

Wiltshire Local Plan Review - Submission of Draft Plan

Executive Summary

Approval is sought for the submission of the draft Local Plan to the Secretary of State, for independent examination. This follows on from statutory (Regulation 19) consultation towards the end of 2023. A statement forms part of the supporting documents that summarises the comments received and the council's general response to the main issues.

The Wiltshire Local Plan review has been in development since 2017 and has been prepared following several rounds of consultation with stakeholders. Consultation has most recently been undertaken on the Pre-submission Draft Plan following Council approval in July 2023 (Regulation 19 consultation). That statutory consultation (where representations were invited on the soundness of the Plan and legal compliance) closed on 22 November 2023. Approximately 10,700 comments were received from a variety of people and organisations. In addition, two petitions have been received in opposition to two residential sites.

Since the close of the consultation, comments have been thoroughly reviewed and further work has been carried out to ensure that the Plan that will be submitted is ready for examination. This has involved updating evidence in respect of flood risk, heritage, transport, housing and biodiversity; preparing a water cycle study; and preparation of statements of common ground with statutory consultees (prescribed bodies and neighbouring authorities) as well as developers of site proposals.

A consultation statement has been prepared (known as a Regulation 22 Statement), which summarises the main issues raised through the consultation and the council's initial response to these. This alongside this report helps clarify how the additional work that has been undertaken responds to the points raised and whether any changes to the Plan may be needed in the light of this and other representations. The Inspector has the ability through the independent examination to recommend where changes will be needed to address soundness and legal compliance issues.

Having considered all the comments received and taking into account the additional work that has been undertaken it is considered that the council has complied with the relevant requirements and that the Plan is ready for submission for independent examination.

Subject to Cabinet endorsement on 8 October and Full Council approval, the Plan will be submitted before the end of 2024.

The Government has recently consulted on changes to the planning system. This includes changes to the National Planning Policy Framework (NPPF) and changes to the way housing need is calculated. While the outcome of the

proposed reforms is unknown, it is expected that transitional arrangements will be in place to allow Wiltshire's Local Plan to be submitted for examination in its current form. This is because the timescale for submitting the Local Plan, before the end of 2024, meets the transitional criteria set out in the Government's consultation.

The adopted Local Plan (Wiltshire Core Strategy) is nine years old. Many sites have been developed and policies are starting to become dated. This new Local Plan presents an opportunity for Wiltshire Council to update policies and site allocations to align with national policy. It sets an ambitious approach to delivering the council's carbon reduction and sustainability ambitions.

The new Local Plan will help to meet the council's legal requirement to have an up-to-date Local Plan in place. Once adopted, it will become one of the council's most important strategy documents. It will set out a strategy that protects Wiltshire's natural and historic environment, preserves and enhances main settlements and villages, delivers economic growth and provides a choice of homes in sustainable locations for Wiltshire's community. The Plan aligns with new and emerging strategy documents from across the council and will help to secure funding and deliver essential infrastructure.

Proposals

Full Council, having considered the response from the formal consultation:

- 1) Approves the submission of the Wiltshire Local Plan Review - Pre-submission Draft Plan at **Appendix 1** to the Secretary of State for Housing, Communities and Local Government for independent examination together with relevant associated documentation;
- 2) Directs that submission is accompanied by a request that the Inspector appointed to carry out the examination recommends any modifications necessary to make the Plan sound and legally compliant in accordance with Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended); and
- 3) Authorises the Director of Planning to take or authorise such steps as may be necessary for the independent examination of the Plan to be completed, including:
 - (a) Make appropriate arrangements for submission of the Plan and the completion and submission of all documents relating to the Plan;
 - (b) Make all necessary arrangements for examination including - the appointment of a Programme Officer; the undertaking and/or commissioning of other work necessary to prepare for and participate at examination; proposing main and/or minor modifications to the Plan and/or modifications to the Policies Map; entering into Memorandums of Understanding and Statements of Common Ground; and the delegation to officers and other commissioned experts to prepare and submit evidence, representations and submissions to the examination

and, where necessary, appear at any hearing sessions and represent the council; and

- (c) Implement any consequential actions relating to the examination, including undertaking any consultation that may be necessary, and publishing the recommendations and reasons of the person appointed to carry out the examination.

Reason for Proposals

To ensure that progress continues to be made on updating Wiltshire's Local Plan in line with the commitment set out in the council's Local Development Scheme and statutory requirements, and an efficient examination process.

Parvis Khansari
Corporate Director - Place

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Purpose of Report

1. To:
 - (i) Inform Full Council of the outcome of the Regulation 19 consultation on the Wiltshire Local Plan Review - Pre-submission Draft Plan (July 2023) ('the Plan') and further work undertaken in response;
 - (ii) Seek for Full Council to approve the submission of the Plan for independent examination; and
 - (iii) Seek delegated authority to make appropriate arrangements for the submission of the Plan and associated documents to the Secretary of State and for the independent examination of the Plan.

Relevance to the Council's Business Plan

2. The main purpose of the Plan is to plan for the needs of Wiltshire's growing communities from an economic, environmental and social perspective to ensure the delivery of sustainable development. This aligns with the four missions of the 2022 to 2032 Business Plan - Thriving Economy, Resilient Society, Sustainable Environment and Empowered People. The importance of updating the current Local Plan to provide an effective policy framework for sustainable growth of Wiltshire is referred to explicitly.

Background

3. Council on 18 July 2023 approved the publication of the draft Plan for its final stage of consultation prior to its submission for independent examination. The full background to the Plan is summarised in that report and can be viewed [here](#). At that stage, Regulation 19, representations are invited on soundness and legal compliance.
4. The Regulation 19 consultation was undertaken over an 8-week period that commenced on 27 September 2023 and ended on 22 November 2023. In total over 10,700 comments were received from a variety of different individuals and organisations, including a petition objecting to the reserve site in Bradford-on-Avon (2,130 signatures) and a petition objecting to the allocation of the site on Land North of Downton Road, Salisbury (1,386 signatures). More recently, while not part of the consultation response, the council has received significant additional correspondence from the local community objecting to the inclusion of the former golf course reserve site within the Plan.

5. At the Regulation 19 stage the council published what it considered to be a sound Plan that met all the necessary legal requirements. To be sound, as set out in the National Planning Policy Framework ('NPPF') (paragraph 35), a Plan must be:
 - (i) **Positively prepared** - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - (ii) **Justified** - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - (iii) **Effective** - deliverable over the plan period, and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - (iv) **Consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national policy, where relevant.
6. Section 20(2) of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act') requires that the local planning authority only submit their plan when they consider it to be ready for examination (and they have complied with any relevant requirements contained in regulations under the 2004 Act). Consideration of the Regulation 19 responses and the issues they raise informs the decision to submit the Plan. Before submission there is an expectation that local planning authorities do all they can to resolve any substantive concerns about soundness or legal compliance of the plan, with particular attention to the duty to cooperate. See Legal Implications below.
7. The examination process allows for the Inspector to determine whether modifications should be made to the Plan to address any soundness or legal compliance issues. Under Section 20(7C) of the 2004 Act, if formally requested by the council, the Inspector can recommend main modifications to the Plan if they are necessary to make it sound and/or legally compliant.
8. The appointed Inspector will consider all the representations received through the Regulation 19 consultation, together with the evidence relied upon by the council in preparing the draft Plan. The examination will focus on those matters that the Inspector considers need to be tested thoroughly through open hearing sessions before making a recommendation. There are three possible outcomes that Planning Inspectors can recommend following the examination of a Plan. They can recommend that the Plan is:
 - Withdrawn (i.e. it would fail the tests of soundness and/or legal compliance and is incapable of addressing such matters and/or the duty to cooperate has not been complied with); or
 - Adopted without main modifications; or
 - Adopted subject to applying a schedule of main modifications.

Where main modifications are recommended, consultation is required on these as part of the examination process before the Inspector concludes the examination.

Main Considerations for the Council

9. Having considered all representations, officers have prepared a consultation statement under Regulation 22(1)(c) of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the 2012 Regulations'), known as the Regulation 22 Statement, which is provided at **Appendix 2**. This sets out how the council has undertaken its duties in preparing the draft Local Plan. The statement summarises the stages of consultation that have taken place, explaining how the public and other stakeholders were invited to participate and make representations, outlining the main issues raised from the Regulation 18 stages of consultation and how the representations at those stages were considered in preparing the Local Plan, whilst also presenting the main issues arising from the Regulation 19 consultation.
10. The statement demonstrates that consultation on the preparation of the draft Plan has been undertaken in accordance with the relevant legislation and council's Statement of Community Involvement (including the temporary arrangements that applied during the COVID-19 pandemic). The statement is required to set out the main issues arising from the consultations and may also, where appropriate, set out the council's initial response to them. The council is not required to provide detailed responses to each representation, but consultees can be reassured that their complete responses will also form part of the submission documents and have been considered in preparing the Regulation 22 Statement. All representations can be viewed via this [link](#).
11. So far as the Regulation 19 stage is concerned, Section 3 of the Regulation 22 Statement provides an overview of the main issues in plan order, and Schedule 2 of Appendix 2 of the Regulation 22 Statement sets these out in more detail together with information on who has commented on these matters.
12. The main issues arising from the Regulation 19 consultation have been distilled down into a number of themes that include, but are not limited to: the scale and distribution of growth being planned for; the degree to which the Plan provides a sufficient level of certainty in terms of housing and employment land supply; the choice and location of proposed allocations; and a range of environmental considerations relating to aspects of proposed policies and allocations.

Scale and distribution of growth

13. A considerable number of responses questioned whether the overall level of growth and its distribution across the county was appropriate. In general, these representations came from the development industry who called for more growth, but counter arguments calling for less growth were made by community groups and members of the public.
14. The arguments calling for more growth to be planned for were predominantly based on the following issues: the length of the Plan period; the relationship between the amount of employment land planned for and job growth forecasts; a perceived lack of certainty in terms of the role, location and delivery of the proposed broad locations for growth, reserve sites and the area of search for a new settlement in the Salisbury Housing Market Area; and insufficient allocations to ensure delivery of the housing requirement and to maintain housing supply over the plan period. In addition, concerns were raised about the phased approach to housing and approach to logistics. Dealing with these matters in turn.

15. In terms of the Plan period, many respondents have suggested that to be compliant with the NPPF (paragraph 22), strategic policies should look ahead over a minimum 15-year period from adoption. The point is duly noted, but the Plan has taken time to prepare, having undergone several rounds of consultation, and to roll the end date of the Plan forward by say two years, as has been called for, would require more evidence, inevitably leading to further delay. In addition, it is important to remember that national planning policy anticipates that the Plan will be reviewed within five years of adoption, and this therefore lessens the risks associated with managing the supply of housing and employment land over time. Moreover, despite the plan period not running a full 15 years from adoption, the strategic policies do look ahead beyond 2038 in a range of respects. Strategic policies relating to the identification of Chippenham, Melksham and Trowbridge as longer-term broad locations for growth, and site allocations that may be constructed over a longer period look ahead beyond 2038.
16. The relationship between the amount of employment land being proposed for delivery, forecast job growth and housing numbers has been raised. Again, the arguments being made all call for more housing to be planned for on the basis that the housing target being planned for is too low to align with the Plan's employment land proposals and job growth aspirations. Whilst the delivery strategy (draft Policy 2 and paragraph 3.16 of the Plan) makes provision for approximately 160 hectares of employment land, this level of growth is aspirational and intended to provide choice and flexibility across Wiltshire and not necessarily a target to be achieved.
17. It is clear from the council's Employment Land Review (Hardisty Jones Associates, 2023) that the allocations of employment land within the Plan, combined with the regeneration of existing employment sites, will help meet the projected demand which falls within a range of 95ha to 120ha and this has been factored into the overall housing needs assessment. Therefore, on this particular point it is considered that there is no need to provide for additional housing beyond that which is proposed in the Plan and has been derived from the local housing needs assessment. The housing topic paper, which forms a background document provides further information on this.
18. Specific concerns regarding the level and type of employment land being planned for have also been raised. The most significant of these relates to a perceived lack of support in the Plan for large-scale logistics development, with a particular focus on Junctions 16 and 17 of the M4 motorway. The evidence to support these arguments is largely focused on the importance of motorway junctions and anecdotal evidence of the need for more logistics space around such junctions. Whilst the Plan at paragraph 4.221 clearly does not support a further extension of the urban area of Swindon into land within Wiltshire around Junction 16, draft Policy 64 (Additional employment land) positively supports national and regional logistics development at Junction 17, subject to criteria. As such, it is considered that the Plan provides appropriate flexibility and choice for the logistics industry in a location that benefits from good transport connectivity. Capacity issues at Junction 16 due to the proximity of development at Swindon, recent planning applications and concerns raised by National Highways have reinforced the Plan's approach.
19. The issues raised regarding a perceived lack of clarity in terms of the location and/or role of the proposed broad locations for growth and reserve sites (draft Policy 3) have been noted. In identifying broad locations for growth, the Plan seeks to strike a balance between setting out an intention for future growth beyond the Plan period, while at the same time recognising that evidence will need to be developed to justify

and refine proposals. Clearly this will be a matter for the examination process, but there may be scope to tighten the wording of draft Policy 3, if the Inspector feels this is necessary, to address the points raised without substantially altering its intent.

20. Concerns regarding draft Policy 21 - Salisbury area new community are linked to the overall level of housing being planned for. The area of search for a new settlement and indeed the phasing element of overall housing delivery set within draft Policy 2 (Delivery strategy) have been included in the Plan to reflect the severely constrained nature of the Salisbury area in terms of ecological and heritage factors, as well as limited land availability. The Plan is underpinned by evidence which will be maintained. As set out in the Plan, the precise details of where a new settlement would be situated will be a matter for a review of the Plan to consider.
21. Other concerns raised regarding the overall distribution of growth included criticisms that the strategy does not adequately set out a role for rural communities - i.e. it does not allocate land for development at Local Service Centres and Large Villages, as well as a perceived over-reliance on neighbourhood plans to deliver growth. These points have been noted, but it is considered the Plan does provide sufficient direction in terms of the role that rural communities will play in delivering growth over the Plan period. These matters are set out in the Plan and its evidence and include figures for anticipated housing delivery in the rural areas of the Housing Market Areas, as well as designated neighbourhood areas. Conversely, while not objecting to the principle of neighbourhood plans helping plan for growth in rural settlements, some communities have raised concerns that the figures for neighbourhood plans are too high. Officers consider that the proposed approach to distribution overall is reasonable, providing a reasonable basis on which communities can develop their plans.

Housing supply and delivery

22. In preparation for submission, a housing topic paper has been prepared to update the 2022 base date relating to housing data in the draft Plan and associated evidence base. This provides a 1 April 2023 position in line with the council's latest published housing land supply statement. It sets out the sources of supply over the Plan period, including from existing commitments (e.g. planning permissions, allocations in adopted plans etc), contribution from windfall and how the new allocations and plan proposals will ensure deliverable housing supply over the first five years of the Plan from its anticipated adoption.
23. The trajectories for the new allocations have been informed by engagement with site promoters through the development of Statements of Common Ground ('SoCGs') to demonstrate site delivery. They are being prepared to assist the examination process, their purpose being to focus on key issues and to identify areas of disagreement, as well as to establish common ground on matters of principle and agreement in relation to site allocations. Areas of difference include those relating to the need for a comprehensive masterplan, number of homes, provision of employment and site specific requirements (infrastructure and mitigation). Where appropriate they may present suggested changes that parties determine could be made to assist the Inspector.
24. As explained below, under site selection, while there have been considerable objections by local communities to some of the site allocations, including the reserve sites, on the grounds of matters such as potential flood risk and impact on highways and heritage as well as the loss of greenfield land (including its recreational and nature

conservation value), these are not considered to warrant the loss of sites from the Plan. Further work being undertaken, as explained under 'Other matters - duty to cooperate and work since Regulation 19 consultation' is helping to clarify and/or reaffirm what mitigation is needed to support delivery of sites. This will address technical concerns raised and mitigation to be provided as and when sites come forward through the planning application stage.

25. Many representations have also sought to suggest that windfall assumptions informing the Plan are too low and/or there may be alternative brownfield sites that could be brought forward instead of certain greenfield allocations. However, while maximising the use of urban sites is recognised as a priority, this does need to be balanced with a strategy of ensuring sufficient housing supply overall which in a county such as Wiltshire will necessitate the use of greenfield sites. The assumptions about windfall sites are considered reasonable and justified.

Site selection and allocations

26. As is to be expected, a significant volume of objections to the Plan relate to individual sites. The challenges to the Plan largely relate to choice of sites and a range of arguments based on policy and technical concerns over the impacts that new development may bring to existing communities. Whilst noted, these site-specific matters have been assessed through the plan making process. Indeed, the site selection process was underpinned by technical evidence and supported by the sustainability appraisal. Work undertaken since the Regulation 19 consultation as set out below provides further support for the proposals in the Plan. The draft policies relating to each allocation are generally considered to provide an appropriate level of prescribed mitigation measures, when read alongside the Plan as a whole, to help inform any future planning application. However, consideration is being given to where the effectiveness of policy could be improved through SoCGs with the Environment Agency, Historic England, National Highways and Natural England (see below).

Plan viability

27. As anticipated by national planning policy and guidance, the Plan is supported by a proportionate assessment of viability. The consultation responses included several challenges to the council's evidence. Whilst technical in nature, the challenges generally focused on certain core assumptions that had been applied by consultants working on behalf of the council.
28. In addition, challenges were submitted relating to the projected costs associated with certain draft policies - e.g. delivering 20% Biodiversity Net Gain, 40% affordable housing, sustainable construction and higher than current Building Regulations water efficiency standards.
29. Other viability-related challenges were focused on certain allocations where developers and members of the community considered the Plan's viability assessment had underestimated physical build costs associated with roads, schools and wider infrastructure needed to support growth.
30. The council's viability consultants have appraised these challenges and advised that generally they effectively constitute a professional difference of opinion. Notwithstanding this, work is ongoing to address trigger points for delivery of

infrastructure for the larger allocations at Chippenham and Ludgershall. This will help address the uncertainty that has been raised over delivery of the developments.

Infrastructure provision

31. Members of the community, including some town and parish councils, raised concerns that the proposals set out in the Plan will lead to deficiencies in local infrastructure e.g. healthcare facilities. Whilst these points are noted, when read as a whole, it is clear that the Plan has been premised on an understanding of what infrastructure will be needed to support additional planned growth over the period to 2038. Indeed, such matters are addressed in the Infrastructure Delivery Plan, draft Policy 5 (Securing infrastructure from new development), draft site allocations policies and the viability assessment.

Other matters - duty to cooperate and work since Regulation 19 consultation

32. The legal duty to cooperate on strategic priorities and matters has underpinned the plan making process. Regular, meaningful and continuing dialogue with prescribed bodies has taken place and this has been set out in the Duty to Cooperate Report and Addendum, which are provided at **Appendix 3**. Comments received at the Regulation 19 stage from prescribed bodies are set out in the Regulation 22 statement. Whilst some concerns were raised with aspects of the Plan, in all cases the council has worked and continues to work towards resolving such matters in a constructive manner.
33. Alongside the submission documents, there will be a supporting letter to clarify what has occurred since the Regulation 19 consultation. The concerns raised by prescribed bodies regarding evidence have been responded to positively through the production of additional evidence and development of SoCGs. This work includes the following matters:
- Highways modelling and transport - AtkinsRealis have been commissioned to undertake a number of tasks to respond to detailed comments submitted by National Highways who called for further evidence to demonstrate that the potential impacts of planned growth on the Strategic Road Network (SRN) are capable of being mitigated appropriately. The work includes further microsimulation modelling relating to functionality of Junctions 16 and 17 of the M4, along with junction and route modelling covering the A-road network in Wiltshire. This work will be largely complete before submission and is following a brief agreed with National Highways.

With specific regard to Junction 16 of the M4, work is ongoing with Swindon Borough Council and National Highways to understand the forecast implications for the junction taking into account development at Swindon. The aim is to consider what mitigation measures are achievable within the cost envelope of development. It is anticipated that such analysis will continue beyond formal submission and the Inspectorate will be kept informed of modelling outcomes.

On Junction 17, an additional junction modelling exercise is being carried out to confirm that proposed development in the Plan is accommodated within a deliverable scheme to enhance the junction.

In terms of the A303, the main outstanding concern revolves around the proposed new community (the location for which would be addressed in a future Plan) and the need to secure improvements around Stonehenge.

The modelling work also considers the implications for proposed development on road junctions within Salisbury and the A36.

To provide a summary of the transport evidence base, a Transport topic paper has been prepared and summarises the outcome of this work, what is still in progress and when this is due to be completed. This forms a background paper to this report. It is not anticipated that the outcomes of this work will undermine the soundness of the Plan.

- Heritage Impact Assessments - In response to concerns raised by Historic England regarding the level of evidence underpinning heritage matters for sites, CBA have been commissioned to produce detailed Heritage Impact Assessments for seven of the proposed allocated sites (at Chippenham, Salisbury and Westbury). This work concludes that each of the seven sites assessed is capable of delivering development subject to mitigation and the scale and form of development being informed by more detailed assessment at planning application stage. A Heritage Topic Paper, which is provided as a background paper, has also been prepared in response to Historic England's comments to provide greater clarity on how the Plan has addressed heritage matters to support the examination. The SoCG will suggest amendments to some policies for consideration by the Inspector in the interests of clarity and precision.
- Flood risk assessments and Strategic Water Cycle Study - In their comments, the Environment Agency suggested the Plan would benefit from updates to the 2019 Level 1 Strategic Flood Risk Assessment (SFRA) as this would help underpin the council's site selection process. JBA Consulting, who prepared the 2019 SFRA have been commissioned to undertake this work, which is in the process of being finalised and is not raising the need to make amendments to the Plan. Further detailed Level 2 SFRAs are being carried out for some allocations to better understand flood risk - which may have implications for the form and layout of developments - and help support the Plan through the examination process.

In addition, JBA Consulting has prepared a Strategic Water Cycle Study at the request of the Environment Agency and in the light of the findings of the Habitats Regulations Assessment (HRA), which is in the process of being finalised. Natural England has also been involved given the relationship to the HRA and impact of water resources on the natural environment. The Study essentially examines whether the level of planned and committed growth can be resourced with potable (drinking) water and serviced with sufficient wastewater treatment. It demonstrates that the council is taking a defensible position on water efficiency standards in all new development, as established in draft Policy 96 (Water resources). In addition, it recommends that through working with water utility companies (exchanging data on committed/planned growth) and their Water Resource Management Plans (funding bids to OfWAT to support growth), there is either sufficient capacity within existing water treatment facilities, or the scope to influence investment in improvements - a

matter that Wessex Water are about to embark upon to assist with phosphate stripping within their operational catchment. Continued dialogue is being undertaken with the Environment Agency and Natural England to further the outstanding work.

- Ammonia and air quality assessments, mitigation strategies - Natural England advised that the Habitats Regulations Assessment (HRA) of the Plan would benefit from an assessment of ammonia levels and air quality associated with vehicular movements. This work includes modelling to better understand the potential impact relating to ammonia deposition that planned development may have on European designated protected sites. The outcome has been included in an update to the HRA, which is provided as a background paper. It shows that there is only a very localised area on the Salisbury Plain Special Area of Conservation is potentially affected, for which mitigation would be relatively straight forward.
- In addition to the updated HRA, work has been undertaken to finalise in agreement with Natural England mitigation strategies for protected sites. These have all been completed except for the review of the Trowbridge Bat Mitigation Strategy Supplementary Planning Document, which is due to be completed for consultation early 2025.

34. Alongside the above work, as explained SoCGs are being prepared with the Environment Agency, Historic England, National Highways and Natural England to support the council through the examination process, and, where necessary, neighbouring authorities covering relevant strategic matters. It is anticipated that these will be complete when the Plan is ready to be submitted to the Secretary of State.

35. The purpose of these SoCGs is to provide focus on key issues and to thereby 'narrow the gap' on (or remove) matters of disagreement, as well as establish common ground on matters of principle. To inform the examination process and assist the Inspector, they will, where it is considered appropriate to do so, present suggested changes that parties determine could be made by the Inspector to address any soundness and/or legal compliance issues. They would be suggested in the interest of improving effectiveness of policy to strengthen and clarify them. The SOCG with Natural England will consider regulatory changes to biodiversity net gain that have taken place since publication of the Plan and the need for changes to Policy 89 (Biodiversity net gain). A topic paper is also being prepared to provide further information supporting the requirement for 20% BNG.

36. Of note are the two SoCGs with Swindon Borough Council (SBC) and, Test Valley Borough Council (TVBC) and Hampshire County Council (HCC).

37. The council is engaged with SBC on strategic cross boundary matters in the north of the county, largely relating to the proposals around Royal Wootton Bassett given the proximity to J16 and the urban area of Swindon, a small part of which falls within the Royal Wootton Bassett and Cricklade community area. The two authorities have also worked constructively to prepare a joint strategy with Cotswold District Council to mitigate recreational impacts on North Meadow and Clattinger Farm Special Area of Conservation. While both authorities are meeting their needs in their respective areas, SBC had questioned whether the plan should be more positive in supporting economic growth around Junction 16; whether the plan period looked ahead enough; there was sufficient certainty in delivery of housing across the plan period; and the need to

ensure that growth within Wiltshire at Royal Wootton Bassett does not adversely impact on Swindon's infrastructure. Since the Regulation 19 consultation SBC has made further progress on its new Local Plan, supporting evidence base and strategy for growth. Positive dialogue continues between both authorities and good progress has been made on addressing and where possible resolving cross boundary matters, an update to the SoCG with SBC will be finalised for submission.

38. In the south of the county, the council is engaged with both TVBC and HCC on matters largely surrounding the proposed allocation of Land South East of Empress Way, Ludgershall (Policy 40), but also on other cross boundary matters. Key matters of discussion are delivery of highways and transport infrastructure required to facilitate the Policy 40 allocation, the site's relationship with emerging proposals for development at Ludgershall within Test Valley's Regulation 18 Local Plan, and the mitigation of Salisbury Plain protected sites. Positive dialogue continues towards resolving matters and all three authorities are engaged in the production of a joint SoCG, which is expected to be finalised for submission of the Wiltshire Local Plan.
39. Where work in respect of SoCGs and the additional commissioned work set above is considered likely to extend into the examination, timeframes for completion of such work will be provided to assist the Inspector.

Other matters - suggested changes to the Plan

40. While it is the role of the Inspector to ultimately recommend Main Modifications to a plan that are of a substantive nature, the council can identify changes that it considers the examination process will likely need to address. Two such changes that are considered necessary are:
- Proposed deletion of Policy 24 - Land at Netherhampton Road Garden Centre (Salisbury) which is no longer considered available for development because of its continued use as a garden centre. Only the part of the site that is 'greenfield' (and not taken forward as a proposal through the council's site selection process) has been promoted through the consultation; and
 - Proposed deletion of Policy 59 - Land at Brook Street (Warminster), which is unavailable for the delivery of a wetland scheme designed to assist with phosphate mitigation. However, alternative measures are being delivered to deal with this issue through other projects.
41. Officers have prepared an initial schedule of changes to assist the examination. It is not unusual for such schedules to be added to, at the request of the Inspector, as the examination progresses following the discussion of main matters with participants through the examination process. The two above proposed changes are included in the first part to a schedule of proposed changes at **Appendix 4**.
42. The schedule includes three other parts comprising other proposed main modifications, modifications to the policies maps (e.g. correcting site allocation boundaries) and more minor changes that relate to, for example typographical errors and points of clarification. If agreed and made, the minor changes would not materially alter the Plan, its proposals and policies and the council could therefore make them without the need for them to be recommended by the Inspector. The other suggested changes can be considered through the examination process alongside others matters that the Inspector considers need to be addressed.

Other matters - proposed changes to national policy

43. Consultation on proposed changes to the NPPF ended on 24 September 2024. Whilst the matters and proposed changes being consulted upon have no immediate bearing on the passage of the Plan to submission and examination, it remains to be seen how long the Government will take to fully consider representations and then publish the revised NPPF. The Government has stated that it intends to “publish NPPF revisions before the end of the year”. If the proposed transitional arrangements set out within the consultation draft are maintained, the council would have one month from publication of the revised NPPF to submit its Plan for examination under existing policy arrangements. Given the intention to submit the Plan before the end of the year, this will enable it to be examined under the September 2023 version of the NPPF and any increases in housing numbers and other policy changes would be addressed through a future Plan. If submission were not to occur before the end of the transitional period, the Plan would likely need to be revised and subjected to further statutory consultation, which would lead to delay.

Safeguarding Implications

44. Although there are no direct safeguarding implications arising from the proposals, the Plan is a key document in determining how communities can thrive together; and therefore, has a role in the prevention of escalation into safeguarding services.

Public Health Implications

45. The built and natural environment is a key environmental determinant of health and wellbeing. Therefore, planning for sustainable development to meet the employment, housing and infrastructure needs of communities helps foster their well-being. Well planned development and good place shaping supports the health and wellbeing of local communities. The design of a neighbourhood can contribute to the health and well-being of the people living there.

46. Several aspects of neighbourhood design (walkability and mixed land use) can also maximise opportunities for social engagement and active travel. Neighbourhood design can impact on our day-to-day decisions and therefore have a significant role in shaping our health behaviours; and living in good quality and affordable housing is associated with numerous positive health outcomes for the general population and those from vulnerable groups. An example is through the provision of green infrastructure and infrastructure to encourage active travel (walking and cycling) which can lead to an increase in physical activity levels and improve physical and mental wellbeing. Active travel can also reduce over-reliance on motorised transport, contributing to improved air quality and a reduction in road injuries. To support this a new policy ‘Health and Wellbeing’ has been introduced.

Procurement Implications

47. The examination of the draft Plan will entail the need to procure the services of a suitably experienced Programme Officer to help support the appointed Inspector. The role of the Programme Officer is to act as a conduit for information sharing between the council, Third Party representors and the Inspector. The appointment of a Programme Officer is mandatory. The financial implications include provision for this appointment.

48. The development of the Plan to date has been supported by evidence procured from suppliers, who may be needed to support the council through the examination process.

Equalities Impact of the Proposal

49. The council is subject to a public sector equality duty under the Equality Act 2010, pursuant to which it must, in the exercise of its functions, have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the 2010 Act; (b) advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The consultation, as all previous consultations, was undertaken in accordance with the council's adopted Statement of Community Involvement, which takes an inclusive approach to consultation ensuring that everyone can be involved. Moreover, each stage of the plan making process has been supported by an Equalities Impact Assessment (EqIA) which considered the potential for policies and proposals to negatively impact on equality in society.

50. The EqIA prepared to inform and support the Regulation 19 draft Plan identified rurality issues associated with accessing services and facilities could lead to inequality, particularly in the elderly community. Whilst these issues are relevant considerations in Wiltshire, the draft Plan presents policies designed to tackle social inequality themes, such as encouraging improvements to sustainable modes of transport.

51. As the Regulation 19 version of the draft Plan is proposed to be submitted for examination (along with all supporting evidence, including the EqIA prepared at the time) an addendum to the most recent EqIA has been prepared. The Regulation 19 EqIA and the Addendum are both included at **Appendix 5**.

Environmental and Climate Change Considerations

52. To be legally compliant, the Plan must contain policies designed to secure that the development and use of land in the area contribute to the mitigation of, and adaption to, climate change in line with Section 19(1A) of the 2004 Act.

53. Central to this is sustainable development and ensuring that the spatial strategy delivers a sustainable distribution of new growth that reduces the need to travel and promotes sustainable transport including walking and cycling. Furthermore, specific policies have been developed to require the delivery of sustainable design and construction, as well as renewable energy generation appropriate to Wiltshire. In addition, the policies and proposals in the Plan have been considered and designed in the light of the NPPF around matters such as: flood risk, water resource management, enhancing green and blue infrastructure, promoting biodiversity, delivering sustainable design and construction, and supporting renewable energy generation appropriate for Wiltshire. These policies contribute to the national 2050 net zero target and support delivery of the council's adopted Climate Strategy 2022.

54. Sustainability Appraisal (incorporating the provisions of Strategic Environmental Assessment) and Habitats Regulations Assessment also form an integral part of the plan making process. These help to ensure negative environmental impacts are

avoided, appropriate mitigation is identified, and policies and proposals deliver development in a sustainable manner.

Workforce Implications

55. Preparation and implementation of the Wiltshire Local Plan Review has workforce implications for services across the council, as well as the Planning service. Services have contributed by providing specialist input into policy development and site selection processes as well as commissioning of evidence including further work set out in this report, to ensure that their interests have been taken into account and business plan outcomes reflected as far as possible. Involvement of Legal service has been integral due to the statutory nature of the process and Communications in supporting consultations.

56. Input will continue to be required from services as the plan progresses through the next stages of the process and resources will need to be aligned to ensure there is sufficient capacity. It is anticipated that this will be absorbed within the current capacity of services but will be kept under review.

Risks that may arise if the proposed decision and related work is not taken

57. If the proposed decision is not taken the council would fail to meet the obligations it set itself through the Local Development Scheme. It would be failing to meet statutory requirements to have an up-to-date Local Plan in place. It would put at risk the council's ability to meet its climate change and environmental ambitions. It would delay bringing forward land for homes and employment, which are crucial for Wiltshire's residents and businesses, impacting upon the local economy.

58. Any delay in submitting the draft Plan could leave the council open to speculative planning applications, in particular for housing schemes (given the current housing land supply position). Progression of the draft Plan will therefore help reduce this risk by ensuring that the council is able to boost housing supply and ensure (unless material considerations indicate otherwise in a particular case) that development is plan-led.

59. The principal risks are: that progress is not made with developing up to date planning policy; and Wiltshire is placed at greater risk from unplanned development through developers continuing to exploit (among other things) the current 5-year housing land supply position. The opportunity to put in place as soon as possible new policies that respond to Wiltshire's development needs over the period beyond 2026 and secure higher standards of development e.g. that better address climate change, as well as provide an up-to-date framework to guide neighbourhood plans, will potentially be lost. Critically, there is the risk of Government intervention if progress is not made on preparing an up to date Plan.

60. The Government's proposed changes to the NPPF, as drafted, would also have significant implications for the Plan if it is not submitted in time to benefit from the transitional provisions explained at paragraph 41 above. If the proposed decision is not taken, a significant delay is likely for the Plan to be revised pursuant to a new version of the NPPF and subjected to further Regulation 19 consultation.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

61. It is considered that the draft Plan is a sound and legally compliant plan (subject to potential main modifications as discussed above) but nonetheless to manage any risk that the submitted draft Plan could be found to be unsound or not legally compliant through the examination process and hence recommended for withdrawal by the Inspector the council can manage this risk by:

- Ensuring that it provides all the documents prescribed by statute (see Legal Implications);
- Submitting further information to inform and assist the examination process in response to representations made to the draft Plan;
- Requesting that the Inspector recommend any modifications necessary to make the submitted draft Plan sound and legally compliant. This can be achieved through a direct request to the appointed Inspector in accordance with the provisions set out in Section 20(7C) of the 2004 Act; and
- Ensuring any detailed matters that need to be subject to refinement are finalised prior to adoption as part of an iterative process. One such example is ensuring that the Mitigation Strategies for protected sites, which support the Habitat Regulations Assessment, continue to be progressed and agreed with Natural England.

62. There remains a reputational risk to the council if it proceeds with the draft Plan. This would likely arise from local people who do not want to see development occurring close to where they live, or areas they value. Whilst this risk is real, the council is nonetheless charged with making difficult, often controversial decisions in the interests of ensuring it maintains an up-to-date Local Plan and a planned approach to development.

Financial Implications

63. The financial implications of taking forward the Local Plan Review through the examination stage and onto adoption have been planned for in the council's Medium Term Financial Strategy. They will be met from the Strategic Planning Service revenue budget of £0.230m and the Local Plan earmarked reserve, which has a balance of £0.579m as at 31st March 2024.

64. Adoption of the Plan will bring forward new sites for housing, thereby enabling the council to benefit from revenue associated with the delivery of new homes including contributing to the council's council tax base and new homes bonus. The Plan will also bring forward new employment sites enabling the council to benefit from business rates revenue.

65. Regaining the 5-year housing land supply position through an adopted Local Plan is likely to reduce the burden of costs associated with planning appeals.

Legal Implications

66. The main legislation governing plan-making is found in the 2004 Act and the 2012 Regulations. In accordance with Sections 19 and 20 of the 2004 Act, the council has a statutory duty to prepare planning policies and maintain an up-to-date development plan (this is further reinforced through the NPPF and Planning Practice Guidance). The draft Plan has therefore been prepared in compliance with primary legislation.
67. In preparing the Plan, it is considered that the council has complied with the statutory duty to co-operate and engaged with prescribed bodies, local communities and other stakeholders throughout the plan making process in accordance with its Statement of Community Involvement.
68. A report highlighting how the council had fulfilled the duty to cooperate up to the publication of the draft Plan was made available to support the consultation documents at the Regulation 19 stage of the plan making process. An Addendum to this report has been produced to reflect steps since the publication stage and thereby support the submission materials. Both the Regulation 19 Duty to Cooperate Report and Addendum are provided at **Appendix 3**.
69. The Plan has been supported by a process of sustainability appraisal, in accordance with section 19(5) of the 2004 Act and the Environmental Assessment of Plans and Programmes Regulations 2004, and habitats regulations assessment, in accordance with the Conservation of Habitats and Species Regulations 2017.
70. Reflecting on the entire process to date, it is considered that the council has discharged its functions in respect of Regulation 18 (Preparation of a local plan) and Regulation 19 (Publication of a local plan) of the 2012 Regulations. Representations relating to the draft Plan submitted at the Regulation 19 consultation stage have been duly recorded in accordance with Regulation 20.
71. The next stage of the process (if authorised by Cabinet and Council) is submission of the Plan to the Secretary of State for independent examination. By section 20(2) of the 2004 Act, the council can only submit the Plan for independent examination if: (a) they have complied with any relevant requirements contained in the 2012 regulations; and (b) they think the Plan is ready for independent examination.
72. It is considered that the council has complied with the relevant requirements in the Regulations and will continue to do so. Moreover, although there are certain outstanding issues to resolve, the council considers that all outstanding technical issues can be satisfactorily resolved to allow the Inspector to find the Plan sound at examination. As such, it is considered that there is no impediment to submitting the draft Plan and all supporting documents. According to Section 20(3) of the 2004 Act and Regulation 22 (1), the next stage of the process involves the Council submitting a prescribed list of documents to the Secretary of State, alongside the draft Plan. These documents are:
- the sustainability appraisal report;
 - a submission policies map (i.e. changes to the adopted policies map);
 - a statement setting out how the draft Plan has been prepared¹;
 - copies of the representations received through the Regulation 19 consultation; and
 - such supporting documents considered relevant to the preparation

¹ Addressing the various matters set out in Regulation 22(1)(c) of the 2012 Regulations

of the draft Plan.

73. The 'supporting documents' include those published as supporting documents to this report together with the appropriate Appendices.
74. Once submitted to the Secretary of State, the draft Plan will be examined by an independent Inspector whose role is to consider compliance with section 20(5) of the 2004 Act, in essence whether the Plan is legally compliant and sound and whether the council has complied with the duty to cooperate. Under section 20(7C) of the 2004 Act, if formally requested by the council, the Inspector can recommend main modifications to the Plan if they are necessary to make it sound and/or legally compliant. As set out above, it is considered that the draft Plan is a sound and legally compliant plan (subject to potential main modifications as discussed above) and that the council has complied with the duty to cooperate.
75. If the Plan passes the examination and is adopted, it will form part of the statutory development plan for the area and be used as such for the purpose of determining relevant planning applications and appeals.

Overview and Scrutiny Engagement

76. Environment Select Committee (ESC) on 3 September 2024 were provided with a notification on the next stage of the process via a Chair's announcement.

Options Considered

77. Consideration has been given to the option of making changes to the Plan prior to submission which would then form part of the submitted plan to be examined. This would require further consultation similar to what was done at the Regulation 19 stage on the proposed changes, together with updated sustainability appraisal and Habitats Regulation Assessment and would result in additional delay to the process.
78. Progression of the draft plan to the formal submission and examination stages will ensure that the council maintains the commitment it gave through the published Local Development Scheme. To inform and assist the examination process a schedule of proposed changes has been prepared (**Appendix 4**), as well as further work undertaken to inform the examination including the preparation of Statements of Common Ground. The Regulation 22 Statement (**Appendix 2**) clarifies how this additional work helps respond to issues. Where appropriate, suggested changes are proposed. The Inspector would not treat these as part of the submitted plan but may consider it appropriate for them to be considered in full or part through the examination process when considering the need for main modifications to the Plan.

Conclusions

79. This report seeks Full Council approval to submit the Wiltshire Local Plan to the Secretary of State for independent examination. This represents the final stage of the Local Plan process, having been through extensive public consultation. The document has been refined over several years to arrive at a growth strategy that will deliver high quality sustainable development for existing and future residents of Wiltshire. The Plan strives to deliver the right infrastructure at the right time to support the levels of growth while also preserving the county's most attractive natural and historic environment.

80. It is considered that the council has complied with the relevant requirements under the 2012 Regulations and will continue to do so, and that the Plan is ready for independent examination. Through undertaking further work since the Regulation 19 consultation, the council has taken positive steps to prepare for the examination process.
81. Whilst some of the comments received through the Regulation 19 consultation challenge the soundness of the draft Plan, the matters raised are considered capable of resolution through the examination process (whether through justification of the Plan as drafted or through main modifications) and further work has been undertaken to assist the examination. It will be within the Inspector's remit to work pragmatically and positively with the council, and the delegated authority proposed in this report will ensure the council supports an efficient process.
82. The Plan has been in preparation since 2017 and as the Wiltshire Core Strategy is nine years old it is imperative that the council moves forward to get an up-to-date plan in place. Subject to Council approval, submission of the draft Plan together with the accompanying documents will accord with the timescale within the approved Local Development Scheme. It is anticipated that this would align with the transitional arrangements proposed by Government within the consultation on the revised NPPF.

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Appendices

- Appendix 1: Wiltshire Local Plan Review - Pre-submission Draft Plan, July 2023
- Appendix 2: Regulation 22(1)(c) Consultation Statement
- Appendix 3: Duty to Cooperate Report and Addendum
- Appendix 4: Schedule of proposed changes, September 2024
- Appendix 5: Equalities Impact Assessment and Addendum, September 2024

Background Papers

- Housing topic paper
- Heritage topic paper
- Wiltshire Local Plan Heritage Impact Assessments, CBA
- Habitat Regulations Assessment (updated September 2024)
- Addendum to Sustainability Appraisal (September 2024)
- Transport Topic Paper