

Questions from Marilyn Mackay.

To Councillor Toby Sturgis – Cabinet member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste

Question

How does the Cabinet defend the adequacy of statutory Statement of Community Involvement (SCI) relating to the Rawlings Green proposals, included in CSAP?

It has not been 'adequate or fair' and the SCI entitled the local community to expect there would be full consultation before adopting the CSAP. It is thus open to challenge.

This relates to later discussions with the Inspector, addressed to infrastructure, which was conducted beyond the public consultation on 'main modifications'. The Inspector had drawn attention to this tendency in a letter (15th November 2015): *'in the eyes of the local community, the issue has not been satisfactorily addressed by the Further Main Modifications. In my opinion, their views carry weight.'* And in another letter stated:

'delivery of the development must be coordinated with infrastructure provision so that there is no significant and lasting adverse impact on the existing community.' There are at least three additional issues brought to this development AFTER the public consultation at the EiP on Rawlings Green;

(a) **an offer of 'council/LEP funding** was offered verbally by Alistair Cunningham' and non-transparently expressed later within the text of CSAP final report. When asked at the last Council meeting what budget allowance had been made for this, the reply again lacked transparency. This would be public money, which opposes the earlier official undertaking that 'developers' would be entirely responsible for infrastructure funding. Community views on this matter are entirely reasonable, yet have been denied.

(b) regarding the **link road from Rawlings Green to A350**, the Inspector had commented:
... 'The council's proposal for "construction of a completed link road from Cocklebury Road via Darcy Close to Parsonage Way and the B4069" would fall far short of a complete link.'

Again, AFTER community consultation, the council has proposed some wording which evades this issue by saying there will be **"a set of comprehensive transport improvement measure of equivalent benefit"**.

When asked at the last Council meeting to be specific about this 'transport improvement measure', the reply indicated this traffic measure is yet to be

ascertained. What confidence can the local community have for this proposal, and why no further consultation on this matter.

(c) **the TIMING of access arrangements from the north** of the Rawlings Green site, remain uncertain. Initially it related to completion of 199 houses to require this to be in place, but later, and AFTER the latest public consultation, there is mention of 'in the first phase' of development.

What precisely is 'the first phase'? Will the rail bridge and infrastructure of Cocklebury Link Road be completed "in the first phase" and what is this timing? There is an annual trajectory for housing deliveries listed in an Appendix, but of course these cannot be totally reliable as there is no sanction for failing to meet this.

CONCLUSION: there are at least three significant issues on which there has been a failure of SCI, and thus open to challenge, and it is premature for Cabinet to 'adopt CSAP' at this time.

Answer

The regulatory requirements for consultation as part of the preparation of a Local Plan is set out in Town and Country Planning Local Planning (England) Regulations 2012. The Council's Statement of Community Involvement, approved in July 2015, was prepared in accordance with these Regulations. The extent of community engagement required when preparing a Local Plan is illustrated in Diagram 2 (page 17). Throughout the preparation of the Chippenham Site Allocations Plan the Council has complied with these requirements.

The Inspector carried out the Examination of the Plan in accordance with the Procedural Practice in the Examination of Local Plans published by the Planning Inspectorate in June 2016. This states at paragraph 5.27 that:

in very limited circumstances, the Inspector may be satisfied that no party would be prejudiced by a possible new MM (or the amendment of one that has already been publicised) that he/she is contemplating towards the end of an examination; for example, this may be because the scope of the consultation that has already been undertaken on related MMs has adequately addressed this point or because a matter is being deferred to another plan.

The Inspector's letter of 4 January confirms that this is the situation here:

I have, as far as possible, used text provided through the Council's own evidence documents, or arising from discussion at the hearings and they do not, so far as can be foreseen, result in any adverse consequences for interested parties that were not aired fully at the hearings.

Furthermore, the Inspector's Report of 21 February has been prepared in the full knowledge of all comments submitted during plan preparation and made during the public hearings in 2016 and concludes:

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.'

The references included in Mrs Mackay's question were made during the Examination period, before the Inspector has concluded his Examination. In publishing his final report the Inspector has set out how any outstanding concerns relating to soundness have been resolved.

Turning to the question of the completion of the link road from Cocklebury Road to the A350, it has always been an intention of the Plan (paragraph 4.19) to secure the delivery of this link road. It is therefore not a new proposal. The phrase "*a set of comprehensive transport improvement measure of equivalent benefit*" was introduced by the Inspector to Policy CH2 to ensure that the Plan has been positively prepared and therefore sound (paragraph 99, Inspectors Report and letter of 4 January) and to ensure consistency with proposals at South West Chippenham (Policy CH1). The Council suggested an amendment to paragraph 5.18b in its letter of 13 January to ensure consistency between the policy and the supporting text, an amendment accepted by the Inspector.

For clarification the phrase 'first phase' of development was also introduced by the Inspector in his letter of 4 January to refer to completion of the first 200 homes, defined in the first bullet of amended policy CH2. This 'first phase' of 200 homes has always been a policy requirement.

In conclusion, the Council has complied with the Statement of Community Involvement and responded to the Inspector's request for additional changes which did not alter the substance or intent of the Plan. With these Main Modifications the Inspector has found the Plan sound and legally compliant, which includes an assessment of whether the Council has complied with the Statement of Community Involvement (paragraph 146, Inspector's Report.)