

**Wiltshire Council**

**Cabinet**

**19 April 2016**

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**Subject: Draft Chippenham Site Allocations Plan: Update**

**Cabinet Member: Councillor Toby Sturgis - Strategic Planning,  
Development Management, Strategic Housing,  
Operational Property and Waste**

**Key Decision: No**

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### **Executive Summary**

Examination of the Draft Chippenham Site Allocations Plan was suspended in November 2015 to allow the Council to undertake further work on a number of matters raised by the Inspector regarding the soundness of the evidence base. This is set out in a Schedule of Work submitted to the Inspector on 4<sup>th</sup> December 2015, designed to respond to the matters he raised relating to the site selection procedure, adequacy of sustainability appraisal and deliverability of the Plan's proposals. Once the work is complete consultation will be undertaken prior to the hearing sessions resuming. The Inspector has been clear that while he has not found the Plan unsound he considers there to be flaws with the evidence base that need to be addressed in order for the Plan to be taken forward.

The Inspector has recognised that the outcome of the Schedule of Work "*must include the possibilities that, either the chosen strategy would be vindicated by new evidence or that a reasonable alternative would be shown to provide a better plan*". Officers have been implementing the Schedule of Work with an open mind by following the evidence and are working towards setting out their findings and judgements in full to justify the outcome of the steps in the Schedule of Work by the end of April. This is longer than originally anticipated but reflects the complexity of the work involved, which involves external consultants as well as critical friend support facilitated by the Planning Advisory Service.

While the work is not fully complete, the testing of the reasonable alternative development strategies is well underway. However, in keeping an open mind, until the Schedule of Work is complete, Officers are not in a position to report on the most appropriate development strategy for Chippenham.

In the light of the Inspector's comments on the submitted Plan there will inevitably be the need for clarification and proposed changes to the Plan irrespective of the development strategy identified through the work.

During the consultation, the opportunity can also be taken to consult on other proposed changes that have been put to the Inspector as part of the Examination process, where they still remain valid following completion of the Schedule of Work. These mainly relate to the 'proposed changes' that were approved by Council for submission to the Secretary of State for examination alongside the draft Plan on 30 July 2015.

The Schedule of Work is being progressed and the outcomes should be presented to Council on 10 May 2016 for endorsement prior to submission to the Inspector and start of the consultation. Given the need to make timely progress on the Plan, Cabinet will be kept informed informally of progress in the lead up to Council and a Councillor briefing will be arranged when the papers are published.

### **Proposals**

That Cabinet notes the progress made with the examination of the Draft Chippenham Site Allocations Plan including the work being undertaken pursuant to the Schedule of Work agreed with the Inspector appointed to examine the Plan and the next steps.

### **Reason for Proposals**

To inform Cabinet of the continuing work to respond to the concerns of the Inspector appointed to examine the Chippenham Site Allocations Plan following suspension of the Examination in November 2015 and next steps.

**Dr. Carlton Brand**  
**Corporate Director**

## Wiltshire Council

### Cabinet

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**Cabinet Member:** Councillor Toby Sturgis - Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste

**Key Decision:** No

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### Purpose of Report

1. To update Cabinet on the Chippenham Site Allocations Plan and progress with the Schedule of Work developed to respond to the Inspector's comments following the suspension of the Examination and next steps.

### Relevance to the Council's Business Plan

2. Progression of the development plan for Chippenham is fundamental to realising the overarching aims of the Business Plan 2013-2017 of delivering stronger and more resilient communities. In identifying land to deliver new jobs, homes and community facilities in a way that seeks to minimise impact on the local environment and maximise benefits of development including accessibility to open space and new road infrastructure, it will help deliver a number of outcomes including:
  - Thriving and growing local economy
  - Everyone lives in a high quality environment
  - Healthy, active and high quality lives

### Background

3. On 14 July 2015, following consideration by Cabinet on 9 July, Council approved the submission of the draft Chippenham Site Allocations Plan (the Plan) together with proposed changes to the Secretary of State for examination. Council resolved:
  - (i) *To approve the Plan together with the Proposed Changes, subject to the omission of the new text in change no. 17 and the incorporation of the text suggest in amend four above, for the purpose of Submission to the Secretary of State subject to amendment in (ii).*
  - (ii) *To authorise the Associate Director for Economic Development and Planning in consultation with the Associate Director for Legal and*

*Governance and the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste to:*

- (a) Make any necessary minor changes to the Plan through the Schedule of Proposed Changes in the interests of clarity and accuracy before it is submitted to the Secretary of State;*
  - (b) Make appropriate arrangements for submission of all documents relating to the Plan, including supporting evidence such as the Equalities Impact Assessment, to the Secretary of State; and*
  - (c) Implement any consequential actions as directed by the Inspector relating to the Examination.*
4. The Plan was subsequently submitted on 30 July 2015. The appointed Inspector, Patrick Whitehead, wrote to the Council on 18 September setting out his Initial Appraisal of the Plan to which the Council responded. On 5 October, the Inspector confirmed that on the basis of the Council's response he was content for the examination to proceed to the hearing sessions. The hearings opened on 10 November and were programmed to run until 19 November 2015.
  5. On day two, the Inspector suspended proceedings when the Inspector raised concerns about the evidence supporting the Plan.
  6. The Inspector set out his concerns in letters to the Council of 16 and 30 November 2015. In response the Council wrote to the Inspector on 4 December 2015 and provided a Schedule of Work designed to address his concerns. For ease of reference this is attached at **Appendix 1**. The Inspector responded on 9 December 2015 acknowledging the Council's comprehensive response to his request for the schedule and timetable of work.
  7. Councillors Briefing Notes have been prepared and circulated following suspension of the examination to inform all Councillors about the Inspector's concerns and the Schedule of Work being undertaken.
  8. A public meeting was held between the Council and the Inspector on 21 January 2016 to review progress on the Schedule of Work, together with the timetable for the completion of that work and a further update provided in writing on 18 March 2015.
  9. All communications between the Council and Inspector and notes of the progress meeting are provided in chronological order on the Council's website at:  
[http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/chippenhamsiteallocationsplan/chippenham\\_examination.htm](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/chippenhamsiteallocationsplan/chippenham_examination.htm)

## Main Considerations for the Council

10. The Schedule of Work is designed to address the issues raised by the Inspector in relation to site selection procedure, adequacy of sustainability and deliverability of the Plan proposals. The main issues can be summarised as follows:
  - (i) Site Selection Procedure:
    - the basis for and use of the ranking exercise relating to criteria within Core Policy 10 of the Wiltshire Core Strategy is not clear;
    - the two stage process results in some locations not being evaluated in the same detail as others before being rejected; and
    - the approach to delivering an employment led strategy.
  - (i) Adequacy of Sustainability Appraisal (SA):
    - the two stage sequential site selection process and its influence on the SA;
    - the inclusion of detailed assessment for only three broad areas (B, C and E) rather than for all areas A to E; and
    - therefore, the concern that reasonable alternatives were not given proper consideration.
  - (ii) Deliverability of the Plan proposals:
    - the need for clarity regarding the role and character of the Eastern Link Road and to acknowledge its provision as a policy requirement;
    - how the Eastern Link Road (including bridges) can be delivered and funded alongside development and other infrastructure requirements;
    - the co-ordinated delivery of the Eastern Link Road; and
    - how the proposals comply with the Wiltshire Core Strategy on affordable housing.
11. The Schedule of Work sets out an enhanced methodology to site selection following a 10 Step approach drawing on the substantial evidence already before the examination, supplemented by new evidence documents. Once the work is complete consultation will be undertaken prior to the hearing sessions resuming, as requested by the Inspector.
12. The Inspector at the progress meeting in January took the opportunity to reiterate a number of areas that should be addressed through undertaking the Schedule of Work in order to ensure soundness (paragraphs 3.1 to 3.8, Notes of Progress Meeting, 21 January 2016). These relate to: revisiting the flood risk evidence in relation to Area C; revisiting the transport and accessibility evidence; need for specific policy on Eastern Link Road if it forms part of proposals; need for further Viability Assessment; justification for built development east of River and north of the A4 if it forms part of proposals due to landscape considerations; use of

illustrative land uses on proposal plans; and clarification on viability of country parks as part of proposals.

13. All matters raised by the Inspector will be addressed within the documents being produced as a result of the Schedule of Work. These will include:
  - (i) Site Selection Report
  - (ii) Amended and enhanced Sustainability Appraisal Report published in three parts
  - (ii) Supplement to Evidence Paper 3: Transport and Accessibility Part 1A - Strategic Site Options
  - (iii) Supplement to Evidence Paper 3: Transport and Accessibility Part 2A - Alternative Development Strategies
  - (iv) Viability Assessment of Strategic Site Options
  - (vi) Schedule of proposed changes

14. In addition, an Addendum to Evidence Paper 2: Housing and Community Facilities is being prepared to respond to the concerns raised at Area Board meetings regarding air quality issues at Chippenham.

15. These evidence documents alone indicate the complexity of the work being undertaken, as do the number of strategic site options (Step 3) that form the basis for identifying the most appropriate development strategy for Chippenham. In total, detailed assessment of 14 strategic site options were taken forward into Steps 4 and 5, which relate to the Sustainability Appraisal and Policy Review of strategic site options respectively.

16. Progress on the Schedule of Work was reviewed mid-March, as referred to in paragraph 8, when the timetable was adjusted to reflect the complexity of the work and allow time for member involvement. In the Council's written update to the Inspector, it was clarified that the nature of member involvement would be set out in a report to Cabinet.

17. The Inspector has clarified that:

*"...whilst he had not found the evidence base adequate in its support of the chosen strategy, the outcome of the additional work must include the possibilities that, either the chosen strategy would be vindicated by new evidence or that a reasonable alternative would be shown to provide a better plan."*

(Paragraph 2.3, Notes of Progress Meeting 21 January 2016)

18. Officers have been implementing the Schedule of Work with an open mind by following the evidence and are working towards setting out their findings and judgements in full to justify the outcome of the additional work

by the end of April. External consultants are involved in the process through the preparation of: Sustainability Appraisal, supplements to the transport and accessibility evidence and viability assessment. In addition, implementation of the Schedule of Work has benefitted from critical friend support from the Planning Officer Society Enterprises, secured through funding from the Planning Advisory Service.

19. While the work is not fully complete, the testing of the reasonable alternative development strategies is well underway. However, in keeping an open mind, until the work is complete, Officers are not in a position to report on the most appropriate development strategy for Chippenham as was anticipated in the council's letter to the Inspector on 18<sup>th</sup> March 2016.
20. Having regard to the Inspector's comments there will be the need for clarification and therefore proposed modifications irrespective of the development strategy identified through the work. These will form recommendations to the Inspector.
21. During the consultation, the opportunity can also be taken to consult on other proposed changes that have been put to the Inspector as part of the Examination process, where they still remain valid following completion of the Schedule of Work. These mainly relate to the 'proposed changes' that were approved by Council for submission to the Secretary of State for examination alongside the draft Plan together with any more recent proposed changes that arose as part of the examination process prior to suspension e.g. through the preparation of statements of common ground or in response to matters raised by the Inspector that were to be discussed at the hearing sessions. This may save time later in the process.

### **Next Steps**

22. In the light of the above and in order to keep to the timetable proposed in the letter to the Inspector on 18<sup>th</sup> March, it is considered that the outcomes of the Schedule of Work should be presented to Council on 10 May 2016 for endorsement prior to submission to the Inspector and start of the consultation. Cabinet will be kept informed informally of progress in the lead up to Council and a Councillor briefing will be arranged when the papers are published.
23. The Inspector in his letter of 23 March 2016 seeks clarification of timings in the submission of documents to the Examination. This is outlined below together with information on the consultation.
24. Subject to the endorsement of Council, the documents prepared in response to the Schedule of Work will be submitted to the Inspector.
25. Preparations will be made to consult on the revisions to the evidence documents arising from the Schedule of Work and any consequential changes to the draft Plan, which will be set out in a new schedule of proposed modifications (see paragraphs 19 and 20 above). Consultation

will take place for a period of six weeks and one day (to allow for the bank holiday) is proposed to start on Monday 23 May 2016 and end Tuesday 5 July 2016. It will include:

- (i) Letter or email to consultees on Spatial Planning database who have an interest in the Chippenham Plan, providing notification of the consultation;
  - (ii) Online publication on the Council's website including consultation portal;
  - (iii) Publication of advertisement in local newspapers to cover Wiltshire and the Council's Parish/Town Council Newsletter;
  - (iv) Publication of press release on Calne, Chippenham and Corsham 'Our Community Matters' websites;
  - (v) Notification of the consultation to be distributed through the Chippenham, Corsham and Calne Area Board networks;
  - (vi) Officers to present at a briefing for the Chippenham, Calne and Corsham Community Areas during the consultation period;
  - (vii) Documents being made available for viewing at the Council's main office hubs (Monkton Park, Chippenham; Bourne Hill, Salisbury; and County Hall, Trowbridge) and at Calne, Chippenham and Corsham libraries.
26. Documents will be submitted to the Programme Officer (Examination) by the start of the consultation period. This will enable the Inspector to commence his appraisal and may save time later in the process.
27. Following close of the consultation, comments submitted to the Council will be collated and forwarded to the Inspector as soon as possible but by mid-July. Officers will also review the comments and prepare a summary of comments raised broken down by policy and/or subject as appropriate (rather than a comment by comment list of individual responses) to assist the Inspector. Depending on the level of response the summary will be made available before end of July.
28. The Inspector has stated that with the submission of the consultation comments early July the hearing sessions could be resumed in October (letter of 23 March 2016).

### **Safeguarding Implications**

29. There are no safeguarding implications as a direct result of this proposal.

### **Public Health Implications**



30. Planning for sustainable development to meet the employment, housing and infrastructure needs of communities helps foster their wellbeing. Well planned development, including appropriate infrastructure, supports health and well being of local communities, for example through the provision of green infrastructure and infrastructure to encourage walking and cycling as means of travel.

### **Procurement Implications**

31. There are no further procurement implications as a direct result of this proposal.

### **Environmental and Climate Change Considerations**

32. Spatial Planning has implications for the natural, economic and social environment. The schedule of work explicitly refers to Sustainability Appraisal, which remains an important part of the process (Steps 1, 4, 7 and 9 of the enhanced methodology). The Habitat Regulations Assessment will also be reviewed.

### **Equalities Impact of the Proposal**

33. The proposed consultation will be carried out in a similar way as the previous consultation assessed in the Equalities Impact Assessment already submitted to the Secretary of State when the Plan was submitted for examination.

### **Risk Assessment**

34. Progression of the Schedule of Work and consultation will enable the Examination to be resumed helping deliver a plan led approach to development at Chippenham; enabling the cumulative impact of development to be understood and the holistic planning of the town to take place. Land to deliver new jobs, homes and community facilities can therefore be identified in a way that seeks to minimise impact on the local environment and maximise benefits of development.

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

35. There is a considerable amount of developer interest around Chippenham. This means that the Council is already considering applications on the edge of the town on a case by case basis impacting on the Council's ability to plan effectively for growth at the town. Maintaining progress on the Schedule of Work will reduce this period of uncertainty, and the conclusion of the proposed consultation will also help the Council maintain and demonstrate a five year supply of housing land, in accordance with

the requirements of the Government's National Planning Policy Framework, through the identification of sites for development.

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

36. There remains reputational risk to the Council as criticism may be attracted from local people who do not want to see developments close to where they live or areas they value. To help manage this risk, a joint briefing for the Chippenham, Calne and Corsham Community Areas will be arranged to allow local people to find out about the outcomes from the work and understand the reasons behind it.

### **Financial Implications**

37. The financial implications of the schedule of work, consultation and completion of the examination have and will have to be met from the Economic Development and Planning budget provision for 2015/16 and 2016/17 respectively. The Inspector has indicated that he may wish to use expert assessors to assist with viability and transport matters, which will have a cost implication.
38. Progression 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 specific infrastructure schemes in Chippenham and adjoining parishes.

### **Legal Implications**

39. In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) ('2004 Act'), the Council has a statutory duty to prepare planning policy and maintain up-to-date policy, which is reinforced through the National Planning Policy Framework (NPPF). The NPPF requires Plans to have a proportionate evidence base that is adequate, up to date and relevant (paragraph 158). The Schedule of Work has been prepared in compliance with legislation and National Planning Policy.
40. Legislation relating to the local plan preparation process is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. According to Regulation 22, a sustainability appraisal report is one of the main documents prepared to support the development of the submitted Plan and involves the assessment of reasonable alternatives. This is being amended and enhanced as referred to in the Schedule of Work.
41. The Inspector, in accordance with the NPPF, is independently examining the Plan for soundness, namely that it is: positively prepared, justified, effective and consistent with national policy (paragraph 182) and considering compliance under section 20(5) of the 2004 Act. Completion of the Schedule of Work in response to

the Inspector's concerns will enable the Council to submit additional evidence and any associated proposed modifications to the examination to support the progression of the Chippenham Site Allocations Plan through examination. This work will ensure the Plan is sound in accordance with section 20(5)(b) of the 2004 Act and paragraph 183 of the NPPF.

### **Options Considered**

42. Progression of the Plan will help ensure that Core Policy 10 of the Wiltshire Core Strategy is implemented and a clear strategy is in place for plan led growth at the Town, providing certainty for developers and the local community. The Inspector has required that further work be undertaken through the schedule of work in order to progress the examination and that consultation be undertaken on the outcome.

### **Conclusions**

43. The Schedule of Work, designed to address the issues raised by the Inspector, is programmed to be completed by the end of April. In keeping an open mind until the work is complete, Officers are not in a position to recommend the most appropriate development strategy for Chippenham. In the light of the Inspector's comments on the submitted Plan there will be the need for clarification and therefore proposed changes to the Plan irrespective of the development strategy identified through the work. The outcomes of the Schedule of Work should be presented to Council on 10 May 2016 for endorsement prior to submission to the Inspector and start of the consultation. Given the need to make timely progress on the Plan, Cabinet will be kept informed informally of progress in the lead up to Council and a Councillor briefing will be arranged when the papers are published.

### **Alistair Cunningham**

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

Schedule of Work under preparation, as referred to in the report