

13 January 2017

Mr Patrick Whitehead
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Dear Mr Whitehead

Chippenham Site Allocation Plan - Resumed Examination in Public

Thank you for your letter of 4 January 2017 regarding the outcome of your consideration of responses to the consultation on the Proposed Further Modifications which started in October 2016 and your amendments to the Main Modifications submitted by the Council. It is noted that the modification references used within your letter relate to the composite list of Main Modifications (CSAP/16) created from the amalgamation of proposed modifications included in the May 2016 consultation (CSAP/11) and October 2016 consultation (CSAP/15)

We have considered your amendments on the constructive basis they are intended. They focus on providing further clarity on the delivery of transport infrastructure needed to support the growth proposed in the Plan and mitigating the landscape impact of development at Rawlings Green. The final amendment MM10 provides a factual update to relate to the latest published evidence on housing land supply.

Having considered your amendments to the Main Modifications we do not have any objections. However, we would like to take the opportunity to propose a few changes that we feel are necessary to improve their clarity.

MM34 to Paragraph 5.18b

It is understood that your amendment to paragraph 5.18b is to provide clarity that both the Cocklebury Link Road and the connection to the A350 through the North Chippenham site should be in place prior to the completion of the first phase of development at Rawlings Green. This supports the amendments to Policy CH2. However, the amendments to Policy CH2 (MM26) introduce a new sub paragraph 3 which states "*Development beyond the first phase of 200 dwellings shall not commence before the link road to the A350 is open for use or a set of comprehensive transport improvement measure of equivalent benefit is in place*", which the Council recognises is intended to support the timely delivery of new infrastructure. This allows alternative transport improvement measures to the northern link to the A350 provided they are of equivalent benefit. The use of the word 'must' in the final sentence of paragraph 5.18b could be interpreted as contradictory to new sub paragraph 3. The Council, therefore, suggests either

replacing the word 'must' with 'should' or adding the same qualification included in the amended policy (indicated in **bold**) in paragraph 5.18b as follows:

“Development of the site requires construction of a completed link road from Cocklebury Road via Darcy Close and a new bridge over the railway to Parsonage Way and the B4069 as an essential part of a first phase of development. **The link road from the B4069 to the A350 must also be open to traffic or a set of comprehensive transport improvement measure of equivalent benefit must be in place** prior to development commencing beyond the first phase of development of the Rawlings Green site.”

MM34 to Paragraph 5.18e

We acknowledge that in discussions throughout the examination period you have focused on the need for timely and co-ordinated delivery of infrastructure and recognise that the amendments to paragraph 5.18e are to reflect the commitments made by the Council during the hearings to support delivery.

The Council stands by that commitment. However, the Council needs to be confident that the wording does not fetter its discretion as Local Planning Authority nor unreasonably raise developers' expectations. As a consequence we suggest a few amendments set out below in **bold** to add clarity and limit any opportunities for misinterpretation. By way of explanation:

- The word '*partnership*' has a legal definition. The use of this word as set out in the amendment could imply that the Council, as Local Planning Authority, will enter a legal partnership with developers in relation to the delivery of a planning application. This would not be appropriate and the alternative word '*collaboration*' is suggested.
- In relation to the final sentence the use of Council powers is open ended and should be tied to the completion of the link road. The suggested additional wording and deletion of the word 'any' ties the role of the Council specifically to facilitating the delivery of the link road to the A350 and railway bridge.

The suggested alternative wording below does not seek to reduce the Council's commitment in any way to secure the delivery of the necessary infrastructure at Chippenham to support growth and minimise the impact of that growth on the local community.

“In implementing the Plan the Council will monitor the delivery of the necessary infrastructure to ensure that development comes forward in a timely and co-ordinated fashion. It will, with its partners, play a pro-active role in ~~partnership~~ **collaboration** with the developers to ensure completion of the link road to the A350 and railway bridge. **In this regard**, it will use its powers, including its ability to resolve **any** financial imbalances, for example by providing early funding to accelerate the provision of infrastructure or, in circumstances where delivery is significantly delayed and there are no other options, by using its compulsory purchase powers”.

Thank you for the opportunity to consider your amendments to the Main Modifications prior to the completion of your report and we hope that you accept the suggested amendments above as providing additional clarity to the Plan.

We understand that as the amendments relate to issues already discussed either in the Council's evidence or during the hearings they would not require further consultation in advance of the completion of your report. As such we look forward to receiving your report.

Please let us know whether there are any further outstanding matters that need to be addressed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alistair Cunningham', with a long horizontal flourish extending to the right.

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