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Dear Ms Clampitt-Dix

Chippenham Site Allocations Plan (CSAP) – Examination in Public

When agreement was reached to suspend proceedings regarding the Chippenham Site Allocations Plan on Wednesday I said that I would write to the Council setting out my reasons for suggesting that suspension would be appropriate. My reasons are:

- i) There are fundamental concerns with the adequacy of the Site Selection Procedure (SSP). These centre on 2 main aspects. The first is the use of a 'ranking' exercise relating to the criteria set down in Core Strategy (CS) Policy 10 which seeks to provide guidance for the site allocations in the CSAP. These were not ranked in the CS and the basis for the ranking exercise is not clear and neither is there a clear indication of how the ranking influenced the final choices. The second aspect is the 2 stage approach to identifying, firstly, broad strategic areas and secondly specific locations within those areas to allocate for development. This results in some locations not being evaluated in the same detail as others before being rejected. The basis for the first stage exercise is a narrative approach which does not give confidence that those areas rejected in the first round have been subject to a robust evaluation. Ultimately, this could result in one or more legal challenges to adoption on the basis that reasonable alternatives were not given proper consideration.
- ii) The Sustainability Appraisal (SA) must be shown to be adequate. This was subject to detailed examination and it became apparent that it is not adequate. The reason for this is that, like the SSP, it followed a 2 stage process. In many cases, the differences in performance between the five areas under consideration against the 12 identified SA objectives are unsubstantial to the extent that there is little discernible difference. Indeed, in the SA's own summary it states that "*the options perform broadly similarly against SA objectives..*" and "*no areas contain absolute sustainability constraints that cannot be mitigated*" leading to the conclusion that "*...due to the high level nature of this assessment none of the five identified areas are discounted entirely...*" Nevertheless, only

three of those broad areas were taken forward for detailed assessment of locations for development within them. As with the SSP, this leads to sites which may well have scored highly in the second stage appraisal being ignored for the purpose of that exercise. Whilst the site options chosen for the second stage appraisal are identified on OS base maps there is no indication in the SA of reasons why these specific choices have been made against potential alternative locations.

As a consequence of the assessment of these two major pieces of evidence there is no basis to say whether site options favoured by certain representors would perform better, or worse, than the chosen site options for incorporation in the Plan. In other words it cannot be concluded that the LPA has properly taken into account reasonable alternatives and, essentially, this is why there is no basis for finding the chosen site options to be sound. This is not a situation that can be remedied without revisiting the two exercises.

A third area of concern, which had been explored in the early appraisal, but has not been resolved, is that of deliverability. The chosen strategy has, at its heart, an arc of development across the northern edge of Chippenham comprising land within three of the broad areas - A, B and C. Planning permission has been granted, subject to completion of a S106 agreement, for 750 dwellings within area A. Areas B & C would accommodate some 1,500 of the total of 'at least 2,625 dwellings' beyond existing commitments to be accommodated. All three of the areas would contribute to an 'Eastern Link Road' (ELR) connecting the A350, west of the town to the A4 in the east (although the Council insists this is not a by-pass but a link road).

The Plan requires development at area B to fund a bridge over the railway line and a link road to the south (the Cocklebury Link Road) to alleviate town centre congestion in addition to providing a length of the ELR with a limit of 200 dwellings prior to completing the link between Cocklebury Road and the B4069. The Plan makes it clear that the site's location will place strain on existing traffic corridors, parts of which are already congested. However, para 5.18, indicates that the new road infrastructure would ultimately improve existing conditions raising questions over whether the infrastructure provision would be compliant with the Community Infrastructure Levy Regulations 2010, S122, as fairly and reasonably related in scale and kind to the development proposals. Only 400 dwellings within area C can be completed prior to the railway bridge and ELR link provided in conjunction with the development of area B becoming available. Additionally, development at area C must provide the final section of the ELR plus a bridge over the River Avon to provide access to the northern part of the allocation.

Clearly the chosen reliance on the northern arc requires a smooth and coordinated progress over the 10 year remainder of the Plan period. It also involves a total outlay of between around £18.8m* and some £30m (independent assessment for a representor) for the sections attributable to areas B and C. I have formed the opinion that there must be some doubt that it will be possible to negotiate S106 agreements to fully fund the necessary infrastructure. Additionally, bearing in mind that the S106 agreement being negotiated for Area A proposal shows only 20% affordable housing provision against a CS compliant requirement of 40% whilst not contributing to any 'big ticket' items such as bridges, it begs the question of whether the proposals can ever be shown to be CS policy compliant in relation to affordable housing. All of these issues raise serious questions regarding deliverability of the proposals which the hearing failed to resolve.

**the estimate is contained in the Council's recent draft Transport Strategy – although the estimate makes no reference to the bridges.*

The Council accepted that in order to resolve these issues further substantial work would be required so that a pause in proceedings has become necessary.

In addition to those 3 substantial matters of concern, there are a further 3 matters that must be addressed in order for the Examination to resume in a satisfactory manner. These are:

1. An absence of substantive evidence to show that the plan is '*based on delivering significant job growth, which will help to improve the self-containment of the town...*' as required by the CS - in other words, that the Plan gives priority to new employment provision.
2. A need to acknowledge the provision of the ELR as a policy requirement. Its role and character remained ambiguous throughout the hearings. It is characterised as a 'distributor road' whose purpose is to provide access to development sites, with a bonus of relieving existing congestion. Nevertheless the design characteristics, alignment and origin and destination links to the Primary Road Network suggest that it could effectively act as a by-pass and encourage out commuting to nearby urban areas such as Swindon and Bristol - not supportive of the high priority to employment fundamental to the CS approach. It has, throughout, remained a largely invisible policy requirement with no indication of its importance to the strategy by means of the Policies Map.
3. Key aspects of the strategy require funding through the developments: notably the ELR and the bridges, and potentially flood alleviation works. Whilst there was talk of S106 agreements being required in connection with planning permissions for individual proposals, of the 2 current resolutions to grant permission, the mixed use development within area A for 750 dwellings was considered by the LPA in April 2014 and there is still no S106 agreement, whilst that at Hunters Moon for 450 dwellings was submitted in June 2013 and also has no S106 agreement at this time. The Plan must address the issue of coordinated delivery to ensure the key pieces of infrastructure are in place at the time they are required, otherwise the plan has serious deliverability issues. It is necessary to address the issue of which aspects of infrastructure provision can be fairly and reasonably related in scale and kind to a specific development, rather than providing a wider benefit or addressing a pre-existing situation. The Government's Planning Practice Guidance, para ID: 23b-003-20150326, advises that "*policies for seeking planning obligations should be set out in a local plan...to enable a fair and open testing of the policy at examinations*". This Examination has been denied the opportunity with the apparent assumption being that developers will accede to the Council's demands in any event. The evidence provided from the site within area A and the Hunters Moon site suggests otherwise.

For all of these reasons there was no alternative but to seek substantial further information and evidence and, potentially, significant modifications to the submitted Plan. The requirement was accepted and it was agreed these matters could not be addressed without a pause in the proceedings, with a period of 6 months - to 11 May 2016 - being considered as an appropriate timescale.

As you will know, Examining Local Plans Procedural Practice, para 8.16, indicates a requirement that the Local Planning Authority provides a schedule and timetable of work necessary in order to address the matters raised. In this instance, a fundamental concern is with the adequacy of the Sustainability Appraisal which was carried out for the Council by consultants, which will require a substantial additional input. Addressing the identified shortcomings may result in risk to the basis on which the Plan has been prepared since commissioning new evidence may lead to major changes to the submitted Plan. If this were to be the case I would urge the Council to consider withdrawing the Plan under S22 of the Planning and Compulsory Purchase Act 2004 (as amended) rather than pursue a significant amount of additional work to ensure soundness.

In the circumstances outlined I consider it would be appropriate to incorporate a date when the timetable and schedule of work is formally reviewed in order to show that the work can be completed and the Examination resumed on schedule. This should be earlier rather than later, so I suggest that a date for a meeting towards the end of January be built in to the timetable.

Yours sincerely

Patrick T Whitehead (Inspector)