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Date: 2nd December 2013

Dear Mr Cunningham,

Wiltshire Core Strategy

I acknowledge receipt of the latest bundle of Examination documents which include the outcome of the most recent post-hearings consultation and EXAM/34A (28th Nov), the track changed Core Strategy. Whilst my report is not yet complete and as indicated in my last letter, I am in a position to seek the views of the Council on a number of key matters. In so doing, I am conscious of the Council's formal request under S20(7c) for me to modify the submitted plan in order to secure soundness.

As you would expect, I recognise that Wiltshire is a large county and that the Core Strategy seeks to address a broad range of inter-related and often complex issues. There are many good planning reasons for having a sound plan to be in place as soon as possible and I appreciate the endeavours of your team to supply information and clarifications to date. Working further towards this end, the matters summarised below are those upon which I am most interested to hear how the Council may wish to proceed. Such matters are not exhaustive of those that will be addressed in my final report albeit many aspects of the plan appear justified, positively prepared, consistent with national policy and likely to be effective in their implementation.

1) **Housing**

As you will be aware, the National Planning Policy Framework requires, amongst many other matters, that any Local Plan/Core Strategy should be based upon robust evidence to ensure that the full objectively assessed needs for market and affordable housing are met within a specific Housing Market Area (HMA) as far as is consistent with other Framework policies. The Framework, which post dates some of the Council's evidence such as Topic



INVESTOR IN PEOPLE



Paper 15, has the aim of boosting significantly the supply of housing and indicates that Councils should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups.

Against this context, I am mindful of the body of evidence that has been provided to the Examination, including the Council's Topic Papers, the SHMA and the wealth of submissions made by interested parties. In short, I am currently inclined to conclude that the balance of the evidence does not support an objectively assessed housing need as low as 37,000 homes.

For example, based upon the Fordham work, allowing for completions and notwithstanding an affordable housing need that may exceed 1,100 dwellings per year¹, levels of housing need appear to warrant provision in the order of 44,000 dwellings over the plan period. Alternatively, based upon ONS population projections, the Council's evidence suggests the housing need would appear to be in the order of 43,200 (43,900 allowing for concealed households). Various alternative assessments of housing need produced by interested parties have utilised the available data in differing ways, for example employing the Chelmer methodology, to indicate that levels of need exist above 44,000 dwellings over the plan period². Such approaches incorporate consideration of 2nd home ownership, vacancy rates and the economic aspirations of the Council. Ultimately they support an objectively assessed need that is significantly greater than the minimum CS figure of 37,000 dwellings over the plan period.

Rates of migration undoubtedly influence levels of housing need and I have had regard to the Council's balancing housing markets model. However, a housing figure as low as 37,000 homes over the plan period does not appear justified. My current interpretation of the evidence leads me to find that the objectively assessed housing need across the three Wiltshire HMAs would be in the region of 44,000 homes for the plan period.

With paragraph 47 in mind, the Council will be aware that the Framework requires a Local Plan to be aspirational but realistic. Against this context, the setting of a housing requirement which is undeliverable may compromise the ability of the Plan to effectively deliver sustainable forms of development supported by adequate infrastructure. Topic Paper 15 indicates that past delivery rates have averaged approximately 2,100 homes per annum during the period of 2001-2008. The Council consider that the potential deliverability of housing should result in a base for the dwelling requirement that does not exceed 43,200 new dwellings over the plan period which seems reasonable. Indeed, the evidence indicates that a notable increase in average housing delivery over the remainder of the plan period would be required to deliver, for example, in excess of 44,000 homes.

Nonetheless, the Framework calls for a significant boost to housing supply. The preferred Option 1 within the Council's SA identifies the broad acceptability of between 35,800 and 42,100 new homes. With regard to the evidence, including past delivery rates, and to ensure consistency with national policy, I am minded currently to find that the CS housing requirement should be expressed as a minimum figure towards the upper end of this range. Any

¹ STU/21 para 9.49 on

² See POS Barton Wilmore and Gladman and Redrow et al

suggestions you may have as to how this can be established within the CS would be appreciated.

Such a modification would have implications for other parts of the CS, for example, the disaggregation of housing across the three HMAs, the distribution of development within the community areas and the indicative housing land supply. Could you please indicate how the Council would contemplate accommodating such a change?

I note from Table 3 of the Council's updated Housing Land Supply Statement that the Council considers that it has a deliverable housing land supply of some 11,164 homes for the period 2013-2018 which would represent in the region of a 5 year (+5%) housing land supply based on a requirement of approximately 42,000 homes. Such figures would need to be revisited and confirmed for the most up to date assessment to indicate consistency with national policy. Is it feasible, for example, to identify a broad disaggregation for each HMA whereby the early production of a Sites Allocation DPD could provide a means of providing the subsequent detail of site allocation? Such a process could be complementary to any neighbourhood planning process currently underway or those which subsequently emerge and would supplement the planned CS Review. To ensure consistency with the Framework, I would need clarification as to how the LDS would be amended and how the housing land supply would be met against an increased housing requirement.

2) Affordable Housing

The evidence indicates a considerable need for various forms of affordable housing throughout Wiltshire. Core Policy 43 seeks the provision of at least 40% (net) on sites of 5 or more dwellings and financial contributions in other circumstances. In essence and whilst I recognise a considerable need for such housing, I am concerned that the figure of 40% is not justified adequately by the evidence base, particularly the Affordable Housing Viability Assessment (STU/51).

STU/51 provides some support for the policy figure of 40% for both the strategic sites and other notional sites but it does so primarily on the basis of tenure being affordable rent. If, for example, social rent were required, STU/51 indicates the likely need for flexibility to be necessary in securing other potential infrastructure, particularly in areas of lower value. Similarly, STU/51 indicates that 40% affordable housing can only be required on the basis of the Code for Sustainable Homes Level 4 from 2013 (in the context of providing housing for affordable rent) and that Code 5 from 2016 would only be viable if supported by a proportionate increase in sales values in the intervening period.

The Framework requires a Local Plan to be produced with due consideration of relevant standards and policies together with their impact upon development throughout the economic cycle. It would therefore appear that a range of tenures delivering 40% affordable housing without subsidy (accommodating changes to the Code for Sustainable Homes) is most challenging to secure under current and foreseeable circumstances. As mentioned previously, the CS can reasonably be aspirational but must also be capable of effective delivery.

Whilst the Council has proposed to delete its requirement for affordable housing to be constructed to the latest Housing Corporation Standards, there

appears to be no substantive evidence which analyses alternative affordable housing proportions, for example those lower than 40%. Whilst being progressed, there are only limited details of the Council's intended Community Infrastructure Levy. The Framework (para 173) is clear that the sites and scale of development in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. With particular regard to STU/51, the CS approach to affordable housing does appear to risk the delivery of key elements of the plan.

Core Policy 43 acknowledges that the provision of affordable housing may vary on a site by site basis with regard to factors which include development viability. This introduces a necessary degree of flexibility which could aid the effectiveness of the CS. Nonetheless, the CS should be justified adequately and the balance of the evidence does not currently support the 40% figure as a minimum requirement for affordable housing on sites of five dwellings or more. The justification and effectiveness of the policy is in question. However, there is insufficient evidence to establish what alternative figure may be justified and therefore I am faced with a conundrum of how Core Policy 43 and its supporting text may be modified to ensure the CS as a whole is justified adequately and will be effective in operation.

For example, the simple deletion of the 40% reference within Core Policy 43 would remove the unjustified requirement on all sites but it would not provide particular precision for the plan as a whole or an effective means of maximising the provision of necessary affordable homes in the county. Supplementing the modified policy by keeping a broad target within the supporting text may be feasible but would require justification and I remain conscious of the need to avoid the ineffective burden of individual site negotiations on the majority of schemes which come forward. Can the Council direct me to any evidence which supports clearly a lower figure than 40%? It may be necessary for the Council to revise STU/51 to look at alternatives which will be clearly viable in a more comprehensive range of circumstances so that the objectives of the CS may be fulfilled. Clearly, subsequent review could be programmed as necessary. I would appreciate your constructive thoughts on how to progress this important matter.

3) Gypsy and Travellers

The 'Planning policy for traveller sites' (PPTS), alongside the Framework, sets out national policy on this issue and indicates the evidence based approach that local planning authorities should take in relation to gypsies and travellers.

As indicated by the PPTS (para 6), there is an expectation that a robust evidence base exists to establish accommodation needs and inform the preparation of a local plan. By its own evidence, the Council acknowledges that the Gypsy and Travellers Needs Assessment (GTAA) undertaken in 2006 and which informed the draft RSS had a number of weaknesses that led to an underestimation of need and a consistent understatement of the level of requirement for residential pitches. It relied too heavily on caravan count data, failed to provide an accurate estimate of the travelling community residing in bricks and mortar, produced a low estimate of need from unauthorised sites, included a high pitch turnover on the supply side and did not examine adequately the needs of Travelling Showpeople. Furthermore, it also sought to provide an indication of requirements only between 2006 and 2011. The

subsequent Proposed Changes to the draft RSS increased pitch provision and were used by the Council to inform its Wiltshire Core Strategy Consultation Document (core policy 31).

Subsequent concerns as to the efficacy of the proposed pitch provisions led to what the Council has termed 'a light touch' review of the GTAA to provide revised pitch requirements for the period 2011-2021. The pitch provisions in the CS are lower than those in its Consultation Document. The Council's Topic Paper 16 provides a review of the GTAA and uses the July 2011 caravan count as evidence of current need. The Council considers that this Topic Paper represents an up to date statement of the need for traveller pitches in Wiltshire as of December 2011.

During the Examination process a number of issues were raised in relation to the Council's justification for Core Policy 47 and the content of Topic Paper 16. In particular and with regards to the latter, concerns were raised at the validity of the figures contained in Table 6 and the absence of any independent benchmarking of the Topic Paper as a whole. These concerns would appear to have some validity in as much as overcrowding on local authority sites and unauthorised developments/ encampments may have been underestimated with the consequent effect that there may be an additional need for pitches that exceeds the Council's figure of 88 (Table 6 2011-2016). With regards to supply, the Council appears to countenance 10 pitches (Cricklade) which have unresolved issues of deliverability whilst a further 6 may have limitations as to their occupation (eg family members only). The evidence is not conclusive on these matters but leads to a concern that the potential supply of additional pitches (2011-2016) is overestimated. The net effect is that there is a degree of substantive doubt as to whether the figures within Topic Paper 16 justify robustly the pitch requirements within Core Policy 47. The data contained and presented in the caravan count for 2013 does not aid clarity on this point.

With regard to the PPTS (para 9) the CS does not identify a supply of specific deliverable sites for the next 5 years nor does it identify a supply of specific developable sites or broad locations for growth for the remainder of the plan period. Consistency with this aspect of national policy is not achieved.

The Council has proposed a change to Core Policy 47 that would make clear that the pitch requirements are minimums. This would be prudent and would introduce flexibility within the plan which would aid the effectiveness of its delivery. The CS is also clear that a Gypsy and Travellers Site Allocation DPD, providing a further opportunity to work with neighbouring authorities, will be prepared to aid the implementation of Core Policy 47 and to deliver the pitch requirements therein. Overall however, the justification for the pitch requirements of Core Policy 47, which will inform any subsequent part of the development plan, is weak. Given the content and subsequent analysis of the GTAA, a more robust approach for the purposes of informing the CS may have been to pursue 'Alternative Option 4' to recalculate local need. It is unsatisfactory that the Council has chosen to merely undertake a limited review of a document which contained previously acknowledged flaws.

Indeed, Topic Paper 16 acknowledges that the data relating to the needs of Travelling Showpeople is limited and not robust enough to extrapolate beyond 2011. The 5 plots identified within Core Policy 47 appear to have been derived from the draft RSS which were required in the period to 2011 but not delivered. At best this figure is that of an historic identified need; rolling it forwards is a

simplistic approach which does not incorporate robust evidence of current or forecast needs for the immediate plan period.

Whilst the Topic Paper appropriately discounts the option of not making provision for transit sites, the subsequent CS approach is undermined by the absence of clear and substantive evidence. As Topic Paper 16 indicates: "Given the lack of consistent records the range indicated in Table 11 of between 17 ... and 35 ... unauthorised encampments may in reality be much higher than that recorded." The figure of 25 (2011-2016) is consequently not particularly well founded and is itself inconsistent with Core Policy 47 which seeks 25 between 2011 and 2021.

Notwithstanding the intended DPD, I must query whether the CS approach towards gypsies, travellers and showpeople is consistent with national policy and is justified by the evidence base. Whilst the Council has requested that I modify the plan to ensure soundness, this is most challenging and may not be feasible on the basis of the available data.

It appears to me that the Council could reassess this matter with a view to ensuring that it does not underestimate the requirements for the remainder of the Plan period. The programmed DPD could assist in matters of specific delivery but the CS should logically set a robust indication of necessary pitch provision for the relevant period, including the next five years whilst acknowledging the absence of a specific land supply. Consequently further work would appear to be required to ensure that there is reliable data to inform the strategic content of the plan. Your constructive thoughts on how to progress this matter would be welcome.

4) Chippenham and Strategic Allocations

Without going into full details, there is a body of evidence which provides support for the strategic allocations identified in Core Policy 10. Nevertheless, the Council is obliged to consider whether reasonable alternatives exist in order to ensure that the submitted plan is justified adequately.

During the preparation of the submitted CS, the Council considered there was positive scope for further strategic development to the east of Chippenham. The approach presented was amended following consultation on the Wiltshire 2026 publication. In this context, yet not exclusively so, a number of concerns have been expressed at the way in which the Council has considered alternatives to the content of Core Policy 10 and the way in which options have been assessed. In short, I share some of those concerns.

It is important, as indicated by case law, that the process and outcomes of Sustainability Appraisal (SA) can withstand scrutiny as an evidence source which assists in justifying the content of the CS. With this in mind, the proponents of unallocated land to the east of Chippenham (the '2020 site') have submitted detailed evidence identifying potential shortcomings in the Council's SA and site selection process. A primary concern is the way in which the Council has dealt with the 2020 site in relation to other options.

Whilst recognising that professional judgements need to be made in undertaking the SA process, it is important for reasons of robustness and legal compliance, that the SA process deals with reasonable alternatives in a fair and

comparable manner. The reasoning for the Council's amended approach to strategic sites in Chippenham can be found within Topic Paper 12³ and elsewhere. The process of site selection has been informed by the iterative SA which has been updated on numerous occasions. Yet the evidence does not indicate that the Council considered equitably the reasonable alternative of an East Chippenham allocation (reduced in scale compared to the Wiltshire 2026 proposal) against the preferred option that ultimately found its way to be part of Core Policy 10.

The Council's SA states that transport impacts are a key issue in the consideration of Chippenham's strategic site options. However and amidst a wealth of other evidence, the assessment of Option 3 (within STU/11) that informed the SA and which included the 2020 site, was undertaken without an assumption that a completed eastern distributor road would be provided through developer contributions. This is in contrast to the consideration of Options 1 and 2 with their associated infrastructure, the latter of which was assessed with the assumption that a necessary road bridge would be provided through developer contributions. The balance of evidence suggests both elements of infrastructure for Options 2 and 3 are capable of being delivered.

Whilst the Council's evidence acknowledges that mitigation in the form of a completed eastern distributor road for Option 3 was likely, the mitigation was not assumed to be in place for the testing/modelling of Option 3. Instead, Option 3 was tested on the basis of a connection to the A4. Such an approach is not equitable for the purposes of the SA; particularly when the evidence indicates that Option 3 could not be feasibly completed without the distributor road. The manner in which this matter has been treated has affected the content of the SA.

The consequent effect of such an approach risks the inaccurate identification of transport effects within the SA. The basis for the SA assessment of Option 3, particularly in terms of the 'Transport' criterion, is therefore not well founded. In this relatively narrow respect, it is unreliable evidence which does not accurately inform the identification of preferred options. The 'Entran' report prepared in support of the 2020 site provides evidence which supports a conclusion contrary to that of the Council. The justification for the different approach taken by the Council in relation to Options 2 and 3 is unconvincing⁴; I do not accept that the omission of testing the evidentially required eastern distributor road was necessary to ensure a 'level playing field' with other alternative options.

Furthermore, the evidence submitted by proponents of the 2020 site as part of the CS pre-submission consultation, which includes specialist SA evidence, indicates that the 2020 site would perform better against the SA objectives than perceived by the Council. Whilst I accept that different professional judgements can be exercised, this evidence is not countered specifically and fully by the Council, has some weight and consequently introduces a degree of substantive doubt as to whether the Council's SA accurately assesses the effects of the 2020 site against the SA criteria.

I have considered, in the context of all the SA criteria and the balance of the evidence available, whether the weaknesses in the Council's approach are

³ Topic Paper 12 Figure 1, Table 4 et al

⁴ EXAM/09C

sufficient to undermine the justification for the content of Core Policy 10. Ultimately, I conclude that they do.

In totality and with regard to the strategic allocations of Chippenham, the SA does not inform robustly the equitable consideration of reasonable alternatives and the subsequent content of Core Policy 10. This is an unfortunate but fundamental shortcoming for this community area. I am unable to conclude that the content of the CS with regard to the strategic allocations of Core Policy 10 is justified and could form part of a sound plan. Consequently, I am considering a modification to the plan which would, in effect, remove the strategic allocations contained within Core Policy 10.

Submissions have been made to the Examination in relation to a large number of potential development sites in and around Chippenham. It is primarily for the Council to ascertain, through due and equitable consideration of alternatives, how best any new development should be accommodated. In the absence of a robust SA in these regards, I have insufficient clear evidence upon which to base a recommendation as to which sites should be developed through until 2026.

It therefore appears necessary for the Council to review its approach to development allocations within Chippenham. Without causing undue delay to the progress of the submitted CS, this could reasonably be secured through a subsequent plan, for example the Sites Allocation DPD or a document specific to Chippenham. Such a review would enable further consideration to be given to not only the housing allocations but also, as necessary, the provision of employment land.

Your thoughts on how this matter should be progressed would be appreciated.

5) Settlement boundaries

The CS refers to defined settlement boundaries for the hierarchy at the level of Large Villages and above. By such means the Council intends to provide clarity on what forms of sustainable development may be carried out where in a manner consistent with the Framework. There is no compelling evidence to suggest that such an approach is flawed.

However, the Council has not reviewed the extent of the boundaries to inform the CS; instead relying upon the pre-existing development plan documents. Some of these were adopted some years ago, for example the Kennet Local Plan (2004), and it cannot be argued with great strength that the settlement boundaries contained therein are up-to-date for the purposes of the CS plan period. Indeed, the Council concedes in Topic Paper 3 'Settlement Strategy' that whilst existing boundaries offer protection to the countryside and guard against urban sprawl/ribbon development they are out of date, do not reflect current urban form and require review and updating ... 'a new boundary would be the ideal solution'. To review boundaries, the Council identifies community led planning as the vehicle to deliver the necessary updates. However, there remains a considerable risk that, for example, Neighbourhood Plans will not be delivered across the county in a comprehensive or timely fashion. Such an outcome would, in the context of the CS Settlement and Delivery Strategy, potentially stymie development initiatives on the basis of an unjustified evidence base and therefore not represent a positive form of planning.

The large geographic scale of Wiltshire and the sheer number and variety of its settlements does present challenges to the practical completion of an appropriate and swift review of settlement boundaries. Rather than delay to a disproportionate extent the adoption of the submitted CS, there appears scope to advance such a timely review through a Sites Allocation DPD as broadly referenced within CS paragraph 4.26. Such work could complement that emerging from any advanced community led planning process and would not negate such processes from reviewing the validity of revised settlement boundaries in the future. Can you identify any specific objection to such an approach and confirm how this may be incorporated suitably both into the CS and the LDS?

6) Retail frontages – town centre boundaries

The Framework requires that plans should, amongst other matters, define the extent of town centres and primary shopping areas based on a clear definition of primary and secondary frontages in designated centres. In this regard, the CS relies upon preceding documents and their saved policies. Due to the various ages of such plans, the approach of the CS is not strong in this regard. The evidence base cannot be considered to be particularly robust with regard to designated frontages and most town centre boundaries. The Council proposes that the partial review of the CS will provide an opportunity to update the designated town centres and their frontages; alternatively this could be accommodated through the Sites Allocation DPD. I would be grateful for your clarification as to the Council's preferred way of moving forwards on these matters and how they could be swiftly resolved.

I trust the above is clear. My work continues and subsequent matters may arise. In the meantime I would be grateful for your early indication as to how the Council would wish to proceed.

Yours sincerely,

Andrew Seaman

Senior Housing and Planning Inspector