

Report of the Spatial Planning Team Leader – Adoption of the North Wiltshire Local Plan 2011

1 Purpose of Report

- 1.1 This report seeks the formal adoption of the North Wiltshire Local Plan 2011 under the requirements of the Planning and Compulsory Purchase Act 2004 and as set out in the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004.

2 Background Information

- 2.1 On the 27th of May 2004 the Executive resolved that in the light of the imminent and fundamental changes to the Planning system in the UK, this Authority would continue to prepare and seek adoption of the North Wiltshire Local Plan 2011. From first inception in 1999, the production of the Local Plan had been delayed and there remained a number of procedural steps that had to be followed, much research still to be done and little time in which to complete the Plan.
- 2.2 In addition, it was also resolved that work on the new Local Development Framework “folder” of Development Plan Documents would be commenced and progressed at the same time.
- 2.3 The original timetable for the production of the NWLP 2011 was contained within the First Deposit Draft published April 2003 and was as follows:

First Deposit Draft	Spring 2003
Revised Deposit Draft	2004
Public Inquiry	2004/05
Report of Independent Inspector	2005/06
Formal Adoption by Council	2006

- 2.4 Since the decision was taken in 2004 to continue, the Spatial Planning Team completed the Revised Deposit Draft of the Plan and this Council placed the whole Plan on re-deposit in November 2004. The Team then prepared for and held the Local Plan Public Inquiry in the Summer of 2005. The Inspector submitted his Binding Report (under the terms of the new transitional arrangements) in May 2006. The Plan is now complete and there remains only formal adoption by this Council.
- 2.5 Although the new Local Development Framework system requires that the recently approved Wiltshire and Swindon Structure Plan 2016 and the North Wiltshire Local Plan 2011 will have to be replaced by the new Local Development Framework Documents, the adoption of the Local Plan is nevertheless an important landmark in the policy making for this Council. The “Transitional Arrangements” will ensure that policies within those plans can be “saved” and therefore remain relevant as part of the current Development Plan. This should ensure that there is no policy “gap” until such times as the new Regional Spatial Strategy and LDF documents are in place.
- 2.6 One of the more important constraints was that the Plan would have to be adopted by the 21st of July 2006. This was to ensure that it would be compliant with the requirements of the European Directive on Strategic Environmental Assessment; this being the cut-off date after which no Plan of this nature could be reasonably adopted as policy.

- 2.7 A copy of the relevant Written Statement that incorporates the requirements of the Inspector's Binding Report is set out as Appendix A to this report. Due to its size and the need for all Members to have access to a copy when dealing with Planning matters either at a constituency level or in Council Committees, it has been produced as a separate bound document issued with the agenda. In addition, Appendix B lists the changes that will be made to the Proposals Maps as a result of the Inspector's Binding Report.
- 2.8 When adopted and in due course during this Summer, the Written Statement will be published, the Proposals Maps re-printed and an interactive version of the North Wiltshire Local Plan 2011 placed on the Council's website.

3 Recommendations

- 3.1 **It is recommended that this Council adopt the North Wiltshire Local Plan 2011 pursuant to Regulation 9 of the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004 and that all procedural requirements so specified be completed.**
- 3.2 It is possible that this Council may choose not to adopt the Plan. Members are referred to the section below on the community and environmental consequences of so doing. This action is not recommended.
- 3.3 The Notice of Adoption will be in the form as set out in Appendix D

4 The Content of the North Wiltshire Local Plan 2011.

- 4.1 It is not intended that this report includes a detailed commentary on the content of the Plan. Two seminars on this subject were made available to Members on the 12th and 21st of June. However, there are six main features highlighted here to illustrate the differences between this Plan and its 2001 predecessor.
- It tends to promote new development at the main towns of the District and commensurately limits new development in the villages and other rural areas to a greater extent than before.
 - There are no significant greenfield land allocations.
 - The Rural Buffer policies have been strengthened and the overall land area covered has been reduced to be more compliant with the Structure Plan. Previously, the NWLP 2001 Rural Buffer policy for the Swindon area was not compliant, as stated in the published document, and had limited weight as a result.
 - The Plan provides for sufficient new housing and employment land allocations to provide for the planned period to 2011. Indeed in respect of housing allocations, in the period up to 2016, the Plan is in compliance with the requirements for housing numbers as set out in the Wiltshire and Swindon Structure Plan 2016.
 - There are new affordable housing policies to seek a higher proportion of affordable housing in rural areas.

- There are four main core policies to bring sustainable development to the heart of planning decision making, provide the community infrastructure that must come with new development, establish a new Development Control policy and to promote business development.

4.2 Upon the recent adoption of the Wiltshire and Swindon Structure Plan 2016 and within 28 days of that adoption, it was necessary for the Wiltshire County Council to issue a statement of the Conformity of the North Wiltshire Local Plan 2011. A copy of the letter received on the 28th of April 2006 is attached in Appendix C. The letter includes a summary which states:

“To summarise, in terms of conformity, the North Wiltshire Local Plan Revised Deposit Draft (November 2004) is considered to be in general conformity with the Wiltshire Structure Plan 2016 with the exception of part of Policy H3 that allows “limited infill” housing development in settlements that would not comply with Structure Plan Policy DP3.”

4.3 The Local Plan Inspector in his Binding Report removed the reference to “limited infill” in policy H3 and replaced it with; “small scale or limited development”. However, it is not considered that this alteration materially affects the County Council’s determination of non-conformity. The substance of the County Council’s comment is that policy H3 is more permissive of development in the villages that have framework boundaries (but few facilities) than policy DP3 of the Structure Plan apparently allows.

5. Links to Corporate Plan Priorities/Planning Services Business Plan Objectives.

5.1 The delivery of an up-to-date Development Plan is a statutory duty and is in compliance with the Spatial Planning Corporate Priority and will assist in the delivery of other Council priorities on customer focus, equality and diversity, and partnership working, waste and recycling, housing, buoyant economy, and healthy lifestyles.

6. Financial Implications

6.1 There are no direct financial implications to this Council arising from this report. There are indirect financial implications to this Council in that the Plan will result in a growth of in population with consequential impact on services to be provided and the base for council tax purposes. It will also deliver further affordable housing opportunities.

7. Community and Environmental Implications

7.1 There will be significant community and environmental implications arising due to the nature of the use of the Local Plan for development control decision making and for the decision making of external organisations and individuals. Should the Plan not be adopted, the North Wiltshire Local Plan 2001 will remain the Local Plan for this District. In consequence, the Local Plan will be in serious non-conformity with the Structure Plan, likely to be in non-conformity with the Regional Spatial Strategy and there will be a significant deviation from national policy. This “policy gap” would not be filled until future Local Development Documents are prepared and adopted.

8. Equalities, Diversity and Rural Proofing Implications

8.1 The Plan includes policies that specifically address issues concerning access to housing, employment and community interests. The Plan also include a Core Policy

which requires development proposals to promote or maintain socially inclusive communities and their access to community infrastructure. There are a number of specific policies designed to be applicable to rural areas in particular.

Documents Used Preparing Report:

Letter from Wiltshire County Council dated 28th April 2006 on “Conformity”.
Local Plan Inspector - Binding Report into the North Wiltshire Local Plan 2011, May 2006

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The North Wiltshire Local Plan 2011 Written Statement

Notes:

The Written Statement has been produced as a separate ring-bound document.

The final published version will incorporate a Statement of Conformity with the Wiltshire and Swindon Structure Plan 2016 in the form of a summary drawn from the letter attached as Appendix C.

It will also include a Proposals Map Index for ease of use.

APPENDIX B

The North Wiltshire Local Plan 2011 – Proposal Map Changes

Policy NE7 – Map Changes	Indicate the County Wildlife Sites, as produced by the Wiltshire and Swindon Biological Records Centre, on proposals maps.
HE1 – Map Changes	Update the maps with the newly designated or amended Conservation Area boundaries
SSSI and AHEV Map Changes	Rack Hill SSSI - Remove dividing boundary as it appears to indicate two separate areas, which is not the case.
“	Kellaways SSSI – amend to correct boundary
“	Wootton Bassett Mud Springs SSSI – Amend inner boundary to correct.
“	Remove Areas of High Ecological Value from maps as they are no longer referred to in the policy.
T5	Spine Road route to be altered
H2	Amend framework boundary surrounding Brook Farm, Great Somerford to return to 2001 Local Plan framework boundary position.
TM2	Update of the position regarding agreed canal route – Alignment of canal at Eysey Manor to be amended on the proposals map.
R2	Chippenham – Delete designation from area of land between Olympiad and the Emery Gate Centre.
R4	Amend legend on proposals maps to read ‘Town Centre Secondary Frontage Areas’
Policy BD1	BD1 Remove two residential properties from allocation at East of Leafield Industrial Estate, Corsham.

Letter of Conformity from the Wiltshire County Council in respect of the Wiltshire and Swindon Structure Plan 2016

Notice of Adoption

North Wiltshire District Council

NOTICE OF ADOPTION OF THE NORTH WILTSHIRE LOCAL PLAN 2011 under the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004.

On the 27th of June 2006, North Wiltshire District Council adopted this Plan. The Secretary of State has issued a Binding Report on the Plan and the required changes to the Plan have been made in accordance with that Binding Report. The adopted Plan will form part of the development plan for the area of North Wiltshire District Council. The development plan forms the basis for decisions on land use planning affecting that area.

Copies of the adopted Plan and of the Secretary of State's Binding Report are available for inspection at North Wiltshire District Council Offices, Monkton Park, Chippenham, Wiltshire, SN15 1ER during office hours, weekdays 0900 – 1700 hours (16:30 on Fridays) and also on the Council's website on www.northwilts.gov.uk.

A copy of the adopted plan can be obtained upon request either by writing to the above address or by contacting Planning Services, North Wiltshire District Council, at these telephone numbers: 01249 706444 or 01249 706111. A reasonable charge to cover photocopying will be made. A formal published version of the Plan will be made available in due course and a reasonable charge will be made.

The Plan came into operation on their adoption. A person aggrieved by the proposals who desires to question their validity on the ground that they are not within the powers conferred by the Planning and Compulsory Purchase Act 2004 or that any requirement of that Act or any regulation made under it has not been complied with in relation to the adoption of the proposals, may, within six weeks from the [the date on which this notice is first published] make an application to the High Court under section 113 of the 2004 Act.