

WILTSHIRE HOUSING SITE ALLOCATIONS PLAN (WHSAP) EXAMINATION

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Dear Mr Winslow

INSPECTOR'S POST HEARING FINDINGS AND ADVICE

1. As indicated in my closing comments at the final hearing session, this letter sets out advice about the steps that should be taken to make the Plan sound.
2. I have considered the representations made about the Plan including the oral contributions at the hearings. My final conclusions regarding soundness and legal compliance will be given in the report in due course. Nevertheless, having regard to the criteria for soundness and to assist for now, I shall give brief explanations for my preliminary advice.
3. Further evidence may emerge which I may need to take account of. In addition, I shall need to have regard to any representations received following consultation on Main Modifications (MM), which themselves may need to be the subject of Sustainability Appraisal and/or Habitats Regulations Assessment. My views are therefore given here without prejudice to the conclusions that will appear in the report. The report will also cover other soundness issues that are not dealt with in this letter and provide greater detail on my conclusions. This letter deals only with specific matters I consider need to be addressed to make the plan sound.

General Point

4. To be consistent with paragraphs 184 NPPF, the plan must set out clearly which of the policies in the plan are strategic. I am not convinced that this is satisfactorily clear in the submission draft.

Allocated Sites – General Issues

5. The majority of sites in the plan are not subject to specific policies and the potential problems with this approach were discussed at the hearings. In the interests of certainty, I confirm here that reliance on supporting text for any site would not be effective and therefore not sound. This is particularly the case for those sites where the Council has been quite explicit in its requirements in terms of the form of development expected and/or associated infrastructure requirements and contributions.
6. Consequently, in order to be sound, main modifications are needed to provide site specific policies for all allocated sites. The policies should clearly establish the approximate scale of development likely to be expected, include reference to any constraints to development that will require mitigation or

affect the form and layout of development, any specific assessments that might be needed and any specific infrastructure requirements or contributions. Where policies already exist, it will be necessary to elevate many of the requirements set out in supporting text to policy. This will ensure the policies are clear and effective.

7. Some policies and/or supporting text refer to the likely need for generic assessments contributions. While these can provide certainty for developers and comfort to local residents, it is important the policies or supporting text are clear where they are simply 'signposting' the need to comply with other policies rather than establishing requirements over and above the norm. This will reduce the scope for confusion and ensure the policies are effective.
8. The above advice applies to all sites and I shall only address such matters on a site by site basis where I consider it necessary to do so. Unless referred to specifically to the contrary below, and in the light of all that I have read and heard, I consider the proposed changes to the plan set out in WHSAP.03 are also necessary to make the plan sound.
9. Policies H1, H2 and H3 simply list the sites within each HMA area and set out the approximate number of dwellings for each. These policies provide little in the way of guidance for how decision makers should react to a development proposal. In their current form, they would neither be effective or consistent with paragraph 154 of the National Planning Policy Framework (NPPF). In light of my advice regarding the requirement for site specific policies, these policies should be deleted and subsumed within supporting text.

Allocated Sites – Site Specifics

10. The following generally addresses the need for main modifications over and above those identified in paragraph 5 and proposed changes set out in WHSAP.03. If a site is not mentioned specifically then it should be assumed no MMs over and above those identified above or made clear during hearing sessions, will be necessary.

Site H1.1 Empress Way, Ludgershall

11. Main modifications to Policy H1.1 are required to include reference to the need for sewerage and odour assessments. The policy should also include clear guidance on where in the site the 'school land' should be located. This will help ensure a satisfactory layout is delivered. The supporting text relating to how the land for the school will be secured and the mechanisms for its release are vague. To be effective, the policy must provide clear guidance on this issue.

Sites H1.2 Underhill Nursery; H1.3 Southcliffe and H1.4 East of Lavington School, Market Lavington

12. The Council has indicated that it wishes to remove the three Market Lavington sites (H1.2-H1.4) on the basis that the local community is preparing a Neighbourhood Plan that will address housing at a local level. The Council's approach to site selection is to have only 'intervened' in Community Areas (CAs) where there was a residual requirement in the CA

and where Neighbourhood Plans were either not being prepared, or not sufficiently progressed, to help meet those requirements. The Council often referred to this as being whether there was a 'strategic imperative' for the Plan to intervene. In light of the emerging Market Lavington Neighbourhood Plan, it no longer considers any intervention to be necessary. I agree that the deletion of these sites will be necessary for the plan to be effective and consistent with national policy, which aims to give communities direct power to deliver the sustainable development they need.

Site H2.1 Elm Grove, Trowbridge

13. Site H2.1 is constrained as a result of potential impacts on bats. The Council is in the process of preparing the Trowbridge Bat Mitigation Strategy (TBMS). I am confident that this strategy is being prepared in a robust manner with the input of Natural England. Nevertheless, to be effective the plan must be explicit in identifying this constraint in policy. It must also be clear how developers will be expected to address the issues, both in terms of layout and/or in terms of any financial contributions that will be required.
14. The supporting text to H2.1 is very specific in terms of the size of any landscape buffers and the nature of lighting. As the TBMS is still being prepared, the specific measures it contains could change. As such, I am concerned that the measures set out in paragraph 5.49 are not justified and would not be effective in mitigating the impact. The policy and/or supporting text need to be clear about the nature of mitigation that is necessary, and set out the types of measures needed, but without being overly prescriptive on detailed matters. A MM to this effect is therefore necessary. The detailed requirements can be set out in the TBMS. This advice is also relevant to sites H2.2 – H2.6.
15. There is no longer any need for Policy H2.1 to safeguard land for a school. This requirement should therefore be removed from the policy. However, the policy would still require improvements to the QEII field. It is therefore necessary for the field to form part of the site and the policies map and inset map should be amended to reflect this. Other changes to the policy and supporting text are necessary as set out in paragraph 5. Particular regard should be had to elevating matters relevant to layout and heritage for the policy to be effective.

Site H2.2 Land off the A363 at White Horse Business Park

16. In the light of the evidence the capacity of the site should be amended to approximately 175 dwellings to be justified. In addition to MMs to policy the new policy and/or supporting text should also reflect the additional wording as suggested in SOCG25. In addition, the inset map and policies map will need to be amended to reflect the boundary identified in WHSAP.03.

Site H2.3 Elizabeth Way, Trowbridge

17. In the light of the evidence the capacity of the site should be amended to approximately 355 dwellings to be justified. In addition, the inset map and policies map will need to be amended to reflect the site boundary identified in WHSAP.03. In addition to this, the area of undeliverable garden land identified in EXAM28 should be removed.

Site H2.4 Church Lane, Trowbridge

18. While it is the case that the Council's proposed changes to the site boundary are necessary for the plan to be effective, it will also be important to ensure the new policy for the site makes it clear that development will be restricted to the northern part of the site and will not be permitted if it would adversely impact on the Lambrok Stream. It must also be clear that development should have regard to the setting of Southwick Country Park. Measures relating to heritage should reflect the additional wording suggested in SOCG25.

Site H2.6 Southwick Court, Trowbridge

19. Site H2.6 is subject to several constraints relating to heritage, drainage and biodiversity. Owing to these, development should only be able to take place on the eastern portion of the site. However, access would have to be taken from Frome Road, which would result in a long road crossing the open western part of the site. Achieving a satisfactory form of development on this site will therefore be challenging. Nevertheless, I am satisfied that with care, there is scope for development on this site.
20. Any policy should however set out in detail the constraints that exist, establish the geographic limits of development and the measures that will be required to address them. The Council should also set out how such factors as access should be delivered in in order to minimise any potential impact on heritage assets. This should include measures set out in examination document SOCG25. The policy should also include reference to the likely location of the emergency access and any measures that will be needed to minimise the impact on this on landscape or biodiversity assets bordering the site.
21. It will also be necessary for policies for sites H2.4 – H2.6 to recognise the close relationship of the three sites. This is particularly important in terms of a consistent approach to mitigation measures and any potential impacts on Southwick Country Park. Main modifications here would ensure the policies will be effective.

Site H2.7 East of the Dene, Warminster

22. Site H2.7 is subject to a number of constraints associated with heritage assets. This does not necessarily preclude development in all cases. However, the evidence associated with this site indicates that it is the open nature of the land around Bishopstrow House, which provides its setting with much of its significance. As drafted, any access to the development would require a significant vehicular access through a notable wall running along Boreham Road. Even though this is not a designated heritage asset, it still contributes to the character of the area and the setting of the nearby

conservation area. Even with mitigation, a relatively long road running through open land would significantly alter its character to the detriment of the setting of the asset.

23. Suggested modifications were put to me during the hearings. However, to be sound, there must be a reasonable expectation that the policy's requirements can be met. Development of the north west portion of the site only would be acceptable. However, there appears to be no alternative form of access that could facilitate this without other associated harm. In this case I am not convinced by what is before me that an acceptable form of development can be achieved. I do not therefore consider that the allocation of the site is justified or consistent with national policy. The site should therefore be deleted for the plan to be sound.

Site H2.8 Bore Hill Farm, Warminster

24. The site allocates land for both residential and employment development. As such, the new policy for the site must set out the requirements for both forms of development. In addition, it must include requirements for noise, odour and dust assessments.

Site H2.9 Boreham Road, Warminster

25. The reference to the relocation of the Grade II listed mile marker should be removed. This has already taken place and thus the requirement is not justified.

Site H2.11 The Street, Hullavington

26. This site is also identified in the emerging Hullavington Neighbourhood Plan, which is at Regulation 16 stage. It seeks to allocate roughly the same site as H2.11, albeit the Neighbourhood Plan allocation is larger. To be consistent with its approach elsewhere to Neighbourhood Plans and thus to be justified and consistent with national policy, this site should be deleted from the WHSAP.

Site H2.13 Ridgeway Farm, Crudwell

27. The Council has suggested modifications to delete the Ridgeway Farm site (H2.13) from the WHSAP on the basis that there is no strategic imperative to identify sites on this location and that local needs can be met through an emerging Neighbourhood Plan. I agree that the deletion of this site will be necessary for the plan to be justified and consistent with national policy.

Site H3.1 Netherhampton Road, Salisbury

28. There are several deficiencies that need to be addressed to make Policy H3.1 sound. In particular, the evidence relating to the requirement for employment land on this site is weak. Moreover, the policy provides no certainty over the scale of development expected or what mix of B1, B2 or B8 uses might be required. This provides neither the developer nor decision maker with any clarity or certainty over what would be considered acceptable. It is not acceptable to leave this issue to the application stage

and thus to be both justified and effective, this requirement should be deleted.

29. To be effective the policy and/or supporting text should also be modified to include reference to the scale and nature of the 'local centre'. The policy or supporting text should also make it clear that the reference to healthcare capacity does not necessarily relate to on-site provision. Otherwise, the advice in paragraph 6 of this letter should be adhered to.

Site H3.2 Hilltop Way

30. As well as setting out the broad requirements in terms of layout, the new policy for this site should establish the location of the receptor site for the relocation of the slow worm population.

Site H3.3 North of Netherhampton Road, Salisbury

31. To be effective, the new policy for this site should make it clear that development will be subject to a masterplan, which sets out expectations in terms of layout, and the preservation of the setting of heritage assets. This should also reflect the suggested additional text relating to archaeology set out in SOCG25. It is unclear whether the changes relating to drainage in WHSAP.03 are accurate. As such, the policy and/or supporting text should be amended to ensure any matters relating to flood zones are factually correct.

The Yard

32. The Council proposed a modification to include an additional site known as 'The Yard'. This site came to light at the Regulation 19 consultation stage and was assessed in the same way as all other sites. On this basis, the Council sought to include the site subsequent to the submission of the Plan. Not including the site where the Council has accepted it is consistent with their site selection criteria would result in an inconsistent approach and would not be justified. To be sound, the plan should be modified to include this site. The resulting policy should, however, be clear as to the location of any receptor site for the relocation of the slow worm population.

Conclusion

33. The main modifications I have indicated are necessary would clearly result in changes to the housing supply. However, I am satisfied that the housing supply in the North and West Wiltshire HMA is sufficient to ensure changes will not result in any requirement for the Council to identify additional sites in the Plan.

Settlement Boundaries

34. The settlement boundary process has been through several iterations and consultations. The Council's approach and methodology are robust. Even so, there is inevitably a degree of judgement as to where boundary lines should be drawn, but these are judgements the Council is entitled to make.

35. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, to be consistent with the plans' objectives, the changes proposed to settlement boundaries submitted with the Plan and within WHSAP.03 are necessary. In addition, the change to the Ramsbury boundary agreed at the hearing should also be made in the interests of accuracy. These changes should be consulted on alongside the MMs.

Final Comments

36. Assuming that the Council would be content with these modifications I should be grateful if you and your colleagues would prepare for my consideration a full schedule of their precise wording, to be then subject to SA and HRA (insofar as they are necessary) and full public consultation. I would also like to see the SA and HRA consultation text before it is published. Should the Council not be content, then I would be grateful if you would advise me of the Council's position as a matter of urgency.
37. Please arrange for this letter to be published on the Examination website, although I am not inviting comments on it from other parties and nor do I envisage accepting any. However, I would be grateful if the Council could let me know as soon as possible if there is anything in this letter that is unclear or requires further explanation.
38. To conclude, I would like to repeat my thanks to all those who have attended the hearings for their input. Also, to the Council officers for their contributions to the examination and for responding to my requests for additional information in a positive and timely manner. Finally, I would like to record my personal appreciation for the very efficient work that Ian Kemp has carried out as Programme Officer.

Steven Lee

INSPECTOR

10 June 2019