

## Wiltshire Council

### Note of questions and points made at Neighbourhood Planning Meeting for Parish and Town Council with 'Made' Plans on 27<sup>th</sup> January 2022

This note accompanies the presentation that has been circulated and provides a summary of the general points raised by attendees in the 'MSTeams chat function' and responses where appropriate. Some amendments have been made in the interest of clarification

#### Note for Action:

The Council is working with consultants LDA Design to prepare guidance for Neighbourhood Plans on developing locally distinctive design codes, with workshops to be undertaken with representative groups from Parish and Town Councils.

Could any expressions of interest to be involved in the workshops please be sent through by **11 February** directed to either:

- [aidan.clarke@wiltshire.gov.uk](mailto:aidan.clarke@wiltshire.gov.uk)
- [georgina.clampitt-dix@wiltshire.gov.uk](mailto:georgina.clampitt-dix@wiltshire.gov.uk)

*Q: What is the time scale for the guidance for neighbourhood plans on developing locally distinctive design codes?*

A: Looking to complete March/April this year.

*Q: When is the earliest time the draft local plan can be seen?*

A: In the lead up to the Cabinet meeting at which the draft Plan will be considered prior to it being presented to Full Council for approval. This is anticipated to be in October. The Council's forward plans will be updated in due course. This is in line with the timeline set out in our Local Development Scheme (November 2021).

*Q: When is the next 5-year housing land supply data available?*

A: By the end of the first quarter of this year we are aiming to have published an updated 5-year land supply, with a base date of 1 April 2021. This will look ahead from 1 April 2021- 31 March 2026.

To complete the assessment, we need to gather evidence to demonstrate why sites over 10 dwellings are capable of delivery over the 5-year period and produce a realistic trajectory. This requires extraction of data and commitments from developers themselves.

The current position is 4.41 years (set during the recent Filands appeal) and we hope to be more than that on publication next time round.

The Government's standard method figure forms the basis against which our 5-year land supply is assessed, and we will be able to update this figure also.

The officers working on updating the 5-year land supply are the same who are defending it in appeals. However, we have put extra resources into supporting these officers and will get an up-to-date position as soon as possible.

*Q: Could you provide an update on housing needs assessments and the number of affordable homes in the county?*

A: In line with the National Planning Policy Framework (paragraph 74) the Council assesses 5-year land supply against the local housing need figure for Wiltshire as set by the Government's standard method. As stated above, the housing need figure will be reset as part of the updated housing land supply statement.

Affordable housing is provided in line with local (Wiltshire Core Strategy) and national planning policy. Generally, this means that provision should be made on all sites of 10 or more dwellings at a level of 30% or 40% (depending on which zone the site is in) unless rural exception policies apply. We seek to maximise affordable housing delivery by requiring policy compliant schemes, but exceptionally where clear viability issues exist it may be appropriate to allow lower levels of affordable housing.

The Government publishes comprehensive data on affordable housing delivery by local authority area: [Live tables on affordable housing supply - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/live-tables-on-affordable-housing-supply). Table 1008C: shows 'Total additional affordable dwellings provided by local authority area - Completions'.

*Q: Can Parish Councils be used to help with the 5-year housing land supply information?*

A: Anyone who has allocations in their Neighbourhood Plans should be monitoring their delivery and holding developers/landowners to account, encouraging them to bring allocations forward in a timely way working with the local community to shape them. This is something that you can reasonably and usefully do. We would welcome any new information you hold about what a developer is doing to deliver homes in your parish or town area.

We are looking at how we can better use the local communities to assist us.

*Q: The Filands Appeal decision refers to the Council's 'action plan' to resolve the 5-year housing land position but little weight appeared to be afforded to this at is not in writing or evidenced. Could you make this more formal for future appeals?*

A: Our action plan includes bringing forward site allocations and stalled sites, we will review whether this can be better evidenced in future appeals. We have brought in a dedicated resource to help deal with some of our allocations that have come through the Wiltshire Housing Site Allocations Plan. We are also now beginning to put recommendations on our applications where if the applicants don't enter into a Section 106 agreement within 6 months or a timely manner then we have the ability to refuse. This incentivises the development industry. The difficulty we have with appeals is that we are not able to continually update the housing land supply position, this is done annually as set out in the National Planning Policy Framework.

*Q: As its 6 months since we last met, could we go back to a 3-month meeting cycle?*

A: We will arrange a further meeting as soon as it is practical to do so but cannot commit to 3 months' time. Jean Marshall as Interim Chief Planning Officer will be leaving the authority and it will be for the new Chief Planning Officer once appointed and in post to decide. However, we would, of course, update you on any new legislation, as we did with the changes to the National Planning Policy Framework last time if something changes nationally in the interim.

*Q: How do we get to a position where the 5-year housing supply and completions are back on track to create a defence for Neighbourhood Plans?*

A: For neighbourhood plans under two years old that contain allocations and meet the housing requirement for their area this is not an issue, as the 3-year housing supply threshold would apply, and the position is significantly above that. More generally, there is not a simple answer, and it needs to be dealt with on several levels. Sites we want to see developed because they are policy compliant (e.g. allocations, brownfield/infill sites in towns) should be supported and progressed more rapidly, and those with limited policy conflict such as the fact they are outside a settlement boundary should be considered favourably to help improve the supply position. Neighbourhood Plans can assist in identifying housing sites themselves.

We also need to move forward on the Local Plan itself. In response to the public consultation and Cabinet on 29 June 2021, we are reviewing the housing figures and distribution of growth to inform the draft Plan, amongst other evidence we have to do, the timeline in the Local Development Scheme shifted to accommodate this. We are fast-tracking this Local Plan as quickly as possible. The Council and corporate priority in the upcoming business plan is to deliver the Local Plan. This requires following the due process.

*Comment: So, it seems we are back to the position we thought we were a year or so ago that we need to update any Neighbourhood Plan over 2 years old, otherwise we will all suffer the Filands experience. This is very onerous on local communities and volunteers and is a charter for developers building whatever, wherever.*

*Q: Will the work on design guides for current/ in process Neighbourhood Plans be taken into account in the Wiltshire Local Plan?*

A: Preparation of a Wiltshire design guide and codes will provide additional detail to policy in the current and revised Local Plan and therefore support the implementation of policy. It is intended to build on, rather than duplicate, the national design guidance and code providing locally distinctive supplementary policy for Wiltshire. As a strategic document it cannot go down to the level that neighbourhood plans can. As such it is envisaged that neighbourhood plans that choose to prepare their own locally distinctive design codes will complement the Wiltshire-wide document.

*Follow up Q: So, the strategic level design guide would include/ take account of rather than over-ride the Neighbourhood Plan design guides?*

A: The strategic level design guide should work alongside rather than over-ride neighbourhood plan design guides.

*Q: How many neighbourhood development orders are there in Wiltshire?*

A: Wiltshire has one community right to build order for Cherhill Village Hall.

*Q: When will the self-help guidance notes be available as we are looking to review our plan?*

A: There will be an ongoing rollout. The first tranche should be out in March. We will seek to prioritise guidance on reviewing plans.

*Q: Could you clarify what stage the Plan will be at when it goes to Council in October and what the opportunity will be for local input at that stage?*

A: This will be what is called the Regulation 19 stage or pre-submission stage. Consultation will be undertaken for a minimum of 6 weeks when the local community and all stakeholders will be invited to comment. The comments received at this stage form part of the submission documents accompanying the draft Plan to the Inspector (who will assess the soundness of the Plan and ensure it meets legal tests). The comments form (part of) the basis for the independent Examination.

Follow up comment: *My understanding is that the Plan is mostly done and dusted by Regulation 19. Hence, we (Chippenham Town Council and Neighbourhood Plan) has formally requested to engage with you at an earlier, formative stage. I hope you will be able to accommodate such engagement.*

A: As explained above the Regulation 19 stage is followed by a period of public consultation, all of which is then considered by the Inspector as part of the Local Plan process. To meet the timeline in the Local Development Scheme and have a draft plan in place as soon as possible we are not undertaking any further public consultation. We have to take a balanced approach about this and already have a good understanding of stakeholder opinions, not least from the extensive consultation undertaken in 2021, and are developing fresh evidence. This all needs to be brought together and the outcome presented as a whole

*Q: In the light of information that 75% of local authorities do not have a 5-year housing land supply, would it be possible for Cllr Botterill to tell us a bit more about what he is trying to do through Department of Levelling Up Housing and Communities about the issue?*

A (from Cllr Botterill): I do not know off the top of my head if the figure of 75% is accurate but certainly officers are aware of a number of similar authorities in a 5-year land supply deficit position. My arguments with this metric are more to do with the contrived nature of the calculation and the way in which it can be recalculated and engineered downwards at appeals and the consequent adverse impacts this has. Only Government can change this and hence it would seem sensible to try to concentrate our efforts in this direction. I and the Council Leader approached the Secretary of State at a gathering last year (I know him reasonably well from university and London days) and it was suggested that we might want to make contact to discuss matters further. However, despite attempts to do this we haven't heard back yet although we are still making efforts to do this. Local MPs Danny Kruger and James Gray have also been involved in discussing the matter and I know that James Gray

feels that the imminent Housing White Paper is the place to challenge the 5-year land supply metric, if it is still proposed that this will be retained.

*Q: Some of the appeals are due to non-determination, which is due to lack of planning team resources. This then compounds the resourcing problem. What is your way out of this vicious circle?*

A: This can be an issue, but the National Planning Policy Framework requires us to work positively with applicants and we try to do so to avoid the need for appeal against non-determination, that is not always due to a lack of resources but can be where developers decide not to submit additional or amended information and prefer instead to take the appeal route. It is not the quicker option, but we cannot prevent applicants exercising this right once the time period has been exceeded. These are actually relatively rare although some applications are twin tracked so that one can go to appeal and another continue to be negotiated upon

*Q: Are you under resourced in Wiltshire Council planning?*

A: We currently do have the right number of staff as per our establishment figures and have one permanent vacancy that is being advertised and we are seeking to interview for the new Chief Planning Officer in February however there are difficulties with a national shortage of planners and other specialists such as building control officers and ecologists. Planning application numbers increased dramatically during the pandemic but have now started to settle back to more normal levels. We are working within an establishment budget and doing our best to upskill staff and bring on junior staff through the system.

*Q: Inspector decisions are raising fundamental questions. How do we get a reset?*

A: Not sure what is meant by a reset in this context. Inspectors' decisions can and are challenged if they are flawed but we have to be careful; we cannot challenge when we don't like a decision, there has to be clear evidence of a failure to apply the correct policies or planning principles for any challenge to be successful. In the last 2 years the high court (which is where Judicial review of a decision is considered) have made it clear they will not intervene in what they consider to be "planning judgement".