

Wiltshire Council

Council

7 February 2012

Subject: Adoption of South Wiltshire Core Strategy

Cabinet Member: Councillor Fleur de Rhé Philipe

Executive Summary

Wiltshire Council has received the Inspector's Report into the examination of the South Wiltshire Core Strategy Development Plan Document (DPD). It concludes that, subject to the changes set out in the Report, the submitted Core Strategy is sound. The Inspector's Report is binding on the authority and the Core Strategy, as amended in response to the Inspector's recommendations, can now be adopted. Cabinet on 17 January 2012 recommended that the Core Strategy be adopted by Council.

When adopted by Council, an adoption notice will be published providing a six week period for legal challenge during which any person or organisation may make an application to the High Court on the grounds that preparation of the Plan did not comply with the correct procedures.

Upon adoption, the Core Strategy will become part of the statutory development plan for Wiltshire and will be an important document in guiding development in the south of the county.

Proposals

That following recommendation by Cabinet at its meeting on 17 January 2012, Council:

- (i) adopts the South Wiltshire Core Strategy, as amended by the changes identified in the Inspector's Report, as part of the statutory development plan for Wiltshire.
- (ii) agrees that the Service Director for Economy and Enterprise in consultation with the Cabinet Member for Economic Development and Strategic Planning, undertakes the final stages associated with the formal adoption of the Core Strategy.

Reason for Proposal

The South Wiltshire Core Strategy will form part of the Council's Policy Framework. In line with the Local Government Act and the Council's constitution it must first be approved by Cabinet before it is adopted by Council. The Inspector's Report is binding on the Council and his recommendations must be acted upon. As the document has been found sound its adoption by the Council would ensure up-to-date planning policy is in place for southern Wiltshire.

Alistair Cunningham
Service Director for Economy and Enterprise

Wiltshire Council

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7 February 2012

Subject: Adoption of South Wiltshire Core Strategy

Cabinet Member: Councillor Fleur de Rhé Philipe

Purpose of Report

1. To:
 - (i) consider the recommendations of Cabinet at its meeting on 17 January 2012 concerning the adoption of the South Wiltshire Core Strategy (relevant extract of draft Cabinet minutes attached at **Appendix 3**).
 - (ii) Note the content of the Inspector's Report into the examination of the South Wiltshire Core Strategy Development Plan Document (DPD) and his conclusions regarding soundness; and
 - (iii) Seek approval for the South Wiltshire Core Strategy, as amended by the changes identified in the Inspector's Report, to be adopted.

Background

2. On 10 November 2009, Council resolved that the 'Proposed Submission Document South Wiltshire Core Strategy' (draft SWCS) be submitted to the Secretary of State. Formal hearing sessions took place during March and April 2010. Following these sessions, Wiltshire Council published proposed changes to the submitted Core Strategy that were discussed during the course of the Examination in Public. These were published for public consultation over the period 13 May 2010 to 11 June 2010, and the consultation response submitted to the Inspector for his consideration.
3. Prior to the Inspector issuing his report, the Examination was suspended, in order to allow the Council to review the housing and employment requirements in light of the Government announcing its intention to revoke Regional Spatial Strategies. Council on 22 February 2011 agreed Focussed and Consequential changes to the submission draft SWCS arising from the review. These set out lower housing and employment figures and identified fewer Strategic Site Allocations. The changes were consulted on between 14 April and 27 May 2011, together with other Proposed Changes made during the course of the Examination and the hearing sessions reopened during August 2011.

4. The Inspector presented his Report to the Council on 14 October 2011. This is attached at **Appendix 1**.

Main Considerations for the Council

5. The Inspector's Report considers whether the Core Strategy is sound and complies with legal requirements. Government policy, as set out in Planning Policy Statement 12, clarifies that to be sound a Core Strategy should be justified, effective and consistent with national policy.
6. The Inspector has recommended a number of changes that need to be made to the submission draft Core Strategy to make it sound. Most of these changes (including those referred to in paragraphs 2 and 3 above, and minor amendments in the interests or accuracy and clarity) were put forward by the Council and have been the subject of further consultation. These are set out in **Annexes 1 to 5 and 7 to 9 of Appendix 1**. All consultation responses have been taken into account by the Inspector in writing his report. The Inspector has also recommended two additional changes (**Annex 6 of Appendix 1**). The first in relation to the employment site at Station Works, Tisbury requiring the removal of wording which states that the site is capable of intensification and modernisation, as this is not backed up by evidence. The second, changes the affordable housing 'requirement' to 'target'. These changes proposed by the Inspector do not alter the substance of the plan and its policies or undermine the sustainability appraisal and participatory processes.
7. The Core Strategy as intended to be adopted is attached at **Appendix 2**. Cabinet on 17 January 2012 recommended that the South Wiltshire Core Strategy, as proposed to be amended by the changes set out in the Inspectors report, be adopted. Following Cabinet, this document has been reformatted to include clear maps and a layout appropriate for an adoption document. Once adopted, the South Wiltshire Core Strategy will replace a number of saved policies in the Salisbury Local Plan and form part of the statutory development plan for the south of the county.

Environmental and Climate Change Considerations

8. The adoption of the South Wiltshire Core Strategy will update the statutory development plan for south Wiltshire and balances the need for new development with environmental protection.
9. Spatial Planning has implications for the physical, economic and social environment. A Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment has been undertaken during the preparation of the Core Strategy. A Habitat Regulations Assessment (HRA) has also been undertaken. Both have helped shape the strategy and will ensure that negative environmental impacts are avoided and sustainable development can be delivered.

Equalities Impact of the Proposal

10. The South Wiltshire Core Strategy aims to positively manage growth and development in South Wiltshire. The consultation processes and community

involvement has ensured that everyone has had the opportunity to inform the preparation of the Core Strategy.

11. An Equalities Impact Assessment was prepared to support the submission draft Core Strategy and considered through the examination process by the Inspector. The adoption of the Core Strategy does not alter the conclusions of the original EIA.

Risk Assessment

12. At the point of adoption of the South Wiltshire Core Strategy, there will follow a period of six weeks for legal challenge.

Financial Implications

13. The financial implications of adopting and publishing the Core Strategy are to be met by existing budget allocations. The most significant financial risk associated with the adoption process stems from the potential for legal challenge, which would need to be met from within the Economy and Enterprise budget.

Legal Implications

14. Once adopted the Core Strategy will form part of the statutory development plan for the area and be used as such for the purpose of determining planning applications in the south of the county. The Planning and Compulsory Purchase Act 2004 states requires that the Core Strategy can only be adopted in the form recommended by the Inspector, i.e. his report is binding.
15. There are legal implications associated with the adoption of the document. These are limited to the potential for judicial challenge in accordance with legislation. 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.
16. When the Core Strategy is formally adopted by Council, an 'Adoption Statement' will be published in the local press advertising the availability of the Inspector's Report and the adopted Core Strategy. 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.

Options Considered

17. The Inspector's Report is binding on the Council and the recommendations it contains must be adhered to. Rejection of the Inspectors Report at this stage would result in there being no up to date development plan for the southern part of Wiltshire. This would leave a policy vacuum at a time when the Government has stated its intention to ensure that there is a presumption in favour of sustainable development in the absence of an up to date plan.

Conclusions

18. The Inspector's Report on the examination into the South Wiltshire Core Strategy Development Plan Document concludes that the document, subject to amendment, is 'sound'. The Council can now formally adopt the plan in line with the Inspector's Recommendations.
19. Adoption of the plan will provide an up to date development plan for southern Wiltshire. This will enable the effective management of development and ensure that homes and jobs are provided in the most sustainable way that maximises benefits for local communities.
20. Once formally adopted, the South Wiltshire Core Strategy, along with the Inspector's Report and final sustainability appraisal report, will be published and made available for inspection.

Alistair Cunningham
Service Director for Economy and Enterprise

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The following unpublished documents have been relied on in the preparation of this Report:

None or specify the documents relied upon

Appendices:

Appendix 1: Inspector's Report - 'Report on the Examination into the South Wiltshire Core Strategy Development Plan Document, 14 October 2011'

Appendix 2: South Wiltshire Core Strategy (Adoption Version)

Appendices 1 & 2 enclosed separately for members of the Council. A reasonable number of copies will be available at the meeting, available for public inspection by contacting Democratic Services on 01225 713018 and available on the Council's website:

<http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=130&MId=6716&Ver=4>

Appendix 3: Relevant extract from draft Cabinet minutes dated 17 January 2012