

## **Wiltshire Council**

### **Cabinet**

**4 February 2020**

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**Subject: Adoption of Wiltshire Housing Site Allocations Plan**

**Cabinet Member: Cllr Toby Sturgis, Cabinet Member for Spatial Planning, Development Management and Investment**

**Key Decision: Key**

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#### **Executive Summary**

The Wiltshire Housing Site Allocations Plan has been prepared in accordance with the Wiltshire Core Strategy. Its purpose is to bring forward additional housing sites to ensure the delivery of the Core Strategy housing requirement (42,000 homes over the period 2006-2026) and improve supply, as well as reviewing the settlement boundaries as defined on the Council's policies map.

In July 2018, following consideration by Cabinet and approval by Council the Wiltshire Housing Site Allocations Plan was submitted to the Secretary of State for examination by an independent Inspector. Alongside the submission Plan the Council submitted a Schedule of Proposed Changes to it. In line with legislation, the Council specifically requested that the Inspector recommend any main modifications necessary to enable the Plan to be adopted.

The examination including public hearing sessions held during April 2019 has now concluded with the receipt of the Inspector's Report on 23 January 2020. The Report contains the Inspector's assessment of the Plan and has taken into consideration the Council's evidence and all representations received on the Plan during the Summer 2017 consultation and subsequent consultations on proposed modifications to it, as directed by the Inspector, during the examination in 2018 and 2019.

The Inspector's Report concludes that, with the recommended main modifications in the report being made, the Plan satisfies legislative requirements and meets the criteria for soundness in the National Planning Policy Framework. In summary the recommendations relate to: removal of sites at Market Lavington, Hullavington and Crudwell to ensure a consistent approach to site selection and national policy, with particular regard to the role of neighbourhood plans; deletion of Land east of Dene, Warminster due to impacts on heritage assets; inclusion of a new site at The Yard, Salisbury to ensure a consistent approach to site selection; inclusion of specific policies for sites that do not have one; and modifications to site specific policies to ensure effective decision making.

The Inspector has considered the proposed settlement boundaries and is satisfied with the Council's methodology. To ensure the development plan as a whole is effective he considers that the changes proposed in Appendix A of the Plan (as amended by the documents consulted on during the examination) should be made.

The Inspector's Report is final, and the examination is now closed. This leaves the Council with the choice of adopting the Plan, as amended in response to the Inspector's recommendations, or not.

In adopting the Plan, the Council can also make additional modifications to the Plan that do not materially alter its policies including factual updating, correction of typographical errors and consequential alterations to supporting text in the light of the Inspector's main modifications. These are referred to as minor additional modifications.

If adopted by the Council an adoption notice will be published providing a six week period for legal challenge during which any person or organisations may make an application to the High Court on grounds that the document is not within the appropriate power or a procedural requirement has not been complied with.

Upon adoption the Plan will become part of the statutory development plan for Wiltshire alongside the Wiltshire Core Strategy. The authority is legally bound to take planning decisions in accordance with its policies unless there are material considerations which merit setting them aside in any given case.

## **Proposal(s)**

### **That Cabinet:**

- (i) Notes the content of the Inspector's 'Report on the Examination of the Wiltshire Site Allocations Plan' (**Appendix 1**) and his conclusions regarding legal compliance and soundness.
- (ii) Accepts the Main Modifications set out in the Appendix to the Inspector's Report, which the Inspector considers are necessary to make the plan sound in accordance with legislation.
- (iii) Agrees that additional minor modifications are made that arose during the examination or made in the interest of accuracy and consistency, as set out in **Appendix 2**.
- (iv) Recommends to Council that the '[Wiltshire Housing Site Allocations Plan Submission draft Plan \(July 2018\)](#)', as amended by the Main Modifications as set out at (ii) above and attached in **Appendix 1** and additional minor modifications as set out in (iii) above and attached in **Appendix 2**, be adopted as part of the development plan for Wiltshire.
- (v) Delegates authority to the Director of Economic Development and Planning in consultation with the Director of Legal, Electoral and

Registration Services and the Cabinet Member for Spatial Planning, Development Management and Investment for: the Policies Map to be amended in line with the Main Modifications as identified in **Appendix 1** and the settlement boundaries, as set out in Appendix A of the 'Wiltshire Housing Site Allocations Plan Submission draft Plan (July 2018) and amended by the proposed changes made during the examination; and further minor textual changes to be made to the Wiltshire Housing Site Allocations Plan prior to publication in the interests of accuracy and consistency.

- (vi) Following approval of Council, agrees that the Director of Economic, Development and Planning in consultation with the Director for Legal, Electoral and Registration Services the Cabinet Member for Strategic Planning, Development Management and Investment undertakes the final stages associated with the formal adoption and publication of the Wiltshire Site Allocations Plan.

### **Reason for Proposal(s)**

To progress the adoption and finalisation of the Wiltshire Housing Site Allocations Plan and changes to the settlement boundaries on the Policies Map, in accordance with the commitment made in the Council's Local Development Scheme to prepare the Plan. As the Plan has been found sound by the Inspector with the recommended main modifications, its adoption by the Council would significantly help support the delivery of housing across Wiltshire in line with the Wiltshire Core Strategy and national planning policy.

Once adopted, the Wiltshire Site Allocations Plan will form part of the Council's Policy Framework. In accordance with the Local Government Acts 1972 and 2000, and the Council's constitution it must first be approved by Cabinet before it is adopted by Council.

**Alistair Cunningham**  
**Chief Executive Officer – Place**

## Wiltshire Council

### Cabinet

4 February 2020

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**Subject:** Adoption of Wiltshire Housing Site Allocations Plan

**Cabinet Member:** Cllr Toby Sturgis, Cabinet Member for Spatial Planning, Development Management and Investment

**Key Decision:** Key

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### Purpose of Report

1. To:

- (i) Inform Cabinet of the Inspector's Report on the Examination of the Wiltshire Housing Site Allocations Plan and his conclusions regarding legal compliance and soundness.
- (ii) Seek approval that the Wiltshire Housing Site Allocations Plan, as amended by the recommended Main Modifications in the Inspector's Report and other, minor modifications that have arisen during the examination, or been made in the interest of accuracy and consistency, be recommended to Council for adoption.
- (iii) Seek approval for the Director of Economic Development and Planning, in consultation with the Director for Legal, Electoral and Registration Services and the Cabinet Member for Strategic Planning, Development Management and Investment, to undertake the final stages associated with the formal adoption by the Council of the Wiltshire Housing Site Allocations Plan.

### Relevance to the Council's Business Plan

2. Adopting the Wiltshire Housing Site Allocations Plan accords with the overarching aims of the Council's Business Plan 2017-2027 including:

#### **Growing the Economy**

- bringing forward housing development where it is needed;
- ensuring the delivery of affordable homes; and
- delivery of new infrastructure to support housing (including contributions to support local schools and GP provision).

#### **Stronger Communities**

- providing good access to the countryside through improving green infrastructure connectivity; and

- increasing access to services and facilities through expanding cycling and walking routes.
3. Fundamentally, adopting the WHSAP supports the implementation of the Wiltshire Core Strategy by allocating land to boost the supply of housing in key locations across Wiltshire.

## **Background**

4. On 10 July 2018, following consideration by Cabinet on 3 July 2018, the Council approved the submission of the draft Wiltshire Housing Site Allocations Plan (the Plan) to the Secretary of State to commence the independent examination process. The Plan was accompanied by a Schedule of Proposed Changes that were prepared, where necessary, to address the result of consultation on the Pre-Submission draft Plan published in July 2017 and concerns expressed by Cabinet to delete allocations at Market Lavington and Crudwell, ensure appropriate number of dwellings on site H2.2 'Land off the A303 at White Horse Business Park, Trowbridge' and access to site H2.12 'East of Farrells Field, Yatton Keynell'.
5. In line with legislation (Section 20 (7C), Planning and Compulsory Purchase Act 2004 as amended) and Cabinet resolution in July 2018, officers requested that the Inspector recommends any modifications needed to make the Plan sound.
6. In August 2018, the Council received a procedural letter from the Inspector outlining his initial thoughts on the materials submitted for examination. In response, the Council proposed that the Inspector examine the submitted Plan alongside its Schedule of Proposed Changes. On this basis and in the interests of fairness, the Inspector requested that the Council undertake consultation on the Schedule of Proposed Changes. Consultation was undertaken 27 September to 29 November 2018 and extended for a further period between 11 December to 22 January 2019. All representations received were then submitted to the Inspector for his consideration.
7. The examination in public (the hearing sessions) commenced on 2 April 2019 and ran for seven days. The hearings were structured around a series of agendas set by the Inspector designed to enable him to explore in more detail with the Council and invited participants matters relating to issues of legal compliance and soundness that flowed from the representations submitted on the Pre-Submission Plan, consulted on between 4 July 2017 and 22 September 2017, and the Council's Schedule of Proposed Changes.
8. Following the close of the hearing sessions the Inspector wrote to the Council in 10 June 2019 setting out his preliminary advice about the steps that should be taken to make the Plan sound. In his letter, the Inspector set out a series of Further Main Modifications (FMMs) and advice on consultation, as well as next steps.
9. The FMMs addressed soundness issues raised through the examination, including oral representations from the hearing sessions. Consultation on the

FMMs ran for six weeks from 12 September to 25 October 2019 and all comments received provided to the Inspector for his consideration.

10. The Inspector issued his Report to the Council on 23 January 2020. This is attached at **Appendix 1**.

### **Main Considerations for the Council**

11. The Wiltshire Housing Site Allocations Plan has been prepared in accordance with the Wiltshire Core Strategy. Like the Chippenham Site Allocations Plan (adopted May 2017), its purpose is to bring forward additional housing sites to support the delivery of the Wiltshire Core Strategy housing requirement (42,000 homes over the period 2006-2026) and improve housing supply, as well as reviewing the settlement boundaries as defined on the Council's Policies Map.
12. The Plan is a development plan document. Therefore, once adopted, it will form part of the statutory development plan for Wiltshire and be used in making planning decisions alongside the Wiltshire Core Strategy.
13. The process for the preparation of development plan documents, including the examination stage by an independent Inspector appointed by the Secretary of State, is prescribed by statute and regulation. The scope of the Inspector's Report is set out at paragraph 1 of his report:

*"This report contains my assessment of the Wiltshire Housing Site Allocations Plan (WHSAP) 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 2012 (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."*

14. **Appendix 1** to this report provides the Inspector's Report in full. In accordance with legislation the Council asked the Inspector to recommend any Main Modifications necessary to rectify matters that make the Plan unsound or not legally compliant. The recommended Main Modifications (MM) are set out in full as an Appendix to the Inspector's Report. In summary they, as highlighted by the Inspector in his 'Non-Technical Summary', are:

- The deletion of sites H1.2-H1.4 (80 homes at Market Lavington), H2.11 (50 homes at Crudwell) and H2.13 (50 homes at Hullavington) to ensure a consistent approach to site selection and national policy, with particular regard to the role of Neighbourhood Plans.
- The deletion of site H2.7 (100 homes at Land East of Dene, Warminster), resulting from concerns about the impacts on heritage assets.

- The inclusion of a new site at The Yard, Salisbury (10 homes) to ensure the Plan has been prepared using a consistent approach to site selection.
- The inclusion of site specific policies for all sites which do not have one. This is to ensure that all requirements of the Plan are clearly expressed and provide an effective basis for decision making.
- The modification of site specific policies to ensure all requirements are clearly expressed in the interests of effectiveness.

15. At paragraph 20 of the Report the Inspector identifies three main issues upon which the soundness of the plan depends, as follows:

- Issue 1: Is the Wiltshire Housing Site Allocations Plan consistent with the Wiltshire Core Strategy? (pages 7 to 10)
- Issue 2: Are the proposed sites justified, effective and consistent with national policy? (pages 10 to 30)
- Issue 3: Are the proposed settlement boundaries justified, effective and consistent with national policy? (pages 30 to 31)

It is against these that the need for the MMs are explained.

16. The Inspector's MMs do not materially alter the overall substance of the Plan, or the findings of the Sustainability Appraisal and Habitats Regulations Assessment both of which have been updated during the examination to support the consultations. They take into account the Council's proposed main modifications to the Plan as set out in the Schedule of Proposed Changes. In overall terms, they have been recommended to strengthen the overall effectiveness of the Plan.

17. With regard to the proposed settlement boundaries the Inspector is satisfied with the Council's methodology. To ensure the development plan as a whole is effective he considers that the changes proposed in Appendix A of the Plan as amended by the documents consulted on during the examination should be made. In line with the Council's methodology, the Council can also periodically include any additional changes to the settlement boundaries by way of factual update to reflect implemented sites on the edge of settlements.

18. The Plan as modified makes provision for the following development:

- East Wiltshire Housing Market Area (HMA):
  - Site for 270 dwellings at Ludgershall
- North and West Wiltshire HMA:
  - 6 sites for a total of 1,050 dwellings at Trowbridge;
  - 2 sites for a total of 100 dwellings at Warminster;
  - Site for 35 dwellings at Chapmanslade;
  - Site for 30 dwellings at Yatton Keynell;
  - Site for 30 dwellings at Bratton

- South Wiltshire HMA:
  - 5 sites for a total of 864 dwellings at Salisbury;
  - 2 sites for a total of 60 dwellings at Durrington.

19. In addition to the Inspector's MMs, **Appendix 2** also provides a list of additional minor modifications which can be identified at the discretion of the Council under the Planning and Compulsory Purchase Act 2004 (as amended), S23 (3(b)). These have been included for completeness and relate to typographical errors or minor factual updates, and consequential alterations to supporting text in the light of the Inspector's MMs. They have been made in the interests of accuracy and clarity and do not affect the overall soundness of the Plan.

20. The text of the Plan as proposed to be adopted has been produced at **Appendix 3**.

21. To support the implementation of the Plan and Wiltshire Core Strategy the Trowbridge Bat Mitigation Supplementary Planning Document has been prepared, which is the subject of a separate Agenda item.

### **Overview and Scrutiny Engagement**

22. There has been no overview and scrutiny engagement.

### **Safeguarding Implications**

23. There are no safeguarding implications arising from the proposal.

### **Public Health Implications**

24. The Plan conforms with the policies of the Wiltshire Core Strategy and the National Planning Policy Framework, as set out in the Inspector's Report. In this regard, the housing site allocations set out within the Plan strike a balance between social, economic and environmental considerations to deliver sustainable development.

25. At the heart of sustainable development is high quality design. Well planned development, including appropriate infrastructure, supports health and well-being of local communities. For example, through the provision of green infrastructure, open space and infrastructure for cycling and walking to encourage active travel. Planning to address the housing needs of communities helps foster social well-being.

### **Procurement Implications**

26. At this stage of the process there are no new procurement implications.

## **Equalities Impact of the Proposal**

27. The Plan aims to positively boost the supply of housing in line with the policies of the Wiltshire Core Strategy and the National Planning Policy Framework. The public consultation processes and community involvement undertaken, including the examination hearing sessions, has ensured that everyone has had the opportunity to inform the preparation of the Plan.
28. The Plan has been subject to Equalities Impact Assessment, as required by Section 149 of the Equalities Act 2010, which was submitted to the Secretary of State as evidence to support the Plan. In addition, paragraph 158 of the Inspector's Report confirms that the Inspector has had due regard to the Act.

## **Environmental and Climate Change Considerations**

29. Planning for development has implications for the natural, economic and social environment of Wiltshire. In line with legislative requirements, the preparation of the Plan has been informed and shaped by Sustainability Appraisal (incorporating Strategic Environmental Assessment) and Habitats Regulations Assessment processes.
30. In his Report, the Inspector has thoroughly examined the Plan in the light of both the process of assessing options undertaken through the Sustainability Appraisal (paragraphs 149 to 154 refers) and Habitats Regulations Assessment (paragraph 155), as well as the findings within these reports. In concluding on legal compliance matters, the Inspector at paragraph 154 and 155 respectively states that "*Overall, I am satisfied that the Sustainability Appraisal (SA) has sufficiently evaluated the reasonable alternatives and is suitably comprehensive, satisfactory and legally compliant*" and is satisfied that the Habitat Regulations Assessment meets the relevant statutory requirements.
31. Paragraph 156 of the Inspector's Report highlights that when considering the development plan as a whole for Wiltshire, including the Plan, that there are policies designed to ensure that the development and use of land contribute to the mitigation and adaptation of climate change. He also acknowledges that the Plan: seeks to identify sites in locations well related to settlements minimising the distance travelled; maximising opportunities to access services by means other than the car; and highlights the need and importance to address potential flood risk.
32. The final Sustainability Appraisal Report and Habitats Regulations Assessment will be prepared for Council and published at the time of adoption in line with legislative requirements.

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

33. If the proposed decision is not taken the Council would fail to meet the obligations it set itself through the Local Development Scheme to prepare the Plan. Government is monitoring the progress of local planning authorities on the performance against their timetables for preparing plans.
34. Once adopted, the Council can give full weight to the Plan in determining planning applications on the allocated sites. In turn, adopting the Plan provides greater certainty to local communities and the development industry on how the development of the allocations will take place.
35. Adoption of the Plan will provide greater certainty in terms of the supply of housing in line with the Wiltshire Core Strategy supporting the Council in maintaining a five- year housing land supply in accordance with the requirements of the National Planning Policy Framework.
36. Rejection of the Inspector's Report and recommendations at this stage would leave the Council reliant on the wider policies in the Wiltshire Core Strategy and the National Planning Policy Framework when considering planning applications across Wiltshire. This may lead to uncertainty and unplanned housing development through speculative applications due to the negative effect on the Council's housing supply. There would also be a reputational risk for the Council in not adopting the Plan, following receipt of the Inspector's Report, which the Council would find difficult to justify to the Ministry of Housing Communities and Local Government.

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

37. See legal implications below. At the point of adoption of the Plan by Council, there will follow a period of six weeks for legal challenge.
38. Identifying land for development can be contentious and there is a reputational risk from those parts of the local community who may have objected to the Plan and do not wish to see development occurring close to where they live or areas they value. While this risk is real the Council is nonetheless charged with making difficult and often controversial decisions in the interests of ensuring it updates its Local Plan and a plan led approach to development.

### **Financial Implications**

39. The financial implications of adopting and publishing the Plan will be met from existing budget allocations for Economic Development and Planning.
40. Adoption of the Plan will help bring forward new sites for housing, thereby enabling the Council to benefit from the Government's New Homes Bonus and by a contribution to the Council's Council Tax base. In addition, they will

be subject to Community Infrastructure Levy that will help deliver infrastructure.

## **Legal Implications**

41. The options open to the Council at this stage in the process are set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) England Regulations 2012. If the Council rejects one or more of the Inspector's recommended Main Modifications, it cannot then proceed to adopt the Plan. If the Council ultimately resolves to not adopt the Plan it would need to request that it be formally withdrawn.
42. The Inspector considered legal compliance at paragraphs 147 to 158 which confirms the Plan has been prepared in a manner that demonstrates compliance with procedural requirements including: duty to cooperate, Sustainability Appraisal and Habitats Regulations Assessment being undertaken at key stages during the preparation of the Plan, and consultation statements summarising how the Council has engaged with communities and other stakeholders during the process.
43. There are legal implications associated with the adoption of the document. These are limited to the potential for high court challenge. Any such challenge would be limited in terms of scope and could only challenge whether a procedural step in the process of preparing the document has been missed or not complied with fully or the document is not within the appropriate power. Wiltshire Council Legal Services have been involved throughout the process.
44. Should the Plan be formally adopted by Council, an 'Adoption Statement' will be published in the local press covering the area advertising the availability of the Inspector's Report and the adopted Plan. If at this stage anyone wishes to lodge a judicial challenge to the document, they must do so within six weeks of the date it is adopted by the Council.

## **Workforce Implications**

45. There is sufficient workforce to complete the final stage stages involved in adopting the Plan.

## **Options Considered**

46. The options open to the Council are limited by legislation (see legal implications above). The Council can either:
  - (i) Adopt the Plan with the main modifications recommended by the Inspector; or
  - (ii) Resolve not to adopt the Plan.
47. In the case of (ii) the Council would need to reject the Inspector's recommendations and request to the Secretary of State that the Plan is withdrawn and prepare a new one, which would take several years to be put

in place. This would have repercussions for housing land supply paving the way for speculative rather than plan led development.

## **Conclusions**

48. The Wiltshire Housing Site Allocations Plan has been in preparation over a number of years and involved considerable public consultation with the local community and stakeholders. It has reached the final stage in the process.
49. The examination of the Plan has concluded with the Inspector recommending that the Plan is sound, subject to incorporating the Main Modifications recommended in his Report. The Council can now therefore proceed to adopt the Plan.
50. Considering the investment to date in preparing the Plan and the importance of providing for the housing needs of Wiltshire, and demonstrating a five-year housing land supply position, it is proposed that Cabinet endorse the Inspector's Report and recommends that Council adopt the Plan.
51. Once adopted the Plan will form part of the statutory development plan for Wiltshire and have full weight in decision making. It will inform the preparation and determination of planning applications relating to the allocated sites.

## **Sam Fox (Director - Economic Development and Planning)**

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Date of report: January 2020

## **Appendices**

Appendix 1: Report on the Examination of the Wiltshire Housing Site Allocations Plan (including Appendix of Main Modifications)

Appendix 2: Schedule of Additional Minor Modifications

Appendix 3: Text of proposed adoption version of the Wiltshire Housing Site Allocations Plan

## **Background Papers**

Papers to July Cabinet can be viewed via this [link](#)

Papers to July Council can be viewed via this [link](#)

[Schedule of Proposed Changes \(September 2018\)](#)

[Schedule of Further Main Modifications to the draft Wiltshire Housing Site Allocations Plan \(September 2019\)](#)

[Wiltshire Housing Site Allocations Plan webpages](#)