

AGENDA SUPPLEMENT (3)

Meeting: Cabinet

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 8 October 2024

Time: 10.00 am

The Agenda for the above meeting was published on 30 September 2024. Additional documents are now available and are attached to this Agenda Supplement.

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7 **Wiltshire Local Plan Review - Submission of Draft Plan** *(Pages 3 - 22)*

Public questions and responses

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Wiltshire Council

Cabinet

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Agenda Item 7 – Wiltshire Local Plan Review – Submission of Draft Plan

Questions from Andrew Wheeler

To

**Cllr Nick Botterill – Cabinet Member for Finance, Development Management
and Strategic Planning**

Brownfield sites within Salisbury

Question (24-62 Q)

Question 1

In light of the 'Brownfield first' policy outlined in the NPPF, will Wiltshire Council reconsider its stance on brownfield sites within Salisbury as identified within the Salisbury Neighbourhood Development Plan (SNDP)?

Response

Policy 2 (Delivery Strategy) of the draft Local Plan supports sustainable development within settlement boundaries, as such it encourages the use of urban land for development. The Plan also includes specific policies relating to Churchfields Employment Area, Maltings and Central Car Park, Salisbury District Hospital as well as the Salisbury Central Area.

Question 2

Specifically, will the Council revisit the viability of the brownfield sites previously proposed by SCC and initially rejected by Wiltshire Council such as Brown Street Car Park, Quidhampton Quarry, the old gas works on Coldharbour and Churchfields Industrial Estate. Additionally, will Wiltshire Council issue a fresh call for 'new' brownfield sites in Salisbury?"

Response

See response to Question 1, which clarifies that policies for brownfield sites within Salisbury have been included within the Plan and that policy does allow for additional windfall sites to come forward over the plan period.

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Questions from Andrew Chadwick

To

**Cllr Nick Botterill – Cabinet Member for Finance, Development Management
and Strategic Planning**

Statement

The Salisbury Transport Strategy (June 2018), which has yet to be fully delivered, addresses only the impact of current housing developments within the city, within the Core Strategy period to 2026. The Transport Evidence Base (May 2023) underpinning the Regulation 19 draft Local Plan identifies additional negative impacts due to Local Plan growth, i.e., from the Salisbury sites identified in the Plan which are not part of the Core Strategy. These include projections of 97% volume-to-capacity on the A354 in Harnham, directly impacting emergency services reliant on this primary link between the city centre and hospital, as well as residents and commuters.

The TEB does not propose or assess any additional mitigations, and the Council has separately confirmed that the minor, yet unfunded, planned improvements to the Harnham Gyratory will not address the over-capacity.

Given this:

Questions (24-63 Q)

Question 1

What additional infrastructure requirements for Salisbury have been identified in order to deliver the proposed Local Plan growth, as part of the emerging Local Transport Plan 4 or otherwise, since publication of the Regulation 19 draft Local Plan?

Response

All commissioned transport work post Regulation 19 provides additional clarity and evidence and does not present any new schemes or mitigation measures. For advice on Local Plan transport mitigation, please take note of the Transport Topic Paper provided with Cabinet papers and the links provided therein.

Question 2

What estimated level of funding will be required to implement the required infrastructure improvements (Salisbury Transport Strategy plus emerging requirements)?

Response

The 2018 Salisbury Transport Strategy Refresh itemises schemes across ‘smarter choices’, cycle and pedestrian accessibility, public transport and highway schemes valued at £31.57M at 2018 prices. The 2023 transport evidence base for the Regulation 19 Local Plan consultation further identifies £3,701,000 needed for delivery of additional bus service provision and enhancement of existing services, although much of this cost may be met through commercial viability. The same evidence base also identifies £12,206,500 worth of active travel measures, although many of the proposals are reflected in the Salisbury Transport Strategy and are included in the £31.57M delivery costs.

Question 3

What is the total funding secured to date against the Salisbury Transport Strategy?

Response

The latest reporting suggests the total collected amounts to £10,523,375.40, with £2,126,251.12 spent to date and £8,397,124.28 remaining. Notwithstanding this, contributions towards bus service enhancements, such as those along Netherhampton Road, are not included in the funds collected, or programmed to be spent.

Question 4

What is the estimated total of Section 106 contributions required to meet any shortfall in funding from other sources, and how will the Council ensure that these are secured prior to further development in impacted areas of the city?

Response

The Council is no longer seeking funds through the Major Road Network fund for the Salisbury Junctions scheme and Road Investment Strategy funding through National Highways is not yet committed to works along Southampton Road. It is therefore considered feasible that development will be required to fund the full strategy investment, however bus service provision may be implemented through commercial viability of bus schemes and direct developer funding, as a result of increased housing and demand, and active travel routes may be delivered as direct works rather than through contribution; this would be in accordance of ‘abnormal costs’ principals of viability appraisals. However, as a worst-case scenario, S106 contributions may be required to fund £21,046,624.6 (£31,570,000 - 10,523,375.40).

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Questions from Joanna Dingley

To

**Cllr Nick Botterill – Cabinet Member for Finance, Development Management
and Strategic Planning**

**Environmental Impact Assessment for proposed development sites in the
Wiltshire Local Plan**

Question (24-64 Q)

Regarding sites which have been included in the Local plan and sit within the setting of Cranborne Chase AONB (including policies 28 & 29), could you confirm whether an Environmental Impact Assessment has been undertaken in accordance with UK's Town and Country Planning (Environmental Impact Assessment) Regulations. If not, what was the reasoning behind this? Are there plans to undertake this assessment in the future and if not, why not?

Response

Environmental Impact Assessment (EIA) is not relevant for plan making and will only apply for certain types of development that fall within the scope of the Regulations. EIA forms part of the planning application process and is therefore prepared by applicants. Where it applies, EIA is taken into account by a local planning authority when deciding whether to grant planning permission.

Further guidance on EIA is published on the Government's website via this [link](#).

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Questions from Brian Firth and Russell Cole

To

**Cllr Nick Botterill – Cabinet Member for Finance, Development Management
and Strategic Planning**

Statement

Consultation Effectiveness

Wiltshire Council has spent almost a year processing 10000 representations from the Regulation 19 Consultation. Yet there is almost no evidence nor clear statement of how that consultation has influenced the draft plan. A key question for the external examiner will be “Has the consultation process allowed for effective engagement of all interested parties?” Further the examiner will review the consultation statement. This should set out what consultation was undertaken, when, with whom and how it has influenced the plan. The statement should show that efforts have been made to consult hard to reach groups, key stakeholders etc. I cannot find a consultation statement for the 2023 Reg 19 consultation in your document library online.

Additionally:

- The initial consultations of 2021 brought a large number (over 600) of representations regarding the unsuitability of the old tip/ former golf course.
- Of the three sites put forward for detailed evaluation the old tip/ former golf course was one despite the representations. No quality explanation was provided to either the residents or the Town Council.
- Further representations were made during the regulation 19 consultation by the Town Council and a number of residents. The output was only published on the 1st October.
- As a result, residents have written further to the council expressing concern about the process. Including a letter signed by 85 residents.
- Councillors and Council Officers have in recent weeks assured Bradford on Avon residents that their concerns have already been raised within the Regulation 19 Consultation and that residents’ concerns have been heard. The proof within your document library does not confirm this assurance.
- Now that the consultation has been published, we note there are less than 34 comments on the Bradford on Avon Reg 19 Consultation. Given the strength of feeling within Bradford on Avon the 600 odd responses to the 2021 consultation and the more recent volume of letters written to the Council it seems to suggest a problem with the Regulation 19 consultation Process if indeed there were only 34 representations.
- I also understand there have been a number of concerns about the accessibility of the Consultation Process.

I would suggest the cabinet may want to consider whether the Regulation 19 consultation as carried out does meet the legal requirement and whether the external examiner may consider it has not met the requirement for effective management of all interested parties.

Question (24-65Q)

Question 1

Is there a risk that the Draft Local Plan could be considered to be illegal or unsound as a result of flaws in the consultation process?

Response

The process of preparing the Draft Local Plan has been undertaken in accord with legislation, national planning policy and the council's Statement of Community Involvement. Evidence of this can be found in the published Regulation 22 Consultation Statement. This will be a matter that the Inspector will conclude upon in the light of submitted evidence.

Question 2

If the council believes the plan is sound and has been influenced by the consultations, could you summarise in plain and simple English the specific changes made to the plan as a result of the regulation 19 consultations.

Response

The Plan that was published for consultation at Regulation 19 is anticipated to be the Plan that the Local Planning Authority (LPA) intends to submit to the Planning Inspectorate for examination. In this regard, the Planning Inspectorate will examine the Plan in the light of the representations received.

The LPA can propose suggested changes to the Plan, but the Inspectorate do not envisage that such changes would have the effect of substantially altering the Plan that was consulted on at the Regulation 19 stage. Any changes that are submitted will be considered separately. This is a key premise of delivering an efficient examination timetable.

Once the Plan has been submitted, further changes may only be made in accordance with section 23 of the Planning and Compulsory Purchase Act. This allows main modifications to be made only if they are necessary to make the plan sound and/or legally compliant, provided that the LPA has formally requested that such modifications be recommended by the Inspector.

Appendix 4 of the Cabinet Report sets out the changes that the LPA consider are necessary to be made to the Plan. As outlined above, the Schedule of Proposed Changes will be considered alongside the submitted Draft Plan.

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Questions from Nick Stokes – Worton Parish Council

To

**Cllr Nick Botterill – Cabinet Member for Finance, Development Management
and Strategic Planning**

Climate Change

Within the climate change part of the plan, there is no reference that I can see to solar farms, which are becoming a major issue for Wiltshire. In addition to what is already in place, and the major application north of the M4 at Lime Farm, we now have no less than 5 applications within a 10 mile radius south and west of Devizes, with two major ones at Potterne and another just announced at Poulshot.

From talking to the developers, it appears that Wiltshire is a very popular area for solar farms because it is the nearest county to London where there is said to be Nat Grid capacity (so that what is generated is not for Wiltshire but for the South East) and because is said to supportive of solar farms unlike other authorities.

If that is the case, what is the Wiltshire strategy for solar power? Surely solar should be provided on the roofs of buildings, warehouses, retail outlets, even over car parks not on agricultural land. There is a balance to be struck. Food security in the long run is even more important than climate change. We need to be able to eat. Covering good agricultural land with solar farms is unacceptable especially with the number being proposed in a small area, on land that is mostly classified as 2 or 3A and is certainly not brownfield or wasteland.

Question (24-66 Q)

I would be grateful if the Council could therefore to include a strategy for solar power in the Local Plan.

Response

Policy 86 'Renewable energy' of the draft Local Plan already sets out policy for renewable energy including solar and other forms. It explicitly supports "integrated renewable and low carbon technologies on existing buildings". The policy has been prepared in accordance with national planning policy and includes criteria to be addressed when considering proposals such as those relating to cumulative impacts and use of best and most versatile agricultural land. Policy 85 'Sustainable construction and low carbon energy' also supports rooftop solar.

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Questions from Colin Gale - Rushall Parish Council

To

**Cllr Nick Botterill – Cabinet Member for Finance, Development Management
and Strategic Planning**

Statement

Rushall Parish Council reviewed the Wiltshire Council DRAFT Local Plan in November 2023 and submitted comments on Policies 36, 37, 38, 70, 74 and 75 which were all related to the Local Transport Plan. It is very disappointing 10 months later to review the latest issue of the Draft Local Plan to note that not a single comment has resulted in a change to the document and the current Local Transport Plan, LTP3 has not been updated and the new draft LTP has still not been submitted for public consultation. As a result of the comments raised in November 2023 Rushall Parish Council determined the WC Local Plan to be 'not sound and not effective'. Since the status of the Local Plan has not changed in these areas Rushall Parish Council maintain their determination that the WC Local Plan is 'not sound and not effective'.

Question (24-67 Q)

Question 1

Page 33, Small Villages: When discussing Local Service Centres and Large Villages to determine the character of the village the Neighbourhood Plan is referred to. However, Neighbourhood Plans were generally considered of little benefit to small villages where development would be limited so the emphasis was put on Village Design Statements to establish the character etc of the small village. Why doesn't the Local Plan refer to Village Design Statements for small villages especially when the VDS documents were adopted by Wiltshire Council?

Response

The supporting text to Policy 98 'Ensuring high quality design and place shaping' gives explicit recognition to Village Design Statements, as local design guidance that can support Policy 98 and inform proposals.

Question 2

Policy 75: Why does the Local Plan continue not to recognise Pewsey Station which has a Rail/Bus link which is sponsored by GWR and Pewsey Station is on the strategic bus route linking Salisbury and Swindon (Salisbury REDS - X5)?

Response

Policy 75 identifies the strategic rail and bus network and refers to Figure 3.2, which includes Pewsey station and the strategic bus route linking Salisbury and Swindon.

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Questions from Louise Weissel

To

**Cllr Nick Botterill – Cabinet Member for Finance, Development Management
and Strategic Planning**

Statement

My question to Cabinet comes from my professional background as an Occupational Therapist and Disability Access Consultant.

Policy 76 of the draft Local Plan appears to recognise the need for social rented housing, setting out a requirement of “Affordable housing provision of at least 40% (net)...on sites of 10 or more dwellings or 0.5a in areas that are not designated as rural areas”.^[1]

We all know of the crisis in housing nationally, and in particular, the desperate need for social rented housing. In Wiltshire, there is a significant shortfall in social rented housing in Wiltshire, with clear evidence of increasing levels of social housing need. ^[2] A recent report notes that as of August 2023, there were 4,294 applicants on the housing register, but only 1,332 suitable properties available^[3] - so around 3000 people on low incomes waiting to be housed.

In Bradford on Avon, the situation is particularly acute: but the proposal for housing on the Old Dump offers nothing in terms of relieving the need for truly affordable housing. We (concerned residents of Bradford on Avon) believe that no social rented housing will be provided on this site, since its role as a refuse tip over several decades, means it will be extremely complex and expensive to decontaminate or provide mitigations against toxic substances issuing from the site. Any developer looking at the Old Dump/former Golf Course will undoubtedly argue that the site is not ‘viable’ for social housing provision. This runs completely contrary to the evidenced social and affordable housing need (Bradford-on-Avon being completely unaffordable for many ordinary working people)^[4].

Furthermore, Wiltshire Council appears to be ‘pushing through’ the Draft Local Plan before any proposed changes to the National Planning Policy Framework come into effect. However, it is very likely that certain stipulations will nonetheless be put in

place – one of them being the need to evidence that any Strategic planning does not breach the requirements of the Equality Act 2010 – notably (as indicated in Chapter 13 of the current NPPF consultation) on the Public Sector Equality Duty. Local councils in the UK are obligated to consider the needs of people with 'protected characteristics' when drafting their Local Plan. ^[5]

This obviously includes the provision of truly affordable social rented housing (that is, costing the tenant no more than 30% of their income), particularly in areas of low-social housing provision and expensive owner-occupied housing, such as Bradford-on-Avon. We are not 'Nimby's': we know housing is needed – but it must be the right housing: not high-end dwellings affordable only for the wealthy.

Question (24-68 Q)

Given that Bradford-on-Avon is an expensive place to find secure tenure, and there are growing levels of social housing need (with the cost-of-living crisis domestically and prospect of refugee influx), how does inclusion of the Old Dump/former Golf Course in any way address the need for social rented housing?

Response

The former golf course site is identified as a reserve site that will only be released under certain circumstances relating to the supply of housing. If it is considered necessary to release the site for development any planning application would need to comply with Draft Policy 76 'Providing affordable homes' which provides for affordable housing for rent, as defined in Annex 2 of the National Planning Policy Framework.

[1] [Wiltshire Local Plan Pre-Submission Draft 2020-2038 \(Regulation 19\) \(PDF\) \[44MB\] \(opens new window\)](#)

[2] [Demand for social housing in Wiltshire outstrips supply - new report - BBC News](#)

[3] <https://www.bbc.com/news/uk-england-wiltshire-67366380>

[4] <https://bradfordonavontowncouncil.gov.uk/wp-content/uploads/2024/08/Bradford-on-Avon-Housing-Needs-Assessment.pdf>

[5] <https://www.local.gov.uk/publications/equality-framework-local-government-eflg-2021>

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Questions from Charlotte Difazio

To

**Cllr Nick Botterill – Cabinet Member for Finance, Development Management
and Strategic Planning**

Statement

In relation to the identification and selection of the Former Golf Course as a reserve site for development in Bradford on Avon, serious, numerous and hard-evidenced concerns were raised in terms of the robustness of the process against Policy. Despite this, the site somehow remained in the draft local plan submitted for Regulation 19 consultation, without any rationale shared for doing so.

Bearing in mind the fact that the Local Plan submitted for examination should pay particular attention to 'deliverability and viability', the inclusion of the Former Golf Course - a site *stated by the Council itself* for some time, (and indeed having been refused Wiltshire Council development consent because of these) as having *significant drawbacks*:

- *A historic landfill 'likely to limit develop ability of this site'*
- *Access to site is poor - the existing narrow road network of the adjacent housing estate is unlikely to be suitable*
- *Impact on landscape setting of River Avon Valley*
- *Increased traffic on Trowbridge Road and therefore any traffic going to Bath would likely go through the AQMA. This is a notable weakness.*

Question (24-69 Q)

Why therefore is the Former Golf Course still in the Local Plan being submitted to the Inspector, when it is so clearly raises continuing unresolved issues of viability, making the plan unsound?

Response

Throughout the preparation of the draft Local Plan, the former golf course was assessed alongside all other reasonable, available and developable sites at the town. The assessments were informed by evidence and undertaken on the basis that the land was identified in the SHELAA and considered to be deliverable.

As a reserve site, the land will only be brought forward in accord with prescribed circumstances. Should those circumstances materialise, any planning application for development will need to address all technical considerations, including: access,

landscape impact, ground conditions, air quality, ecology, viability and so on in accord with the requirements of planning policy.

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Questions from William Mulholland

To

**Cllr Nick Botterill – Cabinet Member for Finance, Development Management
and Strategic Planning**

Statement

The housing allocations in the WHSAP 2020 and accompanying TBMS mandated a requirement for the creation of 35 hectares of well located Suitable Alternative Natural Greenspace in Trowbridge to mitigate the additional recreational pressures on the protected (bechstein) woodlands.

It surprises me, that my response to the Local Plan review raising this important issue has not made it to the report document of key points. All six Trowbridge site allocations, circa 1050 homes, have now been granted planning permission, and one (Bellway) is mostly built out.

A fit for purpose SANG will take considerable time to deliver, and if not in place prior to occupation residents will develop habits that may prove harder to shift. This risks causing permanent damage to the Bechstein populations in the protected woodlands.

For avoidance of doubt both the promoters of the North of Trowbridge SANG and WC have said that their proposed SANG creation in the plan is poorly located to satisfy legacy requirements and is purely to mitigate new developments. The draft local plan states that the North Trowbridge Country Park should be in place prior to development. This is a stark contrast to what is presently happening.

Question (24-70 Q)

Question 1

Is it not a serious concern that since the TBMS was adopted in January 2020 that no apparent progress has been made with creating additional SANG in Trowbridge, and why is this not addressed and corrected with an additional allocation in the draft local plan, which would move it a step closer to delivery?

Response

No, work is in progress including habitat improvements at Southwick Country Park and forward funding a warden at Green Lane woods to manage visitor pressure. Development has not taken place at the pace anticipated and appropriate measures are being pursued to mitigate impacts.

Question 2

Is there a timeframe for the required SANG to satisfy existing developments in Trowbridge?

Response

See response to Question 1.

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Questions from John Potter

To

**Cllr Nick Botterill – Cabinet Member for Finance, Development Management
and Strategic Planning**

Statement

Deliverability of the Local Plan

A key requirement for the external examiners is judging whether the plan as submitted, is sound. One of the checks they have to do is to ensure the deliverability of that plan.

Despite numerous representations at every stage of this process Wiltshire Council has decided to include the site in Bradford on Avon known as the Old Tip/ Old Golf Course. Although this has created unnecessary stress and upset in the town this statement is not about whether Wiltshire Council has or has not taken account of Residents and the Town Council.

What I would like to understand is how Wiltshire Council think this site is deliverable.

- This site was originally the town tip.
- In 2011 Barratt homes pulled out of preparing a planning application for this site because of the results of the Geotechnical Report.
- In the document “Wiltshire Council Local Plan – Looking to the future, Planning for Bradford on Avon” issued in January 2021 issued ahead of asking for residents input. The council themselves said of the Old Tip/ Former Golf Course SHELAA Site 739):
 - *Site of a former golf course and historic landfill site – contaminated land and land stability likely to limit developability of this site.*
 - *Access to the site is poor - the existing narrow road network of the adjacent housing estate is unlikely to be suitable.*
 - *Potential impact on landscape setting of River Avon valley.*
- In the document “Wiltshire Council Local Plan – Looking to the future, Site Selection Report for Bradford on Avon” The council said:
 - *This is the largest site of the remaining options under consideration. Flood Zones 2/3 covers a marginal area towards the northern edge of the site. The site is, however, also the location of a historic landfill (ref EAHLD09639) and, particularly given the relationship of the site with*

the adjacent river, there is a potential risk associated with contaminated land and land stability issues. You went on to say:

- *Achieving suitable physical access for the site is, however, likely to be challenging. The only access would be through the existing housing estate onto the existing junction with Trowbridge Road. It would also mean that westbound traffic would need to travel through the AQMA. (Traffic through AQMAs was used as a reason to rule out other sites elsewhere in the plan)*
- There is huge resistance to development on this site.
- The access to the site does not meet contravene the National Model Design Code's guidance¹ that "In a well-connected network, each street has more than one connection to another street. This applies both within a development or local area and in relation to streets outside it. Cul-de-sacs are only found at the tertiary level of street type for accessing development rather than for wider movement"
- We understand that the current potential developer despite originally expecting to submit outline planning within a month has decided not to submit planning applications in the near future.

This all suggests the site is undeliverable and therefore should not form part of the plan. I would point out to the cabinet by agreeing to submit the plan to Full Council you are agreeing the plan is deliverable because if not it is unsound.

Question (24-71Q)

Question 1

Given all of the evidence I have just outlined (including the councils own written statements) why does the Council think this site is deliverable?

Response

Throughout the preparation of the Draft Local Plan, the former golf course was assessed alongside all other reasonable, available and developable sites at the town. The assessments were informed by evidence.

The former golf course site is identified as a reserve site and hence has a defined and specific role to play. It will only be released for development if there is a clear and significant delay in the delivery of allocations, or the contribution from small sites fail to materialise. If such circumstances materialise, development will only proceed if planning permission is granted.

In the light of paragraph 69 of the National Planning Policy Framework, reserve sites are classified as developable sites as the council is not relying on them in the same way as it does for the allocation sites, which are classified as being deliverable.

1

https://assets.publishing.service.gov.uk/media/6111531fd3bf7f043c4badd1/NMDC_Part_2_Guidance_Notes.pdf

Question 2

If the External Examiner decides the plan is unsound does the assessment of an updated plan still get done against the transitional arrangements or will it be done under the new NPPF if adopted?

Response

Legislation and national policy would need to be considered at the time the outcome of any examination is known.

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Questions from Tim Guy

To

**Cllr Nick Botterill – Cabinet Member for Finance, Development Management
and Strategic Planning**

Salisbury Area New Community (Local Plan Policy 21)

Given the severely constrained nature of the Salisbury Area, the draft Regulation 19 version of the Local Plan recognised the need for a new settlement north of Salisbury for 1,500 – 2,000 homes (Policy 21). However, the Local Plan failed to include any provision for housing stating that “building would commence towards the end of the Plan period and construction would continue beyond 2038”. It wasn’t clear why this new community couldn’t be fully delivered in 15 years.

The absence of any housing allocation for a new community was disappointing given that, if only c.15% was delivered by 2038, then this would negate the requirement to build on land south of Harnham, Salisbury (Policy 27 & Policy 28).

The proposed changes to the National Planning Policy Framework (NPPF) would see housing targets rising by 81% in Wiltshire resulting in a requirement for an extra 23,385 houses over the 15-year Local Plan period.

Question (24-72 Q)

To meet existing and future demand, what are the revised plans for a new community north of Salisbury, how many homes will it accommodate, and how will this be delivered before 2038?

Response

The role of the new community is set out in the draft Local Plan. As stated in paragraph 4.124, a future review of the Plan will decide on whether a new community is needed and, if so, determine a precise location, scale and supporting infrastructure. As all plans have to be reviewed every five years, it is anticipated that a limited amount of housing will be delivered at the very end of the proposed Plan period i.e. 2038.

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