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# Report to Wiltshire Council

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**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 14<sup>th</sup> October 2011**

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE**

**SOUTH WILTSHIRE CORE STRATEGY**

**DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 16 November 2009

Examination Hearings held between 1 March and 9 April 2010 and between 8 August and 12 August 2011.

File Ref: PINS/Y3940/429/8

## **Non-Technical Summary**

This report concludes that the South Wiltshire Core Strategy Development Plan Document provides an appropriate basis for the planning of the area over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- To reduce the levels of housing and employment from those put forward in the Submitted Core Strategy to those in the Review Core Strategy.
- To delete the Strategic Site Allocations at south of Netherhampton Road and part of the Strategic Site Allocation at Longhedge.
- To make clear that Housing Policy Boundaries, Housing Restraint Areas and Special Restraint Areas will be reviewed as part of the forthcoming Wiltshire Core Strategy.
- To make reference to the Options Assessment Report prepared as part of the Transport Strategy and to its conclusion that the 'Radical Option' would best enable Salisbury to address future growth in travel demand.
- To set out more accurately the way in which progress in developing the Strategic Allocations will be monitored and managed.
- To introduce an unambiguous element of flexibility into the affordable housing policy.

Most of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy.

## Introduction

1. This report contains an assessment of the South Wiltshire Core Strategy Development Plan Document in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the Core Strategy is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a Core Strategy should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for the examination is the Submitted Core Strategy this being the document entitled Proposed Submission Document which was submitted in November 2009. This is the same as the document published for consultation in July 2009 and is referred to as the Submitted Core Strategy (SCS) in this report.
3. Before the start of the initial Hearings held in March and April 2010 the Council proposed a number of changes to the SCS - these are contained in Annex 1 and are referred to thus **MAJ/A** in this report. During the initial Hearings the Council proposed further changes to the SCS - these are contained in Annex 2 and are referred to thus **MAJ/01** and so on in this report.
4. After the Initial Hearings the Secretary of State announced his intention to revoke Regional Strategies. The Examination was then suspended to allow the Council to consider its position. Following this the Council submitted Focussed and Consequential changes - these are contained in Annexes 3 and 4 and in this report are either referred to individually as **FOC/01 & CON/01** and so on or are referred to collectively as the Review Core Strategy (RCS). The principal difference between the SCS and the RCS is that the latter has lower housing and employment figures and identifies fewer Strategic Site Allocations than the former. Where it is necessary to distinguish between the two versions of the Core Strategy in this report each will be referred to by name. Where it is not, the term Core Strategy (CS) or the plan will be used.
5. It must be stressed, however, that this report deals with the soundness or otherwise of the SCS. The RCS is no more than a series of changes to the SCS which have been proposed by the Council. If those changes, or any other changes, are to be recommended in this report then it must be demonstrated that the SCS is unsound in certain respects and this unsoundness would be remedied by the proposed changes. A further point to be borne in mind is that the Secretary of State's intention to revoke Regional Strategies cannot be taken into account when considering the soundness of the SCS. This point is dealt with in more detail in paragraphs 29 - 34 of this report.
6. All of these changes have been the subject of further consultation and appraisal and any consultation responses have been taken into account in writing this report.
7. During the resumed Hearings in August 2011 the Council proposed a further set of changes. These are contained in Annex 5 and are referred to thus in this report **REX/01** and so on.

8. This report deals with the changes that are needed to make the CS sound and they are identified in bold in the report. The majority of the changes have been proposed by the Council and are set out in the Annexes referred to above. Only two changes over and above those put forward by the Council are recommended in this report. These are contained in Annex 6 and are referred to thus **IC/1** and so on in this report. None of these changes materially alter the substance of the plan and its policies, or undermine the sustainability appraisal and participatory processes undertaken.
9. Some of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although the Council's view that they improve the plan is endorsed. These are shown in Annex 7, Annex 8 and Annex 9. It is open to the Council to make any additional minor changes to page, figure, or paragraph numbering and to correct any spelling errors prior to adoption.

## **Assessment of Soundness**

### **Main Issues**

#### **Issue 1 – Is the relationship between the CS and other plans appropriate?**

##### *The Wiltshire Core Strategy (WCS)*

10. The CS started its life as the Salisbury Core Strategy but, with the incorporation of the former Salisbury District Council into the Wiltshire Unitary Authority, further thought had to be given to its progress. It was decided to press ahead with the CS in advance of the WCS because of the urgent need to identify strategic housing and employment sites around Salisbury, because work on the CS was well advanced and because it was considered that it would be a relatively straightforward matter to align the two core strategies to provide county wide coverage.
11. The aim is ultimately to incorporate the two documents into a single WCS and in doing so there may well be additional overriding policies which would apply to South Wiltshire. However it is not the intention to re-open the debate about the policies and proposals in the CS. There is merit in this approach as the policies and proposals in the CS are intended to give some certainty in terms of the spatial planning of the area and they would not do this if there was the prospect of their soundness being challenged shortly in another forum. The proposed relationship between the WCS and the CS is clearly expressed and in this regard the CS is sound.

##### *Site Specific Allocations plan*

12. The Council intends to produce a Site Specific Allocations plan although the timing for this had not been confirmed at the time of the Hearings. This plan will allocate sites to accommodate growth in the medium to long term as the CS itself identifies sufficient specific deliverable sites to meet identified needs for more than the first 5 years of its existence<sup>1</sup>. The CS, through the settlement hierarchy which it defines, provides the policy context within which

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<sup>1</sup> R EXAM 4 South Wiltshire Housing Land Supply

such decisions will be made.

13. However, further development beyond the sites identified in the CS does not necessarily have to await the preparation of the Site Specific Allocations plan. Additional sites may well come forward by way of planning applications and if these accord with policies in the CS planning permission for them could be granted.
14. For the most part, therefore, the CS strikes the right balance between, on the one hand, making clear spatial choices about where development should go and, on the other, avoiding being overly prescriptive about the type and location of development.
15. However paragraph 11.11 of the CS is largely superfluous. The Council's starting point when considering the future of the employment site at Station Works, Tisbury is that it should be retained in that use. However, that is effectively the starting point of Core Policy 5 which states that planning permission will not be granted for other uses on employment sites unless various conditions are met.
16. Beyond confirming that Station Works is an existing employment site, paragraph 11.11 adds nothing to this and indeed by stating that the site could be capable of intensification and modernisation makes a claim that is not backed by detailed evidence. This aspect of the CS is not, therefore, justified and should be deleted (**IC/1**).

#### *Consultation with Local Planning Authorities*

17. The Council carried out full consultations with other Local Planning Authorities in preparing the CS. In particular it consulted local planning authorities in the area on the reduced housing and employment figures in the RCS and received only two responses – neither of them an objection.
18. In reducing the housing and employment figures in the manner proposed the Council was clearly aware that many neighbouring local planning authorities have reduced their housing figures or are intending to do so and this could increase pressure on housing stock in Wiltshire<sup>2</sup>.
19. The suggestion was made that with councils acting largely independently of each other there was a danger of them operating in a 'policy vacuum'. It is certainly not the case that the consultation that has taken place extends to producing explicitly agreed housing and employment figures. However, South Wiltshire does not have obvious cross border issues that would require joint working with other authorities and, in the interim period before the enactment of the Localism Bill, councils do not have a 'duty to cooperate' on strategic planning matters.
20. The Council has, therefore, taken a pragmatic approach, reviewed its evidence base, produced revised housing and employment figures and pressed on with the preparation of the CS. This is a sensible course of action in the circumstances.

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<sup>2</sup> Housing Requirement Technical Paper Section 3

## **Issue 2. – Is the CS consistent with national policy and in general conformity with the Regional Strategy?**

### *National Policy*

21. The SCS proposes to accommodate 12,400 houses and 13,900 jobs which would in part be provided on 37ha of new employment land. These proposals were examined at the initial Hearings in early 2010. Subsequently the Examination was suspended to allow the Council to review its position. As a result of this it produced the RCS which proposed to reduce the amount of housing provision to 9,900 houses and the amount of employment provision to 10,400 jobs which would in part be provided on 23ha of new employment land. This was examined at the resumed Hearings in August 2011.
22. This leads to the apparent paradox that at a time when national planning policy<sup>3</sup> encourages the provision of more development in suitable and sustainable locations, the Council is proposing to reduce housing and employment growth figures and reduce the number of Strategic Site Allocations even though it acknowledges that the sites which it is proposing to delete or partially delete are suitable for development and viable.
23. The answer to this apparent paradox, as discussed in more detail subsequently in this report, is that having produced revised employment projections and looked again in a more realistic manner at past house building rates the Council has decided that the evidence supports lower housing and employment figures. Consequently not all of the Strategic Site Allocations identified in the SCS are central to the achievement of the plan.
24. The housing and employment figures in the RCS remain ambitious but, unlike those in the SCS, there is a realistic prospect of them being delivered in the plan period. The revised figures still reflect a positive approach to development and will play a role in rebuilding the local economy. In pressing ahead with the preparation of a plan which achieves these ends the Council is acting consistently with national guidance.
25. This is not, therefore, a situation where the Council has given greater weight to those aspects of national policy which stress that it is for local authorities to establish the right level of local housing provision their area<sup>4</sup> than it has to subsequent national policy aimed at promoting growth.
26. The CS does not preclude the provision of a mix of housing in the rural areas and although it retains designations such as Housing Restraint Areas which are not referred to in national policy, these are not a reformulation of national policy but simply one way of seeking to achieve the aim of directing growth towards the most sustainable locations.
27. The CS is, therefore, consistent with national policy.
28. As to the National Planning Policy Framework, this is a draft document which is still undergoing consultation and thus may alter. Little weight can, therefore, be given to it.

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<sup>3</sup> The Plan for Growth and Planning for Growth

<sup>4</sup> Chief Planning Officer Letter 6 July 2010

## *Regional Strategy*

29. The SCS contained housing and employment figures which closely followed those set out in the emerging Regional Strategy<sup>5</sup>. There was a widely held view at the initial Hearings that this was the correct approach as RPG10 is significantly out of date and is of limited relevance in determining appropriate levels of housing and employment provision to 2026; the emerging Regional Strategy had reached an advanced stage and should be accorded very significant weight; and the Council's own locally derived estimates of housing and employment needs, at that time, broadly corresponded with those of the emerging Regional Strategy – although the Council did consider the housing figures in the emerging Regional Strategy to be 1,000 or so houses too high.
30. However, after the initial Hearings the Secretary of State announced his intention to revoke Regional Strategies. This prompted the Council to produce the RCS which contained lower housing and employment figures. The question to be addressed, therefore, is what weight should be attached to the emerging Regional Strategy when considering the soundness of the lower housing and employment figures now proposed.
31. The Cala homes judgement<sup>6</sup> states that *"It would be unlawful for a local planning authority preparing, or a Planning Inspector examining, development plan documents, to have regard to the proposal to abolish regional strategies. For so long as the regional strategies continue to exist, any development plan documents must be in general conformity with the relevant regional strategy"* While it has been argued that this statement is 'obiter dicta' and hence not binding, it remains an unambiguous statement of the legal position.
32. The situation is, therefore, that while the intention to abolish the emerging Regional Strategy prompted the RCS, that intention cannot be taken into account when considering the soundness of that document.
33. However, the evidence is that work on the emerging Regional Strategy has ceased. For it to progress further technical and administrative work would have to be carried out and it would need to be endorsed by the Secretary of State. There is no mechanism by which this can be done. There is, therefore, little prospect of the emerging Regional Strategy becoming part of the development plan and, therefore, it carries little policy weight in the context of this Examination.
34. Nonetheless, regard should be had to the evidence base which underpinned the emerging Regional Strategy and consideration should be given to whether it has been overtaken by more up to date information. This point will now be considered, firstly in relation to housing and then in relation to employment.

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<sup>5</sup> The Draft Revised Regional Spatial Strategy for the South West Incorporating the Secretary of State's Proposed Changes – for Public Consultation, July 2008

<sup>6</sup> R Cala Homes (South) Limited and the Secretary of State and Local Government and Another 2011. C1/2011/0297

### **Issue 3. Does the CS make appropriate provision for housing land, including affordable housing?**

#### *Amount of housing*

35. The amount of housing proposed in the SCS is based on the evidence which underpinned the emerging Regional Strategy. This level of growth would have involved a doubling in the past house building rates. At the initial Hearings the Council and representatives of the house building industry took the view that such an increase in housing was achievable, the view being that house building rates had been held down by a shortage of sites and there was evidence of pent up demand locally.
36. Nonetheless, a doubling of past house building rates would require a marked improvement in the housing market and at the initial Hearings the suggestion was made that the housing market would begin to improve from 2011 onwards. By the time of the resumed Hearings it had become apparent that the economic recovery was proving longer and harder than was hoped and the 3.2% economic growth rate<sup>7</sup> on which forecasts in the emerging Regional Strategy and hence the SCS relied, now appears so aspirational as to be unrealistic. This casts doubt on the deliverability of the housing numbers in the SCS.
37. The reduced amount of housing proposed in the RCS (12,400 houses reduced to 9,900 houses) is based on a revised assessment of housing requirements carried out by the Council<sup>8</sup>. In summary what the Council did was to commission updated employment projections<sup>9</sup> which predicted the creation of fewer jobs at a slower rate than previously forecast. The Council then carried out four population projections for the whole of Wiltshire, two of which made use of these revised employment figures, and these projections were then disaggregated to obtain equivalent projections for South Wiltshire arriving at a range of 9,200 to 10,600 dwellings.
38. However, the primary consideration in arriving at this range of figures was not the views of the community, was not the environmental capacity of the area - which has not changed since the housing figures in the SCS were put forward - and was not the need to support employment growth. Rather it was the Council's concern regarding the deliverability of the numbers of houses proposed in the SCS.
39. Rates of housing delivery in South Wiltshire have increased in recent years and, unusually, have not been affected by the recession. Bulk buying of houses by the Ministry of Defence may have had an influence on this. The average rate of delivery for 2005-2008 was 445 dwellings pa and at that rate 8,900 dwellings could be delivered over the plan period. Add in 300 dwellings for military use and figure of 9,200 at the lower end of the range is arrived at.
40. If this rate of delivery were increased by 20% to 530 dwellings pa, which is the greatest increase nationally that has been achieved over any 10 year span in the post war period, then 10,600 dwellings could be delivered over the plan

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<sup>7</sup> RCD 7 paragraph 2.5

<sup>8</sup> Housing Requirement Technical Paper. January 2011 draft

<sup>9</sup> Review of Employment Projections and Land Requirements in South Wiltshire. STU/11B



period which gives the upper end of the housing range. What the Council then did was to pick the mid point in the range of 9,900 dwellings (495 dwellings pa)<sup>10</sup>.

41. The robustness of this approach has been criticised. It is certainly the case that different assumptions could have been made about vacancy rates, second homes and concealed households - and these would have produced somewhat different housing estimates for the area.
42. However, the figure of 9,900 dwellings selected by the Council receives support from the latest (2008) household projections which indicate that in South Wiltshire an additional 8,000 households will be formed over the plan period<sup>11</sup>. The 9,900 houses proposed is some 23% above this household figure -this gives sufficient headroom to account for some variation in the assumptions that have been input into the population projection. The approach taken by the Council is, therefore, reasonably robust.
43. It is also relevant to note that the 2008 household projections for Wiltshire are considerably lower than the now outdated 2004 projections on which the emerging Regional Strategy and the SCS housing figures are based, with the number of forecast households for Wiltshire dropping from 48,600 to 42,900<sup>12</sup>.
44. The Council acknowledges that the figure of 9,900 dwellings is below the 14,900 dwelling capacity identified in the Strategic Housing Land Availability Assessment<sup>13</sup>, is less than the economic led projection target of 17,000<sup>14</sup> and is well below the level of need (29,620) identified in the Strategic Housing Market Assessment<sup>15</sup>. However, given the historic rate of house building in the area it is simply not possible for the Council to meet all of its identified housing needs. Indeed it would not have met all those needs through the higher housing figures contained in the SCS<sup>16</sup>. The Council considers that it is making provision for the highest number of houses that can reasonably be achieved.
45. This leaves the question of whether the house building rates proposed in the RCS are ambitious enough, whether they represent the step change in delivery which the Council seeks.
46. The Council's housing figures are based on the assumption that annual house building rates will increase by 10% over the plan period. This is an ambitious assumption in times of economic uncertainty and, if achieved, would make a significant contribution towards the recovery of the local economy. There is no reason why a shortage of sites for house building should hinder this recovery as the housing figures in the RCS are minimum figures. If houses are developed at a faster rate than forecast by the Council then the plan can accommodate this by releasing the contingency sites which it has identified.

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<sup>10</sup> Housing Requirement Technical Paper – paragraphs 9.11 to 9.17

<sup>11</sup> ONS 2008 Household Projection Notes. R Exam 2.

<sup>12</sup> Document RCD 7, paragraph 2.4.

<sup>13</sup> Housing Requirement Technical Paper, paragraph 9.12

<sup>14</sup> Housing Requirement Technical Paper, paragraph 9.4

<sup>15</sup> Topic Paper 20. Review Of the South Wiltshire Core Strategy paragraph 7.10

<sup>16</sup> Topic Paper 20. Review Of the South Wiltshire Core Strategy paragraph 5.4

47. Moreover, when the housing figures in the RCS are broken down by area they show that Salisbury would experience an 84% increase in annual house building rates.<sup>17</sup> This would be a very considerable step change in delivery in what is the largest, most sustainable settlement in the area.

*Conclusions on the amount of housing land*

48. Drawing together the findings of this section of the report, the housing figures contained in the emerging Regional Strategy, and hence the SCS, are based on household projection figures which later evidence indicates are too high, an economic growth rate that events have proved to be unrealistic and annual house building rates that past building rates indicate are too optimistic. Although low house building rates in the past have contributed to many of the problems faced by South Wiltshire, there would be no benefit in persisting with the higher rates envisaged in the SCS as these are not supported by the evidence and there is little likelihood that they would be delivered over the plan period. The housing figures contained in the SCS are, therefore, unsound in that they are not justified and they would not be effective in delivering the specified number of houses by the end of the plan period.
49. The lower housing figures contained in the RCS are sound. They would still constitute the step change in housing delivery required by national policy, they are more firmly rooted in up to date evidence - particularly the evidence relating to the delivery of housing - and there is a reasonable prospect that the numbers of houses proposed can be delivered over the plan period. Consequently the changes set out in **FOC/01** and **FOC/03** together with **CON/05 – 07, 09 – 11, 13 – 14, 17 – 18, 20 – 21, 23 – 24, 28 – 30, 32 – 33, 36 – 37, 40 – 42, 47, 49 – 52 and 56** are all, subject to one proviso, necessary to make the plan sound.
50. The proviso is that there is a need to make clear that the overall housing figure of 9,900 is a floor not a ceiling. The changes set out in **REX/01 – REX/10** are, therefore, necessary to make the CS sound as these make clear that the housing figures are a minimum.

*Flexibility of affordable housing policy*

51. Given the need for affordable housing in the area it is understandable that the Council does not wish to dilute the terms of Core Policy 3. Nonetheless, this policy will be in place for the life of the plan during which time the likelihood is that conditions in the housing market will vary as, consequently, will the levels of affordable housing that it will be economically viable to provide. The policy must, therefore, be sufficiently flexible to cope with changing market conditions
52. To an extent the policy as drafted provides such flexibility with the statement in its sixth clause that the provision of affordable housing will be negotiated on a site by site basis taking into account the viability of the development. However, this is undercut by the first two clauses of the policy which lay down specific affordable housing requirements. It is the use of the word 'requirement' that causes concern as it carries with it the meaning that the specified levels of affordable housing will be demanded or imposed.

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<sup>17</sup> R EXAM 9 Annual housing delivery rates broken down between Salisbury/rural area

53. Such ambiguity renders the policy ineffective and hence unsound. In order to make the CS sound the word 'requirement' should be replaced with the word 'target' **IC/2**.

*Housing needs justification*

54. Core Policies 6, 10, 11, 14, 16 and 17 set out in some detail the size and type of housing and the size of affordable housing that will be needed for various community areas. These policies are based on information derived from questionnaires carried out as part of the Local Housing Needs Market Survey. This information has its limitations in that it is no more than a snapshot of probable need at a particular point in time and it does not take account of the needs of people wishing to move into the area.
55. It is, however, the best information that is available and provides a reasonable starting point for the assessment of housing need on an area by area basis. In particular this information provides as accurate a figure as it is practically possible to obtain of the need for smaller dwellings and there is no reason why the figures for such dwellings should be boosted to show a greater demand.

*Housing needs flexibility*

56. The Local Needs Housing Survey would only provide an acceptable basis for these policies if it were to be periodically updated and the Council confirmed at the initial Hearing that this would be the case. Given that this updating will occur it follows that the mix of housing referred to in these policies could change. It is essential, therefore, that they are capable of being interpreted flexibly. It is also the case that the figures contained in these policies are derived from data collected on an area wide basis but ultimately the policies will be applied to specific sites. This is another reason why flexibility is important.
57. However, these policies consistently and unambiguously stress that any figures they contain should be treated flexibly. They indicate that development should 'reflect' the needs within an area, that negotiations will take place on a 'site by site' basis, that the figures contained in the policies are a 'starting point' and that variations to these figures will be permitted if they can be justified.
58. It is arguable that as the precise figures contained in these policies may change over the life of the plan they should not be in the policies but in the supporting text. However, this is a matter of presentation rather than of the soundness of the CS.

**Issue 4 - Does the CS allocate an appropriate amount of employment land?**

*Quantity*

59. The provision for employment made in the SCS (13,900 jobs and 37ha of employment land) is based on figures contained in the emerging Regional Strategy which themselves are derived from employment projections produced by Cambridge Econometrics in 2006 prior to the recession in 2008.
60. The provision for employment made in the RCS is based on a revised

employment projection by the same company using the same methodology (the Cambridge Econometrics Local Economy Forecasting Model) as was used for the emerging Regional Strategy forecast<sup>18</sup> and, like that earlier forecast, it used both local data and national/regional data. Unlike the earlier projection the revised projection took account of the job losses that occurred in the period 2008 to 2010.

61. The revised job projections were then converted to floorspace requirements and from floorspace requirements to land requirements again using the same methodology as was used for the SCS.
62. The outcome of these revised projections was that a requirement for fewer jobs and land was forecast than previously (10,400 jobs and 20 or so ha of new employment land) and these would come forward at a slower rate than previously predicted with demand peaking in 2016-2021 rather than by 2011.
63. The 23ha of employment land proposed in the RCS is considerably less than the 28 ha of employment land that it is estimated would be needed to allow for the relocation of existing users at the Churchfields site. However, employment land allocations are not the only component of employment land supply. When saved Local Plan allocations, unimplemented planning permissions, available employment land and the proposed allocations in the RCS are taken into account the employment land supply figure rises to approximately 120ha<sup>19</sup>. The reduced employment allocations in the RCS need not, therefore, jeopardise the implementation of the Churchfields scheme, a scheme that it is acknowledged will come forward more slowly than previously anticipated.
64. Put simply the difference between the two employment projections is that the latter is more up to date and takes account of the recession. The evidence that underpins the RCS is, therefore, to be preferred to the out of date evidence on which the emerging Regional Strategy and the SCS were based. In terms of the amount of employment provisions the SCS is, therefore, unsound in that it is not justified by the latest evidence.

#### *Potential for oversupply of Employment Land*

65. At the initial Hearings concern was raised about the apparent conundrum that the CS refers to an oversupply of employment land<sup>20</sup> yet it makes provision for additional employment land. To an extent this concern has been overtaken by the reduced employment allocations in the RCS discussed above. More fundamentally, however, the decision to allocate further land is based on the aim of changing the focus of employment land provision from Amesbury to Salisbury and consequently much of the existing supply of employment land is not in the best location. Consequently any oversupply of employment land is more apparent than real.

#### *Relationship between jobs and employment land*

66. The CS follows the widely used practice of expressing employment provision

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<sup>18</sup> R EXAM 7 Assumptions for the Cambridge Econometrics Job Forecasts

<sup>19</sup> R EXAM 8 Employment Land Supply and proposed SWCS Review Allocations

<sup>20</sup> South Wiltshire Core Strategy paragraph 5.46(f)

both in terms of jobs and employment land. What the CS does not do, however, is indicate that all of these jobs will be delivered on employment land. Rather the expectation is that uses falling within Classes B1, B2 and B8 of the Use Class order (some 57% of all jobs) will be accommodated on employment sites while other jobs, such as those in retail, hotels and catering, will be provided for in shopping centres and other locations.

67. In order to translate the number of jobs to be provided into the amount of land required, assumptions have to be made about employment density and development density. These assumptions, which were used in both the SCS and RCS, are based on figures contained in the Salisbury District Employment Land Review as is the figure of 57% referred to above. Particular concern was expressed about the development density assumption, the argument being that as Salisbury is short of developable space and there is a need to make most effective use of land, then a higher number of employees per ha should be sought. However, the assumptions about development density contained in the Salisbury District Employment Land Review are based on locally derived information and form a sound basis for the employment land calculations in the CS.

#### *Employment Land in Mere and Tisbury*

68. There is some evidence that individual employers in this area will need to relocate during the plan period and it may be the case that the allocated employment land there would not be suitable for such relocations. However, such evidence of local demand is not so compelling as to warrant significantly revising a sensible distribution of employment land, concentrating as it does on Salisbury and the settlements most accessible to it.
69. The CS would not prevent existing employment sites in Mere being expanded or redeveloped as long as certain conditions were met under the terms of saved Policy E19 of the Salisbury District Local Plan nor would it prevent the allocation of further employment sites in the Site Allocations DPD if this were considered necessary. It would not, therefore, be appropriate for a further 10ha or so site in Mere to be allocated for employment purposes. Such a site would not be truly strategic in the sense that it would be central to the aims of the plan.

#### *Conclusions*

70. The employment figures contained in the RCS are based on a more up to date forecast than that which informed the emerging Regional Strategy and hence the SCS. This more up to date forecast takes account of job losses which occurred during the recession and is, therefore, a more robust piece of evidence than the earlier forecast which did not. It is the lower employment figures contained in the RCS which are sound and not those in the emerging Regional Strategy or the SCS.
71. Consequently the changes set out in **FOC/02** together with **CON/08, 22, 31 and 53 - 55** are necessary to make the plan sound.

**Issue 5 – Are the Strategic Site Allocations appropriate, justified by the evidence and deliverable; were reasonable alternatives considered?**

*Site Selection*

72. The Council adopted a systematic approach to the identification of Strategic Site Allocations which started with the mapping of major constraints in the area to sieve out the most constrained areas. The less constrained areas were then the subject of further broad appraisal in terms of their access to jobs, access to public transport, the provision of infrastructure and so on.
73. The resulting sites were the subject of a Sustainability Appraisal and this led to the identification of the most suitable broad areas for strategic growth. Sites that emerged through the consultations, including through the Strategic Housing Land Availability Assessment and through Salisbury Vision, were also taken into account.
74. A more detailed assessment was then carried out to identify specific sites. This was based on the consideration of a number of sustainability objectives and a Landscape Character Assessment which was used to assess possible impacts on local character of the area. This led to the rejection of a number of areas.
75. The Consultative Technical Group (a working group of statutory consultees and service providers) assisted in filtering out those parcels of land which had insurmountable infrastructure or environmental barriers. Throughout the process account was taken of the responses made to various consultation documents. The output of this process was the nine Strategic Allocations identified in the SCS.

*Deletion of Sites*

76. With reduction in housing and employment figures proposed in the RCS not all of the nine Strategic Site Allocations identified in the SCS Strategy remained central to the achievement of that plan's aims. The retention of all these sites would not, therefore, be justified.
77. What the Council sought to do, therefore, was to identify those Strategic Site Allocations that should come forward first and, in effect, relegate others to the status of contingency sites. Nonetheless all nine sites remain developable and deliverable - otherwise they would not have been selected in the first place.
78. Faced with the task of deciding which of the nine sites were not required at this time the Council went back to its original site selection methodology, as described above, and carried out a finer grained analysis of four of the sites.
79. The greenfield site at Archer's Gate, Amesbury was excluded from this process as were the four brownfield sites at Churchfields, UKLF, Central Car Park and Imereys Quarry. This is a legitimate decision. The Amesbury site is a long standing commitment and there is simply no alternative to its allocation if the provision of jobs and housing is to be balanced in the area. As to the brownfield sites, such sites in sustainable locations are in short supply and their development remains a priority.

80. The four remaining sites (Longhedge, south of Netherhampton Road, Hampton Park and Fugglestone Red) were assessed against the eight criteria used in the original site selection process and the lowest scoring sites (south of Netherhampton Road and part of Longhedge) were deleted.
81. It has been suggested that this is a crude process. However, while other criteria, such as deliverability, could have been included it is not clear how useful this would have been when all the sites are acknowledged to be deliverable. Similarly the ability of particular sites to assist in the process of relocating existing industrial users from Churchfields could have been taken into account but this would not necessarily have made a significant difference. It would also have been possible to have given different weight to different criteria, with sustainability being given the highest weight; but such an approach would itself have been open to the charge of being crude and arbitrary.
82. As far as Longhedge is concerned it is suggested that undue weight was accorded to 'Heritage' criteria since it scored badly in terms of both 'known' and 'potential' effects in this category as well as being marked down because English Heritage, a statutory consultee, objected to its development on heritage grounds. However, the methodology adopted towards the review of these sites is the same as that by which they were selected in the first place and the merits of taking a consistent approach outweigh the benefits of adjusting that methodology.
83. It has also been suggested that the methodology adopted is one in which marginal differences in scoring have major implications on the final outcome. What is certain is that at the heart of this process lies a range of judgements made by the Council. So, for example, the Council has made the judgement that Fugglestone Red scores more highly in terms of 'Place Shaping' than other sites because of the opportunity it provides to bring much needed community facilities to north west Salisbury. Similarly in landscape terms weight has been given to the fact that there are elevated views from higher ground within the south of Netherhampton Road site towards the city centre and the site in general has the potential to compromise the gap between Salisbury and the Ebble Valley villages. Another example is that in transportation terms the judgement is made that the Longhedge site did not score as highly as others even though it is close to the Beehive Park and Ride site.
84. In these and a host of other judgements fine distinctions are being made between sites. None of these judgements, individually or cumulatively, are the basis for rejecting a site outright but rather for ranking them against each other. As with all such exercises it would have been possible to have arrived at different decisions in many instances but in all of the judgements it made the Council had before it the appropriate evidence and in each instance it arrived at a judgement that it was entitled to make.
85. The Council acknowledges that in attempting to summarise the results of the site selection process mistakes have been made. For example in scoring for the results of the 'Heritage' criteria it is wrongly stated that south of Netherhampton Road scores more poorly than Hampton Park. However, this was not a critical point in the deletion of the Netherhampton Road site.

86. The methodology adopted by the Council is, therefore, a reliable basis for the exclusion of land south of Netherhampton Road and part of the Longhedge site from the Strategic Site Allocations identified in Core Policy 2.

*Deliverability of Longhedge*

87. The RCS proposes to cut the amount of development allocated at Longhedge from 800 houses to 450 houses, with the amount of employment land proposed, 8ha, remaining unaltered. It is common ground that even with this reduced capacity the site remains viable.
88. However, the reduced capacity means that fixed infrastructure costs will bear down more heavily on the remaining houses and will leave less funding for the provision of, for example, affordable housing. The reduced capacity of the site has already led to a cutting back in the scale of the educational contribution that will be required; previously a two form entry primary school was required but this has been reduced to the provision of a site for a single form entry primary school.
89. The fact remains, however, that the amount of development on the site is substantial. Sites with a similar capacity have been successfully developed elsewhere in the area in the past and another Strategic Site Allocation, the UKLF site, has a similar capacity. Sites of this capacity are able to make provision for reasonable levels of community facilities and affordable housing.
90. It is true that the owners and developers of the site would not have the same certainty of the remainder of the site being developed as if it were all allocated in the plan, but the plan does make clear that there is a reasonable prospect of it being developed in the longer term. It would be open to the owner or developer to take a longer term view and plan for the comprehensive development of the site.
91. The development of part of the site before the other would not, therefore, significantly compromise the delivery of the site; preclude the provision of reasonable levels of community facilities and affordable housing; or necessarily lead to a mediocre standard of site design.
92. Turning to a different point, there was discussion at both the initial and resumed Hearings as to whether the northern portion of the Longhedge site was suitable for development. This site is on a gently sloping hillside of which the higher, northern two thirds are visible from Old Sarum Ancient Monument.
93. Safeguarding the setting of Old Sarum, an ancient hill fort which overlooks much of the existing development in Salisbury and its surroundings, is clearly an important matter and development on the northern part of the Longhedge site would be visible from points on the ramparts of the Ancient Monument. However, such development would be a relatively small and distant part of the panoramic views obtainable from these vantage points. While the Longhedge site is bounded on two sides by open countryside, when looked at from Old Sarum it is seen the context of existing development such as the park and ride site, the airfield and the housing and employment site presently under construction. Moreover, as the CS makes clear, higher density development would be concentrated on the lower part of the site and predominantly planted areas and structural landscaping would be used to preserve the landscape



setting of Old Sarum. The landscaping at the nearby park and ride site illustrates how effective such an approach can be in softening the impact of development.

94. Consequently, there is no need to rule out the development of the northern portion of this site in the longer term. Indeed, given that it, together with the land south of Netherhampton Road, have been identified as the next suitable sites for development, along with the Salisbury Vision sites, it is appropriate to recognise this in the CS.

#### *Consideration of Alternatives*

95. A significant feature of the initial Hearings was the dearth of alternative Strategic Site Allocations promoted by representors. While the football stadium would be suitable for housing if an alternative ground were provided it would only yield 150 or so houses and is thus too small to be regarded as being central to the strategy. This absence of credible alternatives lends weight to the Council's point that the Strategic Site Allocations selected in the SCS are the best and only real options for sustainable growth in South Wiltshire. Certainly no suggestion was made at either the initial or the resumed Hearings that the Council had failed to consider all reasonable alternatives in preparing the SCS.
96. There was less unanimity about the extent to which reasonable alternatives were considered in the preparation of the RCS. The Newmarket case<sup>21</sup> establishes that consultees should be able to know from the Sustainability Appraisal Report why the Council proposes the changes that it does in the Review, why alternative approaches were rejected and what the consequences of the selected approach are.
97. To this end the Council has prepared a Sustainability Update<sup>22</sup> and a Habitats Regulation Assessment Update Note<sup>23</sup> of the RCS. These documents together with Topic Paper 20<sup>24</sup> variously set out why it was decided that housing and employment figures should be reduced: why the number of Strategic Site Allocations should be reduced; the process by which the choice was made as to which Strategic Site Allocations should be retained and which should not – a process that included testing various sites against sustainability criteria; a Sustainability Appraisal of the selected combination of Strategic Site Allocations; and the reasons why the alternatives of either retaining all of the originally selected Strategic Site Allocations or reducing the capacity of each of the Strategic Site Allocations, the so called 'salami slicing' option, were rejected.
98. What the Council did not do was to fully assess the implications of retaining other combinations of Strategic Site Allocations. However, it is only required to evaluate reasonable alternatives and is not required to invent alternatives if they are not considered realistic<sup>25</sup>. The Council has, therefore, evaluated reasonable alternatives in the preparation of the RCS.

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<sup>21</sup> Save Historic Newmarket Ltd v Forest Heath District Council [2011] EWHC 606

<sup>22</sup> SWCS22 Sustainability Update of the Revised Core Strategy

<sup>23</sup> SWCS23 Habitats Regulation Assessment Update Note

<sup>24</sup> Top 20 Review of the South Wiltshire Core Strategy

<sup>25</sup> Planning Policy Statement 12: Local Spatial Planning - paragraph 4.38

## *Conclusions*

99. The retention of all the Strategic Site Allocations allocated in the SCS is not justified; the site selection process adopted by the Council provides a sound basis for deleting the site south of Netherhampton Road and part of the Longhedge site from the list of Strategic Site Allocations identified in Core Policy 2 (FOC/04); reasonable alternatives to these deletions have been considered; it is, nonetheless necessary to confirm the status of these two sites as contingency sites (FOC/05); the reduced amount of development proposed in the RCS would not have an adverse effect on the successful development of Longhedge.
100. Consequently proposed changes **FOC/04** and **FOC/05** together with associated consequential changes **CON12, 15, 16, 19, 27, 34, 35, 44, 46 and 48** are necessary to make the CS sound.

### **Issue 6 – Does the CS provide an appropriate basis for the spatial distribution of development?**

#### *The settlement hierarchy?*

101. The CS proposes a six tier settlement hierarchy. It was not disputed that Salisbury, Amesbury and the Local Service Centres should respectively occupy the top three tiers in this hierarchy. The question was, however, raised as to whether the right settlements had been allocated to the fourth tier (Secondary Villages) and the fifth tier (Small Villages).
102. In deciding which settlements should be placed in which tier in the hierarchy the Council relied on the presence or otherwise of 'Basic Facilities' – these being schools, general food stores serving a range of daily needs, Post Offices and public transport services that provide for journey to work trips.
103. This approach leaves out a number of factors which, arguably, could have been included. For example, no account has been taken of the population of a settlement. This is sensible since a large population would not justify the provision of more houses in a village if it were poorly provided with facilities. Similarly no account is taken of the ability of a settlement to deliver development as gauged by the number of sites in and around it identified in the Strategic Housing Land Availability Assessment. Again this is sensible as the readiness of landowners to develop land has little bearing on what level in the settlement hierarchy a particular settlement should be allocated to.
104. It would have been possible to have taken into account other factors in deciding which settlement went where in the hierarchy. It may well be the case that that some villages could work as a group with, say, one village providing a school, another village providing a shop and so on. However, no tangible evidence beyond the anecdotal was presented which showed that clusters of villages supported each other to the degree that they warranted inclusion as a unit in the settlement hierarchy.
105. It is also the case that there is a wide range of services in settlements beyond those which are taken into account by the Council. These include churches, village halls, surgeries, public houses, petrol filling stations, delivery services and so on. These undoubtedly add to the quality of life enjoyed by the

occupants of settlements but they do not have as direct a bearing on the need to travel as do the 'Basic Facilities' identified by the Council. Other possibilities are that various facilities could be given a 'weighting' or that account should be taken of the needs of retired people who do not need to travel to work. However, it is not clear how, in practice, such fine grained considerations could be meaningfully taken into account in defining a settlement hierarchy.

106. There is also the question of how flexible the settlement hierarchy is and how changing circumstances, such as the closure of a Post Office or the changing of a bus route, could be taken into account. There is evidence, for example, that such a change in circumstances has occurred at Fovant. However, any significant changes in Basic Facilities in the lower tiers of the settlement hierarchy could be taken into account when preparing the Site Specific Allocations DPD or, possibly, through Neighbourhood Plans.
107. In relying as it has on 'Basic Facilities' to place different settlements in the settlement hierarchy the Council has not taken an overly simplistic, prescriptive or inflexible approach but rather one which provides a robust basis for the distribution of development.

#### *Local Levels of Growth*

108. Of the 9,900 dwellings proposed in the RCS approximately 40% (3,840) would be in the rural area outside Salisbury/Wilton. A similar percentage was proposed as part of the SCS. This is a reasonable figure that reflects the dominance of Salisbury, the small size of most settlements in the rural area and the highly constrained nature of that rural area. Most of this rural allocation (2,690) would be directed towards Amesbury and the Local Service Centres including Downton. This is a sound approach as it ensures that houses are provided in locations with good access to jobs, key services and infrastructure.
109. The remaining 1,100 or so dwellings would be distributed among the Larger Villages, Smaller Villages, Other Villages and the Countryside. As this is a minimum figure there is no need to increase it to allow for the number of completions that have already taken place in the rural area.
110. There are question marks about the capacity of individual Larger Villages to act as the focus for such levels of growth but this is something that will be addressed either through the Site Allocations plan or, possibly, through Neighbourhood Plans.
111. There is as yet no certainty as to the final form that Neighbourhood Plans and Community Right to Build Schemes will take or the contribution that they will make to the identification of housing sites in the rural area. However, while there is resistance to what is regarded as high levels of development being imposed on the rural area, the results of consultations carried out by the Council indicate that there is an appetite for small scale development across a range of villages, not just the Larger Villages, where this can support their sustainability.
112. The minimum figure of 1,100 dwellings would, therefore, make sufficient provision for housing in the rural areas and would allow sufficient flexibility for

any housing that may be proposed through Neighbourhood Plans and Community Right to Build Schemes.

113. At the initial Hearings it was suggested that more housing should be allocated to various settlements but these suggestions were largely based on the availability of particular sites in particular settlements. There was little in the way of systematic criticism of the approach taken by the Council to allocating housing between settlements other than saying that the reliance on 'Basic Facilities' was overly simplistic and prescriptive. However, for the reasons set out in the previous section of this report, this criticism is not valid.

114. At the resumed Hearings the point was made that at one stage the Council considered raising the housing figure for Downton from 190 to 300 as part of the RCS. Ultimately, however, it elected to retain the original figure. This is a sensible decision as such an increase in the figure for Downton would be difficult to justify in the context of the reduced overall housing figure in the RCS.

115. While the approach adopted by the Council towards the distribution of development is 'broad brush' in character, it is basically sound in that it will direct development towards those settlements which are able to accommodate it in the most sustainable manner while providing sufficient flexibility to allow for development in the rural area.

#### *Development outside named settlements?*

116. Core Policy 1 states that new development will not be permitted other than in named settlements. The effect of this would be to remove the possibility of infill development, small scale development and redevelopment from a number of villages which had Housing Policy Boundaries, Housing Restraint Areas and Special Restraint Areas defined in the Salisbury District Local Plan (2003). This was criticised by representors on the grounds that it was arbitrary, unnecessary and seemingly wasteful of affordable housing opportunities.

117. The Council, in resolving to submit the CS, agreed to undertake a review of Housing Policy Boundaries, Housing Restraint Areas and Special Restraint Areas as part of the WCS as set out in paragraph 5.3 of MAJ/01. On reflection the Council now considers that the CS should include specific reference to this review and that in the meantime the Housing Policy Boundaries, Housing Restraint Areas and Special Restraint Areas should remain in place. It also proposes to delete the statement that development will not be permitted other than in settlements named in Core Policy 1.

118. There are clear benefits in carrying out the review of these boundaries as part of the WCS as this will ensure a consistent approach. This aspect of the SCS is not, therefore, justified by the evidence and the changes proposed by the Council (**MAJ/01, MAJ/02, MAJ/21, MAJ/23 & MAJ/24**) are necessary to make the plan sound.

#### *Human Rights Act 1998?*

119. It is claimed that the Housing Policy Boundaries/Housing Restraint Areas/Special Restraint Areas are unlawful in that they discriminate on the

basis of property and thus breach the rights of property owners under the Article 14 (Prohibition of discrimination) in conjunction with Article 1 of the First Protocol (Right to peaceful enjoyment of possessions and protection of property).

120. This is a complex matter and, insofar as it relates to a specific property, is something that is before the Local Government Ombudsman where, amongst other things, it is alleged that inadequate public consultation was carried out by the Council in preparing the Local Plan.

121. This, however, is not a matter for this Examination as there is no suggestion that consultation on the CS was inadequate and consideration is not being given to a specific case but rather to whether, in principle, these designations breach Article 14 and Article 1 of the First Protocol.

122. Section 19 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare local development documents such as the CS and these form part of the development plan. The effect of Section 38(6) of that Act is to require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is the so called plan led system.

123. The relationship between planning applications, plan policies and human rights has been considered by the courts<sup>26</sup> where Mr Justice Ouseley made the following points in paragraphs 302-303 of his judgement;

*"...the civil right of property, includes the right to use, enjoy and develop property, even though much development is not a matter of right but requires the discretionary grant of a planning permission, which itself is a policy-based decision. The policies, proposals and designations in a local plan affect those civil rights sometimes more directly than others, precisely because they affect the prospects of development and current values, whether through the adverse effect of proposals or designations, or the loss of, or failure to obtain better prospects of development.*

*However, decisions on local plans which guide and influence perhaps decisively decisions on planning permission are not directly decisive of and so do not directly affect the rights to use land. The right to apply for planning permission and to have it considered on its individual merits including the policy weighting still remains, however unlikely the prospects of success. An allocation or designation does not amount to a grant or refusal of planning permission..."*

124. Earlier in his judgement at paragraph 301 Mr Justice Ouseley states;

*"...decisions within local plans generally ... do not directly affect ownership rights. The decisions themselves do not empower acquisition in the way in which a CPO would. Nor do they preclude the creation of interests. They do not create rights over the land e.g. by way of creating rights of public access to private land, such as might arise from a "right to roam". They do not prevent any current use being continued or subject the right to use or develop land to a new requirement for planning permission. They do not amount to a Direction under Article 4, General Permitted Development Order 1995, restrictive of rights to develop without planning permission, thus introducing a*

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<sup>26</sup> Bovis Homes Ltd v New Forest DC [2002] EWHC 483 Admin

*new layer of authorisation before development can take place."*

125. These comments apply in this instance. Development plan policies are, in other words, the result of a democratically elected body arriving at policy decisions having, in this instance, carried out the required consultations, and these policy decisions affect but do not determine the outcome of planning applications.
126. The right to the protection of property is a qualified right in the sense that Article 1 of the First Protocol explicitly recognises that the government is entitled to control the use of property in accordance with the general interest. The relevant policies and designations in this instance seek to achieve legitimate planning objectives, such as the protection of the countryside and the achievement of sustainable development, in that general interest.
127. These policies and designations are, therefore, proportionate. Having weighed the importance of the legitimate wider public interests against the degree of interference with the individual's human rights these policies and designations do not represent an unacceptable interference with the rights of property owners in terms of Article 14 in conjunction with Article 1 of the First Protocol.

#### **ISSUE 7 – Does the CS take an appropriate and consistent approach to Saved Local Plan Designations.**

128. Solstice Park, Porton Down and Boscombe Down are all in the Amesbury area and are all allocated for employment in the Salisbury District Local Plan. However, while the first of these locations is not a saved Local Plan Allocation in the CS, the latter two are.
129. Solstice Park is a large, partly implemented employment site and while planning permissions have been granted on it in the past, these have lapsed on part of the site. The owners of the site are concerned to protect the very considerable investments that they have made and want the site designated as a saved local plan site. However, while Solstice Park has been a successful development, it was a product of planning policies which focussed employment development at Amesbury. That focus has now shifted to Salisbury and Solstice Park, which is out of step with this, is not central to the current approach to the location of employment land as set out in the CS. That being so it does not warrant specific mention in the CS.
130. Porton Down and Boscombe Park are markedly different to Solstice Park. These sites are not aimed at meeting the need for general employment uses but are central to the so called Salisbury Research Triangle which provides for scientific and defence based industries and research establishments which benefit from close proximity to each other. Because of the specialist nature of these sites and the need to provide land for companies and activities related to the existing users of these sites it is appropriate that they be treated as saved Local Plan Allocations in the CS.
131. A crucial consideration in any development at Porton Down will be to balance business aspirations with nature conservation needs. This is a matter that the Council now considers needs to be dealt with explicitly in Core Policy 12 and it has put forward a proposed change to this effect. In order to make this part of the CS effective, and hence sound, proposed Change **MAJ/05** would be

needed.

### **ISSUE 8 – Does the CS make adequate provision for key strategic elements of infrastructure?**

132. The CS makes clear that key strategic elements of new infrastructure are needed to ensure that additional pressures on the sewerage network, particularly around Salisbury, be accommodated: that phosphate and pollution levels in local watercourses can be controlled; that an adequate water supply can be provided to new developments; that the additional demand for emergency services, healthcare and school places be dealt with; and that important green infrastructure is provided or retained.

133. The Council has put forward evidence of what infrastructure will be provided to meet these needs, who will be responsible for providing and financing this infrastructure, when the infrastructure will be provided and what further work needs to be undertaken.

134. For the most part this evidence is undisputed and there is no reason to question its accuracy. The main exceptions to this are the matters of water supply and transport which will be dealt with subsequently. The Council also confirmed that development of all of the Strategic Site Allocations, and indeed the Saved Local Plan Allocations, could start in the short term without awaiting any of the key elements of infrastructure.

135. There will of course be site specific elements of infrastructure that will need to be provided either before development on a particular site starts or on a phased basis. The provision of these will be negotiated on a site by site basis when planning permission is sought and they will be secured through s 106 agreements.

136. The CS is, therefore, soundly based insofar as it makes adequate provision for the main elements of infrastructure that will need to be provided in order to ensure its implementation.

#### *Water Supply*

137. Wessex Water proposes, through its draft Water Resources Management Plan and through its strategic business plan, to supply water to South Wiltshire by creating a water grid which will bring water into Salisbury and its surroundings from wetter areas of lower demand. Funding is in place to start work on the water grid.

138. It is common ground that the draft Water Resources Management Plan, together with the funding that is in place for the construction of the water grid, provides assurance of water supply until 2015. Beyond that there will be a need for further funding to complete the water grid. It is also the case that the draft Water Resources Management Plan is based on lower projected growth rates in homes than is the CS. Moreover, it assumes that water consumption can be reduced by imposing the compulsory metering of dwellings on change of ownership – something Ofwat has ruled out until 2015 because the area is not currently experiencing water stress.

139. Wessex Water confirmed at the initial Hearings that it is confident that it has

sufficient water and sufficient flexibility in its abstraction licences to meet the increased demand that would result if houses are built at a faster rate than Water Resources Plan estimates or if the rate at which existing houses move to meters is slower than assumed.

140. While it is true that there is no absolute assurance that the water grid will be completed, as further funding will need to be sought beyond 2015, this is not unusual in major public projects where complete funding cannot always be guaranteed at the outset. The Council and Wessex Water have gone as far as can reasonably be expected in providing assurance on this matter.
141. The Council and Wessex Water will need to monitor the progress on the water grid to ensure that development does not outstrip the ability to meet the demand for water. That being so it is not necessary to specify that a formal review of the adequacy of water supply will be undertaken either by 2015 or upon the completion of 7,000 houses.

### *Highways and Transport*

142. At present the transport system in Salisbury works reasonably well and, at certain times and in certain places, there is spare capacity in the system. However, at peak times there is local congestion and delay. The high levels of growth proposed in both the SCS and RCS will undoubtedly lead to increased pressure on the transportation network.
143. If nothing were done to improve the transportation network the proposed levels of growth would lead to significant increases in traffic, in congestion and in journey time. It was agreed by the Council at the initial Hearing sessions that a 'do nothing' option could be ruled out as it would lead to serious deterioration in the performance of the transportation network.
144. In order to test the transport implications of the amount of growth proposed in the CS the Council commissioned the Salisbury Transport Strategy: Options Assessment Report. This assessed two sets of measures. The first is called the 'established' approach which is a continuation of existing transport policies in a situation where finances are tight; the second is called the 'radical' approach and consists of a more extensive set of measures which, being more expensive, would be more heavily dependent on developer funding.
145. Before considering the Options Assessment Report in more detail it is necessary to make a number of comments about it. Firstly this document, and the transportation models on which it is based, did not emerge until late in the process - January 2010 - after the start of the Examination. This is a surprising defect in a CS that is otherwise characterised by the breadth and depth of its evidence base. However, while such a situation is far from ideal, there was sufficient time for representors to comment on this document and the models on which it was based. Moreover, in a situation where substantial growth is required and there is little choice as to where this can be located, there is nothing to suggest that had this evidence been available earlier, the CS would have been altered significantly.
146. This leads on to the second point about the Options Assessment Report, which is that it seeks to test the effect in transportation terms of the policies in the CS, it is not a belated attempt to generate new policies. The third point is that



the Options Assessment Report does not look at the transport implications of individual Strategic Site Allocations but rather at the cumulative impact of these on Salisbury together with other development proposed in the CS.

147. Fourthly, neither the 'established' nor the 'radical' approach would involve the provision of major new roads – something that was welcomed by many representors. Fifthly, it is common ground, particularly between the Council and the Highways Agency, that it is not realistic to achieve the high level of growth proposed in the CS while leaving the transportation network no worse off than if the development had not occurred. Whatever approach is adopted, users of that network will experience increases in delay and congestion as a result of the development proposed in the CS. The aim is to deliver these proposals in such a way as to minimise these impacts. The sixth and last of the general points to be made about the Options Assessment Report is that the Council has yet to decide what its Transportation Strategy will be. In other words it has yet to decide whether it will pursue the 'established' approach, the 'radical' approach or a combination of the two.
148. This last point leads on to what is one of the main findings of the Options Assessment Report, namely that the 'established' approach would be no more successful in managing the growth in travel demand than would a 'do nothing' option which, as has already been agreed, would be unacceptable. The 'radical' approach, on the other hand, would be more successful in coping with increased travel demand. This is not entirely surprising as it is a more far reaching approach which would include measures such as maintaining the frequency of Park and Ride services, increasing bus provision on key routes, providing junction improvements within the existing highway at a number of the worst performing junctions in the city and seeking to reduce traffic by persuading people to use cars less.
149. However, the submitted CS makes no reference to the 'established' and 'radical' approaches, to the type of measures these could include or to the conclusion of the Options Assessment Report that a strategy based on the 'radical' option would best meet the challenge of addressing the future growth in travel demand in a sustainable manner. The reason for this is, quite simply, that this information was not available when the SCS was drafted.
150. Having considered the matter further, the Council proposes a change to the CS that remedies these omissions (MAJ/03). For the most part the change drafted by the Council serves this purpose. However, in the interests of accuracy the reference to the Transport Strategy having been published in 2009 should be deleted as, for reasons already set out, should, the statement that the 'established' approach is realistic. In order to make clear that the CS is justified by the evidence, and hence sound, proposed change **MAJ/03** is necessary.

#### *Salisbury Transport Model - Methodologies*

151. The findings of the Options Assessment Report are based on a suite of models which jointly comprise the Salisbury Transport Model (the model). There was general agreement that considerable trouble has been taken in building what appears to be a fairly conventional model which has been developed by an experienced team of traffic engineers following widely accepted principles.

152. A number of detailed concerns were expressed about the way in which data was either collected or augmented in certain instances such as journey time surveys, the sample rates of HGV trips and so on but it is difficult to determine whether, even if these concerns were justified, they would have a significant effect on the model's predictions.
153. It is also the case that the model did not consider the knock on effects of the implementation of the CS on the wider area but since the principal impact will be on the transport network in Salisbury this is not a fundamental criticism. Similarly it is undoubtedly the case that there is an element of uncertainty attached to the predictions of any model and it would have been possible for the findings of this model to be given as a range of outcomes. However, there is nothing to suggest that this would have significantly altered the model's forecasts.
154. In validating the model, use was made of traffic counts on the A36- an approach that is understandable as this is the main spine road through Salisbury and it is necessary to demonstrate the model's performance on this route. However, it cannot be concluded from this that the model is of only limited use in predicting the effect of the CS on other roads in Salisbury. As the Council points out, journey times and route choice should also be taken into account when judging the performance of the model and these other aspects of the validation process focus on other parts of the network away from the A36. Overall, the model shows a good level of calibration and validation.
155. Therefore, while the Salisbury Transport Strategy needs to be finalised - a process which will include carrying out sensitivity testing - suitably robust methodologies have been used in producing the model.

#### *Salisbury Transport Model - Parking*

156. The model assumes that the number of parking spaces in Salisbury will remain the same but that under the 'radical' approach some 530 spaces at Culver Street car park would be converted from long stay to short stay.
157. There is no inconsistency between this and the fact that the 'radical' option also predicts a decrease in the number of car trips when compared to the 'do nothing' and 'established' approaches. It is true that more short stay spaces will mean an increase in the number of car trips but this will be a small percentage of the overall number of movements and it is entirely credible that such a minor increase would be outweighed by reduction in car trips achieved by other demand management measures and by persuading people to choose not to use their cars.
158. It cannot, therefore, be argued that increasing the proportion of short stay spaces would lead to increased pollution. Indeed, with increased engine efficiency and the use of cleaner fuels, it appears that the improved air quality levels predicted in the Options Assessment Report are well founded.
159. It would have been possible to reduce the overall number of car parking spaces and this would have helped reduce car trips still further. However a balance has to be struck between reducing the numbers of car trips and the objective of maintaining the economic vitality and viability of Salisbury. As the

Council points out, neither objective would be achieved if Salisbury was to be perceived as being difficult to visit and people from the surrounding area simply drove further to get to other centres.

160. The manner in which the model deals with parking is not, therefore, contradictory but is credible and balanced. It is also, as the Council confirmed at the initial Hearing sessions, an approach that is consistent with the Local Transport Plan 2006-2011.

#### *Salisbury Outer Ring Road and the realignment of the A303*

161. During the resumed Hearings there was discussion of the 'Refined Core Strategy' which included the provision of a Salisbury Outer Ring Road and the realignment of the A303. While not underestimating the professionalism and commitment that has gone into the preparation of this document, the fact remains that neither of the road schemes referred to is included in any funding programme nor, insofar as they would be the responsibility of the Council, is there any prospect that they will be. These proposals, therefore, fail the test of effectiveness in that there is no reasonable prospect of them being implemented in the life of the plan. They should not, therefore, be included in the CS.

#### *The Road System in Amesbury*

162. Concern was expressed as to whether the already busy road system in and around Amesbury would be able to cope with the scale of development envisaged in the CS, particularly as the A303 was not likely to be upgraded to a dual carriageway.
163. However, ongoing works as part of the transportation assessment being prepared in connection with the Kings Gate scheme indicates that the road system will be able to cope with the increased traffic partly because the indications are that a greater proportion of traffic will access the A303 via the all movements junction at Folly Bottom (adjacent to Solstice Park) rather than at Countess Roundabout.
164. Measures can, therefore, be put in place to minimise the impact of development on the transportation system in and around Amesbury enabling it to act as a self supporting community. The SCS is ineffective, and hence unsound, in that it places insufficient emphasis on the role of Amesbury as a self contained settlement. Consequently **MAJ/B**, which clarifies this point, is necessary to make the plan sound.

#### *Impact of the RCS on the Transport Strategy*

165. Having re-run the transport model used in connection with the SCS, a model which is discussed subsequently in this report when considering Issue 9, it is clear that even the reduced housing and employment figures proposed in the RCS would have significant implications in transport terms and these need to be addressed by a package of measures. Comparison of this package, which is called the 'Do Something' option, with the 'Radical Option' proposed in

connection with the submitted CS reveals them to be broadly similar<sup>27</sup>.

166. The principal difference is the reduced range of public transport measures which simply reflects the reduced level of demand associated with less development and the reduced tariff that developers could reasonably be expected to pay. It is estimated that these measures would cost approximately £3,300 per dwelling which is within the £4,000 estimated to be viable<sup>28</sup>.
167. The RCS would not, therefore, have a significant impact on the content or implementation of Transport Strategy.

### **Issue 9 – Does the CS make appropriate provision for retail development?**

#### *Maltings Central Car Park (MCCP) - Flexibility*

168. The MCCP is identified as a Strategic Site Allocation. It is the only major shopping development that is specifically identified in the CS. It is widely accepted that the development of the MCCP is fundamental to the CS's aim of maintaining and enhancing the vitality and viability of Salisbury city centre and stopping the leakage of trade to other centres. The site is an under used resource of a type that is scarce in city centres generally and best use should be made of it. It is also common ground that its development will make a significant contribution to meeting retail need in the area.
169. The question was raised as to whether the CS was unduly prescriptive in its approach to the MCCP. There is a fine balance to be struck between, on the one hand, providing sufficient certainty and clarity to enable development to proceed while, on the other providing sufficient flexibility to avoid the need to update the policy.
170. However, given the central role that the MCCP will play in revitalising Salisbury as a shopping centre and the early priority that is given to its development, the site would benefit from clear and comprehensive guidance rather than more general guidelines. It is, therefore, appropriate for the CS to be clear about the amount of retail floorspace that will be provided, to give an indication of the size of units that will be expected, to make clear that both convenience and comparison retail floorspace will be included within the scheme and to give guidance on other uses that will be provided.
171. In coming to this view account has been taken of the fact that this guidance has the support of Salisbury Vision, the private sector led organisation responsible, amongst other things, for coordinating the implementation of the MCCP.
172. That said the Council confirmed at the initial Hearing sessions that the CS is not intended to provide a blueprint for the development of the MCCP. Rather it will provide an input into the masterplan that will be prepared for the site in association with the application for planning permission. The SCS is ineffective, and hence unsound, in that it does not make this sufficiently clear. Proposed change **MAJ/14**, which takes much of the detail out of Core Policy 7

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<sup>27</sup> R EXAM 10. Transport Comparison of Short List Radical and Do Something Options

<sup>28</sup> STU 48. Strategic Sites – Viability Overview Assessment paragraph 4.22.3

and puts it in the Development Template dealing with the MCCP, is, therefore, necessary to make the CS sound.

#### *Timing of the MCCP*

173. It is generally accepted that the development of the MCCP, which will largely take place on land in the Council's ownership, is a feasible project that will come to fruition. Certainly the Council and Salisbury Vision have demonstrated a commitment to ensure its early delivery and Salisbury Vision expects to start on site by early 2013. However, Salisbury Vision accepted at the initial Hearings that this was an indicative programme and, while it had identified no fundamental obstacles to progress, the start on site could slip back to 2015.
174. In the past estimates of target dates for starting on site have proved optimistic and there is always the potential for slippage on major projects such as the MCCP in uncertain economic times. Nonetheless, the available evidence indicates that there is a reasonable prospect of this scheme coming forward in the early years of the plan.

#### *Choice of Sites*

175. While the MCCP is the only retail site specifically identified in the CS, it is clear that the need for retail floorspace over the plan period will not be met solely by the development of that site and there is nothing in the CS which precludes other retail proposals coming forward in appropriate locations which meet the needs of Planning Policy Statement 4: *Planning and Sustainable Economic Growth* (PPS4).

#### *Salisbury Retail Park*

176. In the Salisbury District Local Plan a number of retail sites were identified including the Salisbury Retail Park at London Road. Salisbury Retail Park is an out of centre site where planning permissions have been granted for retail use, the most recent of which, granted on appeal, was for bulky goods retail warehousing with conditions attached requiring that a limited range of goods be sold from large units<sup>29</sup>. This planning permission is extant.
177. It is possible to envisage a number of scenarios in which this site would play a part in meeting the retail needs of the area over the plan period. If MCCP were developed as anticipated there would still be a need for retail warehousing at Salisbury Retail Park and with increasing market share the site may conceivably need to sell a wider range of goods than currently permitted. A similar situation could arise if MCCP were to provide less comparison retail floorspace than anticipated. Alternatively, if the development of MCCP were to be delayed then Salisbury Retail Park could help meet retail needs in the interim.
178. In other words Salisbury Retail Park could act as a 'safety valve' to help accommodate the demand for retail floorspace in the area. However, while the Inspector dealing with the appeal at Salisbury Retail Park noted that at that time no sequentially preferable sites to Salisbury Retail Park, other than

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<sup>29</sup> Ref: APP/T3915/A/08/2074782/NWF

MCCP, had been identified - that situation could change over the life of the plan and other sequentially preferable sites could emerge that could also act as 'safety valves'.

179. It would be possible to devise a policy which ensured that if Salisbury Retail Park were to be developed other than in accordance with the planning permission that was granted on appeal, then a retail impact assessment would need to be prepared. However, Salisbury Retail Park, in spite of its potential to act as a 'safety valve', is not sufficiently central to the strategy of revitalising Salisbury as a shopping centre and preventing the leakage of trade to other centres to warrant designation as a Strategic Site Allocation. Its role under any of the scenarios that have been sketched out would not approach the importance of that which would be performed by MCCP. The CS does not, therefore, need to be changed to include the designation of Salisbury Retail Park as a Strategic Site Allocation.

#### *Retail Evidence Base*

180. The projected capacity of the area to support additional comparison and convenience retail expenditure (the capacity figure) is based on information in the Retail and Leisure Needs Study. This is only intended to be a baseline study and the Council recognises that the retail situation will change over time. Consequently the Council accepts that the capacity figures in the CS are not intended to be prescriptive or regarded as a maximum threshold. This is something the Council proposes to clarify by way of a minor change (Min 63) – a change which has the merit of brevity and is to be preferred to the more elaborate alternative formulations put forward by representors.

181. Such a flexible approach is to be commended. It is common ground that the development of the MCCP will in all probability lead to an increase in Salisbury's market share which in turn would lead to an increase in the capacity figure. It would also be possible to make different assumptions about overtrading and the inflows of retail expenditure from business and tourism and these could also lead to some increase in capacity figures.

182. There are, however, other factors which could lead to the capacity figures being reduced. Since the Retail and Leisure Needs Study was completed expectations about consumer expenditure growth have been revised markedly downwards and this could reduce the capacity figure. Similarly, planning permission has recently been granted for a number of large retail units and these could conceivably have some downward effect on the capacity figure.

183. It is undoubtedly the case that had the Retail and Leisure Needs Study been prepared after the publication of PPS4 rather than before, then it would have been a different document. However, PPS4 advises that development plan documents should not be delayed in order to take its policies into account. As with all such studies there is scope for debate about the inputs and assumptions on which they are based but there is no substantial evidence to indicate that the Retail and Leisure Needs Study is irredeemably flawed or that a fresh study is needed. As to an alternative capacity study put forward by representors, it does not appear credible to assume that Salisbury, which is close to competing centres, would achieve 100% market share or anything approaching that number.

### *Floorspace Thresholds*

184. The Council has the option of either setting a local threshold to determine the scale of edge-of-centre and out-of-centre development which should be subject to an impact assessment or using the figure of 2,500sqm contained in PPS4<sup>30</sup>. There is general agreement that 2,500sqm would be too high a threshold in South Wiltshire with its need to protect the existing small shopping centres at Wilton, Tisbury, Downton and Mere.
185. The Council proposes a threshold of 200sqm. On the face of it this is a somewhat cautious approach. However, Wilton, Tisbury, Downton and Mere are no more than village centres offering a basic range of facilities to local catchment areas. In such a context a unit of 200sqm could have a significant impact and is, therefore, a more appropriate threshold than the 1,000 to 1,500sqm suggested by representors.
186. While it would be open to the Council to refuse planning applications affecting these centres if they fail to protect existing facilities<sup>31</sup> it would need an impact assessment in order to make this judgement. An impact assessment should be prepared for all retail schemes of more than 200sqm. The preparation of such impact assessments need not be unduly onerous<sup>32</sup>. The SCS, by failing to specify that such assessments should be carried out, would be ineffective and hence unsound. Proposed change **MAJ/04** would therefore be necessary to make the CS sound.

### **Issue 10 – Are the Policies in respect of Old Sarum Airfield justified and effective?**

#### *Background*

187. Old Sarum Airfield was built towards the end of World War I and is unusual in that a number of original hangars, now listed buildings, have been retained - one of which still houses planes which fly from the adjacent grass strip. It is from this relationship that much of the historic and architectural interest of Old Sarum Airfield Conservation Area is derived.
188. The continuation of flying from the airfield is, therefore, important in heritage terms as well as being a valued recreational resource. However, these benefits need to be balanced against the noise and disturbance caused to local residents by aircraft over flying the city and its surroundings. This is an issue the Council has grappled with for many years with only limited success - largely because the airfield benefits from an unfettered planning permission.
189. Another issue is that the hangars are surrounded on three sides by unsympathetic modern industrial buildings. These buildings are intrusive, they harm the character and appearance of the conservation area and, being clearly visible from the ramparts of the hill fort at Old Sarum, they harm the setting of this Ancient Monument.

#### *Potential Areas for Development*

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<sup>30</sup> PPS4 Policy EC5.4a

<sup>31</sup> PPS4 PPS4 Policy EC13.1 b

<sup>32</sup> PPS4 Policy EC1.1b

190. Core Policy 9 sets out to provide a framework within which these longstanding issues can be addressed. In essence, what is proposed is that landscaping and development could take place within three parts of the airfield- the broad extent of these potential areas for development is shown on Map 5 of the CS. Development within these areas would be permitted if, amongst other things, views of the intrusive buildings, including views from the Ancient Monument, were softened with landscaping; and reasonable control over flying activity were agreed in the interests of protecting the amenity of local residents.
191. In the run up to the initial Hearings the Council proposed a change to the CS (MAJ/B) which would involve deleting the most south easterly of these potential development areas. Its reasons for this were that development in this area would erode the separate identity of the village of Ford and detract from the amenity of local residents.
192. However, while this area is on the edge of the village of Ford, it is well away from the built up part of the airfield which lies on the far side of a low ridge so that only the tops of buildings are visible on the skyline. There is, therefore, no reason, in principle why a suitable development on this site would compromise the separate identity of Ford. As to the amenity of local residents, if the Council were to decide that development in this area was acceptable then it would do so under the terms of Core Policy 9 and this specifically seeks high quality development which protects the amenities of existing residents. The change proposed by the Council is not, therefore, well founded.
193. Considering the potential development areas as a whole, the development of these would have the capacity to soften views into and out of the area, particularly views from the south, by the provision of landscaping and sympathetic buildings. There would also be opportunities to enhance the Conservation Area by improving public access and by providing viewing areas across the site complete with interpretative material.
194. It would be important that such development did not disturb to any significant degree the openness of the Conservation Area. Also, it would be particularly important that care was taken in the design, siting, scale and landscaping of the most westerly of the potential development areas as this is particularly visible from the Old Sarum Ancient Monument.
195. However, in this view the largely unscreened roofs and elevations of the modern industrial buildings create a raw urban edge and detract from the setting of the Ancient Monument. The development and landscaping of this area has the potential to soften the impact of these buildings and thereby enhance the setting of the hill fort.

#### *Aircraft Noise*

196. The greatest complaints about aircraft noise come not from dwellings in the immediate vicinity of the airfield but rather from properties further afield that are affected by the flight path of planes approaching and leaving the airstrip. Moving the airstrip a short distance to the south would mean that the flight path of aircraft could be aligned so as to affect fewer properties. Controlling the type of aircraft using the airfield and the frequency of flights would also



help to reduce noise. All of these matters would be capable of being covered by a s106 agreement attached to any planning permission that was granted on the potential development areas.

### *Conclusions*

197. All three of the potential development areas identified in the CS have the potential to help ease the longstanding issues of noise and unsightly development which affect Old Sarum Airfield. No major changes are, therefore, needed to this policy to make it sound. The change proposed by the Council has, therefore, been deleted from Annex 1.

### **Issue 11 – Are other policies in the CS sufficiently flexible, detailed and locally distinctive?**

#### *Phosphate Levels – Core Policy 20*

198. River systems in South Wiltshire experience very high levels of phosphate which threatens the integrity of the River Avon Special Area of Conservation. A main source of phosphate are sewage treatment works - but while phosphate discharges from these have been or are being reduced, further improvements need to be made.

199. All of the Strategic Allocations would drain into the River Avon Special Area of Conservation and any development on these sites would lead to increased phosphate discharges.

200. Phosphate binds to sediment, so the aim of the Construction Management Plan referred to in Core Policy 20 is to reduce the amount of sediment getting into the water course by, for example, the provision of sediment traps and to ensure that any sediment that does get into the river system is transported away quickly by improving river profiles and channel cross sections.

201. However, while the Construction Management Plan is an acceptable way of reducing phosphate levels, it may not be the only way. It may be that developers can devise ways of achieving such a reduction without contributing to this plan. The submitted CS is not justified, and hence unsound, in excluding this option. In order to make it sound proposed changes **MAJ/06, MAJ/07 & MAJ/22** should be made.

#### *Green Infrastructure Core Policy 23*

202. Core Policy 23 refers to developers making contributions towards the implementation of the Wiltshire Green Infrastructure Plan, a plan that has yet to be prepared. It was confirmed by the Council at the initial Hearings that this plan will deal with matters such as open space, green corridors, natural green space, footpath links and recreation routes. It will, therefore, simply be a rationalisation of the type of negotiations that typically take place when dealing with planning applications and preparing master plans.

203. To counter any suggestion that developers are being asked to sign a blank cheque when it comes to the provision of green infrastructure, an indication of what will be required on major sites is included in the Development Templates that have been prepared for each of the Strategic Site Allocations. The level

of detail provided in the various Development Templates is appropriate to a CS and it is not necessary for them to specify a greater provision for natural greenspace.

204. The CS acknowledges that development which may have an impact on the Natura 2000 sites at the New Forest and Salisbury Plain will require special treatment which could include the provision of suitable alternative natural greenspace, habitat management measures and visitor access management measures. It also establishes that further research and monitoring may be undertaken into the need to mitigate the effect of development on these sites.
205. Such an approach deals with the need to safeguard the integrity of the Natura 2000 sites in a proportionate manner and is consistent with the advice in the Habitat Regulations Assessment carried out as part of the preparation of the CS. It is not necessary, therefore, for the CS to go into more detail about the provision of mitigation measures or include a commitment to carry out a visitor usage survey for Salisbury Plain.

#### *Development Management Policies*

206. The CS contains a limited number of development management policies and, for the most part, these are necessary, do not repeat or reformulate advice found elsewhere and respond to local circumstances. So, for example, Core Policy 8 seeks to protect views of the cathedral spire and intervening roofscape. A version of this policy has been in place for many years and is generally regarded as having been effective, largely because of its simplicity. However the earlier version of the policy remained silent on the question of exceptions and this was seen as a weakness because it leaves the door open for exceptions to be argued in many instances. Core Policy 8 is a stronger version of this earlier policy precisely because it does define the limited range of circumstances in which exceptions to the policy would be made.
207. It was suggested that there was a need for an additional policy aimed at preventing excessive competition for on street parking spaces in the rural area by protecting existing parking in settlements, providing an element of free parking and ensuring that adequate parking provision is made for new developments. While these are worthwhile aims they are matters more appropriately dealt with in the Development Management DPD rather than the CS.
208. While there is no justification for increasing the scope of the development management policies, two of these policies, Core Policy 21 and Core Policy 25, should be deleted. The Council accepts that Core Policy 21 adds little to national policy on flooding. Core Policy 25 deals with Air Quality which is clearly an important issue and is something that the Council is seeking to address by, amongst other things, the identification of Air Quality Management Areas, the preparation of a Strategy on Air Quality and the publication of a Supplementary Planning Document on Air Quality Review and Assessment. The Council, has, therefore a role to play in avoiding air pollution but it was not in a position to indicate how Core Policy 25 would assist in this process. These policies are, therefore unsound, in that they add nothing to the effectiveness of the CS. Proposed Changes **MAJ/08, MAJ/09 & MAJ/10**, which propose the deletion of these policies, are, therefore, necessary to make

the plan sound.

**ISSUE 12 –Is the CS sufficiently flexible and can it be adequately monitored?**

209. The CS is specific about the amount, type and location of the development that is proposed, particularly in the early years of the plan. While the rate at which development is anticipated to occur is based on robust evidence, there is no guarantee that development will take place at this rate. The CS must be sufficiently flexible to deal with this contingency.
210. If development were to take place faster than expected this would not be seen as a problem given the level of need in the area and the availability of contingency sites in the form of land south of Netherhampton Road, the remainder of the Longhedge site and the Salisbury Vision sites.
211. If on the other hand monitoring indicated that by 2026 the amount of development would be 20% or more below target, then the Council would seek to identify and remove any barriers to progress and, failing that, would bring forward other sites. The process by which this would be done is set out in the Development Templates that have been prepared for each Strategic Site Allocation.
212. The intention, as set out in these templates, is that the situation would be monitored closely and within 18 months of the adoption of the CS a planning application would have to be submitted, that delivery would start within 12 months of planning permission being granted and that thereafter development would proceed in accordance with an agreed phasing plan. Failure to meet these deadlines could lead to a site being de-allocated and replaced with an alternative site. However, it emerged at the initial Hearing Sessions that the approach the Council would take would, in practice, be more flexible and less rigid than implied in the CS.
213. The Council would expect to see significant tangible progress towards submitting a planning application on each of the Strategic Allocations within 18 months but would not require the submission of a planning application in that time nor would it specify a deadline for these sites to start delivering housing. However, if tangible progress was not being made it would institute a review, seek to ascertain the cause of any delay, seek to remove barriers to delivery, look again at market demand and viability and, only as a last resort, seek to identify new allocations through the development plan process.
214. This approach is to be preferred to setting potentially unachievable deadlines such as the houses being delivered within 12 months of planning permission being granted. In this respect, therefore, the Submitted CS is unjustified, and hence unsound. In order to make the CS sound Proposed Changes **MAJ/11** to **MAJ/20** would need to be made.
215. There was some debate at the initial Hearings about the details contained in these templates and the Council has agreed to a number of minor changes. However, these templates are not intended to be regarded as blueprints, rather they are intended to act as an input into the process of preparing a masterplan for each site. That being so these templates provide a suitable basis for future negotiation and little would be gained by tinkering with the

details that they contain.

216. For example, as part of the RCS the Council proposed a change (CON/45) which would require the delivery of a 'significant' strategic gap with the settlement of Ford and the setting up of a community forum. This change, which is not based on any new evidence, is not justified. CON 45 should, therefore, be deleted and the text should revert to that set out in **MAJ/12**.

217. Similarly, it was suggested that as the overall housing figures are expressed as a minima the estimated capacity of the various Strategic Site Allocations should be expressed in the same terms. However, the figures for the Strategic Allocations are no more than indications of capacity. The actual capacity of each site could be higher or lower than indicated and will be determined through the development management process having taken into account more detailed site assessments and master planning. Such a change would not, therefore, be justified.

## Legal Requirements

218. The examination of the compliance of the CS with the legal requirements is summarised in the table below. The CS meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The CS is identified within the approved LDS January 2009 which sets out an expected submission date of September 2009. The actual submission date of November 2009 closely corresponds with this. The CS's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in December 2006 and February 2010 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed changes.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	A Habitat Regulations Assessment has been undertaken in accordance with the Habitats Directive which indicates that there would be no significant harm to the conservation of Natura 2000 sites in and around South Wiltshire as a result of the policies and proposals within the CS.
National Policy	The CS complies with national policy.
Regional Strategy (RS)	The approved RS (RPG10) is significantly out of date and is of limited relevance. The CS has been examined in the light of the most up to date and relevant evidence. The weight to be attached to the emerging RS is discussed at paragraphs 29 - 34 of this report.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.

2004 Act and Regulations (as amended)	The CS complies with the Act and the Regulations.
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## Overall Conclusion and Recommendation

**219. I conclude that with the changes proposed by the Council, set out in Annexes 1 – 5 , and the changes that I recommend, set out in Annex 6, the South Wiltshire Core Strategy DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. And for the avoidance of doubt, I endorse the Council's proposed minor changes, set out in Annexes 7 - 9.**

*RJ Yuille*

Inspector

This report is accompanied by:

Annex 1 - 5 (separate documents) Council Changes that go to soundness.

Annex 6 (separate document) Changes that the Inspector considers are needed to make the plan sound.

Annex 7 - 9 (separate documents) Council's Minor Changes.