

Wiltshire Council

Environment Select Committee

11 June 2012

Cabinet

19 June 2012

Subject: Submission of Wiltshire Core Strategy and Review of Local Development Scheme

**Cabinet Member: Councillor Fleur de Rhé Philipe
Economic Development and Strategic Planning**

Key Decision: Yes

Executive Summary

The Wiltshire Core Strategy has been in development since early 2009, taking forward the work started by the former district councils. The Council has completed the final statutory consultation period for representations, inviting comments on the soundness of the document. Representations were received from more than 430 different organisations and individuals, collectively resulting in over 1,700 comments on different parts of the plan. The consultation has raised no issues which officers consider merit delay in progressing to Submission.

Following the consultation, a number of changes are proposed to the Wiltshire Core Strategy Pre-Submission Document (draft Core Strategy) in the interests of improving clarity and understanding of the document, and to update it to improve consistency with the National Planning Policy Framework. These proposed changes are considered to be minor in nature and do not alter the overall substance of the Core Strategy. Once approved they will be submitted to the Secretary of State alongside the draft Core Strategy.

Cabinet is asked to consider and recommend approval of the draft Core Strategy and schedule of proposed changes for Submission to the Secretary of State for Examination, which can take place following approval by Council on 26 June 2012. The Secretary of State will appoint an independent Inspector to examine the soundness of the plan. In examining the document, the Inspector will consider all representations received in this final stage of consultation and will set out his/her findings in a report to the Council.

In addition, Cabinet is asked to approve a revision to the Local Development Scheme to set out the timetable for reviewing the saved former district Local Plan policies not replaced by the Wiltshire Core Strategy and, where appropriate, develop additional locally distinctive policies to guide development within Wiltshire, consistent with national policy.

Proposals

That Cabinet:

- (i) Notes the outcome of the consultation.
- (ii) Recommends to Council on 26 June 2012 that the Wiltshire Core Strategy Pre-Submission Document, together with proposed changes (set out in **Appendix 2**), should be submitted to the Secretary of State for Examination;
- (iii) Delegates to the Service Director, Economy and Regeneration, in consultation with the Cabinet Member for Economic Development and Strategic Planning authorisation: for the preparation of other minor modifications to the Core Strategy for Submission to the Secretary of State in the interests of clarity and accuracy; and to make appropriate arrangements for submission of documents to the Secretary of State and any consequential actions as directed by the Inspector relating to the Examination.
- (iv) Approves the revision to the Local Development Scheme.

Reason for Proposals

To ensure that progress continues to be made on preparing an up-to-date development plan for Wiltshire, in line with the timetable set out in the Council's Local Development Scheme and statutory requirements, and to update the Local Development Scheme in the light of the need to ensure work continues on maintaining an up-to-date development plan for Wiltshire.

Alistair Cunningham
Director for Economy and Regeneration

Wiltshire Council

Environment Select Committee

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Subject: Submission of Wiltshire Core Strategy and Review of Local Development Scheme

**Cabinet Member: Councillor Fleur de Rhé-Philippe
Economic Development and Strategic Planning**

Key Decision: Yes

Purpose of Report

1. To:
 - (i) Inform Cabinet of the outcome of the recent consultation.
 - (ii) Seek Cabinet's recommendation to Council that the Wiltshire Core Strategy Pre-Submission Document, together with proposed changes, should be submitted to the Secretary of State for Examination.
 - (iii) Seek Cabinet's approval for a revision to the Local Development Scheme.

Background

2. The Wiltshire Core Strategy, when adopted, will provide new up-to-date planning policy for Wiltshire to ensure that Wiltshire develops in the most sustainable way. Core Strategies set out the long-term vision for an area and provide policies and proposals to deliver the vision. Subsequent development plan documents will need to be in general conformity with the Core Strategy, as will neighbourhood plans.
3. Cabinet and Council on 17 January and 7 February 2012 respectively, approved the publication of the draft Wiltshire Core Strategy for a final stage of consultation. The background to the preparation of the document is contained within the Agenda papers to both meetings. Consultation on the document took place over a six week period commencing 20 February 2012 and ending on 2 April 2012. Towards the end of the consultation period the National Planning Policy Framework (NPPF) was published in its final form.

4. While the Cabinet resolution allowed for the Core Strategy to proceed straight to Council following completion of the consultation it is considered appropriate, given the publication of the NPPF, to bring the Core Strategy back to Cabinet, prior to Council. This will enable the implications of the NPPF to be considered.
5. Furthermore, Cabinet on 15 November 2011 approved a revised Local Development Scheme (LDS) to ensure that Wiltshire Council had an up-to-date timetable for the preparation of planning policy in Wiltshire. At the time, in the light of ongoing changes to the planning system by Government, it was recognised that the LDS would need to be reviewed in six to nine months time once the changes to the planning system had become clear and new priorities for the Council could be identified.

Main Considerations for the Council

6. The Core Strategy sets out a spatial planning framework for the development of Wiltshire to 2026 with the overall objective of ensuring that the county contributes to achieving sustainable development. It does this by taking local circumstances into account and responding to Wiltshire's distinctiveness. It is considered to be a sound document that is based on robust and proportionate evidence and can be found accompanying the Agenda papers for the meeting on the website at:

<http://www.wiltshire.gov.uk/wiltshire-core-strategy-pre-submission-document-with-bookmarks-february-2012> (PDF - 10mb)

http://consult.wiltshire.gov.uk/portal/spatial_planning/wcs/pre-subconsult2012?tab=files (Online Consultation Portal)

Hard copies have been provided to Cabinet and Environment Select Committee Members and available to other Councillors on request. It has been prepared taking into consideration local views and aspirations, as well as national planning policy.

National Planning Policy Framework

7. The NPPF provides a framework within which local people and their accountable councils can produce their own distinctive local plans, which reflect the needs and priorities of their communities (Paragraph 1) and must be taken into account in the preparation of local plans (Paragraph 2). Policies in paragraphs 18 to 219 of the NPPF, when taken as a whole, constitute the Government's view of what sustainable development means (Paragraph 6) and reinforces the role plan-making has in the delivery of sustainable development:

"Local Plans¹ are the key to delivering sustainable development that reflects the vision and aspirations of local communities."

(Paragraph 150, NPPF)

8. While national planning policy has been recently updated both by the NPPF and separate planning policy for traveller sites, the core planning principles underlying the NPPF (paragraph 17) generally conform to previous policy.

¹ Development Plan Documents (DPD) collectively form the 'Local Plan' for an area.
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This is not unexpected given that the intention of Government was to rationalise and simplify policy and for sustainable development to still remain at the heart of the planning system. As reported previously, the draft Core Strategy was prepared in the light of existing, as well as emerging, national planning policy at that time, including the draft NPPF. Having studied the NPPF, officers consider that the draft Core Strategy is generally consistent with the NPPF, although some minor changes are proposed to further improve consistency. These are discussed below (see paragraph 12).

9. For the avoidance of doubt, officers have discussed with the Planning Inspectorate whether it is necessary to undertake consultation on the implications of the NPPF prior to the draft Core Strategy being submitted. The Inspectorate has confirmed that it is acceptable practice to proceed to Submission and undertake this as part of the Examination process.

Representations on Wiltshire Core Strategy Pre-Submission Document

10. The consultation resulted in representations from more than 430 different organisations and individuals. A petition was also received with over 90 signatures objecting to development in Chippenham. Collectively, more than 1,700 separate comments were made on different parts of the plan. These comments will be considered by the Government appointed Inspector and form the basis of the forthcoming Examination.
11. A summary of the main points raised through the recent consultation can be found within Chapter 4 of the consultation output report², included at **Appendix 1** to this report. Copies of the full report with more detail on comments received and an overview of how the consultation was undertaken will be made available for viewing in the **Members' Room** for Cabinet and will accompany the agenda papers for the Cabinet meeting on the website. This report will be submitted to the Secretary of State, alongside other submission documents, together with copies of all representations received during the consultation. The issues raised will inform matters for consideration and discussion at the Examination.
12. In response to the consultation, a number of changes are proposed to the draft Core Strategy in the interests of improving clarity and understanding of the document and to update it to improve consistency with the NPPF. In addition, a small number of changes are proposed by officers for similar reasons. These are considered to be minor in nature and not alter the overall substance of the Core Strategy, the validity of the Sustainability Appraisal or negatively affect the consistency with national policy. They can be included in the draft Core Strategy in order to strengthen the document without undermining its overall soundness. At this stage in the process, any changes should be submitted to the Secretary of State as a schedule of proposed changes to the document. These are set out in full in the schedule at **Appendix 2** to this report.

² The Regulation 30(1)(d)(e) Statement (Town and Country Planning (Development)(England) Regulations 2004 (as amended)/Regulation 22(1)(c) Statement (The Town and Country Planning (Local Planning) (England) Regulations 2012)
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13. The majority of representations received did not lead to any changes being proposed to the draft Core Strategy. An overview of some of the key concerns/issues raised is provided in **Appendix 3** to this report, together with a brief explanation as to why changes to the draft Core Strategy are not considered justified.
14. Specific representations were also received on the draft Sustainability Appraisal (SA) (see paragraph 19 below). The main areas of concern related to the consideration of higher and lower housing and employment figures, questions by a number of developers regarding the removal of strategic sites from the plan in some market towns, concerns over definition of sustainable development and suggestion that it would be reasonable to consider an alternative spatial strategy (one based on prioritising high density mixed use town centre development, brownfield focus, avoidance of major road capacity increase and prioritisation of social and environmentally beneficial infrastructure).
15. While Officers consider that the work undertaken so far is appropriate, more information will be added to the SA relating to these issues in the interests of clarity. SA is an iterative process and should take into account comments received during consultation stages. It is being updated in the light of these responses and will be completed for Submission. Officers consider that this further work should not lead to any change to the draft Core Strategy as a result.

Next Steps

16. Following Submission, the Secretary of State will appoint an independent Inspector to conduct an Examination into the soundness of the Core Strategy. Officers will be fully involved in the Examination and represent the Council on those matters that the Inspector wishes to examine in more detail. At the end of the process the Inspector will, on behalf of the Secretary of State, issue the Council with a report on his/her findings.

Review of Local Development Scheme

17. The Wiltshire Local Development Scheme (LDS), approved November 2011, envisaged there would be the need to review the three year project plan once the NPPF had been published in its final form and purposefully left scope to do this. Arising from the study of the NPPF it is proposed that the Council review the current LDS to introduce a programme for a partial review of the Wiltshire Core Strategy. The purpose of the review would be to:
 - (i) Review and update the saved 2011 Local Plan development management policies not replaced by the draft Wiltshire Core Strategy (Appendix D) consistent with the NPPF; and
 - (ii) Develop additional locally distinctive policies to guide development within Wiltshire consistent with national policy, in particular the requirement within the NPPF to plan positively for all town centres within Wiltshire.

While the original proposal in the approved LDS was to have a separate Development Management Development Plan Document (DPD), Government is now encouraging fewer separate planning policy documents; as such an early review of the Core Strategy is considered appropriate to add new policies. The outcome of the review would essentially be an addendum to the Core Strategy and would not re-open discussion about other parts of the plan.

18. The LDS will continue to include an ongoing commitment to be responsive to the need for the Council to bring forward additional housing allocations, at Market Towns (where strategic site allocations have not been identified in the draft Core Strategy) and at Local Service Centres, where they are not being delivered through Neighbourhood Planning. This will only be triggered where there is evidence through the Annual Monitoring Report that there could be issues in maintaining a five year land supply for housing and the Council, as local planning authority, needs to step in and produce a Site Allocations DPD.

Environmental and Climate Change Considerations

19. Spatial Planning has implications for the physical, economic and social environment. A SA incorporating Strategic Environmental Assessment has been undertaken during the preparation of the Core Strategy. The SA has been undertaken iteratively at all stages of preparation and has informed the evolution of the Core Strategy. A Habitat Regulations Assessment (HRA) has also been undertaken. Both have helped shape the strategy and will ensure that negative environmental impacts are avoided and sustainable development can be delivered.
20. Climate change is one of the cross cutting objectives of the draft Wiltshire Core Strategy. In particular, it seeks to deliver the most sustainable pattern of growth to promote self containment as far as possible and minimise the need to travel, particularly by the private car. The document includes specific policies to encourage the delivery of renewable energy sources and design measures to promote sustainable construction and low carbon buildings. A Strategic Flood Risk Assessment has also been undertaken as part of the process to ensure that future development is not vulnerable to flooding or increases the risk of flood elsewhere.

Equalities Impact of the Proposal

21. The Wiltshire Core Strategy aims to positively manage growth and development in Wiltshire. The consultation processes and community involvement has ensured that everyone has had the opportunity to inform the preparation of the Core Strategy. When the Draft Wiltshire Core Strategy is submitted to the Secretary of State for Examination, Regulations require that it is accompanied by an Equalities Impact Assessment and an accompanying minute that Council has exercised its duty in relation to the Equalities legislation.

Risk Assessment and Options Considered

22. Until the formal abolition of the adopted and draft Regional Spatial Strategies for the South West (RSS) the draft Core Strategy needs to be in general conformity with it unless new up-to-date evidence indicates otherwise. The

document is considered to meet this requirement, albeit that only very limited (if any) weight can be given to the RSS given that its formal revocation could be imminent.

23. It is important that Wiltshire has in place up-to-date planning policy as soon as possible and progress continues to be made towards adoption of the Wiltshire Core Strategy. Without the Core Strategy, the formal abolition of the RSS and Structure Plan (also part of the Localism Act 2012) will mean a policy vacuum for Wiltshire as a whole with a reliance on former district local plans that were only intended to be in place to 2011. The explicit introduction of 'the presumption in favour of sustainable development' into national policy the NPPF reinforces the need for local planning authorities to have up-to-date plans in place. Where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole*" (Paragraph 14).
24. The risk of not progressing the Core Strategy could result in speculative proposals that Wiltshire Council would not be well placed to defend or develop in a way that maximises benefits for local communities, providing no certainty for developers or local communities. The importance of delivering new homes and demonstrating a five-year supply of deliverable sites is emphasised in the NPPF and remains a key part of Government policy. Wiltshire's five-year supply is dependent on the progression of the Core Strategy and timely approval of strategic site allocations within it.
25. The principal risk associated with the submission and examination stage relates to soundness. The Council, in submitting the plan for examination, considers it to be sound, namely that it has been positively prepared, is justified, effective and consistent with national planning policy (paragraph 182, NPPF). This will be tested by the Inspector through the Examination process.

Financial Implications

26. The cost of preparing the Wiltshire Core Strategy has been planned financially and the Examination costs can be met within budget. There is potential for further financial costs at the end of the Examination process. If it is found to be sound and subsequently adopted by the Council, there follows a six week period of legal challenge. Such actions are rare but must be considered and costs will need to be met.
27. Early adoption of the Wiltshire Core Strategy will provide the planning policy framework to facilitate the delivery of new housing and ensure that Wiltshire will not be disadvantaged in relation to the New Homes Bonus. The ability of the Council to become a Charging Authority for Community Infrastructure Levy and secure this form of funding into the area is dependent upon a sound Core Strategy being in place.

Legal Implications

28. In accordance with the Planning and Compulsory Purchase Act 2004, the Council has a statutory duty to prepare planning policy, which has been reinforced through the NPPF and Localism Act 2011.
29. Following Royal Assent of the Localism Act on 15 November 2011, certain provisions came into force with immediate effect. A key change in place for the purpose of plan examinations is that Section 110(3) amends Section 20(5) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) by requiring the Inspector to consider (alongside legal compliance and soundness) 'whether the local authority complied with any duty imposed on the Authority by Section 33A in relation to its [the plan's] preparation'. Section 33A being the new duty to co-operate inserted into the PCPA 2004 by Section 110(1). In preparing the Wiltshire Core Strategy, proper and meaningful consultation has been undertaken with neighbouring authorities and other prescribed bodies to understand the implications of the proposed policies on the interests of these organisations.
30. In examining the draft Core Strategy, the Inspector will assess whether the plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and whether it is sound (Paragraph 182, NPPF). The steps taken to prepare the draft Core Strategy are considered to be compliant with legislative requirements.

Conclusions

31. The Wiltshire Core Strategy has been in development since early 2009, taking forward the work started by the former district councils. The Council has completed the final statutory consultation period for representations, inviting comments on the soundness of the document. The consultation has raised no issues which merit delay in progressing to Submission.
32. The draft Core Strategy and schedule of proposed changes should be submitted to the Secretary of State for Examination following approval by Council on 26 June 2012 to ensure that progress continues to be made in preparing an up-to-date development plan for Wiltshire.
33. It is also necessary to update the Local Development Scheme in the light of the need to ensure work continues on maintaining an up-to-date development plan for Wiltshire.

Alistair Cunningham Director for Economy and Regeneration

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The following unpublished documents have been relied on in the preparation of this Report:

Consultation Output Report to be published prior to Cabinet ³

Appendices:

All appendices are in draft form and will be updated in the interests of clarity and accuracy for Cabinet.

Appendix 1 - Draft Extract from Consultation Output Report (Agenda page 19)

Appendix 2 - Draft Schedule of Proposed Changes to the Wiltshire Core Strategy Pre-Submission Document (Agenda page 63)

Appendix 3 - Draft Summary of Key Issues (Agenda page 101)

Appendix relating to review of Local Development Scheme to be included as part of the Cabinet paper

³ The Regulation 30(1)(d)(e) Statement (Town and Country Planning (Development)(England) Regulations 2004 (as amended)/Regulation 22(1)(c) Statement (The Town and Country Planning (Local Planning) (England) Regulations 2012)
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