

**WILTSHIRE COUNCIL
LOCAL DEVELOPMENT FRAMEWORK
SOUTH WILTSHIRE CORE STRATEGY
EXAMINATION IN PUBLIC**

**MATTER 12:
CLIMATE CHANGE AND ENVIRONMENT**

**ON BEHALF OF
PERSIMMON HOMES AND
THE WILTON ESTATE**

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Q12.1 Carbon Emissions/Renewable Energy

The CS does not have policies dealing specifically with energy efficiency in buildings; with on site renewable, low carbon and decentralised energy; or with renewable energy/heat. Instead it relies on national and regional targets. Why is this?

- 12.1.1 Persimmon and Wilton generally support the South Wiltshire Core Strategy and note its overall soundness. However, further minor changes to the CS are sought to improve its effectiveness, consistency with national policy and for clarification/updating purposes.
- 12.1.2 Persimmon Homes and the Wilton Estate note that the CS does not have policies dealing specifically with energy efficiency in buildings; with on-site renewable, low carbon and decentralised energy; or with renewable energy/heat, despite the advice set out in the Supplement to PPS1 Paras 19.¹
- 12.1.3 Persimmon and Wilton note that Para 19 of the PPS1 Supplement states in developing their Core Strategies and supporting LDDs, planning authorities should provide a framework that promotes and encourages renewables and low carbon, decentralised energy. Policies should be designed to provide, and not restrict, renewables and low carbon energy and supporting infrastructure. However, Persimmon and Wilton consider that this policy framework, as sought by the Supplement to PPS1, is best and more appropriately progressed on a Wiltshire wide basis through the Wiltshire Core Strategy.
- 12.1.4 The CS relies upon national and regional targets. The reasons for this appear two fold; the first concerns to the relationship of the South Wiltshire CS to the emerging Wiltshire-wide CS and the second to the desire not to merely repeat the plethora of national and regional guidance on these issues in the CS, in the absence of any specific, locally distinctive evidence or reasons to justify a local policy approach or departure from national policy in the CS.
- 12.1.5 As stated in response to Matter 14, the content of the South Wiltshire CS has been heavily influenced by the implications and consequences of Local Government Re-organisation for Wiltshire and the former District and County Councils approach to managing the transition from several District LDFs, all at

¹ PPS1 Supplement Planning and Climate Change (2007) NPP/01 B

different stages, to a single county wide Core Strategy for Wiltshire, having regard to the advice in PPS1² and the revised PPS12³ to maintain up to date development plans.

- 12.1.6 Persimmon and Wilton note that climate change is a fundamental planning consideration which features extensively throughout national and regional policy statements, in particular the Supplement to PPS1 Planning and Climate Change. Persimmon and Wilton acknowledge the importance of planning for climate change and the design of the emerging Fugglestone Red urban extension will need to address this matter along with other design issues.
- 12.1.7 Given that the Wiltshire-wide Core Strategy will eventually subsume, and replace, the South Wiltshire CS, it is understood that the intention of the Council is for the new countywide policy document to incorporate the generic policies necessary to address energy efficiency in buildings, on-site renewable, low carbon and decentralised energy and renewable energy and heat. As the South Wiltshire Core Strategy will have a relatively short 'shelf life' before it is integrated with the Wiltshire-wide document there should not be a requirement to include policies in the CS on these issues at this late stage of the plan making process, as these are likely to amount to more than minor changes to the plan.
- 12.1.8 Furthermore, it is important that the content of the Adopted South Wiltshire Core Strategy does not pre-empt the emerging county wide policy, which is being prepared and will be applied on a consistent basis to guide future development throughout the County in terms of renewable energy, energy efficiency and the low carbon economy.
- 12.1.9 It is understood that the Council have appointed specialist consultants, Calco, to advise on the formulation of the climate change and low carbon policies for inclusion in the Wiltshire Core Strategy. The consultants will be submitting their final report and advice in April 2010. The Council will then formulate the precise policy wording for inclusion in the Wiltshire Core Strategy for public consultation currently programmed for later in 2010.

² PPS1 Delivery Sustainable Development (2005) NPP/01 A

³ PPS Local Spatial Planning (2008) NPP 12 A

- 12.1.10 PPS12⁴ and PPS3⁵ contain a strong emphasis on accelerating the “delivery” of development. This is reflected in the South Wiltshire Core Strategy, which focuses upon the delivery of development in the Salisbury HMA, in particular the identification of the Strategic Allocations, rather than seeking to cover a wide range of policy topics.
- 12.1.11 Clearly, the decision making that informed the content of the South Wiltshire Core Strategy, and the associated Sustainability Appraisal⁶ and Habitat Regulations Assessment⁷, took account of climate change in the selection land for development, the proposed distribution and the formulation of the core policies .
- 12.1.12 The second facet to this argument is that the Core Strategy does not seek to attempt to present locally derived evidence to justify a local policy approach, over and above, or departing from, the national and regional policy guidance. During the limited transitional period, until the new county wide policies are adopted, the Council appears content to rely on the national and regional policy, the existing “saved” Local Plan policies, such as G1, G9 and D1, and the Creating Places SPG.
- 12.1.13 From the available evidence, there does not appear to be any strong local justification for policies specifically for South Wiltshire in respect of on-site renewables, low carbon, de-centralised energy and renewable energy that depart from the regional and national policy and guidance.
- 12.1.14 Given that the existing generic development control policies, ‘Saved’ in the Adopted Local Plan⁸, the policies in the Adopted Wiltshire and Swindon Structure Plan 2016⁹ and national and regional policy and guidance would apply to developers in the short term there is no “Policy Gap” to be addressed by the CS. Furthermore, there does not appear to be any sufficiently strong local justification for ‘interim’ policies on these issues to be included in the CS before the county wide policies are adopted. The county-wide policies will be

⁴ PPS1 Supplement Planning and Climate Change (2007) NPP/01 B

⁵ PPS12 Local Spatial Planning (2008) NPP/12 A

⁶ South Wiltshire Core Strategy Habitat Regulations Assessment (2009) SWCS/02

⁷ South Wiltshire Core Strategy Sustainability Appraisal (2009) SWCS/03

⁸ Salisbury District Local Plan (2003) LPP/01

⁹ Wiltshire and Swindon Structure Plan 2016 (2006) CPP/02

informed by specialist advice from Calco and subject to extensive public consultation as part of the Wiltshire Core Strategy.

12.1.15 Persimmon and Wilton note that the Strategic Allocation templates included in the CS address on-site renewable energy generation. Furthermore, the emerging Building Regulations and the Code for Sustainable Homes also seek to ensure that energy efficient buildings are achieved and the low carbon agenda is pursued in South Wiltshire, as elsewhere, in line with the nationally agreed timetable and approach.

12.1.16 Persimmon and Wilton note that the national policies are still evolving on these issues and therefore the CS must remain flexible to accommodate changed policy at the national level.

Conclusions

12.1.17 Persimmon and Wilton note that the Core Strategy specifically does not include policies in respect of energy efficiency in buildings; with on-site renewables, low carbon and decentralised energy; or with renewable energy/heat despite the advice set out in the PPS1 Climate Change Supplement and emerging RSS10.

12.1.18 However, Persimmon and Wilton consider that the reasons for this, outlined above, are justified in the short term. It is noted that the Council is content to rely on the extensive national and regional policies, targets and good practice and the "Saved" Local Plan policies, such as Policies G1-G9, until the Wiltshire wide policy can be put in place via the Wiltshire Core Strategy. It is highly unlikely that any Strategic Allocations will be consented before the draft, and final, policies are available in any event.

12.1.19 Therefore, in the absence of any strong local justification for a departure from the national standards or policies or particular South Wiltshire specific circumstances which make it imperative to include such policies at this late stage, Persimmon and Wilton support the approach of the Council to omit such policies from the CS.

12.1.20 Whilst climate change considerations have informed the Council's thinking on the Strategic Site selection process, it is undesirable in policy terms to pre-empt the future policy formulation on climate change for the whole of Wiltshire.

12.1.21 In time the new policies on climate change and the low carbon agenda will apply equally to South Wiltshire as well as the rest of the County. Therefore, it would be highly undesirable to seek to introduce two separate, and potentially contradictory or inconsistent, sets of policies on such generic considerations as climate change, energy efficiency, renewable energy and the Low Carbon economy in the Development Plan for Wiltshire.

Q12.2 Water Efficiency. Core Policy 19

Core Policy 19 lays down a minimum requirement for water efficiency in new residential developments. Has the feasibility and viability of this local requirement been tested?

- 12.2.1 Persimmon Home and Wilton Estate note that Core Policy 19 lays down a minimum requirement for water efficiency in new residential development, equivalent to Level 3 of the Code for Sustainable Homes. Persimmon and Wilton are not aware that the feasibility and viability of this local requirement has been tested by the Council.
- 12.2.2 However, whilst not objecting to the policy, Core Policy 19 potentially is superfluous given its relationship to national standards and the time period covered by the policy relative to the timetable for the introduction of the Code for Sustainable Homes and associated BREEAM standards for non-residential development.
- 12.2.3 Persimmon and Wilton endorse the need for greater water efficiency measures at Salisbury and elsewhere in response to climate change and sustainability considerations. Greater water efficiency in the new development proposed will have a relatively limited impact on the overall level of water consumption and abstraction from the River Avon SAC given that the majority of water use already arises from the existing residents, businesses and other users. Therefore, it is potentially misleading to suggest that the proposed water efficiency in the new development would have anything more than a limited or marginal impact on the ability in future to maintain river flows in the River Avon SAC.
- 12.2.4 The key point to note is that the Code for Sustainable Homes and the BREEAM Standards for non-residential development, together with enhanced Building Regulations, will impose the level of water efficiency sought by Core Policy 19 in any event, thus the policy is potentially superfluous. Since April 2008 all new social housing must be built to a minimum of Code Level 3, this will be achieve water efficiency levels sought by Core Policy 19. Therefore, the policy is somewhat redundant in this respect. Furthermore, the standard of 105 litres per person per day also applies to Code Level 4 in any event. Persimmon and

Wilton notes the more onerous standard of 80 litres per person per day only applies to Code Levels 5 and 6.

- 12.2.5 The nationally agreed timescale for the introduction of the Code for Sustainable Homes¹⁰ mean that by 2013 Code Level 4 will be the minimum and by 2016 Code Level 6 is expected to apply. Therefore, during the period when the development identified in the Core Strategy is being constructed, Code Level 4 and the Building Regulations, prevailing at that time, will ensure that the proposed water efficiency standards are achieved, notwithstanding Core Policy 19.
- 12.2.6 The absence of local viability and feasibility testing of the “local” requirement has been overtaken by events. Given that the development allocated by the Core Strategy will be covered by more onerous national policy, Core Policy 19 is now somewhat redundant.
- 12.2.7 The occupants of new dwellings or non-residential development should not be penalised unduly. Clearly a broad based strategy of encouraging greater water efficiency within the existing dwelling stock, reducing water leakage and reducing water consumption by existing businesses in the catchment would have a greater impact on maintaining flow levels in the River Avon SAC.

Conclusions

- 12.2.8 Persimmon and Wilton note that Core Policy 19 lays down a minimum standard for water efficiency, which is the equivalent to Code Level 3. As Code Level 3 and beyond will apply to all new development in South Wiltshire, in any event through the introduction of the Code for Sustainable Homes, the absence of specific feasibility and viability testing by the Council, at this stage, is not of particular concern to Persimmon and Wilton or sufficient by itself to warrant the deletion of the policy. However, the lack of “local distinctiveness” relative to the obligation to comply with the national code, standards and Building Regulations, suggests that Core Policy 19 is now superfluous.

¹⁰ Code for Sustainable Homes (2006) NPP/32

12.2.9 It is noted that the Building Regulations “trump” the Core Strategy policies in respect of the required level of water efficiency to be provided within a development, in any event.

Q12.3 Phosphate Levels Core Policy 20

The second paragraph of Core Policy 20 refers to the production of a Phosphate Management Plan to be funded by the developers of various sites. Which sites would be required to fund this plan, on what basis would these sites selected, what are the sorts of measures that are likely to be required to ensure that development does not result in the unmitigated addition of phosphates to watercourses?

- 12.3.1 Persimmon Homes and the Wilton Estate note that the second paragraph of Core Policy 20 refers to the production of a Phosphate Management Plan to be funded by the developers of the various sites, identified in the CS.
- 12.3.2 Persimmon Homes and the Wilton Estate object to Core Policy 20 for a variety of reasons. The policy is unreasonable and fails the tests of Circular 06/06. The current policy lacks clarity and should be further refined to overcome the objections and improve its effectiveness.

Which Sites would be required to fund this plan?

- 12.3.3 Persimmon Homes and Wilton Estate note an inconsistency in Core Policy 20 and the other policies of CS in that not all the proposed Strategic Allocations at Salisbury would be expected to fund the production of the Phosphate Management Plan. There is an inconsistency between Core Policy 20 and the templates contained in the Core Strategy. Core Policy 20 states “All developments identified in the CS will be required to contribute to the undertaking and implementation of the Management Plan.” The templates for Hampton Park, Fugglestone Red, Central Car Park, Churchfields and Kings Gate include the policy requirement to make a contribution to the Phosphate Management Plan and its implementation whereas the UKLF site, South of Netherhampton Road, Longhedge and Former Imerys Quarry do not specifically seek such a contribution and therefore it is unclear whether they are covered by Core Policy 20 or not. If they are not intended to contribute to the Plan the reasons for this are not explained in the CS. The CS policies appear unreasonable contrary to Circular 06/06.
- 12.3.4 The source of phosphates in the River Avon SAC is derived principally from existing development and activity in the catchment. The additional development proposed in the CS would have a marginal impact on Phosphate

levels as a proportion of the overall dwelling stock in comparison to the current activities. Therefore, it is unreasonable to pass the financial burden on to the developers of certain strategic sites, but not others, to resolve an existing problem and, for that matter, as this is a general issue, why this cannot be funded by public agencies, such as Natural England or Wessex Water, without seeking developers to subsidise the resolution of an existing problem.

- 12.3.5 It is unclear how much the study and its implications would cost or how and when funds would be collected and spent. If all new development, including "in-fill" development, adds to Phosphate levels in the catchment then every scheme, no matter how big or small, should contribute an impact charge to address this issue. It is unfair and unreasonable to simply apply this burden to one group of developments, but not others.

What basis were sites selected?

- 12.3.6 The basis upon which the sites, expected to contribute to the Phosphate Management Plan, were selected is unclear and appears inconsistent. As stated above, some strategic sites are expected to contribute but others are not. The reasons why certain sites were selected are not adequately explained in the CS. It appears somewhat arbitrary. Persimmon and Wilton would suggest minor change deleting the references to the Phosphate Management Plan from the templates and Core Policy 20 be clarified to make clear the contribution would be sought on a 'pro-rata' per dwelling basis as a "Roof Tax" commensurate with the impact of the unit on the problem.
- 12.3.7 The costs of the Management Plan and its implementation are currently unknown and therefore there should be no 'open ended' requirement to contribute without the overall viability and other infrastructure requirements being taken into account. The contribution level for individual developments should be subject to negotiation.

What are the sorts of measures that are likely to be required to ensure that development does not result in the unmitigated addition of phosphates to watercourses?

- 12.3.8 The Core Strategy is unclear regarding the type of measures envisaged to reduce or control phosphate levels in the River Avon SAC.
- 12.3.9 Whilst more efficient and improved sewage treatment at the Sewage Treatment works would be one option, the CS acknowledges that there are other phosphate inputs to the SAC, additional to those attributed to the sewage works. Therefore, the additional measures would need to address these other phosphate inputs. The relationship to new development to the additional source of pollution appears somewhat tenuous and therefore the justification for a contribution is slight to non-existent. Persimmon and Wilton note that overcoming these additional sources of pollution would be beyond the scope of the new Strategic Allocations to influence or deliver. The role of agricultural pollution is not explained nor how other potential polluters will be addressed in policy terms.

Conclusions

- 12.3.10 Persimmon and Wilton have strong concerns over the content, implications and application of Core Policy 20. The inconsistencies of the CS between Core Policy 20 and the templates should be resolved through further minor changes or the policy deleted. The tests of reasonableness in Circular 06/06 should be reflected in the policy.
- 12.3.11 Whilst the water quality of the River Avon SAC should be addressed by the CS and the development process it is essential that any contributions sought are proportionate, reasonable and directly related to the development in question. A pro rata contribution policy would be more appropriate.
- 12.3.12 It is essential that the delivery of development in the Salisbury HMA is not impeded by the need to resolve an existing problem, the relative degree to which it would be affected by a particular development being marginal. Any impacts of a major development are covered by the Habitats Directive and would be addressed by the Environmental Statement.
- 12.3.13 This is principally a matter for the Water Company and Natural England to resolve without passing the "burden" onto the Council or developers.

Q12.4 Core Policy 23. Green Infrastructure

What is the purpose of the Green Infrastructure Plan which the Council proposes to produce? What is the basis for requiring all developers to contribute towards the implementation of this plan?

12.4.1 Persimmon Homes and Wilton Estate support, in principle, the provision and enhancement of Green Infrastructure as part of new developments. The emerging Master Plan for Fugglestone Red incorporates extensive Green Infrastructure, which will be a significant benefit to new and existing residents and local wildlife.

What is the purpose of the Green Infrastructure Plan which the Council proposes to produce?

12.4.2 The purpose of the Green Infrastructure Plan, proposed by the Council, is unclear and not sufficiently explained in the CS. The policy attempts to address both on-site and off-site Green infrastructure issues. The policy would benefit from minor change to restructure and clarify the intentions in respect of on-site provision of Green infrastructure in new development, including the Strategic Allocations and the apparent contributions to unspecified off-site Green infrastructure provision and projects.

What is the basis for requiring all developers to contribute towards the implementation of the GI Plan?

12.4.3 The basis for requiring all developers to contribute towards the implementation of the Wiltshire GI Plan appears to be that the additional developments will increase pressure on existing Green infrastructure resources thus additional GI or more efficient management of existing GI will be necessary, which should be funded by new development. It is unclear whether developers are being asked to rectify existing deficiencies. The tests of Circular 06/06 need to be taken into account.

12.4.4 However, it is unclear how and where such contributions will be spent. It is essential that there is a direct relationship between the proposed development from which a contribution is sought and the GI Plan implementation measures for

which contributions are sought. The lack of transparency of the policy is not satisfactory and any contributions should be subject to negotiation.

12.4.5 The final element of the plan is wholly unreasonable, unnecessary, inflexible and would potentially impede the delivery of development in South Wiltshire and therefore should be deleted. It restricts the flexibility of the plan contrary to PPS12.

Conclusions

12.4.6 The purpose of the Green infrastructure Plan is unclear as is the requirement to contribute towards it. Persimmon and Wilton question whether Core Policy 23 should remain in the CS.

12.4.7 The purpose of the Green Infrastructure Plan appears to seek to improve access to green infrastructure throughout Wiltshire, to the benefit of existing and new residents, visitors to the county and wildlife. It is unclear why the Strategic Allocation should contribute to the GI plan or where such contributions will be spent in South Wiltshire. The current arrangements, as set out in Core Policy 23, are unsatisfactory and not sufficiently transparent.

12.4.8 The policy should clarify that all new development in the South Wiltshire HMA, no matter what scale, is expected to contribute on a pro-rata basis to enhanced off-site Green Infrastructure in the South Wiltshire area.

12.4.9 Similarly, given the county-wide nature of the Wiltshire Green Infrastructure Plan, this policy might be more appropriately included in the Wiltshire Core Strategy (see response to Q.12.1) rather than restricting its application to South Wiltshire.