

Wiltshire Council

Cabinet

16 December 2014

Subject: Adoption of Wiltshire Core Strategy

Cabinet Member: Councillor Toby Sturgis – Strategic Planning, Development Management, Strategic Housing, Property and Waste

Key Decision: Yes

Executive Summary

The Council has received the Inspector's Report into the examination of the Wiltshire Core Strategy Development Plan Document (DPD). It concludes that, subject to the changes set out in the Report, the submitted Core Strategy is sound. The Inspector's Report is final and the examination is now closed. This leaves this authority with the choice of adopting the Core Strategy, as amended in response to the Inspector's recommendations, or not.

If adopted by Council, an adoption notice will be published providing a six week period for legal challenge during which any person or organisation may make an application to the High Court on the grounds that preparation of the Plan did not comply with the correct procedures.

Upon adoption, the Core Strategy will become part of the statutory development plan for Wiltshire and the authority is legally bound to take planning decisions in accordance with its policies unless there are other material considerations which merit setting them aside in any given case. It sets out key strategic planning policies for managing sustainable development across the county.

Proposals

That Cabinet:

- (i) Notes the content of the Inspector's report into the examination of the Wiltshire Core Strategy (**Appendix 1**) and his conclusions regarding legal compliance and soundness and accepts the modifications in the Appendix of the Inspector's Report, which the Inspector considers are necessary to make the plan sound in accordance with legislation and other minor modifications that have arisen during the examination or made in the interest of accuracy and consistency.
- (ii) Recommends to Council that the Wiltshire Core Strategy, as amended as set out in (i) above be adopted as part of the statutory development plan for Wiltshire (**Appendix 2**).

- (iii) Delegates authority to the Associate Director for Economic Development and Planning in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste for: the Policies Map to be amended in line with the modifications identified in (ii) and for further minor textual changes to be made to the Core Strategy prior to publication in the interests of accuracy and consistency.
- (iv) Following approval of Council, agrees that the Associate Director for Economic, Development and Planning in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, undertakes the final stages associated with the formal adoption and publication of the Core Strategy.

Reason for Proposals

The Wiltshire Core Strategy will form part of the Council's Policy Framework. In accordance with the Local Government Acts 1972 and 2000, and the Council's constitution it must first be approved by Cabinet before it is adopted by Council. As the document has been found sound by the Inspector its adoption by the Council would help ensure up to date planning policy is in place for Wiltshire and provide effective policies to ensure the sustainable development of Wiltshire.

Dr Carlton Brand
Corporate Director

Wiltshire Council

Cabinet

16 December 2014

Subject: Adoption of Wiltshire Core Strategy

Cabinet Member: Councillor Toby Sturgis – Strategic Planning, Development Management, Strategic Housing, Property and Waste

Key Decision: Yes

Purpose of Report

1. To:
 - (i) Inform Cabinet of the Inspector's Report into the examination of the Wiltshire Core Strategy and his conclusions regarding legal compliance and soundness.
 - (ii) Seek approval that the Wiltshire Core Strategy, as amended by the modifications in the Inspector's Report and other minor modifications that have arisen during the examination or been made in the interest of accuracy and consistency, be recommended to Council for adoption.
 - (ii) Seek approval for the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, to undertake the final stages associated with the formal adoption by the Council of the Wiltshire Core Strategy.

Relevance to the Council's Business Plan

2. The adoption of a Core Strategy, as well as other planning policy documents, is fundamental to realising the overarching aims of the Business Plan 2013-2017 of delivering stronger and more resilient communities. In particular, it will help deliver the following key outcomes:
 - People work together, solve problems locally and participate in decisions that affect them by developing a neighbourhood plan with a shared vision for delivering the sustainable development they need.
 - Everyone lives in a high quality environment through a new suite of policies to guide the quality of new buildings and conserve the most sensitive areas.
 - There is a thriving and growing local economy through introducing an economy led policy document which facilitates inward investment and provides a sustainable framework for economic growth.

- Communities are inclusive where everyone can achieve their potential.
 - People have healthy, active and high quality lives, through setting a policy framework for the promotion of recreation, healthcare, enhancement of open space, introduction of a Green Infrastructure Strategy and protection of such facilities from loss.
 - People feel safe and are protected from avoidable harm as a result of good design.
3. The Core Strategy is also central to delivering land use elements of the Wiltshire Council Business Plan 2013-2017, including those relating to the Local Enterprise Partnership, affordable housing and tackling climate change. It is also the basis for service and infrastructure investment by a wide range of business interests, government departments and public agencies beyond the Council itself.

Background

4. On 26 June 2012, Full Council resolved that the Wiltshire Core Strategy Pre-Submission Document together with proposed changes, be submitted to the Secretary of State for Examination. The document was submitted on 10 July 2012, following which the appointed Inspector requested that focused consultation be undertaken on the proposed changes (including those affecting Core Policy 42 in relation to wind turbine separation distances), changes made to the Sustainability Appraisal, publication of the National Planning Policy Framework and Planning Policy for Traveller Sites. The consultation response was submitted to the Inspector for his consideration. Formal hearing sessions (examination in public) took place between 8 May and 19 July 2013.
5. Following these sessions, as requested by the Inspector, the Council published proposed changes to the Core Strategy that had arisen during the course of the examination. Public consultation took place from 27 August to 9 October 2013.
6. As part of the examination, the Inspector sent a procedural letter to the Council on 2 December 2013 requesting the Council's response on a number of matters that he had identified with the Core Strategy relating to: Wiltshire's housing requirement, level of affordable housing, Gypsy and Traveller accommodation, strategic allocations at Chippenham, settlement boundaries and town centre boundaries. The Council considered all matters raised by the Inspector and in response produced an additional schedule of proposed modifications to the Wiltshire Core Strategy, together with a revised Local Development Scheme (LDS).
7. The LDS was approved by Cabinet on 21 January 2014. This includes two additional policy documents: Housing Site Allocations Development Plan Document (DPD) incorporating a review of settlement boundaries and the allocation of additional development sites to ensure supply of housing over the Plan period; and Chippenham Site Allocations DPD to identify sites for growth at the town. It also extended the scope of the Gypsy and Traveller DPD to include a review of pitch requirements.

8. These proposed modifications were subsequently published for public consultation over the period 14 April 2014 to 27 May 2014 together with the Inspector's own modifications on the following:
 - (i) Core Policy 42 'Standalone Renewable Energy Installations' and its supporting text;
 - (ii) Core Policy 48 'Supporting Rural Life'; and
 - (iii) Replacement of 'Saved' Policy T1a 'Westbury Bypass Package' by Core Policy 66 'Strategic Transport Network'.

At the same time, public consultation was undertaken on those proposed modifications made by the Council to address issues raised during the previous public consultation (August - October 2013), as well as the implications of the Government's Planning Policy Guidance for the Wiltshire Core Strategy.

9. The response to each public consultation was sent to the Inspector for his consideration.
10. Prior to the report being issued, the Inspector held a supplementary hearing session on 30 September 2014. The agenda was limited to matters relating to housing land supply.
11. The Inspector issued his Report to the Council on 1 December 2014. This is attached at **Appendix 1**.

Main Considerations for the Council

12. The Wiltshire Core Strategy Development Plan Document (DPD), once adopted, will form part of the development plan for Wiltshire. The process for the preparation of DPDs is prescribed by statute and regulation, including the examination stage by an independent Inspector appointed by the Secretary of State. The Inspector's Report, as set out at paragraph 1:

"...contains the Inspector's assessment of the Wiltshire Core Strategy in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the Framework, paragraph 182) makes clear that to be sound a Local Plan should be positively prepared; justified; effective and consistent with national policy."

13. **Appendix 1** of this report includes the Inspector's Report in full, the Appendix of which contains his modifications. In summary the key modifications, as highlighted by the Inspector in his 'Non-Technical Summary', are:

- An increase in the minimum number of houses to be provided over the plan period (to 2026), from 37,000 to at least 42,000 and revisions to their distribution;
- A commitment to partially review the Core Strategy to enable an adequate development plan basis for decision making over the plan period to 2026;

- A commitment to produce additional Development Plan Documents to ensure the effective delivery of necessary development. Such documents will include a Housing Sites Allocation DPD, a Gypsy and Traveller DPD based upon updated needs evidence and a Chippenham Site Allocation DPD;
 - The creation of two different affordable housing targets across the county to reflect development viability;
 - Clarification of the approach to be taken towards renewable energy to be consistent with national policy;
 - Clarity of the approach to be taken towards natural and heritage assets to be effective and consistent with national policy.
14. The Inspector has made recommendations about how the Core Strategy can be modified to make it sound. The majority of the modifications relate to those changes put forward by the Council, which have been the subject of public consultation during the course of the examination as identified above. All public consultation responses have been taken into account by the Inspector in writing his report. In addition to the Inspector's own modifications that were consulted on in April to May this year (see paragraph 8), the Inspector has also now made a small number of other modifications, in particular, to:
- (i) Appropriately acknowledge the commitments for 900 homes on the west of Swindon in the Core Strategy, and clarify that as part of the planned early review of the Core Strategy, which will include a new joint Strategic Housing Market Assessment (SHMA) with Swindon Borough Council, that Wiltshire's housing requirement will be met without relying on the delivery of these homes to the west of Swindon within Wiltshire (paragraph 4.29, Page 107, Inspector's Report).
 - (ii) Recognise that the diagram showing potential strategic areas for growth at Chippenham should be regarded as indicative until such time that further work has been undertaken on the Chippenham Site Allocations, and amend the wording so that the A350 may be considered as one such barrier to development (Page 147, Inspector's Report).
 - (iii) Increase flexibility in the Core Strategy to enable further review of the Station Road, Westbury strategic site allocation in the light of further evidence that may arise in terms of infrastructure and affordable housing requirements and any recovery in the housing market (MM70, Page 147, Inspector's Report).
15. The Inspector's own modifications do not alter the overall substance of the plan and its policies or undermine the conclusions of the Sustainability Appraisal and Habitats Regulations Assessment, both of which have been updated during the examination and take into account the Council's proposed modifications to the Core Strategy (see paragraph 21 below).
16. Within the report the Inspector acknowledges in places that the Council has proposed a change(s) to the Core Strategy, but goes on to state that, he does not consider it to be essential to secure the soundness of the Core Strategy. The minor modifications have therefore been reviewed and incorporated into the Core Strategy where necessary to improve accuracy, clarity and consistency of the document.

17. The text version of the Wiltshire Core Strategy as proposed for adoption is attached at **Appendix 2** (a graphically designed version will be prepared in due course). Once adopted, the Wiltshire Core Strategy will replace a number of saved policies in the former Districts' Local Plans and the South Wiltshire Core Strategy in full, and form part of the statutory development plan for the county.
18. An important part of the Inspector's considerations is the Council's commitment to the preparation of the DPDs referred to in paragraph 7 above, as well as the Partial Review of the Core Strategy (to replace all saved policies and update town centre policies) that are all included in the Council's Local Development Scheme January 2014 (LDS). In addition, the Inspector, in his report, has drawn particular reference to a further commitment to partially review the Core Strategy in due course following a review of the SHMA. The LDS will be updated for Cabinet to consider at its meeting in January 2015 on adoption of the Wiltshire Core Strategy.

Safeguarding Implications

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

Public Health Implications

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

Environmental and Climate Change Considerations

21. Spatial Planning has implications for the natural, economic and social environment. A Sustainability Appraisal incorporating Strategic Environmental Assessment has been undertaken during the preparation of the Core Strategy. The Sustainability Appraisal has been undertaken iteratively at all stages of preparation and has informed the evolution of the Core Strategy. A Habitat Regulations Assessment has also been undertaken. Both have helped shape the Core Strategy, ensuring that negative environmental impacts are avoided and sustainable development can be delivered. They have been revisited on the issuing of the Inspector's report to check whether any significant changes have occurred since the previous assessments that may affect their conclusions (See **Appendices 3 and 4**).
22. Climate change is one of the cross cutting objectives of the Wiltshire Core Strategy. In particular, it seeks to deliver the most sustainable pattern of growth to promote self-containment as far as possible and minimise the need to travel, particularly by the private car. The Core Strategy includes specific policies to encourage the delivery of renewable energy sources and design measures to promote sustainable construction and low carbon buildings. A Strategic Flood Risk Assessment has also been undertaken as part of the process to ensure that future development is not vulnerable to flooding or increases the risk of flood elsewhere.

Equalities Impact of the Proposal

23. The Wiltshire Core Strategy aims to positively manage growth and development in Wiltshire. The public consultation processes and community involvement has ensured that everyone has had the opportunity to inform the preparation of the Core Strategy.
24. The Core Strategy has been subject to Equalities and Diversity Impact Assessment which the Inspector concluded follows a “*reasonable and robust methodology*” (paragraph 17, Inspector’s Report). The Inspector goes on to state that “*this broadly and reasonably concludes that the plan would have a positive and inclusive impact on equality and diversity throughout the county*”.

Risk Assessment

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

25. Once adopted, the Council can give full weight to the Wiltshire Core Strategy in planning decisions in order to deliver sustainable development in Wiltshire and provide greater certainty to local communities and the development industry on where and how development should take place.
26. Rejection of the Inspector’s Report at this stage would result in a planning policy vacuum at a time when the Government has stated its intention (paragraph 14, National Planning Policy Framework) to ensure that there is a presumption in favour of sustainable development in the absence of up to date local planning policies, and which presumption would require the Council to grant planning permission in situations where it would not necessarily want to, or may allow Planning Inspector’s on appeal to overturn decisions by the Council to refuse planning permission.
27. Adoption will enable the Council to make progress on the examination of the Community Infrastructure Levy (CIL), which should be in place April 2015 in order for the Council to maximise income for infrastructure from development.

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

28. See legal implications below. At the point of adoption of the Wiltshire Core Strategy by Council, there will follow a period of six weeks for legal challenge.

Financial Implications

29. The financial implications of adopting, publishing and meeting future commitments in relation to the Core Strategy are forecast to be circa £0.37m, this will need to be met from within the budget allocations and income from the Economic, Development and Planning budget.
30. The increased housing provision will enable the Council to benefit from the Government’s New Homes Bonus regime by increasing receipts and by a contribution to the Council’s Council Tax base. This has been factored into the Medium Term Financial Plan.

31. In addition, Adoption of the Core Strategy, as referred to above, will enable the Council to become a CIL Charging Authority. The funding raised through CIL, will in part replace Section 106 funding from development that could no longer be secured from early April 2015 due to the Regulations governing CIL.
32. The most significant financial risk associated with the adoption process stems from the potential for legal challenge. It is not possible to estimate the costs of such a challenge.

Legal Implications

33. Once adopted the Wiltshire Core Strategy will form part of the statutory development plan for the area and be used as such for the purpose of determining planning applications in the county. Its preparation has involved ensuring compliance with procedural requirements including: duty to co-operate, Sustainability Appraisal and Habitats Regulations Assessment being undertaken at key stages during the preparation of the Plan, and consultation statements summarising how the Council has engaged with communities and other stakeholders during the process.
34. The options open to the Council at this stage in the process are set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) England Regulations 2004. If the Council rejects one or more of the Inspector's recommended modifications it cannot then proceed to adopt the Core Strategy.
35. There are legal implications associated with the adoption of the document. These are limited to the potential for judicial challenge in accordance with legislation. Any such challenge would be limited in terms of scope and could only challenge whether a procedural step in the process of preparing the document has been missed or not complied with fully. The Legal Section have been fully involved throughout the process
36. When the Core Strategy is formally adopted by Council, an 'Adoption Statement' will be published in the local press advertising the availability of the Inspector's Report and the adopted Wiltshire Core Strategy. If at this stage anyone wishes to lodge a judicial challenge to the document, they must do so within six weeks of the date it is adopted by the Council.

Options Considered

37. The options open to the Council are limited by the legislation (see legal implications above). The Council can either:
 - (i) Adopt the Core Strategy with the modifications recommended by the Inspector; or
 - (ii) Resolve not to adopt the Core Strategy.

38. In the case of (ii) the Council would need to withdraw the Wiltshire Core Strategy and begin preparation of a new plan that would take a number of years to put in place. This would have severe repercussions for the emerging DPDs and housing land supply in Wiltshire, paving the way for speculative rather than plan led development across Wiltshire for many years.

Conclusions

39. The Wiltshire Core Strategy has been in preparation over a number of years and involved considerable public consultation with local communities and other stakeholders. It has now reached the final stage in the process and on adoption will have full weight and provide certainty over how sustainable development can be delivered in Wiltshire.
40. The Inspector's Report on the examination into the Wiltshire Core Strategy Development Plan Document concludes that the document, subject to amendment, is 'sound'. The Council can now formally adopt the plan in line with the Inspector's Recommendations.
41. Adoption of the plan will provide an up-to-date development plan for Wiltshire. This will enable the effective management of development and ensure that homes and jobs are provided in the most sustainable way that maximises benefits for local communities.
42. Once formally adopted, the adopted Wiltshire Core Strategy, along with the Inspector's Report, Adoption Statement and finalised Sustainability Appraisal, will be published and made available for inspection.

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The following unpublished documents have been relied on in the preparation of this Report: None

Appendices:

Appendix 1: Inspector's Report - Report on the Examination into the Wiltshire Core Strategy, 1 December 2014

Appendix 2: Wiltshire Core Strategy (Adoption text)

Appendix 3: Sustainability Appraisal

Appendix 4: Addendum to Habitats Regulations Assessment