability issues, we are concerned with the three steps that the policy indicates the Council will go through if the viability study illustrates a viability issue.
108. In relation to the consideration of whether reduced infrastructure funding would render a scheme unsustainable HBF would suggest that this is not compliant with NPPF and PPG as site specific viability should be able to be considered on a case by case basis if viability has significantly changed since the whole plan viability assessment was undertaken. The division between essential and place-shaping infrastructure needs to be clearly defined if the Council is seeking to use this as a way to prioritise contributions. The use of a clawback policy may be appropriate in some case but not others, again this should be considered on a site-specific basis.

109. What is missing from this policy is the opportunity to renegotiate, this could include for example changing the type of affordable housing being provided, redesigning the scheme, considering other options to improve viability, additional funding etc. The policy should therefore be revised to introduce flexibility into the approach, both per stage, and to the approach as a whole.
110. The policy also references the Council's Planning Obligations Supplementary Planning Document SPD. In doing so the Council is seeking to give Local Plan policy status to SPD which is contrary to national guidance. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process. Seeking to give Local Plan status to the existing SPDs is not appropriate. Any reference to the SPD should be move to the supporting text.
111. If the Council wish to provide additional advice on the interpretation of any policy, this should be done through a Supplementary Planning Document, which is prepared and consulted on after the Local Plan policy has been adopted. It cannot be done through trying to give Local Plan policies status to an existing SPD, especially as the existing SPD hangs from the adopted policies in the Local Plan, which will be replaced when this new Local Plan is adopted. Supplementary Planning Documents, should be just that, supplementary to the Local Plan.
112. HBF would also question how this policy links with the Affordable Housing and other viability policies, and request the supporting text should be expended to address this point and provide the clarity needed to ensure the Plan is both effective and justified.

SECTION FOUR: Area Strategies

113. Although HBF does not common on individual sites, as mentioned earlier we have significant concerns about the way that the four-area approach to housing requirement and housing land supply is being implemented in practice through this Local Plan Review.
114. HBF reiterates that if the Council considers it is appropriate to utilise a development strategy that considers each of the four different housing market areas separately, this must be clearly and explicitly set out in the Plan, clearly and explicitly linked to evidence, and clearly and explicitly linked to a monitoring framework.
115. It is currently unclear from the Plan how the four-area approach to housing numbers is intended to work in practice, and how the Council can be sure it will (and once adoptedm is) delivering the housing they are expecting. Without both a plan-wide and area-specific monitoring framework, it is

currently unclear how any under-delivery of housing would be addressed. Would for example, a reserve site in one area of the HMA be able to be used to meet a housing demand or need in a different area?

116. HBF suggest that each housing market area (Chippenham, Salisbury, Swindon and Trowbridge) requires its own buffer and this should take the form of allocated (not reserve) sites. The failure of the each area strategy to include enough/any additional sites means the plan is ineffective and therefore unsound.
117. As previously mentioned, HBF believes the current proposed phasing of the housing requirement in the Plan is unsound. However, even if the Plan was changed and the suggested standardised dwelling per annum approach used, there would still be a need for the Plan to be clearly demonstrate how the four-area spatial strategy for housing delivery would work over time. The housing trajectory in Appendix C should clearly show where and when the delivery of housing will occur, but it currently does not, making it ineffective and unsound.
118. HBF suggest this could be improved by dividing the total housing number bars in the housing trajectory into the four different housing market areas. This would enable the trajectory to then illustrate where (which of the four areas) and when (which year) the housing is being proposed. This would provide both a greater understanding of the spatial distribution of the housing requirement over time and represent the baseline against which deliver over each of the four areas could be monitored and managed.
119. HBF also suggests there is a need for greater link on an area by area basis between housing policy and employment policy. Employment allocations and opportunities within a particular housing market area could give rise to an additional housing need that should be accommodated within that area.
120. Therefore, although HBF have no specific comments on individual sites, in general we would support the need for more allocations in each of the four areas to provide a range and choice of sites, address the need for flexibility and viability considerations to be taken into account, and to deliver higher amounts of housing and support economic growth.
121. These comments apply to each of the four Area Strategies- Chippenham, Salisbury, Swindon and Trowbridge but are not repeated four separate times. Further HBF comments on the individual area strategies are provided below:

Policy 21: Salisbury area new community

Policy 21 is not considered to be sound as it is not effective, not justified and not consistent with national policy

122. This policy says “an area of search shown on the Key Diagram is proposed for a possible new community north of Salisbury, subject to the need being confirmed through a review of this Plan.” As mentioned in our objections to Section 3: Spatial Strategy for Wiltshire, HBF object this decision being deferred and request a decision is made on the need, or not, and location for any new community within this Plan. Not doing so results in a plan that is not justified, not effective and not in line with national policy.
123. The NPPF encourages plans to look 30 years into the future when setting a long-term vision for their area. Paragraph 22 requires that “strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger-scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery”.
124. New communities take a long time to deliver. It is not appropriate to wait for a future review of the Plan to decide whether a new community is needed, if it would be a feasible option and only then being to consider the precise location, scale and infrastructure needed. HBF suggest that failing to make these decisions now results in a unsound plan, especially when the new community is already expected to make a contribution to the housing supply over the plan period.

Trowbridge Rural Area

125. HBF note that that Table 4.16 on the Distribution of housing growth for the Trowbridge rural area put backs housing delivery in Sutton Venn due to nutrient management constraints. HBF comments on nutrient neutrality are details in our response to Policy 2, but the impact of our view is that development does not need to be delayed to address nutrient issues, including in Sutton Veny and Salisbury.

SECTION FIVE: Delivering the Spatial Objectives

Economic

Policy 73 Transport: demand management

Policy 73 is not considered to be sound as it is not effective, not justified and not consistent with national policy

126. HBF object to the inclusion of the wording “Further details on how the measures outlined above should be utilised are outlined in the Wiltshire Local Transport Plan (LTP) including the LTP Car Parking Strategy, Local Cycling

and Walking Infrastructure Plans (LCWIPs) and LTP Smarter Choices Strategy.” By including them within a Local Plan policy the Council is seeking to give these document Local Plan status which is not appropriate. They should instead be referred to in the supporting text.

Social

Paragraphs 5.54- 5.61 Providing Affordable Homes

HBF object to Policy 76: Affordable Housing for a number of reasons and have concerns about the content and wording of the supporting text in Paragraphs 5.54- 5.61. Neither the text not the policy is clear, and as such it is not effective, not justified and numerous revisions are needed before the plan could be found sound.

127. In para 5.55 the term ‘appropriate tenure’ is followed by reference to Footnote 28. Footnote 28 is a reference the definition of affordable housing in NPPF. Para 5.55 therefore incorrectly implies a judgment ‘what is appropriate’ to the NPPF definition of affordable housing which in facts lists a range of affordable housing types and products, all of which are defined as affordable housing, and all of which as such may be appropriate affordable housing for a particular location or scheme. HBF suggests this paragraph need rewording to improve its clarity. HBF suggest the national definition of affordable housing should be integrated within the supporting text, and not relegated to a footnote.
128. The remaining part of para 5.5 seems to imply the need flexibility in applying the affordable housing policies as reference is made to viability and the need to be ‘flexible’, but this is then not carried through into the wording of the Policy 76. HBF suggest the policy should be changed to allow for flexibility as indicated by this text, although the wording of the text could also be improved and clarified.
129. Para 5.56 explains what First Homes are with reference to the criteria set out in national guidance⁴, namely 30% discount, sold to an eligible person, First Home on resale and no more than £250,000, although reference to national guidance is not included. However elsewhere in the Plan, when talking about First Homes Exception Sites, para 5.78 says:

“First Homes, either through a First Homes exception site or as part of the affordable housing mix secured as part of an open market residential scheme, must comply with the following criteria....

And adds an additional clause, to what is otherwise national criteria.:

⁴ <https://www.gov.uk/guidance/first-homes>

... “the local eligibility criteria i.e. local connection test as set out within the Wiltshire Council Allocations Policy, will apply for the first 3 months from when a home is first marketed”.

However, the local occupancy criteria is not mentioned in either Policy 76: Affordable Housing or Policy 79: First Homes Exception Sites, so HBF is unclear if this is intended to be policy or not.

130. The Council does, however, currently have an interim policy: Wiltshire Council Interim Position Statement First Homes, June 2022⁵, which includes Local Eligibility Criteria. This document clearly states that:

“1. The purpose of this Position Statement is to set out Wiltshire Council’s interim approach to the implementation of the Government’s First Homes policy prior to the completion of the review of affordable housing policies as part of the Local Plan Review. “

131. HBF would have expected the Plan to include a policy on First Homes which sets out and explains any local requirements, or a clear indication in the supporting text that the national requirements were being relied on. It is clearly not appropriate for the Council to seek to roll forward this interim statement into policy in the Local Plan. If the Council wish to add a local occupancy restriction to all First Homes this should be done through a clear Local Plan policy, not hidden away in a text to different policy.

132. HBF suggest that para 5.56 should therefore clearly differentiate between national policy on First Homes and any local requirements. HBF would question if it is even necessary to repeat the national requirements for First Homes in a Local Plan policy, as wording such as ‘First Homes in accordance with national First Homes policy could be sufficient’. However, any local First Homes requirements need to be informed by local evidence and justification.

133. The content of Para 5.56 is also in itself confusing, as the first sentence is clearly about First Homes, whereas the final sentence may or may not. The final sentence states that “if appropriate, detailed guidance will be produced by the council in relation to the delivery of affordable housing including the appropriate assessment of viability and appropriate development standards.” It is not clear if this sentence is intended to apply to First Homes only, or affordable housing more widely. Clarification is needed on the Council’s intentions.

134. In relation to this, HBF would also note that for the plan to be sound an assessment of the viability of the Plan should already have been undertaken which considered all the policy requirements in the Plan. Any development standards should be set in the Plan. It is not appropriate to introduce additional policy “standards” outside of the Local Plan making

⁵ See Policy Position Statement <https://www.wiltshire.gov.uk/planning-policy>

process. Supplementary Planning Documents offer supplementary explanation, they cannot and do not set policies or standards.

135. Para 5.57 contradicts itself. Firstly, it says that the policy requirement of at least 40% affordable housing may be varied for reasons of viability. It goes on to explain that the 40% affordable housing may not be viable on complex brownfield sites, and as a result the affordable housing requirement for the allocation at Innox Mills in Trowbridge has been reduced to 10% to reflect this.
136. However, the paragraph then continues by noting that the Council's own viability evidence demonstrates that 40% affordable housing on brownfield sites in a variety of locations will not be deliverable. However, rather than reflecting this evidence in policy and allowing for flexibility in these, and potentially other locations, the wording of the Plan seek to argue that its own viability evidence is wrong, listing three examples of circumstances which it seems in the Council's view may make brownfield sites more viable.
137. This is not how a whole plan viability assessment is intended to inform the plan-making process. If evidence shows the typology (a brownfield site in an urban area) is not viable, the methodology indicates that affordable housing should not be sought on these type of sites. The viability evidence, as the plan itself acknowledges shows this to be the case in these locations. No evidence is provided to support the Council's ideas that three factors they suggest would impact viability positively, and certainly not the extent they could support a 40% (or more) affordable housing policy on such sites.
138. In seeking to make site specific arguments in favour of a viability being better than the report suggests the Council are departing from the methodology of a whole plan viability assessment and seeking to apply flexibility, or site-specific considerations. Although HBF support the need for flexibility for site-specific reasons it is ironic that the Council are seeking to apply exactly such arguments to suggest policy should be applied flexibility upwards, contrary to the viability methodology whilst also allowing not any flexibility downwards- which is the whole purpose of undertaking a viability assessment. If schemes are unviable at a certain percentage of affordable housing, the policy should allow for affordable housing be reduced until viability is achievable.
139. The whole of para 7.57 needs revising for the Plan to be justified, effective and in compliance with national policy, and the Affordable Housing policy itself needs amending to allow for flexibility if viability reasons can be demonstrated.
140. Para 5.58 is a repetition of the definition of the distinction between designated rural areas and non-designated rural areas. This does not need

to be repeated verbatim in the both the policy and the supporting text. This paragraph does not even lead into the map of which areas are designated rural area as two other paragraphs dealing with two different issues comes first. HBF suggest that para 5.58 is deleted, and paragraph 5.59 amended to say:

Different thresholds for affordable housing apply in designated rural areas and non-designated rural areas. Figure 5.1 illustrates the current designated rural areas but the Council may seek to designate further areas during the plan period”.

141. Para 5.9 should then continue by explaining how a new rural area would be designated and how a plan user can find out if any have been by referencing the relevant page(s) of the Council website and/or interactive map and/or advising potential applicants to please contact the Council for an up-to-date list.
142. HBF suggest that Figure 5.1 should then be moved to follow this revised text and Figure 5.1 itself revised to more clearly show the designated rural areas as at the moment they get lost amongst all the other layers on this particular map, making this part of the Plan ineffective and unsound.
143. Para 5.60 indicates that where a calculation for affordable housing results in a less than whole unit, this will be rounded up. HBF object to this approach. It is more appropriate and reasonable for any partial unit of affordable housing to be provided as an in-lieu contribution via a formula or calculation. The Council’s approach should be set out within the Affordable Housing policy not buried in the supporting text. It should also be subject to viability testing.
144. Rounding off affordable housing numbers will mean that some schemes provide a different amount of affordable housing to be policy complaint. As 0.1 of a unit extra would be rounded to a whole unit as would 0.9 of a unit. This would mean some schemes would be being asked to provide more affordable housing than others in order to be policy compliant with a 40% affordable housing requirement. HBF request that the requirement to round up is deleted and replaced with an in-lieu payment calculation.

Comments on Whole Plan Viability Assessment

145. HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot.

146. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. HBF members are reporting costs of £20-30k per off-site BNG unit. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needed to rely on statutory credits would become unviable.

147. HBF also note that work undertaken by DEFRA to inform the national percentage BNG requirement found that a 20% net gain requirement would add c.19% to the net gain costs, over and above the minimum requirement of 10%⁶. The report concluded that:

“While this suggests that varying the level of net gain between 5% and 20% has very limited impact on the outcome, there is a trade-off between cost implications for developers and the likelihood of net gain being delivered at a national level (e.g. less costly/likely at 5% net gain compared to 10%, and vice versa for 20%). Our chosen policy approach, which sets out that 10% is the right level to demonstrate net gain, considers this trade-off among other issues.”

148. The Council seem to have relied on this conclusion to justify their 20% BNG policy and appear to have used this cost input appears in their viability work⁷[2]. HBF see no reason why Wiltshire should deviate from DEFRA's conclusion that 10% BNG strikes the right balance between these trade-offs.

149. There is also a need to consider the costs of delivering the required M4(2) Accessible and adaptable dwellings policy, and Housing Standards - M4(3) Wheelchair user dwellings compliance is too low. A distinction needs to be made between M4(3)a wheelchair adaptable housing and M4(3)b wheelchair accessible housing. The whole plan viability assessment should be explicit in whether it was applying M4(3)a or M4(3)b but as the latter can only be sought on affordable housing where the Council has nominations and is considerably more expensive than the former.

150. Whole Plan viability testing is an important part of the plan-making process. However, as noted in PPG (ID: 10-003-20180724) assessing the

⁶ Para. 6.11.2 of the Biodiversity net gain and local nature recovery strategies: impact assessment. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf

⁷ Page 24.

https://www.wiltshire.gov.uk/media/12019/Assessment-of-Local-plan-viability-and-the-review-of-the-Wiltshire-Community-Infrastructure-Levy-Charging-Schedule/pdf/Assessment_of_Local_plan_viability_and_the_review_of_the_Wiltshire_Community_Infrastructure_Levy_Cha.pdf?m=1695745988807

viability of plans does not require individual testing of every site or assurance that individual sites are viable, and therefore flexibility in the amount of affordable housing sought may be needed to deal with site specific issues.

151. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there may be a “deviation” from the detail of the policy- in this example a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. This is another reason why flexibility within the Affordable Housing policy is needed.

Policy 76 Providing Affordable Homes

Policy 76 is not considered to be sound as it is not effective, not justified and not consistent with national policy

152. HBF objects to Policy 76: Providing Affordable Housing for a number of reasons which are set out before, and have concerns about the content and wording of the supporting text in Paragraphs 5.54- 5.61. Neither the text nor the policy is clear, and as such it is not effective, not justified and numerous revisions are needed before the plan could be found sound.
153. The first part of this Policy requires ‘at least 40%’ affordable housing. PPG⁸ states that “Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. To provide this certainty, affordable housing requirements should be expressed as a single figure rather than a range. Different requirements may be set for different types or location of site or types of development.” The plan should therefore specify the policy is ‘40%’, not ‘40% or more’, as this would be a range.
154. A policy of ‘more than 40%’ is also not supported by the evidence. Paragraph VI. of the Assessment of Local Plan Viability Study⁹ states:

“Affordable housing has been tested with the full emerging Local Plan Policy, which includes 40% affordable units and a tenure mix of 25% First Homes, 10% intermediate/shared ownership and 65% social rented – with sensitivity testing undertaken on the tenure split and the headline level of affordable housing. We make recommendations on the level affordable housing which is viable across Wiltshire.”

⁸PPG Reference ID: 10-001-20190509

⁹ https://www.wiltshire.gov.uk/media/12019/Assessment-of-Local-plan-viability-and-the-review-of-the-Wiltshire-Community-Infrastructure-Levy-Charging-Schedule/pdf/Assessment_of_Local_plan_viability_and_the_review_of_the_Wiltshire_Community_Infrastructure_Levy_Cha.pdf?m=1695745988807

155. Para 9.1.1 of the same report says: “these results show that most of the Wiltshire site typologies of different sizes and in different locations are viable to meet the full policy requirements as currently set out in the draft Wiltshire Local Plan, including 40% affordable housing.” This clearly shows a policy of 40% affordable housing is the level that was tested in the viability testing, not more than 40%.
156. The wording in the ‘provision’ section of this policy is also confusing. Point i. says “on sites of ten or more dwellings or 0.5ha or more (lower threshold applies)... and point ii. says “on sites of five or more dwellings or 0.5ha or more (lower threshold applies) ...HBF suggest the bracketed wording “(lower threshold applies)” is potentially confusing in this context. HBF suggest it should be changed to say “(whichever is the lower)”.
157. The next sentence of the policy says “only in exceptional circumstances, where it can be proven that on-site delivery is not possible, will a commuted sum be sought.” HBF would question if this is correct as there may occasions where on-site delivery is possible but is not desirable. For example, where the Council’s housing strategy and/or recent local housing needs evidence suggest off-site delivery may be preferable, or if a developer was unable to find a Housing Association partner to manage the stock. HBF suggest that policy should be amended to include flexibility to enable commuted sums to be sought, especially where this would deliver other policy objectives.
158. To be effective, Policy 76 also needs to set out how any commuted sum would be calculated, as this should be clearly set out within the Plan. The in-lieu payment should also be used to calculate a contribution when the mathematics result in less than full unit being delivered.
159. The next sentence of the policy states that “the provision of affordable housing may vary on a site-by-site basis taking into account evidence of local need, mix of affordable housing proposed and, where appropriate, the viability of the development and where this would not lead to unsustainable development. All affordable housing will be subject to an appropriate legal agreement with the council.” The format and layout of the policy make it unclear whether this sentence provides any flexibility within the policy and one that flexibility may be. It is unclear whether this section of the policy enables less than 40% affordable housing to be provided, or whether this ability to ‘vary’ affordable housing relates only to a change to the mix of affordable housing, rather than the amount. In order to be effective and justified the policy needs to be clear whether it is one, the other or both.
160. The policy then continues with a section on tenure which states:
- “The tenure mix on all sites will normally be 65% Affordable Housing for Rent, 10% Shared Ownership and 25% First Homes.

Tenure will be reviewed and negotiated on a site-by-site basis to reflect the nature of the development and local needs as set out in Policy 78.

161. However the Assessment of Local Plan Viability Study¹⁰ states in Para 9.1.1 “Therefore, the Council should consider 10% affordable housing with a tenure split of 32.5% affordable rent and 32.5% social rent (instead of 65% social rent) in the settlement boundaries of Salisbury, Amesbury, Tidworth, Warminster, Westbury, Trowbridge, Melksham, Devizes, Chippenham, and Royal Wootton Bassett as they cover potential brownfield development in value area VA1 and the main parts of VA2 where development could potentially come forward.”
162. The proposed tenure mix is therefore not supported by the evidence. It has been found to be unviable by the Council’s own evidence in particular circumstances. The Plan policy needs to resolve this matter. The reference to ‘changing the tenure mix to reflect need set out in Policy 78’ is misleading as Policy 78 deals with the need for a range of types and tenures and sizes of homes, requirements to meet Building Regulation standards and NDSS, and the requirement to meet the needs of older and vulnerable people. Policy 78 does not address the spatial differences in viability that were found in the Viability Assessment¹¹.
163. As currently drafted Policy 76 allows for some flexibility in terms of tenure but no flexibility at all in terms of number of units. This is despite that fact that the whole purpose of a whole plan viability assessment is to help assure the Council that the plan is deliverable and policies requiring a certain percentage of affordable housing do not make developments unviable. Reducing the amount of affordable housing has to be one option that could be considered to help make an unviable scheme viable. The Policy should therefore include flexibility in terms of numbers, as well as considering flexibility for different types of affordable housing tenures and sizes.
164. As mentioned above, if the Council wish to introduce a local occupancy restriction to First Homes this should also be set out in policy, with the evidence to support made available and clearly explained in the supporting text.
165. Addressing this issue may also result in the need for consequential amendments or clarifications in relation to Policy 79: First Homes exception sites.

Policy 78 Meeting Wiltshire’s housing needs

¹⁰ ibid

¹¹ ibid

166. Policy 78 is in three parts. The first part requires housing to incorporate a range of different types sizes and tenures of housing, all new housing to meet Nationally Described Space Standard (NDSS) and that all new homes should meet M4(2) Building Regulations with 7% on all schemes meeting M4(3) standards. The second part of the policy sets out the approach in relation to older person's housing and the third part in relation to specialist housing.
167. HBF does not support the introduction of the optional Nationally Described Space Standard though policies in individual Local Plans. If the Council wanted to do this they would need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF¹², which states that "policies may also make use of the NDSS where the need for an internal space standard can be justified".
168. The NPPF¹³ requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG¹⁴ identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:
- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
 - Viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
 - Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.
169. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS

¹² para 130f & Footnote 49

¹³ Para 31

¹⁴ Ref needed

for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

170. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

171. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

172. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

173. In relation to the requirements for all new development to meet M4(2), HBF note that the requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. There is therefore no need for this element of the proposed new policy.

174. HBF also notes that the PPG¹⁵ states:

“What accessibility standards can local planning authorities require from new development?”

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the

¹⁵ PPG Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”

175. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, topography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

176. There is also a need to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. This part of the policy needs to be amended to recognise this distinction. The viability Assessment should also consider the cost implications resulting from any requirements for the provision of M43a and/or M43b requirements. HBF therefore request that the policy is amended so that it is applied flexibly. This issue should also be factored into the whole plan viability assessment as both M4(3)a and M4(3)b impact on viability, with M4(3)b being considerably more expensive.

Policy 80 Self and custom build

Policy 80 is not considered to be sound as it is not effective, not justified and not consistent with national policy

177. This policy requires sites of 20 or more dwellings, to provide 5% as serviced plots for self and custom build. It requires plots to be marketed for sale for a period of 12 months per plot and any plots subsequently developed for self-build and custom build must be completed within 3 years of purchase by a self-builder.

178. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.
179. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.
180. The Council's policy approach should be realistic to ensure that where self and custom build plots are provided, they are delivered and do not remain unsold. If demand for plots is not realised, there is a risk of plots remaining permanently vacant effectively removing these undeveloped plots from the Council's HLS. The Council should consider the application of a non-implementation rate to its HLS calculations.
181. It is the HBF's opinion that 5% self build plots should not be required on housing sites of more than 20 dwellings. However, if the policy remains, it needs to be clear what happened where plots are not sold. HBF suggest that the policy should be amended to clarify that after 12 months any unsold plots will revert to the developer. Clarity is needed on how and when this will happen.
182. It is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. The current policy therefore needs amending to make it clear that any unsold plots remaining after the 12-month marketing period revert to the original developer.

Policy 83: Health and wellbeing

Policy H83 is not considered to be sound as it is not justified or effective.

183. This policy sets out the requirements for developments over a certain size to be accompanied by a Health Impact Assessment and also includes a section on healthy food that states "The council will seek to enhance local

food growing opportunities by requiring new residential developments to either have access to, or be accessible to green and blue infrastructure, including community gardens, community orchards and/or allotments.”

184. The second part of the policy (on healthy food) seems to appear from no where. There is no mention of the healthy food element of the policy in the supporting text and no further information is provided on this matter HBF are unclear how a developer would demonstrate compliance with this policy. Therefore, this element of the policy is both unjustified and ineffective and as such should be deleted, or at the very least clarified. If the intention is for this to be a matter considered in the HIA this could be referred to in the policy, but HBF suggest this should not be singled out against other HIA considerations.

Policy 84: Public open space and play facilities

Policy 84 is not considered to be sound as it is not justified or effective or consistent with national policy.

185. Once again, the Council is seeking to give Local Plan status an existing SPD, this time the Planning Obligations Supplementary Planning Document. This is not appropriate. Planning policy must be made through the Local Plan process. This is subject to mandatory requirements for public consultation and independent scrutiny through the Examination process.
186. If the Council wish to provide additional advice on the interpretation of this policy, this should be done through a Supplementary Planning Document, which is prepared and consulted on after the Local Plan policy has been adopted. It cannot be done through trying to give Local Plan policies status to an existing SPD, especially as the existing SPD hangs from the adopted policies in the Local Plan, which will be replaced when this new Local Plan is adopted.
187. It must also be noted that Section 106 contributions can only be sought to ensure a development mitigates its own impact. They cannot be required to address existing shortfalls. It will therefore be essential for the Council to have robust and up-to-date evidence around play space provision, open space provision and playing pitches and calculate any developer contributions arising at the time a planning application is made.
188. The policy wording should therefore be amended to include wording that explicitly states an assessment of provision will be undertaken at the time of an application to ensure any requests for s106 contributions remain evidenced and justified. Any reference to the adopted SPD must be removed from the policy.
189. HBF also note para 5.94 says “It is important to note that the council no longer adopts public open space. Developers will be encouraged to discuss with town and parish councils, in the first instance, before setting up a

company to manage new public open space in accord with a term to be agreed and secured through the development management process.”

190. HBF would question what information would be required to show engagement has been undertaken with the Parish or Town Council especially if this ultimately proved unsuccessful. HBF suggest the policy should be amended to allow POS to be delivered through either mechanism without any prioritisation.

Environmental

Policy 85: Sustainable construction and low carbon energy

Policy 85 is not considered to be sound as it is not effective, not justified and not consistent with national policy

191. The policy proposes that new build residential development will achieve a zero-carbon in operation standard by significantly reducing heat and power demand of the building through energy efficient design and / or modern methods of construction. It states that proposed new dwellings will demonstrate:
- space heating demand less than 30kWh/m²/annum;
 - total energy use less than 40kWh/m²/annum;
 - on site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV, subject to building orientation and heritage considerations; and
 - connection to a district heating network where one is available.
192. It would appear that the Council have sought to move away from the carbon reduction methods set out in Part L of the Building Regulations, and have moved towards an assessment of energy use. The HBF supports the Council in seeking to minimise carbon emissions, and reduce heat and power demand through energy efficient design. However, the HBF does not consider that the Council setting its own standards is the appropriate method to achieve these outcomes. Whilst the ambitious and aspirational aim to achieve zero carbon is lauded, the HBF is concerned that the Council is adding to the complexity of policy, regulations and standards that housebuilders are already expected to comply with. The key to success is standardisation and avoidance of individual Councils specifying their own policy approach, which undermines economies of scale for product manufacturers, suppliers and developers.
193. HBF acknowledges that Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 outlines that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. The NPPF looks for all plans to take a proactive approach to mitigating and adapting to climate change. However, PPG refers to the Planning and Energy Act 2008, the Deregulation Act 2015, and the Written Ministerial Statement (March 2015)

and states that policies in relation to energy performance standards should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes.

194. The impact of this requirement along with others in this Plan may have considerable viability implication and may lead to the non-delivery homes and needs to be fully considered within the Viability Assessment.
195. HBF does not consider that the Council has provided the justification for why Wiltshire requires a policy that is so significantly above the requirements set out nationally in the building regulations requirements. The HBF does not consider that the Council have provided the justification for why there is a need for the home building industry to consider the unregulated emissions in addition to the regulated emissions, as it is generally acknowledged that developers have limited control over future unregulated emissions. The HBF also does not consider that the Council have justified the Energy Use Intensity Targets and Space Heating Demand Targets set out in the policy, it is not apparent why these levels have been chosen and how they relate to existing development in Wiltshire.
196. HBF also considers that this requirement should not apply to all new build residential developments and should recognise the scale of development in relation to the significant requirements of this policy. The Council should not place unduly onerous requirements onto individuals and small sites.
197. HBF has concerns in relation to the proposals for on-site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV. The HBF considers that it is important that this is not seen as a requirement and is instead implemented on a flexible basis. The HBF recognises that there may be potential for renewable energy generation on-site, however, it may be more sustainable and efficient to use larger scale sources rather than small-scale, it is also noted this policy also takes no account of the fact that over time energy supply from the national grid will be decarbonised.
198. HBF also has concerns in relation to the connection to district heating networks. The HBF considers that it is important that this is not seen as a requirement and is instead implemented on a flexible basis. Heat networks are one aspect of the path towards decarbonising heat, however, currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install

low-carbon technologies. This may mean that it is more sustainable and more appropriate for developments to utilise other forms of energy provision, and this may need to be considered.

199. Government consultation on Heat Network Zoning *also identifies exemptions to proposals for requirements for connections to a heat network these include where a connection may lead to sub-optimal outcomes, or distance from the network connection points and impacts on consumers bills and affordability.
200. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies.
201. The Council's proposed policy approach is unnecessary seeks to go beyond the 2021 Part L Interim Uplift and the Future Homes Standard without justification. It is the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Council does not need to set local energy efficiency standards to achieve the shared net zero goal because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. The HBF recommends that the policy is deleted.

Policy 87: Embodied Carbon

Policy 87 is not considered to be sound as it is not effective, not justified and not consistent with national policy

202. This policy states that proposals for major residential development will need to be supported by an Embodied Carbon Assessment that demonstrates a score of less than 900kg/sqm of carbon can be achieved within the development of the substructure, superstructure and finishes.
203. HBF considers that if the Council is to introduce a policy in relation to embodied carbon it will have to closely consider how it will be monitored and what the implications are for the preparation of any assessment, particularly in relation to how easily accessible any data is, and that it will have to take into consideration that much of the responsibility for emissions will lie in areas outside of the control of the homebuilding industry, including material extraction and transportation, occupation and maintenance, demolition and disposal. The Council will also have to consider how the policy will interact with other policies for example in relation to energy efficiency or resilience to heat, as well as the viability and delivery of development.

204. HBF considers that if this policy were to be introduced then the Council should provide a transitional period to give the industry time to adjust to the requirements and for the supply chain to be updated or amended as required.

205. HBF also considers that this requirement should not apply to all developments and should recognise the scale of development in relation to the significant requirements of this policy.

Policy 88: Biodiversity and geodiversity

Policy 88 is not considered to be sound as it is not effective, not justified and not consistent with national policy

206. Although HBF support the need for development to deliver biodiversity benefits, we object to a mandatory requirement for all developments in all cases to include bird bricks, bat boxes, overhanging eaves and hedgehog highways. Although HBF is very supportive of all these measures they must be considered on a case-by-case basis, as the site location, specific house locations or other reasons why these options may not be always be appropriate. The policy should therefore include flexibility.

207. HFB also suggest that it is disproportionate to require this on all new development even a single house and would question how deliverable this would be. Surely connecting nature needs to be delivered in an integrated and strategic way not through a piecemeal approach where for example an infill house could be required to provide wildlife features that do not connect to any others.

208. HBF also considers that the requirements to include other features should also not apply to all developments and should recognise the scale of development in relation to the significant requirements of this policy.

Policy 89 Biodiversity Net Gain

Policy 89 is not considered to be sound as it is not effective, not justified and not consistent with national policy

209. It is the HBF's opinion that the Council should not deviate from the Government's requirement for biodiversity net gain as set out in the Environment Act. There are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council's viability assessment. It is important that BNG does not prevent, delay or reduce housing delivery.

210. The Policy states that "Development must achieve a minimum of 20% biodiversity net gain, or higher as stipulated in national legislation and/or policy or supplementary guidance, over the pre-development biodiversity value as measured by the latest Biodiversity Metric. Exempted development must achieve no net loss of biodiversity and should achieve appropriate net gains, aspiring to deliver at least 20% biodiversity net gain."

211. HBF notes that the proposed policy wording and supporting text does not reflect the Environment Act which requires 10% Biodiversity Net Gain, or the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is a policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.
212. HBF objects to this part of the policy for a number of reasons including the principal of seeking 20% BNG or more, the wording of the policy that is inaccurate and creates confusion, the intention to give Local Plan policy weight to an SPD and the approach suggested for exempted development.
213. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.
214. Exempted BNG development is by definition exempt from any requirement to deliver BNG, therefore any policy that sought to require the mandatory 10% BNG on exempt development would be unsound and not comply with national legislation and guidance, so any policy that seeks to encourage 20% BNG or more on exempt development is unsound as it does not comply with national policy. BNG is not, and can not be required on exempt development.
215. HBF would also question why the policy makes a specific reference to non-net loss in relation to exempted development. All development covered by BNG starts from the basis of a BNG metric that should result in no net loss of BNG as this is an integral part of the metric. The second sentence of Policy 89 must therefore be deleted.
216. The Plan should also include some reference to mandatory net gain. The Plan can include reference to the fact that the 10% mandatory net gain cannot be subject negotiation as part of viability discussions. However, but anything over 10% can be and the plan should be clear about this.
217. The next part of the policy states that “Biodiversity net gain must be delivered in the following hierarchical manner:
- Onsite delivery: where delivered on site habitats should be functionally linked to the wider habitat network creating coherent ecological networks.

- Offsite delivery: should prioritise contributing to nearby habitat recovery and creation strategies as identified within adopted mitigation strategies, strategic wildlife corridors, Local Nature Recovery Strategy and, Green and Blue Infrastructure Strategy.
- Offsite delivery: on an alternative suitable site, prioritising strategic delivery in the Local Nature Recovery Strategy area.
- Credits: as a last resort, and where it is agreed by the local planning authority no suitable alternatives exist, through the purchase of an appropriate amount of national biodiversity units/credits.

218. This wording is inaccurate for a number of reasons. On site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance. The term 'units' should therefore be removed from the final bullet point.

219. In relation to viability, the costs of mandatory the 10% BNG are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needed to rely on statutory credits would become unviable. This gives further weight to the need to ensure 10% BNG is deliverable and viable before looking to go beyond this.

220. Guidance is still emerging as preparation for the introduction of Biodiversity Net Gain which has now been delayed from Nov 2023 to January 2024, and April 2024 for small sites. Planning Practice Guidance on BNG from DLUHC, additional advice and guidance from DEFRA and the statutory instruments themselves are all expected to be published by the end of November 2023. It will be important for the Local Plan to reflect current policies and Guidance in this area. To not do so will be unsound for failing to comply with national guidance.

221. As the PAS guidance <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs> explains the Environment Act amends the Town & Country Planning Act (TCPA) to secure BNG. This will be calculated using the Biodiversity Metric, and local planning authorities will need approve a biodiversity gain plan. Habitat will be secured for at least 30 years via planning obligations or conservation covenants, and BNG can be delivered on-site, through off-site units or via the new statutory biodiversity credits scheme. A national register for net gain delivery sites will be established, initially for all off-site BNG.

222. The proposed policy wording needs to reflect to the current position as set out above. As such there needs to be a variety of further amendments to the policy wording for it to be accurate and up to date. The Environment Act is clear that BNG requirements can be met on-site, off-site or as a last resort through statutory credits (see <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>). Whilst on-site provision should be explored first there may be many reasons, including for example design and practicality, why on-site BNG is not deliverable and/or not the preferred approach of the applicant and/or the Council and/or the community and/or statutory consultees.

223. Factors that may need to be considered in reaching a view that off-site BNG may be acceptable, could include for example, whether the site is suitable for the type of BNG to be provided, what the priorities of the Local Nature Recovery Strategy are and/or the opportunity to coordinate contributions from a range of sites to provide for large landscape scale BNG schemes. The metric already compensates for off-site BNG provided when this is provided further away from the site, including outside of the LPA area. Therefore although the Local Plan policy can seek to encourage off-site in particular locations therefore cannot seek to limit BNG provision to within the Borough.

224. As the supporting text notes, currently, Natural England encourage developers to use their Biodiversity Metric version 4.0. to calculate biodiversity net gain. See <https://naturalengland.blog.gov.uk/2023/03/28/measuring-biodiversity-net-gain-publication-of-biodiversity-metric-4-0/>. However, once mandatory Biodiversity Net Gain comes in in Jan 2024, the legislation requires that the statutory metric should be used. HBF understand from Natural England statutory metric will not be Metric 4.0 but a slightly updated version that will include a section on how to calculate statutory credits. The requirement for mandatory BNG for small sites is not due to come in until April 2024 and small sites will be able (but not required) to use the small site metric.

225. These factors mean that once mandatory net gain come in, the policy requirements as drafted in this policy, will have been superseded by events as the statutory metric will have to be used.

Policy 93: Green and blue infrastructure

Policy 93 is not considered to be sound as it is not effective, not justified and not consistent with national policy

226. HBF question how this policy fits into the policies on BNG. The BNG metric covered water courses, and as such require development affecting water courses to deliver improvements. Further clarity should be provided in both the policy and supporting text is needed.

Policy 96 Water Resources

Policy 5 is not considered to be sound as it is not effective, not justified and not consistent with national policy

227. The Plan seeks to require “a tighter water efficiency target of 85 litres per person per day in new residential developments”. Para 5.213 says this is because Wiltshire is seriously water stressed area”
228. HBF would request to see the evidence that reassures the Council that the targets of 85 litres per day is achievable. The current Part G Building Regulations require 125 litres per day, and house builders are frequently delivering 115-110 litres per day which means the house building industry is already improving upon the regulations.
229. There are however issues of getting down to 100 litres per dwelling and below. HBF suggest achieving 85 litres per day would be very difficult and particularly because the level of customer experience starts to get affected at 100 litres per dwelling and below. Furthermore, there are examples of schemes around the country where once water usage begins to get too low there becomes a secondary issue of odour, air quality and human health as the piped systems aren't getting enough volume to run through and cleanse the system. Pipes need a certain volume of water to flush everything through, otherwise if the effluent is not getting cleared and if 'solids and matter' are just sitting dry in pipes this can cause air quality issues and nuisance to residents.
230. HBF would strongly question if a policy limiting water use to 85 litres per day is deliverable, or indeed desirable, and suggest this requirement should be removed. Building Regulations already address this issue, there is no need for further policy in the local Plan on this matter.

Future Engagement

231. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
232. The HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.
233. HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours faithfully

R. H. Danemann

Rachel Danemann MRTPI CIHCM AssocRICS
Planning Manager – Local Plans (Midlands and South West)
Home Builders Federation
Email: rachel.danemann@hbf.co.uk
Phone: 07817865534