



The Planning Inspectorate

Report to Wiltshire Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the CHIPPENHAM SITE ALLOCATIONS PLAN Local Plan

The Plan was submitted for examination on 31 July 2015

The examination hearings were held between 10 and 11 November 2015
and between 27 September and 5 October 2016

File Ref: PINS/Y3940/429/10

Abbreviations used in this report

AA	Appropriate Assessment
AM	Additional Modification
ALC	Agricultural Land Classification
BMVL	Best and Most Versatile Land
CLR	Cocklebury Link Road
CSAP	Chippenham Site Allocations Plan
CWS	County Wildlife Site
DtC	Duty to Co-operate
ELR	Eastern Link Road
HLSS	Housing Land Supply Statement
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
NE	Natural England
NWRR	North Wiltshire Rivers Route
PPG	Planning Practice Guidance
PRN	Primary Route Network
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SRN	Strategic Road Network
SSR	Site Selection Report
SSVA	Strategic Site Viability Assessment
SWLEP	Swindon and Wiltshire Local Enterprise Partnership
SWOT	Strength, Weakness, Opportunity, Threat
TA	Transport Assessment
WC	Wiltshire Council
WCS	Wiltshire Core Strategy
WMS	Written Ministerial Statement
WMF	Wiltshire Monitoring Framework

Non-Technical Summary

This report concludes that the Chippenham Site Allocations Plan provides an appropriate basis for the planning of the town's strategic site allocations, provided that a number of main modifications [MMs] are made to it. Wiltshire Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- The development strategy has been amended to update the housing requirement and include a revised methodology replacing references to first, second and third preferred areas - MMs 5 - 6;
- Policy CH1 and supporting text has been amended to include smaller extension sites and increase the total housing yield for the strategic area – MMs 7 - 17;
- Policy CH2 and supporting text has been amended to clarify the proposals and address concerns with deliverability - MMs 18 - 26; and
- Policy CH3 and supporting text has been deleted in its entirety – MMs 27 - 29.

Introduction

1. This report contains my assessment of the Chippenham Site Allocations Plan (CSAP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Chippenham Site Allocations Plan [CSAP/01] submitted in July 2015 is the basis for my examination. It is the same document as was published for consultation in February 2015. The Council proposed changes to the Pre-Submission Draft Plan [CSAP/02] which have subsequently been incorporated in the further proposed changes referred to below. As a consequence of fundamental flaws being identified in the evidence base, the Examination was suspended on 11 November 2015. A revised CSAP [CSAP/14], incorporating further proposed changes [CSAP/11], was submitted to the examination in May 2016.
3. In addition to the consultation on the pre-submission draft CSAP which ran from 23 February to 8 April 2015, representations on the proposed modifications following the period of suspension were sought from 23 May to 5 July 2016. The Council has also consulted on the Proposed Further Modifications arising through the resumed Examination, including the hearing sessions held in September/October 2016, together with the changes proposed to the submission document in July 2015 [CSAP/15]. This consultation ran from 31 October to 12 December 2016. In arriving at my conclusion in this report I have had regard to the representations resulting from all of these consultations.
4. References in square brackets [] are to documents forming the supporting information to the submitted draft plan.

Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
6. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of my amendments significantly

alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Some modifications included in the Council's schedule do not amount to main modifications required to address the soundness of the Plan under Section 20(7C) of the 2004 Act (numbered as MMs 1, 2, 4, 5, 10, 11 and 24 in the schedule) and these are not the subject of recommendations in this report. However they may be considered as Additional Modifications under Section 23(3)(b) of the Act, which provides for the local planning authority to adopt the Plan with additional modifications if (taken together) they do not have a material effect on the policies.

Policies Map

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the Wiltshire Policies Map as set out in the Wiltshire Core Strategy (WCS).
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map.
9. These further changes to the policies map will be published in due course.
10. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the CSAP and the further changes published alongside the MMs.

Assessment of Duty to Co-operate

11. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
12. The Council has provided a statement on the Duty to Co-operate [CSAP/04] which provides evidence that the Duty has been properly discharged. The statement identifies those prescribed bodies relevant to the CSAP. The statement also indicates that many of the issues where cross boundary cooperation is necessary have "*..already been established throughout the preparation of the Wiltshire Core Strategy..*" [CSAP/04, para 4.4], as detailed in the Inspector's Report [CWCO/07; paras 7 - 10]. These include the scale of growth at Chippenham and its role within the settlement hierarchy. Additionally, it notes that the CSAP area is completely within Wiltshire and does not adjoin any other local authority area. Following suspension of the Examination and completion of the revised CSAP, the Council has continued undertaking constructive engagement with the adjacent authorities and prescribed bodies.

13. There is a strategic relationship with Bath, to the west, and Swindon to the east. Accordingly, these two were the relevant local authorities and there are SoCGs for each [CSOCG/03 & 04], indicating that there are no unresolved issues with Wiltshire Council. So far as the prescribed bodies are concerned, SoCGs [CSOCG/06, 07 & 14] indicate there are no unresolved issues. In respect of Highways England [CSOCG/01] and Historic England [CSOCG/02] small changes to the text of MMs 5, 12 and 31 have been agreed and there are no further unresolved issues. A further SoCG [CSOCG/05] indicates there are no remaining areas of dispute between WC and Swindon and Wiltshire Local Enterprise Partnership.
14. Taking the above into account, overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and the duty to co-operate has therefore been met.

Assessment of Soundness

Background

15. The WCS, as submitted for examination in July 2012, included Core Policy 10, which identified 3 strategic site allocations for Chippenham (North Chippenham, Rawlings Green & South West Chippenham) to assist in fulfilling its role as a strategic employment location. The Inspector's report of that examination, dated December 2014, [CWCO/07] found that "*in the absence of a sufficiently robust SA, I have insufficient evidence upon which to base a recommendation as to which sites should be developed through until 2026*" (para 2.32). Accordingly, the sites were removed from CP10 in order that the detailed delivery of development within the town and affected areas could be considered robustly through a specific Site Allocations Plan. The submitted CSAP is intended to fulfil that purpose.
16. As indicated in para 2, my initial appraisal and early hearing sessions identified fundamental flaws in the evidence base, in particular the Site Selection Report (SSR) and the Sustainability Appraisal (SA), together with delivery issues concerning the chosen strategy. Consequently the Examination was suspended on 11 November 2015. To be clear, I had not at that time found the submitted Plan unsound: indeed, I had not reached any conclusions regarding soundness. A revised CSAP [CSAP/14], incorporating further proposed changes [CSAP/11], was prepared and the examination resumed in May 2016. The revised Plan is supported by a revised evidence base.
17. There are two significant differences between the submitted Plan and the revised version. The first is the deletion of the 91ha of land forming the East Chippenham strategic site, intended to deliver 850 dwellings and 5 ha of employment land, together with completion of the Eastern Link Road (ELR) from the eastern boundary of the Rawlings Green site to the A4 to the east of Stanley Lane. The second difference is the inclusion of three smaller sites, totalling 11 ha, to provide for up to an additional 400 dwellings, within the South West Chippenham strategic site.

Consideration of withdrawal

18. There have been suggestions that the resubmitted CSAP has changed so significantly that it should be withdrawn. These are based on the advice in the

Government's PPG, para 024, ref ID: 12-024-20140306, which states that "*..where changes recommended by the Inspector would be so extensive as to require a virtual re-writing of the plan, the Inspector is likely to suggest that the local planning authority withdraws the plan*". It has been suggested that the changes proposed are not only extensive but also significantly different in qualitative terms, whilst the chosen strategy has been replaced by a different strategy. These criticisms have not been accepted for the following reasons:

- the CSAP's single identified purpose – to identify large mixed-use sites at Chippenham – remains intact [CSAP/14, para 2.1];
- it continues to fulfil that purpose in accordance with the overarching policies of the WCS, specifically Core Policy 10;
- the Chippenham Vision and the objectives derived from the WCS remain the same [CSAP/14, paras 3.3 – 3.12];
- the single essential difference between the submitted document [CSAP/02] and the revised version [CSAP/14] lies in the spatial distribution of the strategic sites.

19. There is no public interest which would be served by the Plan's withdrawal. Indeed it can be argued that the opposite is true: that there is everything to be gained by having a plan in place to address the uncertainty which exists through the absence of an adopted Plan. For all of these reasons I have not requested that the Council withdraws the Plan and there is no substantive evidence before the Examination to persuade me otherwise.

Main Issues

20. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified 8 main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Is the revised Plan supported by an adequate, up-to-date, relevant and proportionate evidence base?

21. The revisions to the evidence base are intended to address the identified shortcoming which led to suspension of the Examination so the first issue to be considered is whether the exercise has been successful. These revisions include:

- an enhanced methodology for the SSR [CSAP/12 & CSAP/13];
- a revised SA [CSUS/11-16];
- a revised Strategic Site Viability Assessment (SSVA) [CEPS/17c];
- supplementary Transport & Accessibility evidence [CEPS/04a & 05a];

- a Transport Strategy Refresh [CTAN/14];
- a Riverside Country Park Report [CEPS/19a]

The Site Selection Report Enhanced Methodology

22. There were two fundamental concerns regarding the adequacy of the SSR which accompanied the Submission Plan. The first was the use of a ranking exercise relating to the criteria set down in WCS Core Policy 10 which sought to provide guidance for the site allocations in the CSAP. The criteria were not ranked in the WCS and the basis for the ranking exercise undertaken in the SSR was not clear and neither was there a clear indication of how the ranking influenced the final choices.
23. The second concern was the 2 stage approach to identifying, firstly, broad strategic areas and secondly specific locations within those areas to allocate for development. This resulted in some locations not being evaluated in the same detail as others before being rejected. The basis for the first stage exercise was a narrative approach which did not give confidence that those areas rejected in the first round had been subject to a robust evaluation.
24. The response from the Council was to develop an enhanced methodology which removed the two stage approach to site identification, replacing it with a parallel assessment of strategic areas and strategic sites, culminating in the comparison of alternative development strategies. The ranking of criteria was removed and replaced with an employment-led approach, following the strategy for Chippenham set down in the WCS (para 5.46) and the priority for new employment provision identified in WCS, para 5.48.
25. The revised SSR also undertook a policy review of the Strategic Area Assessments against the six WCS Core Policy 10 criteria using a SWOT (Strength, Weakness, Opportunity, Threat) appraisal. The appraisal replaces the narrative approach with a more consistent and equitable basis for considering each alternative strategic area and alternative strategic site option.
26. The review of the SSR has ensured that all reasonable alternative strategic site options have been included in addition to those already examined. This includes site options in Strategic Areas A and D, together with additional options in Strategic Areas E, B and C.
27. Doubts were expressed at the hearings that the revised SSR had fully addressed the concerns raised over the original submission. These centred largely on the omission of some site options and the premature rejection of others. I have given consideration to individual omission sites at paras 132 - 145, below. However, the purpose of the CSAP is to identify "...large mixed use sites for businesses, new homes and infrastructure.." [CSAP/14, para 1.2]. In general, the consideration of smaller sites would not assist in achieving this purpose. The strategy for the Chippenham area, set down in the WCS, para 5.46, requires that the employment sites "...will form part of mixed use urban extensions...that are well integrated with the town". With this in mind, site options removed from the urban periphery, or without a "...reasonable prospect of planned infrastructure being delivered in a timely

fashion" [NPPF, para 177] will inevitably be viewed less favourably to those site options contiguous with the urban boundary.

28. Overall, I am satisfied that the revised approach provides a focussed, thorough and robust appraisal which has successfully addressed the concerns raised prior to suspension of the Examination. The overall conclusion of the SSR, taken together with the SA, is the rejection of the Submitted Strategy in favour of a Mixed Strategy [CSAP/12, para 8.88]. Para 8.89 indicates that the chosen strategy carries the least risk in terms of site specific and generic risks compared to three alternative strategies under consideration [CSAP/13, Appendix 7].

The Sustainability Appraisal

29. The SA must "*..consider all reasonable alternatives and assess them in the same level of detail as the option the plan-maker proposes to take forward in the Local Plan*". [PPG, para 018 ID: 11-018-20140306]. The SA was subject to detailed examination at the first hearings and was found to be inadequate. The main reason for this was that, like the SSR, it followed a two stage process with only three broad areas taken forward for detailed assessment of locations for development within them. However, in many cases, the differences in performance between the five areas under consideration against the 12 identified SA objectives were unsubstantial to the extent that there was little discernible difference. As a consequence sites which may well have scored highly in the second stage were not taken forward for appraisal.
30. The SA has been updated and supplemented with further work. It assesses a larger set of strategic sites options together with alternative and preferred development strategies. In general terms it has addressed the criticisms of the original report in terms of fairness or even-handedness, and proportionality. In arriving at this conclusion I have noted the judgement in the case of Ashdown Forest Economic Development LLP v SoSCLG [2014] referred to in the Legal Topic Paper [CSUS/18] which indicates that the Local Planning Authority (LPA) has "*..a substantial area of discretion as to the extent of the inquiries which need to be carried out to identify the reasonable alternatives..*".
31. Two specific criticisms concerning the revised SA were raised at the resumed hearings. The first related to the level of detail which it would be reasonable to expect the SA to consider, the specific point being that detailed information on the subdivision of Grade 3 BMVL into 3a and 3b should be used where available. Evidence was provided showing that for some sites this information would be readily available, but not for all sites as the agricultural land classification (ALC) maps do not subdivide Grade 3. However, para 018 of the PPG stresses that the alternatives should be assessed in the same level of detail as the preferred option, whilst the judgement in the case of Ashdown refers to the necessary balance between putting a plan in place with reasonable speed and the objective of gathering relevant evidence. The exercise involved in gathering data to provide the same level of BMVL detail to allow for an equitable comparison of all alternatives would unnecessarily delay the plan process in this instance.

32. The second specific criticism concerned the treatment of one site option – A1. This was assessed as likely to have a major adverse effect against SA objective 1 concerning the protection and enhancement of biodiversity indicating that it may be inappropriate for mixed-use development. As the only site option to receive a red box against this objective, it was thought to be unfairly excluded from further consideration. The accompanying text indicates that the SA concern is the cumulative effects of development of this site together with the adjacent permitted development at North Chippenham, and that mitigation is not considered possible. As a consequence the site was not taken forward into the preferred strategy. This is not evidence that the revised SA is fatally flawed or that the site in question has been unfairly treated. However, the site is considered further as an omission site (paras 135 - 136).
33. The revised SA has been criticised for not properly considering reasonable alternatives. In addition to the site at Barrow Farm (A1), these include Strategic Site Options D1 based around Forest Farm, E6 south of Showell Nursery site and Gate Farm in isolation (other than as part of a wider East Chippenham site). These do not raise fundamental issues with the approach to the SA: rather the sites' promoters consider them to be reasonable alternatives to the preferred option. My conclusion is that the revised SA has provided an adequate response to the criticisms.

Strategic Site Viability Assessment

34. Whilst the SSR and SA were the most significant areas of concern regarding the evidence base, the SSVA [CEPS/17 & 17a,b and c] was also the subject of criticism. The SSVA analysis used benchmark land values based on research carried out in 2011 for the Department for Communities and Local Government. The conclusion [CEPS/17 para 7.1.3] was that "*..with the exception of South West Chippenham the (strategic) sites do not currently support a policy compliant level of affordable housing*". Looking at the detail, even at the lower range of gross site values (£0.250m per hectare), North and East Chippenham, and Rawlings Green were unable to support more than 30% affordable housing. At the higher gross site value (£0.350m per hectare) none of the three sites would support more than 20%. Taken at face value, on the basis of the SSVA conclusions, it was clear that only South West Chippenham could be said to be compliant with WCS Core Policy CP43: Providing Affordable Homes.
35. A revised SSVA [CEPS/17a] was submitted just prior to the first hearing sessions which stated that note had been taken of the initial appraisal and the Council's response [EX/2]. It showed that all of the strategic allocations would be viable with a 40% proportion of affordable housing. The revised document was submitted *ex post facto* and contrasts with the experience with the Area A S106 negotiations which have resulted in no more than 20% affordable housing being achievable.
36. The matter is of concern since the WCS requires that approximately 13,000 affordable homes are delivered within the Plan period. Chippenham Town is within the 40% zone identified by WCS Core Policy 43 as intended to provide a significant proportion of those affordable dwellings. If the allocated strategic sites cannot be developed viably, then the "*..clear and robust policy*

framework.." referred to in the WCS (para 6.42) cannot be delivered in respect of a key location for the delivery of affordable housing.

37. The PPG (para 005) advises that viability assessment can be a tool to assist with the development of plans by ensuring that the plan vision and policies are realistic. The assessment should provide a high level assurance that the plan policies are viable whilst it also suggests the testing of policies should be iterative and that the evidence should be proportionate.
38. In April 2016 the SSVA was updated and extended [CEPS/17b] providing an assessment of 6 strategic sites in total (B1, C1, C4, D7, E2 and E5) using industry standard residual valuation approaches. It provides the high level assessment of general viability of proposals in plan making. The report was further updated in June 2016 [CEPS/17c] as a result of errors in the estimates for strategic transport links. The results have been subject to sensitivity analysis showing that the strategic sites considered for inclusion in the revised CSAP remain viable if sales values decrease by 5%, benchmarked against at the lower end of the CLG range.
39. There have been concerns that the costs of a railway bridge giving access to the Rawlings Green site were significantly under-estimated. These are contained within the costs for strategic transport links which were indicated to be £5.19m in Table 4.7.1 [CEPS/17 & 17a] but have been recalculated in more detailed estimates to be £3.13m in Table 1.1.1 [CEPS/17c]. These revised calculations were the subject of discussion at the hearings.
40. The Government's PPG, particularly para 005 (ID 10-005-20140306), indicates an iterative approach to development plan policies. The advice states that evidence should be proportionate to ensure plans are "*..underpinned by a broad understanding of viability*". The updated assessment uses an industry standard residual approach to test the impact of the Council's policies on site viability. However the report recognises the limitations of the assessment and advises that residual valuations can only ever serve as a guide. Nevertheless, I am satisfied that the updated SSVA provides a satisfactory basis for assessing the viability of the potential strategic sites.

Transport and Accessibility evidence

41. Following the suspension of the Examination supplementary transport and accessibility evidence was presented in two reports: Part 1a – Assessing Strategic Site Options [CEPS/04a] and Part 2a – Assessing Alternative Strategies [CEPS/05a]. The purpose of these was to align the transport evidence with the revised SA and SSR methodologies, with Part 1a assessing the transport and accessibility attributes of 14 Strategic Site Options and Part 2a assessing the 4 alternative Development Strategies.
42. Part 1a uses the same key themes and '*heat map*' method as in the original Part 1 assessment [CEPS/04]. There have been detailed criticisms of the method in terms of the 6 locations chosen to assess accessibility, for example the use of the Community Hospital as a proxy for health services and the omission of leisure as a location. However, the assessment is part of the wider assessment contained in the SA and SSR. It is also a comparison exercise which seeks to show the transport and accessibility attributes of each site in terms of the 3 key themes.

43. Turning to Part 2a which is concerned with the alternative development strategies, the summary of findings [CEPS/05a paras 4.1 – 4.6 and Table 4-1] indicates that Development Strategies 1 (Eastern), 2 (Southern) and 3 (Submitted) are likely to be "...unacceptable in the absence of a completed link road.." (para 4.3). However, it also indicates that Strategy 4 (Mixed) does not provide an opportunity to complete either an Eastern or Southern Link Road and that "...mitigating the traffic impacts of development would be more challenging" so that, overall, "...a strategy that includes an Eastern Link Road remains preferable in terms of highway network performance" (Para 4.5 – 4.6). Again, there were criticisms of the approach, including those concerned with the impact of development at Rowden Park on the historic village of Lacock (para 65, below). However, in this context the SSR (CSAP/12 para 8.21) indicates that the Southern Link Road Strategy could potentially result in some poor traffic impacts on the local network.
44. The transport evidence has been further strengthened with the submission of the Chippenham Transport Strategy Refresh 2016 [CTRAN/14]. The document provides 8 objectives for which strategy schemes are identified. There have been questions regarding the output from the S-Paramics Transport Model that was used to forecast the impacts of the transport strategy, particularly concerning the level of detail – or lack of – regarding actual flows. The counter-argument, that the model output contained the usual level of detail for policy making where there is no exact land use data, is persuasive since the use of data with a spurious level of detail is clearly of no benefit.
45. In general terms, there has been criticism of the transport and accessibility evidence particularly in terms of the level of detail, traffic impacts and the workability of the transport strategy. However, the exercise undertaken was a comparison of alternatives appropriate in its scope and level of detail. Through the use of an iterative process, it sought to identify a preferred development strategy in a manner proportionate to the requirements of a site allocations plan.

Riverside Country Park Report

46. Policy CH4 in the Submission Plan delegated much of the detailed matters regarding future management of Country Parks to a masterplan process, and to a management plan to be approved by the Council. Although para 5.33 indicated that the "*long term management of the country parks will be secured by planning obligation relating to individual sites*" no detailed information was provided. This was a matter requiring some clarification. A report of the future management of the riverside country parks has been now prepared jointly by Wiltshire Council and Natural England [CEPS/19a] which considers the future management options available for the provision of country parks, including matters relating to governance and ownership. Its production involved relevant organisations with a potential interest in the ownership and future management of the Country Parks and included detailed consideration of governance options and opportunities for income generation. Overall, the report fulfils the need for a framework for delivery of the Country Parks and a context for the development of masterplans.

Conclusion and Recommendation

47. Considerable additional work has been undertaken by the Council to meet the shortcomings identified in the evidence base which underpinned the Submission Plan. My conclusion is that this has resulted in an adequate, relevant and proportionate evidence base which supports and provides a basis for justification of the proposals and policies contained in the revised Plan. As a consequence of the revised evidence base it has been necessary to substantially revise the methodology section of the Plan to describe the process through which the strategic areas for development have been chosen. Accordingly, in order to be found sound as a basis for justifying the policies and proposals in the Plan it is necessary for the text in paras 4.10 to 4.24 to be amended as provided for in **(MM5)**, and for a new diagram 1 to be inserted to show the new Plan Preparation Steps. As a consequence of the revised process through which allocations were chosen, it is necessary to replace figure 4.1 showing the proposed allocations for inclusion in the Plan **(MM6)**.

Issue 2 – Has the revised Plan correctly identified the housing and employment land requirement?

The Housing Requirement

48. The WCS, CP10, identified a requirement for at least 4,510 homes to be built at Chippenham by 2026, with a residual land requirement for 2,625 new homes to be found through the CSAP. The Submission CSAP updated that figure as a result of completions, planning permissions and commitments to 1,935 homes. As a consequence of the suspension of the Examination Table 4.1 requires a further update to take account of later HLSS information to show a residual requirement of at least 1,780 homes.
49. I have noted the revised table is based on figures for land supply at April 2015. The LPA has since produced a Housing Land Supply Statement for April 2016, published in November, which indicates a lower residual requirement for Chippenham at 1,661 dwellings and amended trajectories for the North Chippenham and Hunters Moon sites. However, the difference is small and results in a marginal allowance for flexibility within the Plan period.
50. There have been suggestions that the allocation of two strategic sites totalling 2,050 homes represents an 'overprovision'. However, this is not a substantial addition to the residual requirement, and it can be readily justified as an allowance for flexibility.
51. On the contrary argument, that insufficient land has been provided, the Courts have established that the NPPF does not require a site allocations plan to also question whether further housing provision will need to be made: that is the role of the WCS through review. Accordingly I have accepted that the figure of 'at least 1,780' homes is the appropriate requirement for this Plan. Nevertheless, to be considered properly justified, the strategic site allocations must be derived from a current appraisal of the residual requirement. However, the data for housing land supply underpinning the residual housing requirement in the submitted plan had been published in July 2014. Additionally there was no reference to brownfield opportunities, most

importantly proposals at Langley Park (para 52, below). Accordingly, it is necessary to provide amended text at paras 4.3 (**MM3**) to ensure clarity and at para 4.4 (**MM4**) ensuring that this section of the Plan has been positively prepared.

Brownfield sites

52. It has been suggested that an overprovision of greenfield sites is not necessary when brownfield sites could provide for some capacity. Para 4.3 of the CSAP, as modified by MM3, indicates that figures for housing supply take account of brownfield sites included in Policy Core Policy 9 of the WCS and the Chippenham Central Area Master Plan: specifically including Langley Park. The Langley Park site has been granted outline planning permission - 16/03515/OUT, to include the provision of 'up to 400 residential units'. Within this context, a full permission has been granted to provide 22 residential units -16/04273/FUL. At the time of writing, both of these are subject to the signing of S106 agreements. However, the Council has reported that proposals for the redevelopment go back some 15 years and, whilst an allowance has been included in CSAP for 250 units to be achieved here, delivery cannot be guaranteed. Whilst the Council reports that windfall permissions and completions are likely to show an increase across Wiltshire as a whole [CHSG/08, Appendix 5], historically the delivery of brownfield development has contributed very small amounts in Chippenham.
53. The advice in the NPPF, para 48, is that LPAs may make an allowance for windfall sites provided there is compelling evidence that they consistently become available and continue to provide a reliable source of supply. The SSR provides details of brownfield sites which had been referred to as offering potential for housing, but concludes that this source of supply has been shown to be unpredictable and so no deduction has been made to the residual housing requirement (para 24). There is, therefore, no compelling evidence in the case of the Chippenham local area, and the Council is right to take a conservative view of the likely contribution to be achieved in the Plan period.

Employment Land

54. WCS Core Policy 10 also identified a requirement for approximately 26.5 hectares of employment land to be found through the CSAP. The employment land is to be allocated alongside the housing land as part of large mixed use sites. The latest update on the employment land requirement, shown at Table 4.2, suggests a figure of 21.5 hectares remains to be found through the CSAP. The strategy for Chippenham is based on delivering significant job growth in order to improve the town's self-containment so the identification of strategic mixed-use sites is a key consideration of the Plan.

Conclusion and Recommendation

55. On this issue, it is clear that following the period of suspension it would be necessary to update the housing and employment land requirements. It would also be necessary to consider the implications of any changes for the development strategy to ensure that the Plan is positively prepared. In addition to the amendments to paras 4.3-4.4 (**MMs 3 and 4**) the Council has undertaken to update the information contained in the Plan particularly at tables 4.1 and 4.2 on adoption through the use of additional modifications.

Issue 3 – Policy CH1 South West Chippenham allocation

56. The South West Chippenham allocation (Policy CH1), as originally proposed in the Submission Plan, was for 1,000 dwellings and 18ha of employment land. Following the preparation of the enhanced methodology the allocation for the Rowden Park site has been retained as before, although the indicative plan (Figure 5.1) no longer shows a separate employment site to the west of the B4520 as befits a mixed-use allocation. However, 3 smaller extension sites totalling approximately 11ha of land for a total of up to 400 dwellings have been added to Policy CH1, bringing the total development potential for the site to around 1,400 dwellings.
57. The assessment results for Area E, which includes the South West Chippenham allocation, indicate that development here would support the socio-economic objectives relating to housing and would provide for long-term sustainable growth. The only constraint deemed problematic to mitigate is the extent of BMVL land in the area; other environmental matters are deemed achievable to mitigate. There is sufficient developable land within Flood Zone 1, and the area has good access to the A350, to the town centre and to employment areas. The SRR (para 2.18) indicates that, in relation to the primary objective of the Plan – to provide new employment provision in Chippenham - Area E offers the possibility of immediate access to the A350 in a location attractive to investment.
58. There are a number of issues to be addressed relating to the revised allocation which can largely be categorised as:
- The additional allocation is unjustified;
 - concern with additional traffic, particularly on the B4528 and, potentially, on Lacock and Lackham;
 - insufficient weight given to cultural heritage and
 - the potential to increase flood risk.

Justification for the additional allocation

59. The additional allocation comes through the identification of three smaller sites contiguous with the boundary of the main Rowden Park site, including Showell Nurseries – a brownfield site identified for redevelopment. The three sites were included within Option E5, an option assessed as not encroaching too far into the surrounding countryside and making the best use of available land (SSR, para 5.67). Consideration of the justification for additional land has to be related to the deletion of Policy CH3 East Chippenham allocation resulting in a reduction of 850 dwellings from the total allocations. Although the revised residual requirement shown in Table 4.1 shows a reduction from previous calculations, without additional land for housing there would be a shortfall on the total requirement.
60. The Council's Position Statement for Resumed Matter 6 [RM/6] sets out a number of strengths associated with the extended allocation. These include,

for example, the re-use of previously developed land (the Showell Nursery site), the inclusion of land enveloped by development which will become part of the urban area of Chippenham, and that there are no significant complications to the delivery in terms of infrastructure. The addition of further housing as part of the South West Chippenham allocation will ensure a supply of deliverable land in a sustainable location. In terms of viability, South West Chippenham (Option E5) remains viable with 40% affordable housing adopting a Benchmark at either the upper or lower CLG range and is robust when subject to sensitivity testing [CEPS/17c].

61. The extended Policy CH1 allocation has resulted in the need for amendments to the wording of the Policy, and the supporting text in order for the Plan to be considered as positively prepared and effective. The Council has continued negotiation with the promoters of the main Rowden Park site, reaching agreement [CSOCG/08] to some changes of wording to Policy CH1 to clarify the nature of the proposals **(MM7)** and to the text of para 5.1 **(MM9)**. Other matters include the importance of dealing with environmental issues arising from the location of the Patterdown Rifle Range within the allocated site, and ensuring that development proposals take account of the importance of the mature network of hedgerows and trees. There is agreement between the parties regarding the necessary amendments to the text at para 5.3 **(MM11)**. With these modifications the Plan is sound with regard to the additional extension sites.

Traffic concerns

62. There has been concern that development at South West Chippenham would have an adverse impact on the road network through increased traffic, particularly at peak times. It is, of course, inescapable that substantial amounts of development, as committed by WCS, Core Policy 10, will have a traffic impact on Chippenham wherever that development is located. So far as the South West Chippenham allocation is concerned, there are 3 aspects to the impact which can be considered separately.
63. Firstly, the Supplementary Transport and Accessibility Evidence, Part 1a [CEPS/04a], Fig 6-1 shows that, in terms of accessibility, site option E5 demonstrates strong potential in all three attributes assessed (sustainable access, highway access and wider transport opportunities). It does, however, highlight a weakness being the distance from secondary schools. The Council recognises the problem and has agreed a bus strategy at planning application stage where school travel arrangements will be agreed [Position Statement RM/6, para 2.12]. This follows the SSR assessment, para 5.60, indicating that due to the strategic location and scale of the site, there is a strong opportunity to develop and improve the current public transport network.
64. Secondly, transport model evidence [CEPS/05], forecasts that, increasing the number of dwellings from 800 to 1,200, would lead to an almost 20% increase in morning peak hour average journey times, with average journey times in 2026 almost double current average journey times. The highway network performance is forecast to deteriorate most around the town centre and the area immediately to the west (Table 3-1). The impact on journey times is clearly unacceptable and the Plan cannot be considered positively prepared and effective unless there is a clear indication of measures to

prevent it happening. There have been revisions to the Chippenham Transport Strategy [*"the Transport Strategy Refresh 2016"*: CTRAN/14] as a consequence and a number of measures including capacity improvements, public transport improvements and improvements to cycling and pedestrian links are proposed. The need for these is identified in a revised para 3.6 (MM2). To address the specific problem of developing beyond 800 dwellings at South West Chippenham it is necessary to amend the text of Policy CH1 at bullet 7, to include a requirement for a set of comprehensive transport improvement measures if the Link Road from the A350 to Cocklebury Road is not open for use (MM7). These modifications will ensure that the Plan has been positively prepared and therefore sound in this respect.

65. The third issue concerns potential impact, in terms of traffic implications for the village of Lacock. It is an historic village and locally it is said to be experiencing increased traffic arising from 'rat running' to avoid congested roads. Traffic has increased universally in recent years and no evidence has been provided to suggest that Lacock has suffered more than other villages, or that any increase has arisen from drivers diverting through the village. However, the village is located outside the plan area for the CSAP and the Transport Briefing Note 4 [CTAN/07] provides a diagram of the model network coverage extending as far as the A350 to the south (figure 1). The Position Statement [RM/6] shows an increase to 2026 over current flows of around 6% on the A350 (para 4.7). However, if there is an increasing impact on the village, this will be a matter for network management. It is not a matter for the CSAP to address and no modification is necessary for soundness.

Cultural heritage

66. Evidence Paper 7: Heritage Assets [CEPS/11] considers the land south east of Chippenham as Site 3 and provides a thorough assessment of the potential impact of development on known and unknown archaeology, Conservation Areas and Listed Buildings, Registered Parks and Gardens and historic houses and farmsteads. Importantly, it summarises the sensitivities and identifies a high risk of impacts to the historic environment and unknown archaeology and lists required mitigation measures.
67. Some of the mitigation measures relate to matters which would properly be considered at application stage, but the important findings for this Plan are that there should be no development in the immediate vicinity of Rowden Farm, a substantial green buffer along the River Avon corridor and a significant reduction in the extent of the site's southern boundary. In general terms these concerns have been addressed through the proposals included in Policy CH1. These include protection afforded to the Rowden Park Conservation Area, the setting of the Listed Buildings, and the medieval moated site and fishponds Scheduled Monument by the designation of a substantial area of riverside country park and detailed requirements to be developed through the masterplan.
68. The proposed additional site at Showell Nurseries extends the southern boundary of the proposed development but it does provide an opportunity to redevelop a brownfield site and replace extensive derelict greenhouses. The nurseries are partly visible from the entrance drive leading from the A350 to

Lackham College but the southern boundary hedgeline of the nursery site has the potential to be strengthened to mitigate the visual impact of development.

69. Overall the evidence indicates that sufficient regard has been given to the heritage assets. Furthermore it does not support a case for removing the smaller sites on the grounds of impact on heritage assets. An amendment to Policy CH1 was included in the pre-submission changes [CSAP/02] to clarify how new development should best preserve the importance of the conservation area. However, for the Plan to be effective, a further clarification is required to ensure that account is taken of the importance of the landscape setting to the Rowden Park Conservation Area. This is provided by a change to para 5.5 (**MM12**) ensuring soundness.

Flood risk

70. Evidence Paper 6 [CEPS/10] gave consideration to flood risk in respect of Area E (paras 4.32-4.34). Whilst it concludes that some of Area E has the highest propensity to groundwater flooding, much of this is close to the River Avon where development is not proposed. It also indicates that the drainage effect on downstream settlements could be significant so there would be a need for developments to mimic the greenfield runoff state or improve on it. In addition to modifications to the section on master plans [CSAP/14 para 4.23] provided by **MM5**, for the Plan to be effective it must ensure that the significance of designated groundwater Source Protection Zones is recognised, that network improvements are put in place and that the delivery of sustainable drainage measures is ensured. As a consequence of agreement with the Environment Agency [CSOAG/07] a modification to para 5.10 specific to the Policy CH1 allocation (**MM17**) ensures soundness in respect of flood risk in relation to the Rowden Park allocation.

Conclusion and Recommendation

71. From the above, there are a number of matters regarding Policy CH1 and its supporting text which require main modifications for soundness reasons. These are: amended text at para 4.18 amending the allocation (**MM5**); amendments to the Policy text to take account of various changes, notably the 3 additional smaller extension sites (**MM7**); replacement of figure 5.1 (**MM8**); and amended supporting text at paras 5.1-5.10, describing the development, clarifying the requirements, and clarifying the situation regarding flood risk (**MMs 9 – 17**). With all of these modifications in place the Policy meets the requirements for effectiveness and positive preparation.

Issue 4 – Policy CH2 Rawlings Green allocation

72. There are a significant number of concerns with the allocation of Rawlings Green as a mixed-use strategic site in the Submitted Plan. In addition to concerns with the amount of development proposed by the Plan as a whole, the scale of development proposed by Policy CH2 has been an issue in contention, particularly concerning those living near to the site, for example at Monkton Park, or in locations perceived to be subject to impact from the development, for example at Langley Burrell. The following specific concerns form the basis for my consideration of the allocation:

- visual impact, including impact on the surrounding landscape and the separation between Chippenham and Langley Burrell and Tytherton Lucas;
 - traffic implications of the proposals, particularly the potential congestion resulting from the Cocklebury Link Road and the use of Darcy Close for access;
 - agricultural land quality;
 - the potential for increased flooding north of the town centre;
 - deliverability of the proposals reliant on the provision of a rail bridge.
73. The revised Plan retains the allocation in substantially the same form, including the requirement for 650 dwellings, 5 ha of employment land and a 2 Form Entry primary school. The supporting text is also retained with some amendments designed to provide clarity and increased justification. The anticipated delivery of housing remains unchanged (Table 6.1). A recent outline planning application (15/12351/OUT) was submitted for up to 700 dwellings. Whilst the Council has resolved to grant permission subject to a S106 agreement being completed within 6 months, the total number of dwellings has not been challenged. However, for reasons set out below the higher total has resulted in an illustrative plan which raises serious concerns with regard to the ability of the development scheme to meet the Policy requirements in CH2 and para 5.12 which were based on the total of 650. The Planning application was subsequently reconsidered at a meeting in December when it was resolved to defer determination pending the receipt of this report, amongst other information.
74. For the most part, the concerns raised to the submitted Plan have not been satisfied and some concerns regarding the Strategic Site remain. I shall deal with these in turn but first, it is important to consider the location of Rawlings Green in the context of the strategy identified by the WCS for the Chippenham area [CWCS/01, paras 5.46-47] which seeks to provide a sustainable distribution of employment sites in the form mixed use urban extensions, including housing, "*..that are well integrated with the town*". There can be no doubt that Rawlings Green fulfils these requirements, particularly in terms of its proximity to the town centre, railway station and other sources of employment. It is against this that outstanding concerns must be considered.

Visual impact

75. The visual prominence of the site is not in dispute and it is agreed by those promoting development that there will be a requirement for the provision of a landscape framework to mitigate the site's visual impact on the wider landscape [CSOCG/09, para 4.31]. The SSR (para 5.23), refers to the area's high visual prominence and concludes that development here is "*..likely to make the urban edge of Chippenham more prominent in the wider landscape*". However, it also suggests that, in the wider landscape, the area south of Peckingell Farm is marginally less sensitive in landscape terms. In contrast, the landscape assessment carried out for the WCS [CLAN/01] suggested that "*all of the land at Rawlings Farm is considered to have high visual significance*".

within the wider river corridor" (p13), although the report indicated that the extreme western corner of the site, west of Cocklebury Lane, below the rolling ridgeline in a north west direction is an exception to this finding. Amongst the *'qualities to be safeguarded'*, fig 13 of the Landscape Assessment [CEPS/07] indicates the separation to Tytherton Lucas as important. There are also heritage assets in the form of 3 Grade II Listed Buildings within or close to the Strategic Site.

76. From my own observations I share the concerns of those who see development at Rawlings Green as a potential threat to the visual qualities of the wider landscape. Most significant of these concerns are: the visual separation of the urban edge of Chippenham from Peckingell Farm and Tytherton Lucas to the north-east and the visual impact of development on the more open landscape of the river valley and more distant views to the east. It is within these areas that mitigation of the landscape and visual effects of development would be difficult – as acknowledged by the SSR (Appendix 6).
77. Policy CH2, bullet point 5, recognises these concerns with a requirement for strategic landscaping and open space. This is supported by text at para 5.12, together with detailed requirements for the strategic landscape scheme. It is, however necessary, in order for the Plan to be effective, to provide a link from the Policy statement to these detailed requirements by an addition to Policy CH2 **(MM18)**.
78. Equally important to the effectiveness of the Plan, the indicative plan (fig 5.2) shows areas for Country Park under Policy CH4 to the north-east and east of the strategic site to meet the requirement set down in bullet point 6 of the Policy. The area to the north-east would provide a substantial visual buffer between the developed area and Peckingell Farm. However, the illustrative plan which accompanied the application for outline permission (15/12351/OUT) shows significant erosion of the buffer with proposals for employment and residential developments. This would be contrary to the spirit and purpose of the Policy requirements, and the need for the development to *"..have appropriate regard to the setting of Langley Burrell and Tytherton Lucas conservation areas.."*. Also of significance in this context is the indication on fig 5.2 of a narrow strip along the western bank of the River Avon which, taken at face value, would not provide an adequate space to mitigate the visual impact of development on the wider, more open landscape to the east of the River and towards Tytherton Lucas.
79. In order to answer these criticisms, and address the consequent soundness issues, it is necessary to amend the text of the 6th bullet point in Policy CH2 to reinforce the need to protect the open character of these areas and link the Policy to Fig 5.2. It is also necessary to expand the text of Policy point 5 to link the requirement to the more detailed requirements set down in para 5.12 and to make specific reference to the impact of development on the exposed valley slopes **(MM21)**. Lastly, it is necessary to amend Fig 5.2 to provide a clear definition of the north-eastern boundary to the proposed area for built development – to include the land within the proposed Cocklebury Link Road, and to redefine the eastern boundary of development so that land up to the 50m contour is within the area defined for Country Park **(MM19)**.

Traffic implications

80. Concerns regarding the traffic implications of the development can be considered in terms of the potential impact of traffic using the Cocklebury Link Road, together with the implications of not completing the link from the B4069 to the A350 in a western direction, and issues related to provision of the rail bridge. This latter point will be considered in respect of the impact on delivery of the full development.
81. The SWOT assessment identifies a 'threat' for Area B, Rawlings Green, in terms of congestion or delay until a link road to the A350 is completed and therefore a dependency on development taking place in Area A – although in the Strategic Area Dependency Table of the SSR this is noted as 'partial', defined in para 2.10 as implying that "***much of the Strategic Area is likely to be dependent on development taking place in another Strategic Area***" (my emphasis). Whilst the level of assessment is high, the need to co-ordinate provision of road infrastructure is identified. The report also comments that "*Without this connection, nearly all traffic to or from Strategic Area B would need to route via Cocklebury Road and the town centre in order to connect with the PRN*". Additionally, the SSR notes (para 2.11) that the degree to which the development is able to afford the necessary infrastructure and provide for all other costs including a proportion of affordable housing "*..has not been determined*". Against this, the latest SSVA [CEPS/17c] updated to June 2016, shows development at Rawlings Green (B1 – 650 units) to be viable with 40% affordable homes.
82. Evidence regarding the impact of traffic using the Cocklebury Link Road was summarised in the October 2015 Transport Briefing Note 2 [CTRAN/05]. In the short term, and in the absence of a Cocklebury Link Road (CLR) but with a development threshold of 200 dwellings, it concludes that there would be a 30% increase in traffic flows and an "*..up to a 55% increase in delay time experienced on the approach to New Road/Station Hill junction compared to the existing situation*". With the CLR open in association with a connection to the A350 or measures of equivalent benefit to that connection, and a development level of 650 dwellings, traffic flows and delays are forecast to be at levels similar to those experienced now (para 4.4). With a full ELR, linking the A350 to the A4, Table 1 in Transport Briefing Note 2 – Rawlings Green Traffic Impact (CTRAN/05) gives the change in vehicle flow as -9% and in queued delay time at Station Hill as -15% compared to 2015 levels.
83. From the evidence, it would appear that completion of a linking road through the North Chippenham, Area A development, to the A350 is an important factor in limiting the impact of development at Rawlings Green on the New Road/Station Hill area. However, according to the S106 agreement, up to 450 dwellings can be occupied at North Chippenham without this link being completed – although there is a proviso that no more than four years shall have passed since occupation of the first dwelling before it is in place. Either way, this suggests that it would be unlikely to be in place before 2022/2023. The housing trajectory indicates that the 200 dwelling limitation on Rawlings Green could be exceeded – triggering the need for the CLR – more than a year earlier. In these circumstances it may be necessary for the Council to fulfil its declared intent to seek to use its ability, or either via the Local Enterprise Partnership (e.g. Growing Places Fund) to resolve any financial

imbalances [*CTTRAN/12, para 11.7*] in order to safeguard the New Road/Station Hill area from undesirable congestion in the short term. It is necessary in order for the Plan to be effective, to recognise the importance of the sequential development of Areas A & B by a revision to the supporting text at para 4.19 (**MM5**). Additionally, amendments to para 5.18 are necessary in order to recognise the sensitivity of traffic levels through Monkton Park and the importance of new infrastructure, including the CLR, to achieving an acceptable long term traffic impact (**MM26**).

84. A document produced by ADL Traffic Engineering Ltd [*RM7/3*] expressed concern that there appeared to be a lower than expected traffic generation from the proposed development and that there would be "*...a severe residual impact on the highway network*". However, this referred to a TA carried out on behalf of the developers specifically related to the planning application (ref: 15/12351/OUT). The ADL document acknowledges that the TA assessed for 900 dwellings compared to the 650 ceiling incorporated in Policy CH2. It follows that little weight can be attached to the evidence in this Examination.
85. Overall, the implications of the Transport and Accessibility evidence is that, long term, there would be little change from the current situation for residents of the Monkton Park area, although short term there would be an increase in delay times at New Road/Station Hill. However, the Chippenham Transport Strategy Refresh 2016 (in draft form) indicates that, through implementing the full strategy, the forecast outcome for 2026 would be the volume of vehicles travelling into or through the town centre reducing by 15% in the morning and 10% in the evening peaks. The impact of the scheme could be expected to reduce the delay forecasts and, to some extent at least, address the short term impacts of the Rawlings Green development.
86. The extension of a road eastwards beyond the Rawlings Green development is not strictly a matter of consequence so far as the traffic implications of the development is concerned. However, it is important to recognise that the CSAP is concerned to provide for development only up to 2026. Beyond the Plan period it may or may not be necessary to provide for continuing development pressures on Chippenham. Whilst such provision is not for consideration in the CSAP it would be prudent and good planning practice to ensure that an ELR could be continued in an easterly direction towards the A4 east of Chippenham if required at a later date. The Council is aware of the need for flexibility and para 5.18 (**MM25**) was amended to indicate a requirement to allow for a road connection to the south-east at a future date if required.

Agricultural land quality

87. The SA, Addendum 1 [*CSUS/14*] advises that the Option B1 site (Rawlings Green) is comprised predominantly of Grade 2 (very good) BMVL agricultural land and suggests that, as such, mitigation of effects of development would be problematic (p40). It awards a 'Moderate adverse effect (--)' on the generic assessment scale, as is the case with all the site options considered. Looking at the SA of the proposed modifications [*CSUS/16*], Section 4 indicates that the site's status as greenfield and predominantly Grade 2 results in an assessment of major adverse effect (---) with no satisfactory

mitigation possible. This assessment is carried forward into the SA Note on Proposed Further Main Modifications (October 2016).

88. Clearly BMVL land is a matter of concern but this has to be balanced against the need to identify greenfield sites on the edge of town [*WCS, para 5.46*] and that, wherever peripheral development is located, BMVL land will be involved. It also has to be balanced against the allocation's location in relation to existing facilities and services. In this respect the findings of the SA [*CSUS/11*] are that Option B1 (amongst others) is of relatively higher sustainability performance leading to a recommendation to give it consideration for inclusion in a preferred development strategy.

Flood risk

89. The degree of flood risk arising from allocations has been a source of concern throughout the Examination. Most of the Policy CH2 allocation, and all of the built development proposed is located within Flood Zone 1. This is in accord with the NPPF sequential approach. The CSAP acknowledges that the allocation slopes down to the River Avon and requires that flood risk areas (zones 2 and 3) must remain undeveloped (para 5.11). However, the concerns remain and are based on the fact that Rawlings Green is located above the town centre where there is a record of recent flood events. Increased run-off from the developed areas is believed by some to increase the risk level, and photographs of recent flood events were supplied to the Examination as evidence. According to Evidence Paper 6 [*CEPS/10*], the most recent flooding has affected the bottom of High Street (para 3.1).
90. Evidence Paper 6 advises (para 3.9) that the need to prevent water flows from arriving too quickly at the radial gate in Chippenham centre is particularly relevant in the case of Rawlings Green (Area B). Its analysis (para 4.6) suggests the creation of large impervious areas would lead to additional peak flows joining the river with a consequent high flood risk at the radial gate.
91. However the Council indicates that the Plan has been guided by the Strategic Flood Risk Assessment, and that the specific requirements of Policy CH2 will ensure that future rates of runoff from the development will be less than the existing greenfield rates [*RM/7. Para 6.1*]. This was shown to be achievable by a detailed hydraulic modelling assessment carried out in 2012, referred to in *RM/7*. As a result of the above, to be effective, the specific requirement in Policy CH2, requires support through more detailed text at para 5.11, in order to provide an adequate safeguard against development increasing flood risk further downstream (**MM20**). Figure 5.2 must also be amended to ensure the developable area excludes all land liable to flooding (**MM19**)

Deliverability

92. Doubts about the deliverability of the CSAP strategic sites were raised in the early appraisal of the Submitted Plan and more specifically for the Area B, Rawlings Green proposals in the letter setting out the reasons for suspending the Examination [*EX/10*]. This focussed on the requirement for the Rawlings Green development to fund a bridge over the railway line to provide a second point of access to Area B. As already noted (paras 80 -86, above) this is

necessary because the site's location will place strain on existing traffic corridors, parts of which are already congested.

93. Initially there were doubts about the ability of Rawlings Green to fund the infrastructure requirements, including the railway bridge, whilst remaining WCS compliant in relation to the provision of 40% affordable housing. Following the suspension of the Examination more detailed costing of the infrastructure [CTTRAN/12, Appendix B] was fed into a revised SSVA [CEPS/17c]. The exercise has shown the development to be viable with 40% affordable housing and sensitivity testing shows the assessment to be robust.
94. The remaining concern with deliverability of the rail bridge, that of disputed land ownership, was a matter raised as part of the resumed Examination. The small area of land in question lies between the built section of Parsonage Way which ends in a short spur adjacent to the top of the railway embankment and the ownership of Network Rail. The dispute is between Wiltshire Council and adjacent landowner, Messrs Wavin Plastics, each claiming a controlling interest in the land. The matter of land ownership is not a planning matter to be resolved within the Examination process, it is for the parties concerned to seek a resolution, ultimately through the courts. However, there are implications so far as deliverability of the rail bridge is concerned, and therefore completion of the development of the Rawlings Green site.
95. Counsel's Opinion submitted to the Examination, based on documentary evidence [CTTRAN/15], and legal advice obtained by KBC Developments Ltd [RM/7a], supports the Council's view that – on the balance of probabilities - the land between the kerb-line of Parsonage Way and the boundary of Network Rail's ownership was adopted as highway maintainable at public expense. Even if this were not the case, Counsel's Opinion is that Wiltshire Council could exercise compulsory purchase powers to acquire the land in order to construct or extend an existing highway.
96. From the evidence, and using a common-sense approach to the matter, it appears that the physical layout of Parsonage Way took account of a potential rail crossing and that the narrow strip of land in dispute has no other obvious use. It also appears unlikely that, if the matter of ownership were so important, it has not been disputed in the 20 or so years since this section of Parsonage Way was adopted. In particular, it does not appear to have been the subject of dispute earlier in the process of developing the CSAP and its submission for Examination. For these reasons there do not appear to be insurmountable problems which would prevent the construction of the rail bridge.
97. The future possible electrification of the rail line was raised at the hearings as a potential problem for the construction of a bridge. However, the Council's evidence was that the depth of the cutting at the point of crossing would be more than adequate for the inclusion of electrification apparatus, and no contrary evidence was presented.

Conclusion and Recommendation

98. There are a number of matters that have required modifications to Policy CH2 and its supporting text in order for the Policy to be properly justified and

made effective. Additionally, I am concerned that development must be coordinated with the timely provision of infrastructure, as stated in the NPPF, paras 162, 173 and 177. As a consequence I have determined that there are significant issues which must be addressed by amendments to the Main Modifications proposed by the Council in order for the Plan to be considered positively prepared and effective. These affect MM5 (para 4.21) MM18 and MM26, and address my concerns with the access to the Rawlings Green site. I am also concerned that the requirement to limit new built development to land above the 50m contour, and provide for extensive tree planting to the eastern boundary of development have not been properly incorporated into Policy CH2 and so I have included amendments to the text of MM18.

99. As a consequence, in order for the Plan to be positively prepared and effective, Policy CH2 requires a main modification (**MM18**); figure 5.2 requires replacement (**MM19**), and the supporting text requires revisions to paras 5.11 – 5.18 (**MMs 20 – 25**). With all of these modifications in place the Policy meets the requirements for effectiveness and positive preparation.

Issue 5 – Policy CH3 East Chippenham allocation

100. The Strategic Site at East Chippenham under Policy CH3 in the Submitted CSAP was the most contentious of the proposed allocations. There were a number of reasons for this. These include: it would not contribute to the objective of improving self-containment; it is upstream of Chippenham and would require considerable works to avoid increased risk of flooding; the concept of the ELR is flawed; landscape evidence shows it to be an open area which would have a wider landscape impact and there are question marks regarding deliverability within the Plan period. Some of these issues were explored in the initial appraisal of the submitted CSAP [EX/1] and further in the letter of 16 November 2015 [EX/10] confirming the period of suspension of the Examination.
101. The conclusion of the revised SSR, Step 6, was that the site (Strategic Site Option C1) should be taken forward for further evaluation as a potential component part of a development strategy. Together with Site Options B1 and E2, it would form the 'Submitted Plan Strategy'. The final choice of a preferred strategy was between the Mixed and Submitted Plan Strategies with the SSR preferring the Mixed Strategy [CSAP/12, para 8.37]. Amongst the concerns identified (para 8.61) with the Submitted Plan Strategy were that the site is recognised as having particular adverse environmental effects that are also problematic to mitigate. In particular, impact on the attractiveness of the Marden Valley north of the North Wiltshire Rivers Route (NWRR) and possibly on the character of the Tytherton Lucas Conservation Area (CA) were matters of concern. Additionally the assessment indicates that even if the housing and employment elements were removed from the more sensitive areas the strategy would still involve the intrusion into those areas of the new road and the traffic it would bring.
102. The SSR also draws attention (para 8.69) to the Site Option falling slightly short in its capacity to deliver policy compliant affordable housing, and

suggests that its viability could be viewed as marginal. This was seen as a significant finding.

103. In summary, the inclusion of the East Chippenham allocation in the submitted CSAP was a consequence of the deeply flawed two-stage site selection process, and the ranking of WCS Core Policy 10 objectives. The revised SSR and SA demonstrate quite clearly that the CSAP, as submitted, was unsound so far as this allocation is concerned. The allocation does not perform as well as those chosen for inclusion in the CSAP, and it is unnecessary to develop east of the River Avon during the Plan period. Indeed, developing east of the river is a 'game-changer' so far as Chippenham is concerned. This is because it has the potential to unlock a substantial area of land for development which would significantly alter the character of the town and surrounding countryside. The merits or otherwise of making this choice are not for debate at this time but for a future Plan.
104. The promoters of the East Chippenham allocation have submitted representations objecting to its removal in the revised Plan. They consider failure to allocate the site would significantly hamper economic growth of the town, frustrate housing delivery, produce unacceptable traffic impact and cause harm to the natural, historic and built environment. Re-instatement of the allocation is sought.
105. The original allocation under Policy CH3 proposed 850 dwellings together with 5ha of employment land and a further 15ha safeguarded for development beyond 2026. However, on 9 March 2016 CSJ Planning, on behalf of the promoters, wrote drawing attention to a new collaboration relating to the delivery of development of an East Chippenham allocation and the related ELR and river crossing. This indicated that the ELR could be delivered early and ahead of the housing.
106. My initial appraisal [EX/1] suggested doubts about the viability and deliverability of the allocation having regard to the need for a new river bridge and associated works to ensure the structure does not impede water flows plus significant flood prevention works in addition to providing a section of the ELR. These doubts are mirrored by a note on viability in the CSJ Planning letter (p4), second bullet [CHSG/13b] which advises that, to the east of the river, "...a critical mass of 1,200/1,500 homes is required as a standalone scheme", although it suggests a lower number may be possible if there was certainty of a second phase. Either way, there can be no doubting the intention that there would have to be a significant commitment to substantial development east of the River Avon in the longer term. This adds weight to my concern that a commitment of this nature has the potential to significantly alter the character of Chippenham.
107. My concerns are also addressed in the revised SSR (Appendix 4, p43) which includes Strategic Site Option C2, described as a large area that corresponds to the land holdings and the extent of land being promoted with an anticipated scale of development in the order of 1,800 dwellings. In addition to the original Strategic Site Allocation in the submitted CSAP, Option C2 includes a substantial tract of land located to the north of the NWRR and extending as far as the River Marden, to include North Leaze Farm. It would potentially bring development to within half a kilometre of the Tytherton

Lucas CA. The Option was rejected during the SWOT analysis in the SSR because of major adverse environmental impacts where mitigation would not be possible and moderate impacts which would be difficult to mitigate. As a consequence the Option was not carried forward into the assessment of preferred strategies.

Conclusion and Recommendation

108. The Submitted Plan Strategy would be unlikely to deliver the ELR east of the River Avon without additional development to address viability issues. This much is, as indicated above, accepted by the promoters although they stress the benefits of this approach which are seen as reducing the scale of development at the Rowden Park site and avoiding harm to the Rowden CA. However, the consequences of increasing the extent of the East Chippenham allocation to ensure viability would have a significant environmental impact, particularly on the open landscape to the north and east, for which the SA concludes that mitigation would be difficult or impossible.
109. A consequence of the Council's amendments, particularly increasing the amount of housing in the Rowden Park Strategic Site through Policy CH3, is that the inclusion of the East Chippenham Strategic Site is unnecessary. It follows that in this respect the Submitted Plan had not been positively prepared and is unsound. The Council has proposed to delete Policy CH3 in its entirety (**MM27**), together with figure 5.3 identifying the allocation (**MM28**) and the supporting text at paras 5.19 – 5.31 (**MM29**). With these modifications the Plan is positively prepared and justified and therefore sound.

Issue 6 – Policy CH4 Chippenham Riverside Country Parks

110. Policy CH4 delegates much of the detailed matters to a masterplan process, and to a management plan approved by the Council. Para 5.33 indicates that the "*long term management of the country parks will be secured by planning obligation relating to individual sites*". No detailed information is provided, although at para 5.33 it is stated that further work is being undertaken to develop the ownership, governance and detailed management of the Country Parks. In order to be positively prepared this is a matter requiring some clarification, particularly in relation to NPPF, para 173, which seeks to ensure the viability of developments.
111. During the period of suspension of the Examination a report, Chippenham Riverside Country Park – Future Management [*CEPS/19a*] was prepared by Natural England and the Council which looked at 3 key questions:
- How should the country parks be managed?
 - What can the developers be expected to do?
 - How would they be funded?

The report looks at the full breadth of future management options and gives consideration to options for governance and ownership of the country parks and provides specific recommendations for the South West Chippenham and

Rawlings Green sections. This has addressed concerns that there was insufficient clarity in the proposed long term management of the country parks.

Conclusion and Recommendation

112. Amendments to para 5.33 provide detail regarding the use of management plans and the requirement for master plans for each strategic site are necessary for effectiveness. They are provided through supporting text for the Policy **(MM30)**. There is also a reference to the report, through an additional modification, to ensure there is a link between the Policy and the Report. This is an appropriate course of action and no further modification is necessary for soundness reasons.

Issue 7 – Other Matters

The A350

113. The WCS (para 5.56) clearly identified the A350 as a potential barrier to development. The accompanying diagram shows the broad 'strategic areas' contained within the area to the east of the A350. Reflecting this guidance, the CSAP (para 2.3) indicated that the A350 is considered to be a clear and logical boundary to the town "*which should not be breached unless other options are exhausted*". The revised Plan amended the text to indicate that the boundary should not be breached "*..by mixed use strategic site development during the plan period*". The amended text has not satisfied those representors who objected previously.
114. From the evidence and from my visits to the area it is clear to me that the A350 is, indeed, a significant and clear cut boundary to the urban extent of Chippenham as identified by the WCS. It is sufficient for the Plan to state that it "*..should not be breached*". The Council has argued that land to the west of the A350 is already protected by being outside the Limits of Development for Chippenham, although adopted policies in the WCS would allow certain developments, such as rural exception sites (WCS Core Policy 44). Accordingly, it suggests implying blanket protection from development would not be in accord with the higher tier policy document. However, the WCS (para 4.15) clearly states that development outside the settlement boundary will be strictly controlled without qualification so there is no need to limit the statement at para 2.3 by reference either to the plan period, or to any specific form of development such as mixed use strategic sites. There is therefore no reason to retain the text. The Council has accepted the argument and has proposed that the extended text should be deleted **(MM1)**. This is necessary to ensure the Plan is justified in this respect.

Air Quality

115. The consequence of development proposals for air quality has been raised as a matter of concern and the Council responded with an addendum to Evidence Paper 2 [CEPS/02a]. In respect of Chippenham it provides details of monitoring, indicating that locations for an exercise across the town in 2012 were chosen where "*...in officers' experience...*" pollutant levels were likely to

be raised. All the locations appear to relate to the PRN. The Chippenham Transport Strategy Refresh [CTAN/14] states that "...there are currently no locations in Chippenham where concentrations of NO₂ exceed the annual mean objective". However, it is a matter of note that there has been no monitoring device in the vicinity of the New Road/Station Hill junction, although this location matches the description in CEPS/02a, para 6.2, of "...terraced, canyon type streets, sometimes with an incline and that are heavily trafficked". Bearing in mind the proposal to route traffic from the Rawlings Green strategic site through this junction the omission is a matter of concern raised during the hearings [RM4/3].

116. During the Examination I experienced use of this junction at a number of different times of day and the particular matter which concerns me is that the development proposed at Rawlings Green by Policy CH2 is acknowledged by the Council to lead to "...a 55% increase in delay time experienced on the approach to the New Road/Station Hill junction, compared to the existing situation" [CSAP/14 para 5.18e]. The Plan expects this to be a short term impact as the Cocklebury Link Road will need to be open beyond the 200 dwelling threshold. There is no doubt that a 55% increase in delay time at the junction would raise the level of air pollutants so the provision of the CLR in association with a connection to the A350 or measures of equivalent benefit to that connection, is crucial to air quality in the longer term. Nevertheless, there is no practical measure incorporated in the Plan to ensure delivery of the link road, for example in the event that the development fails to deliver for one reason or another.
117. During the examination the Council gave an assurance [CTAN/12, para 11.7] that, to ensure delivery of infrastructure, it would seek to use its ability to resolve any financial imbalances and would consider the use of compulsory purchase powers to accelerate the provision of infrastructure. In order to be found sound in terms of effectiveness the Plan has to make it clear that the Council will use its powers to support delivery and I have provided additional text to this effect within Policy CH2 (**MM18**), and paras 5.18b and 5.18e (**MM26**) for this reason.

Reserve Sites

118. The CSAP does not include reserve sites that could be brought forward in the event of non-delivery of a strategic site allocation. As a consequence Wiltshire Council's approach to reserve sites was raised during discussion on omission sites. The Council's response is set out in a note submitted following the hearing sessions [EX/403]. Essentially, the WCS does not identify reserve sites but it does, for Salisbury, identify 2 broad areas of search that could be brought forward if further land is required in the future as part of the Council's ongoing monitoring process (WCS para 5.112, bullet 6). However, that is in the context of "*broad areas of search for future development around Salisbury*" and the WCS indicates that strategic allocations will be brought forward through a masterplanning process, rather than a strategic allocations plan. It is not, therefore, an equivalent situation to Chippenham, where the strategic site allocations in the CSAP include overprovision to meet the residual housing requirement.

119. In addition to the overprovision, the inclusion of small extension sites as part of the south west Chippenham allocation provides additional flexibility for delivery. This, together with the Wiltshire Monitoring Framework (WMF) and the additional indicators to be employed to trigger a review of the Plan as provided by new paragraphs 6.14a and 6.14b offers adequate safeguards. For these reasons the CSAP is positively prepared without the inclusion of further reserve sites subject to the inclusion of the proposed new paragraphs **(MM36)**.

Sports facilities

120. The amount of new housing proposed for Chippenham involves a need to balance this with recreational facilities. There is concern that the use of S106 agreements with developers to deliver infrastructure may not be deliverable and that, rather than provision being on a site-by-site basis, developers might consider pooling contributions to provide off-site facilities. The Council has responded on this issue by provided a Position Statement [RM/10] and a Note on the Playing Pitch Strategy [EX/402].
121. Negotiations such as these are generally matters to be dealt with through the masterplanning activity that will refine and develop the detailed distribution of land uses within the strategic site allocations. This activity is identified in para 4.23a, b and c **(MM5)** and para 4.23b specifically identifies the need to apply standards for provision to meet the needs of leisure and recreation. Additionally WCS, Core Policy 52, requires development to make provision in line with adopted Open Space Standards, currently set down in saved policies of the North Wiltshire Local Plan 2011.
122. At the time of writing this report WC is consulting on a draft Wiltshire Playing Pitch Strategy and Wiltshire Open Space Study as a result of which Sport England has withdrawn its objections to the CSAP. So far as the CSAP is concerned the Open Space Study 2015 [CHSG/14] concludes that Chippenham does not have a shortage of outdoor sports provision, whilst a shortage of amenity green space is addressed through proposals contained in Policy CH4 Country Parks. As a consequence the Plan is sound and no modifications are necessary in respect of recreational facilities.

The Strategic Transport Network

123. There is no part of the Strategic Road Network (SRN) which runs through the CSAP plan area, but the site allocations will have a cumulative impact on the M4 and, specifically, Junction 17. However, mitigation of the impact on J17 is a matter that must be addressed in order for the Plan to be positively prepared. During the period of the Examination's suspension the Council and Highways England continued negotiations, seeking agreement on how to mitigate the impact in relation to J17.
124. The Submitted CSAP did not specifically recognise the need for capacity improvements to J17 as a consequence of the planned growth. However, J17 is part of the A350 corridor and the WCS, CP66 includes a commitment to maintain, manage and selectively improve the corridor. The Council and Highways England agree that the timely delivery of the agreed junction improvement scheme is critical to protecting the primary role and function of the SRN. Additionally there is agreement that it is critical to the sustainability

of the CSAP [CSOCCG/01]. Clearly there is a need for the CSAP to recognise the impact that the proposals will have on the SRN, and specifically on J17, and identify the necessary improvements, without which the Plan cannot be found to be positively prepared and effective.

125. The Council has proposed to introduce a new section to the Plan, comprising new paras 5.34, 5.35 and 5.36, to recognise the commitment to the A350 included in the WCS and introduce a new improvement scheme to support the strategic growth in the CSAP. It has also accepted a minor modification to para 5.34 proposed by Highways England. The necessary modification is provided by **(MM31)**.
126. A separate issue has been raised concerning Objective 2, at para 3.6, where reference is made to strategic highway improvements that may be required to accommodate the impact of growth. As a consequence the Council has reconsidered the wording and has agreed a revised third sentence to the paragraph [CSOCCG/15], necessary for the Plan to be effective. This will ensure modes of transport such as cycling and public transport receive equal consideration with the motorised form, and will ensure that, in this respect, the Plan is positively prepared **(MM2)**.

Monitoring and Implementation

127. Chapter 6: Monitoring and Implementation was not in contention as there is already a monitoring and implementation framework – WMF [CWCO/09] – that positions Chippenham in the wider context. This has already been reviewed as part of the examination into the soundness of the WCS. Measures included within the CSAP are additional to those already operating through the WMF.
128. The process of monitoring and implementation is an important factor, ensuring the Plan is effective in delivery of the proposals and accompanying infrastructure. The Council has proposed amendments to the Chapter, replacing table 6.1, housing delivery, with an updated version **(MM32)**; amending paras 6.4 – 6.6 to provide updated text relating to the adoption of a Community Infrastructure Levy **(MM33)**; deleting paras 6.10 – 6.11 and Table 6.2 (the housing delivery trajectory) **(MM34)**. All of these are necessary amendments to achieve an effective Plan. A further consequential amendment to para 6.9 reflects the revised SSVA **(MM35)**.
129. Two new paragraphs – 6.14a and 6.14b - have been proposed. The first of these reflects the relationship between the WMF and the WCS proposals for the Chippenham Community Area under WCS Core Policy 10. The second paragraph provides an additional indicator to the WMF to provide clarity for when a review of the CSAP should be triggered and to ensure timely provision of infrastructure. These are important considerations and the modifications **(MM36)** ensure the Plan is effective in this respect.
130. Perhaps the most significant proposed revision is the introduction of a risk register to help manage and coordinate the delivery of homes and jobs and ensure that the Plan is effective in this respect. It is the Council's intention that its major applications team will take responsibility for implementation and will use the register as a public means to manage risks, and identify responsibilities and mitigation measures [RM/10]. An outline of the risk

register is proposed to be incorporated in the CSAP as Table 6.3 although the register is intended to be a living document. This is a useful innovation where there is a need to manage significant development proposals and so for the Plan to be effective the modification should be incorporated in the CSAP supported by new text at para 6.15a **(MM37)**.

131. Lastly, so far as chapter 6 is concerned, a Glossary of terms is a necessary addition to assist those seeking to use and understand the Plan, and has been added by a Main Modification **(MM38)**.

Issue 8 – Omission sites

132. The CSAP has a very specific remit, identified in para 2.1: "*to identify large mixed use sites..to provide homes and jobs for the town's growing population*" to meet the strategy requirements contained in WCS Core Policy 10. A key consideration is that Policy 10 identifies the need for development to be "*..on land adjoining the built up area*" (para 5.55). These two considerations (large mixed use sites and adjoining the built up area) formed the basis for the chosen allocations.
133. Taking account of the updated residual requirement for housing, the proposed allocations and the revised forecast housing trajectory **(MM32)**, the chosen strategy provides for a total of 2050 dwellings, 270 more than the residual requirement, at April 2015, with (according to the trajectory) 1,925 deliverable by 2026, the end of the Plan period. Taking account of the advice in the NNPF that LPAs should be seeking to significantly boost the supply of housing and the need for flexibility should delivery on any allocated sites be delayed, the CSAP can be seen to provide an adequate supply of land for the Plan period. For this reason there is no overriding justification for allocating additional sites.
134. A total of five omission sites were put forward during the Examination for consideration. These are: land at Barrow Farm to the north and adjacent to Bird's Marsh Wood (Robert Hitchins Ltd); Gate Farm to the east (David Wilson Homes); Forest Farm to the east of Pewsham (Gleeson Developments Ltd); and land to the south of Showell Nursery (Hallam Land Management), together with a fifth, smaller site at Saltersford Lane, put forward for inclusion by Strategic Land Partnerships. All of these, with the exception of the site at Saltersford Lane, were considered by the SSR and SA either as potential Strategic Allocations or included within potential Strategic Locations.

Land at Barrow Farm

135. The proposal for development of up to 500 dwellings at Barrow Farm raises significant concerns in relation to landscape, ecology, and heritage. In particular, the SA outcome shows a significant adverse effect on the Birds Marsh Wood County Wildlife Site (CWS) requiring a buffer zone which would be likely to leave insufficient space to deliver the proposal. This conclusion was based on a cumulative impact, taken together with the proposal for 750 dwellings which already has approval on land to the south-west of Barrow Farm (12/00560/OUT). During my visit I saw the area shown as green space to provide a buffer zone and have formed the opinion that it would not

provide sufficient mitigation to prevent harm to the CWS. I also experienced the degree of separation between Chippenham and the Langley Burrell CA and concur with the finding of the SA regarding the potential impact of development on land contributing to the setting of the CA.

136. A further issue raised at the hearings following discussion in respect of the land at Gate Farm (paras 137 - 138, below), is the assertion that account was not taken of evidence regarding the extent of BMVL within Strategic Site Option A1. My findings in respect of Forest Farm (paras 139 – 141) are equally applicable to this site. The data available to the SA exercise showed only Grade 3 land, without any distinction between 3a and 3b. This is the case for all alternative sites and since both the SA and the SSR exercises are comparative ones, there is no discrimination or unfairness involved in the selection process. Indeed, if more detailed information were to be used in respect of one alternative, it could be argued that the assessment showed bias in its favour.

Land at Gate Farm

137. The land at Gate Farm extends to some 7ha, for which a development of up to 140 dwellings is proposed. It is argued that the location is a sustainable one which, in the event that the East Chippenham allocation is deleted, would provide choice and competition to the market, provide for early delivery of housing and facilitate delivery of the southern junction and first phase of the ELR.
138. However, looking at the wider picture, development along the A4 eastwards has taken the form of a linear extension terminating at Abbeyfield School and Stanley Lane, whilst Pewsham appears as a development isolated from the main town by the River Avon. There are two issues with an allocation at Gate Farm. Firstly, it is not of sufficient size to form a large mixed use strategic site allocation on its own and to be considered would have to form part of a larger allocation as is the case with the smaller extension sites proposed for the Rowden Park allocation. Secondly, on its own, and without the East Chippenham allocation Gate Farm is not a sustainable location and would simply extend the linear development of the A4 further into the open countryside to the east. For these reasons it is not an appropriate allocation.

Land at Forest Farm

139. The promoters of Forest Farm control a significant area of land, extending to some 42ha, to the south east of the town and on the A4 beyond Pewsham. In total it could accommodate up to 700 dwellings and an area of employment land. It could arguably be described as a 'large mixed-use site' meeting the requirement for a Strategic Site allocation. Amongst the potential benefits of the development proposals would be reinstatement of a section of the Wilts and Berks Canal, a heritage asset, which lies within the southern part of the site.
140. It is suggested that the revised site selection process has treated the proposed allocation, identified as Option D1 in the SA, unfairly particularly in respect of the assessment of BMVL. It is suggested that the site is 80% Grade 3b or lower, whereas the SA treats all Grade 3 land as resulting in adverse effects against SA objective 2. The assessment indicates that

development of the site would result in the permanent loss of BMVL but table A7 [CSUS/14] indicates that "the precautionary approach to Grade 3 land presumes all Grade 3 land to be BMV land". The Council has advised that comparable information on BMVL is not available for all potential sites so that the precautionary approach was adopted. The SA involves comparative assessment of the reasonable alternatives so it is right that comparative evidence should be used.

141. However, even if the assessment regarding BMVL is discounted, the site has other disadvantages which lead to its exclusion as a strategic site allocation. In particular the location is remote from the main town and as a result it cannot be described as sustainable when other, more accessible locations are available. The remoteness of the location is emphasised by the presence of a ridge at the western boundary of the Pewsham development and an eastward facing slope to the Forest Farm site so that it appears as part of the more open landscape rising towards Derry Hill and Bowood House. It is argued that it would provide employment land, suggested by the promoters to be "well located", and could deliver 40% affordable housing and a school site amongst other benefits. However, although the development would support increased use of the existing public transport along the A4, it would not assist in improving access to the PRN which is identified as weak. For all of these reasons there are better locations for large scale development as shown by the SSR and so it is not an appropriate location for a strategic site allocation.

Land to the south of Showell Nursery

142. The land to the south of Showell Nursery is not promoted as a self-contained Strategic Site Option but as an extension to the Rowden Park allocation. It forms part of Option E3 for which the SA gives an overall assessment of no major adverse effects from its development. There is a moderate adverse effect against one of the environmental objectives but it would provide good quality affordable homes, and mix of uses with strong access to employment and to the PRN. Nevertheless, there are significant landscape impacts to take into account. The SWOT analysis rejects the site on the grounds that it extends the development furthest south and is the least preferred option in relation to landscape impact. This is particularly true of this omission site which is part of E3 and appears as part of the open countryside with the ground rising gently towards the southern boundary beyond which there is a lightly wooded ridgeline. Overall, the location's weak access to the town centre and the potential impact of development on the countryside setting suggest that other site options should take precedence in the selection process.

Land at Saltersford Lane

143. The site at Saltersford Lane extends to a little under 2.5ha and is capable of accommodating up to 80 dwellings, located between Saltersford Lane and the railway line, and east of the Hunters Moon proposed development. The site has previously been granted planning permission but this was not implemented and has now lapsed. The promoters of the site, Strategic Land Partnerships, consider it should be included in the plan as a smaller extension site, possibly to the Hunters Moon site – similar to those included under Policy CH1 – or, alternatively, that the settlement boundary should be extended to

include the site. A Position Statement identifying unresolved issues has been agreed with the Council [SO CG/16].

144. Hunters Moon is not a Strategic Site Allocation in the CSAP, but an existing commitment. Although planning permission was granted, subject to the signing of a S106 agreement, almost 3 years ago development of the site has not yet commenced. The Council's latest Housing Land Supply Statement, November 2016 [CHSG/08a], indicates that the Hunters Moon site will not produce dwelling units until 2020/21. In this circumstance the Council is right to consider the risk that the Saltersford Lane site could be promoted in isolation resulting in poorly co-ordinated new development without local infrastructure being in place. As a consequence it would not be good planning in the short term to include the site as a small extension to Hunters Moon.
145. In respect of the alternative possibility, the Council has applied a consistent approach to the identification of settlement boundaries across the County. This includes the treatment of existing commitments, which are not yet developed, as not currently part of the built-up area. Applying the same principle the suggested alternative approach, involving an extension to the settlement boundary, would also not be appropriate. Accordingly no modification to the Plan is proposed or necessary for soundness reasons.

Assessment of Legal Compliance

146. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The CSAP has been prepared in accordance with the Council's LDS January 2015 although adoption will be delayed through suspension of the Examination.
Statement of Community Involvement (SCI) and relevant regulations	The SCI (update) was adopted in July 2015. Consultation on the Local Plan and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA, as amended, has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations AA Screening Report July 2015 sets out why AA is not necessary and the conclusions were confirmed as remaining sound in April 2016. Natural England supports this.
National Policy	The CSAP complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The CSAP complies with the Act and the Regulations.

Overall Conclusion and Recommendation

147. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

148. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Chippenham Site Allocations Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Patrick T Whitehead

Inspector

This report is accompanied by an Appendix containing the Main Modifications.