

**WILTSHIRE COUNCIL**

**COUNCIL**

**26 JUNE 2012**

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**QUESTIONS FROM THE PUBLIC – ITEM 7: WILTSHIRE CORE STRATEGY**

**QUESTION FROM L. M. DURRANT, CHAIRMAN AND MANAGING DIRECTOR, DPDS  
CONSULTING GROUP**

**TO CLLR FLEUR DE RHÉ-PHILLIPE, CABINET MEMBER FOR STRATEGIC  
DEVELOPMENT AND ECONOMIC PLANNING**

The NPPF (paragraph 165) clearly states that the Sustainability Appraisal (SA)<sup>1</sup> should be an 'integral part of the plan preparation process'. Paragraphs 15-16 of the Report to Council confirms that the SA process is ongoing and in light of representations made to the core strategy consultation (February to April 2012), the SA will be updated and completed for Submission.

Further information is set out in the Wiltshire Core Strategy – Sustainability Appraisal Summary of Responses which is a supporting document to the Full Council Report. This provides a summary of the 'headline' issues and changes proposed to the SA report. The 4th bullet point deals with the removal of proposed strategic allocations set out in *Wiltshire 2026*. It states that "*a comparison exercise will be completed assessing the previous strategic allocation against the removal of the allocation.*" To date it is understood that this work has not been completed.

It is therefore clear that the requirements of the SEA directive to undertake an assessment of the likely significant effects of implementing the Core Strategy, and reasonable alternatives, are not yet complete. Such assessments are equally necessary to understand the implications of removing allocations from the Core Strategy. This is important as the failure to undertake such assessment could result in development on less sustainable locations and therefore have sustainability implications which ought to have been tested through the SNSEA process.

This is particularly relevant in the context of development at the western edge of Swindon within Wiltshire. No justification or assessment of the implications on the Wiltshire Core Strategy objectives and/or spatial strategy for the policy decision to make no allocation(s) / contingency sites west of Swindon is provided.

The statutory requirements of the SEA directive have therefore not been met as established through the High Court judgment in the case of *Save Historic Newmarket Ltd v Forest Heath District Council* (2011). This judgment held that:

- The public must be presented with an accurate picture of what reasonable alternatives there were to the proposed policies and why they were not considered the best options; and

- It alternatives are ruled out prior to the final plan, the accompanying environment report must refer to, summarise or repeat the reasons that were given for rejecting at the time they were ruled out and those objections must still be valid.

Until such time that this additional assessment has been completed (for all previously identified strategic allocations including the west of Swindon) as well as other proposed changes set out in the SA summary of responses, it is inappropriate to seek the approval of Full Council to submit to the Secretary of State. Not least because this recommendation is premised on officer's conclusions that the Core Strategy in its current form is "sound".

Furthermore, the Report to Council appears to pre-empt the outcome of this additional SA work, concluding that this further work "should not lead to any change to the draft Core Strategy as a result" (paragraph 16). Until such time as additional assessments are completed it is inappropriate for such conclusions to be made.

In light of the above the following questions are raised

### **Question 1**

Can Council officers explain how it is appropriate at this time (with SA work outstanding) to recommend to Full Council that the Core Strategy is submitted for independent examination?

### **Question 2**

What information / evidence is there to support the officer's conclusions that the additional SA/SEA work will not lead to any change to the Core Strategy? If there is information to support this conclusion why is this not provided?

### **Question 3**

In the absence of such evidence will the Council Officer's acknowledge that until such time that the SA/SEA process is complete it is not possible to confirm whether or not the Core Strategy will change. In such circumstances it would inappropriate to recommend the Core Strategy for Submission to the Secretary of State?

### **Response**

#### **Questions 1 & 2:**

The references to Paragraph 14 and 15 of the Report to Council with regard to the Sustainability Appraisal are taken out of context. At the time of writing the Cabinet and Council reports, the draft Sustainability Appraisal was being updated and this was well advanced. The work had been completed before Cabinet took place on 19 June 2012 and Cabinet asked officers to highlight in the document, for clarity, those text changes that had been made and make this highlighted version available prior to Council.

The view expressed in paragraph 15 of the Report to Council reflected the officer opinion based on the initial findings of the work undertaken that “*this further work should not lead to any change to the draft Core Strategy*”. Having carefully considered the draft Core Strategy in light of the updated Sustainability Appraisal the initial findings were confirmed, namely that there was no need for any changes to be made to the draft Core Strategy. The information to support the officer’s consideration is available on the Council’s website and has been brought to the attention of all Councillors.

Sustainability Appraisal has informed the preparation of each stage of the core strategy’s production (October 2009, June 2011 and February 2012 documents) and consultation was carried out simultaneously on both the Core Strategy consultation document and its supporting Sustainability Appraisal.

By way of clarification, once the consultation on the draft Sustainability Appraisal and draft Core Strategy finished in April 2012 the Council took into account the representations made and for the avoidance of doubt, updated the draft Sustainability Appraisal in order to demonstrate that the Council had given appropriate consideration to these representations.

**Question 3:**

As stated above, the Sustainability Appraisal supporting the draft Core Strategy is complete, published, and in the light of this no further changes are required.

There will be further opportunity to consider matters relating to Sustainability Appraisal at Examination. However, it is considered that the legal requirements have been complied with.