

WALPA – Feb 2022

Crisis – What Crisis?

- Wiltshire Council Meeting on Neighbourhood Planning
 - No references to cumulative impact of decisions since April 2020
 - No wish or effort to establish dialogue or structured follow up
 - Flagging cut backs in support for NP as part of budget cuts
- 2021 Housing Delivery Test – 2,846 houses completed v target of 1,336. Over delivery 1,510 houses last year! (Over delivery of 4,845 houses in last 5 years)
- Planning and appeal decisions continuing to overwhelm Neighbourhood Plans
- More change in Planning team leadership

Current State of Play: Tackling the 5YHLS 923 House Shortall...

Housing Approvals since April 2020 based on a shortfall in 5YHLS:

Malmesbury 1	70	SPC
Lyneham 1	50	SPC
Neston	81	Appeal
Broad Town	10	Appeal
Lyneham 2	200	Appeal
Semington 1	26	Appeal
Calne	32	Appeal
Semington 2	144	SPC
Purton	50	SPC
Malmesbury 2	70	Appeal

Total 733

+ Worton 26

Total 759

Crisis – What Crisis?

- Nick Botterill to me: 16th Feb: 'I am not in agreement with the view Neighbourhood Planning in Wiltshire is in crisis'....'Also I would suggest that talk of crisis does nothing to resolve the problem which as you are aware is multi-faceted and not capable of taking resolution simply by taking certain actions – if it were so you can be sure we would have taken these actions by now.'

Meanwhile: *The political landscape has changed since Amersham and Chesham*

- Following meetings in Malmesbury: James Gray has asked a question on 5YHLS in the House of Commons (25th Jan)
 - Answer: 'Local authorities that fail to set an up to date development plan leave their constituents at risk of speculative development, so it is for local authorities to set the numbers and make their plans'
- James Gray, Danny Kruger and WC are corresponding together on approaches to government on the 5YHLS and definitions of 'deliverable'. James Gray has written to Michael Gove and Danny Kruger has direct access via levelling up.

JAMES GRAY MP



HOUSE OF COMMONS

LONDON SW1A 0AA

The Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Housing & Communities
Department for Levelling Up, Housing & Communities
Fry Building
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Our Ref: JG33044

8 February 2022

I had hoped that your otherwise excellent Levelling Up White Paper published last week might have addressed some of the anomalies in regard to planning, which were thrown up by the now discarded Planning White Paper of last year. In its absence, I wonder if you could address two allied policy concerns, which have been raised with me by Wiltshire Council planners as well as the Mayor of Malmesbury in recent weeks.

First, neighbourhood planning of which Malmesbury in my constituency were in the lead, now seems to me to be trumped on a regular basis by the inability of Wiltshire Council to achieve a five-year housing land supply as defined by your Department. The five-year housing land supply currently has to count only completed estates, thereby incentivising developers to delay or even fail to complete the estate to the planning permission granted.

I understand that it would be possible to include any site with permission (if it weren't for the difficulty of establishing sufficient evidence to show there is realistic prospect of delivery). The Government specifically changed the definition of "deliverable" in the 2018 NPPF to place a greater burden of proof of deliverable sites on LPAs, specifically that full permissions can be assumed deliverable, whereas outlines can only be deliverable where clear evidence exists to indicate delivery within five years. I enclose an email chain from the acting Chief Planning Officer at Wiltshire Council on the subject, which explains the issues in a bit more detail.

This means that developers merely lodge speculative applications in the knowledge that the Inspector will find in their favour. That incentive is compounded by the rather odd stipulation that neighbourhood plans become obsolete after two years, which seems to me rather unreasonable.

Second, something rather similar occurs with regard to Gypsy and Travellers' encampments. The method adopted by the Local Authority with regard to assessing the Gypsy and Traveller accommodation requirement is something of a self-fulfilling prophecy. As you will see from the attached email from Steve Bucknell enclosing the "Gypsy and Traveller Accommodation Assessment" by Wiltshire Council, officers toured existing Gypsy and Traveller encampments to enquire how many extra pitches the travellers believed they would require in the future. Not surprisingly, they indicated that the existence of teenage children, for example meant the likelihood an increased demand per Gypsy and Traveller encampments in the future. There is a particular problem with Irish Gypsies coming into the area, and unless the assessment criteria and methodology is improved, the likelihood will be an ever increasing number of Gypsy encampments in an area like North Wiltshire. While I feel a moral obligation to provide sufficient encampments for Wiltshire Romanies locally, I really cannot see why this county should become a de facto home of a large number of travelling people from elsewhere in the UK or Ireland. Surely it is time that the John Prescott method of assessing the requirement for Gypsy travellers should be reviewed and adapted.

I copy this letter both to Nick Botterill, the Chairman of Planning in Wiltshire, Danny Kruger MP, who has expressed an interest in this matter, and the Mayor of Malmesbury.

Our goals

To

- Reverse the 2018/19 changes to the NPPF (5YHLS calc and NP 2 year rule)
 - To keep up the pressure on the Government through MPs, WC and public opinion, and by our own efforts
- Reduce damage to NPs in the meantime
 - Policy development by WC based on cumulative situation in Wiltshire
 - A stronger case being made by WC based on actual delivery and the discretion allowed to Inspectors in case law
 - Challenge to the Planning Inspectorate
 - PR to support the above and add to the reasons Government will reverse the 2018/19 changes
 - For towns and parishes to be referenced/ included in WC efforts
 - For as easy as possible NP review processes

Policy development in Wiltshire and proposals to government

- WC has run out of ideas/ can't see the woods for the trees on short term mitigation.
- We have been offered a brainstorming session with Nick Botterill and members of the SPC on what policy development and mitigation proposals we can offer. At County Hall, in person, 4 to 6 WALPA reps.

How do we stop the anarchy being caused by a 924 house shortfall...?

Policy Areas and Mitigation

- Changes to 5YHLS calculation
- Timescales to build as part of planning permission, with consequences for delay
- Policy on capping additional builds related to 5YHLS shortfall in any one area
- Planning decisions assessed on consistent 'big picture', not case by case
- Previous/ cumulative decisions taken into account
- Housing Delivery Test formally recognised in decision making
- More robust position on maintaining confidence in the planning system
- Direct engagement with Planning Inspectorate on consistency
- Management of Appeals
- **Useful legal advice (immediate priorities (i) reliance on previous permissions being in 5YHLS calc, and (ii) Purton v Malmesbury and whether sites have to be formally rejected in NP policy for them to be considered in conflict.**
- Support for review process

Next Steps

- Keep up the pressure on MPs and WC. They need to hear from multiple locations that NP in Wiltshire is in crisis and maintain/develop their current efforts to influence change. *(NB for our immediate needs waiting for the White Paper is a red herring; we need NPPF changes)*
- Working Group to flesh out our ideas on policy areas and mitigation ahead of brainstorming meeting.
- Participants for our meet with WC.
- Communication back to WC