

**WILTSHIRE COUNCIL'S CHIPPENHAM SITE ALLOCATIONS PLAN (CSAP)
INDEPENDENT EXAMINATION**

**NOTES OF THE PROGRESS MEETING FOLLOWING SUSPENSION OF THE
EXAMINATION**

**Council Offices, Monkton Park, Chippenham SN15 1ER
Thursday 21 January 13.00 hours**

Inspector's opening remarks and introductions

- 1.1 The Inspector welcomed all those attending to the Progress Meeting following suspension of the Examination into the Wiltshire Council's Site Allocations Plan (CSAP). The purpose of the meeting was to review the Council's schedule of work proposed to address the concerns leading to the suspension, together with the timetable for completion of that work.
- 1.2 The Inspector explained that the meeting was between himself and the Council's representatives and its advisors. Whilst in the interests of openness, the meeting was being held in public, it was not an open meeting and members of the public were present as observers only.
- 1.3 A colleague of the Inspector's from the Planning Inspectorate attended the meeting. This was solely as an observer and he took no part in the proceedings; nor would he influence the Inspector's conduct of the examination in any way.
- 1.4 The Council officers introduced themselves as Tim Felton, Wiltshire Council Legal Services, Carolyn Gibson, Spatial Planning Manager and Tim McCombe, Senior Planning Officer.
- 1.5 The Inspector underlined the seriousness which he attached to the suspension of the Examination by reference to the Inspector's findings in his report on the examination of the Wiltshire Core Strategy. In paragraph 229, he concludes that "*in totality and with regard to the strategic allocations at Chippenham, the SA (that is the Sustainability Appraisal) does not inform robustly the equitable consideration of reasonable alternatives...this is an unfortunate but fundamental shortcoming*". He goes on to state that "*I am unable to conclude that the content of the Core Strategy with regard to the strategic allocations...is sound and can justifiably form part of a sound plan*". It was a matter of some significance that a little over a year later, the Council faced a similar criticism with regard to the Sustainability Appraisal supporting the strategic allocations included in the submitted Site Allocations Plan.
- 1.6 The second reference was to a ministerial statement by the Minister of State for Housing and Planning (Brandon Lewis) in respect of Local plans, issued on 21 July 2015. In the statement he emphasised the Government's commitment to local plans, identifying them as a cornerstone of planning reforms. The statement expressed the Government's view that action is required to ensure all local authorities meet the standards already achieved by the best. To this end he hinted at Government intervention in cases where no local plan had been produced by early 2017. It went without saying that it was in everyone's best interest that the Chippenham Site Allocations Plan should be made capable of adoption by the end of 2016 and the Inspector would do his best to ensure the Council had the best opportunity to achieve a satisfactory result. Equally, it was fundamental to success that the Council adequately addressed the identified shortcomings.

Summary of the purpose and expected outcomes of the suspension (Inspector)

- 2.1 The Inspector's initial appraisal of the CSAP indicated some shortcomings which the Council sought to address through written answers. Whilst these did, in his view, provide a basis for moving on to hold the hearing sessions, the Inspector did indicate in his letter of 5 October 2015 that there were significant questions to be answered, and that he expected these to be pursued at the hearings.
- 2.2 In the event it became increasingly clear during the first and second days of the hearings that the evidence before the Inspector was seriously flawed and that as a result he could not progress the Examination without a pause to give the Council an opportunity to address his concerns.
- 2.3 It was important to stress that, at this time the Inspector had not found the submitted plan unsound: indeed he had not reached any conclusions regarding soundness. The reason for the suspension was solely related to inadequacies in the evidence base which meant that to proceed further could, in all probability result in a finding of unsoundness. The Council had sought reassurance that the Inspector would proceed with an open mind and, in return he sought reassurance that it will also go forward in a similar frame of mind. His reasoning was that, whilst he had not found the evidence base adequate in its support of the chosen strategy, the outcome of the additional work must include the possibilities that, either the chosen strategy would be vindicated by new evidence or that a reasonable alternative would be shown to provide a better plan.
- 2.4 The fundamental flaws identified in the evidence base, which must be addressed by additional work were:-
- 2.5 The Site Selection Procedure (SSP). The Inspector's reasons were firstly, that the use of a 'ranking' exercise relating to the criteria set down in Core Strategy (CS) Policy 10 was neither clear, nor provided an indication of how the ranking influenced the final choices. Secondly, the 2 stage approach to identifying, firstly, broad strategic areas and secondly specific locations within those areas to allocate for development resulted in some locations not being evaluated in the same detail as others before being rejected.
- 2.6 The Sustainability Appraisal (SA): Like the SSP, this followed a two stage process. In many cases, the differences in performance between the five areas under consideration against the 12 identified SA objectives were unsubstantial to the extent that there was little discernible difference. Only three of the broad areas were taken forward for detailed assessment of locations for development within them. As with the SSP, this led 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 were identified on OS base maps there was no indication in the SA of reasons why these specific choices had been made against potential alternative locations.
- 2.7 Deliverability: This was explored in the early appraisal, but had not been resolved. The chosen strategy had, 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 had been granted, subject to completion of a S106 agreement, for 750 dwellings within area A. Areas B and 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. Reliance on this northern arc required a smooth and coordinated progress over the 10 year remainder of the Plan period involving a considerable total outlay for the sections attributable to areas B and C. There must be some doubt that it would 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 showed only 20% affordable housing provision against a CS compliant requirement of 40% whilst not contributing to any 'big ticket' items such as bridges, there remained the question of whether the proposals could be shown to be CS policy compliant in relation to affordable housing. All of these issues raised serious questions regarding deliverability of the proposals which the hearing failed to resolve.

- 2.8 The Council's schedule of work sought to address the first two of these major concerns, indicating that the Council proposed to re-issue a revised Site Selection Report using an enhanced methodology that was informed by a Sustainability Appraisal. This appeared to be in accord with the Government's advice that "...*considering different options for meeting development needs will be key for this process*".
- 2.9 In response to the third matter, the Council was proposing revisions to the plan setting out measures to monitor and minimise risks and contingencies.
- 2.10 The covering letter submitted with the schedule of work indicated that "*the Council do not know the outcome at this stage but there is no reason to believe it would lead to a fundamentally different plan or one requiring substantial modification*". In view of the need for openness and the importance of treating reasonable alternatives equally, the Inspector was asking that reassurance be given to all involved that the outcome of the processes had not been subject to predetermination.

Summary of additional matters to be addressed (including matters arising from the initial appraisal)

- 3.1 Whilst the Inspector's initial appraisal of the CSAP concentrated on significant concerns that the evidence base was seriously flawed, and the resulting suspension was intended to address those flaws, there were other shortcomings which should also be addressed during the period of suspension in order to ensure soundness. These were flagged up at various points in correspondence. In random order and without any priority ranking they were:
- 3.2 Flood risk: The Flood Risk report (CEPS10-EP6) concluded that "*on balance area C appears the least attractive for development in terms of flood risk and surface water management compared to the others because of the degree to which flooding is an issue to tackle and the extent of flood risk land*". It noted that the consequences of management measures being miscalculated or failing would be potentially far more serious than other areas, and that new links across the river could disrupt natural flows. For these and a number of other questions – including the changes in perception nationally resulting from recent flood events - it was necessary to revisit the issue of flood risk associated with Strategic Area C.
- 3.3 Transport and Accessibility: Questions were raised by representors at the hearing session which led the Inspector to believe that further work was necessary to provide convincing evidence to support the final selection of sites for development. There would in any event be a need to revisit the evidence if new sites had been included. However, at the very least, the analysis must be carried out on a more realistic basis than the boundaries shown on fig. 1.2 in CEPS/04. This was a potential area for which a specialist assessor might be required.
- 3.4 ELR: Without predetermining whether an ELR in any form would be part of the ultimately submitted plan, as a proposal, there would be a need to include a specific policy and an amendment to the Proposals Map to illustrate the Policy. This was necessary in order to conform to Part 4, S9(c) of the Regulations.
- 3.5 Viability Assessment: The Inspector appreciated that a revised Viability Assessment was submitted just prior to the hearing sessions. In contrast to the earlier VA, which appeared to

show that 3 of the sites would not support a policy compliant 40% of affordable housing, the revised document appeared to show that all of the strategic allocations would be viable with a 40% proportion of affordable housing. The revised document was submitted ex post facto and appeared to contradict the experience with the Area A S106 negotiations, which appeared to result in no more than 20% affordable housing. Clearly this would need careful consideration, and probably further work, if the results were to be relied upon. This was one area where it might be necessary to seek the assistance of a specialist assessor.

- 3.6 Environmental considerations: The Inspector's initial appraisal made reference to the Landscape Setting Assessment [CEPS06] which at para 6.25 stated that "*The open character and strong association with the rivers and floodplain are important characteristics to safeguard. The generally remote character to the north of the North Wiltshire Rivers Route and at the eastern end of Stanley Lane is important to conserve*". Although the plan acknowledged the sensitivity of the area east of the river and north of the A4, doubts remained that the consequences of development in this location had been adequately assessed. In particular the impact of any built development, including the ELR if it remained as a proposal, on the character of the surrounding countryside must be a consideration of significance, requiring further, more detailed justification.
- 3.7 Illustration of the proposals: The apparent spurious accuracy of the illustrative plans was a matter of some concern. All of the plans, including the composite site allocations plan at fig 4.1, showed proposals on an OS base map showing detailed boundaries of existing and proposed development. In response to a question, the Council stated that the land uses shown were indicative only, and a final masterplan was not constrained by this illustration and "*...may not promote development for housing north of the North Wiltshire Rivers Way*". This provided neither certainty nor clarity regarding the proposals, contrary to the guidance in the NPPF, para 157, that local plans should indicate land-use designations on a Proposals Map.
- 3.8 Country Parks: This matter was not raised in the initial appraisal but was flagged up for discussion at hearings sessions (Matter 10), although these were suspended prior to discussion taking place. Policy CH4 delegated much of the detail matters to a masterplan process, and to a management plan approved by the Council. Para 5.33 indicated that the "*long term management of the country parks will be secured by planning obligation relating to individual sites*". The areas involved were substantial – for example 35ha related to the East Chippenham site. No detailed information was provided, although at para 5.33 it was stated that further work was being undertaken to develop the ownership, governance and detailed management of the Country Parks. This appeared to be a matter requiring some clarification before it could be found sound, particularly in relation to NPPF, para 173, which sought to ensure the viability of developments.

Current planning applications & permissions (including progress on S106 agreements)

- 4.1 **WC: North Chippenham:**
A Mixed Use Scheme Comprising up to 750 Dwellings up to 12,710 sqm Employment Development (B1,B2, B8). There was one minor technical detail which needed to be sorted out before agreement could be reached on s106. Part of the reason that North Chippenham did not have 40% affordable housing was due to the fact that it predated the adopted Wiltshire Core Strategy and originally negotiated pre CIL.
- 4.2 **Barrow Farm:**
An omissions site. Composed of Residential Development for up to 500 Dwellings, up to 4000m2 of Employment (B1), up to 500m2 of Assembly & Leisure (D2), up to 300m2 Retail Uses (A1). Being appealed. Submitted, November 2014.

- 4.3 **Rawlings Farm:**
Two applications; one for a bridge and one for 700 Dwellings, including 4.5ha Employment Space and Primary School. As well as up to 10ha New Public Open. Effectively this mirrors the proposals currently in the Plan. The Inspector enquired whether it would go through the normal procedure? The Council confirmed they had a duty to consider applications submitted.
- 4.4 **East Chippenham/Chippenham Riverside:**
1500 dwellings, 5ha employment, 51ha green space and reconstruction of Wilts and Berks Canal. Amount of dwellings is in excess of what is proposed in the plan. The application does not include the bridge. It is anticipated that a separate application will be submitted for the bridge.
- 4.5 **Forest Farm and Showell Farm:**
An omissions site. Mixed Use Development including the construction of up to 200 Dwellings and 4645 sqm B1 Employment.
- 4.6 **Rowden Park and Showell Farm:**
Effectively mirrors the proposal in the plan. Residential for 1000 dwellings and countryside park (Rowden Park). Not determined. Employment element was a separate application known as Showell Farm (approved subject to Section 106 agreement).
- 4.7 **Hunters Moon:**
Mixed-Use Development, comprising of up to 450 dwellings, up to 2.33ha of employment (B1, B2 & B8) development. S106 agreement not signed, partly because the original application was a hybrid application and there had been a significant change in the detailed scheme due to the removal of the need for a primary school.
- 4.8 **Other:**
The Council advised that there were significant numbers of applications coming in at surrounding towns. The Inspector asked whether small sites were still coming forward at Chippenham as part of the normal process and whether the small omission sites had come forward. The Council confirmed that small sites were coming forward within the urban area of the Town, however historically there had not been many. Main site was Langley Park, (included in Core Policy 9 of the Wiltshire Core Strategy) which was therefore, already part of the published housing supply figure. The Council were not aware of other small omission sites coming forward. However, as part of the review of information during the suspension, officers were seeking to get a better understanding of small site capacity in Chippenham. The work was in parallel with a similar exercise for Trowbridge.

Critical friend support from the Planning Advisory Service (PAS)

- 5.1 PAS offered authorities support at looking at processes, to make sure they were robust and took into account the latest guidance. WC wanted to get advice on whether the revised approach included in the enhanced methodology submitted to the Inspector:
- Responded to all of the Inspectors concerns;
 - Led to an assessment of reasonable alternatives;
 - Went far enough.
- 5.2 Keith Nicholson from Planning Officers Society Enterprises had been working with the Council since the beginning of the year.

The proposal was for support at three important stages:

- Overall approach to the enhanced methodology proposed in Appendix 1 to the Council's letter to the Inspector of 4 December 2014 and whether it adequately responded to the concerns raised in the Inspector's two letters dated 16 and 30 November;
- The methodology for identifying strategic site options, given that these would become the building blocks for identifying the most appropriate sustainable development strategy for Chippenham (Step 3 in the enhanced methodology);
- The approach to identifying reasonable alternative development strategies arising from the strategic area and strategic site assessments (Step 6 in the enhanced methodology).

5.3 The Council had received Mr Nicholson's statement in relation to his review of the proposed enhanced methodology. The points he raised related to:

- The opportunity to review the policy assessment criteria and objectives of the SA at various stages to ensure that there was no unnecessary repetition of or inconsistency between the objectives used in the SA and the criteria used for the policy review;
- Recognising that the detailed methodologies to be adopted for identifying strategic site options and reasonable alternative development strategies (Steps 3 and 6) were critical to addressing successfully the Inspector's concerns.

5.4 It was as a result of this point about the methodologies for steps 3 and 6 being critical to the success of addressing the Inspectors concerns that determined the nature of Mr Nicholson's continuing support summarised above.

5.5 To date PAS support had already helped to add clarity to the methodology used to identify individual strategic site options for assessment. Discussions had also challenged officers thinking to date, highlighted potential conflicts within the methodology and encouraged detailed recording of processes.

The use of expert assessors

6.1 It was the case that individual Inspectors could not necessarily have specialist knowledge in all areas of concern. Normally, Inspectors assessed the evidence before them on the basis of what could reasonably be deduced from the material at face value. However, in the case of evidence of a specialised nature outside the normal experience of the Inspector it might be necessary to seek assistance in weighing and testing the submitted evidence. This was particularly the case where the soundness (or otherwise) of particular aspects of the plan turned on conclusions reached on such specialised evidence.

6.2 As a first step it might be possible to seek the assistance of an Inspector with specialist knowledge, in which case the appointment of an assistant Inspector would be made to cover the specific area or areas of concern. In such cases the assistant Inspector would, in addition to assessing the written evidence, attend and take part in the appropriate hearing sessions and advise the lead Inspector in the preparation of his report.

- 6.3 An alternative approach would be the appointment of an external assessor as a specialist advisor to evaluate the specialist evidence presented to the examination and provide appropriate advice to the Inspector, possibly in the form of a written report.
- 6.4 In either case, it remained the sole responsibility of the appointed Inspector to ascertain the facts and reach conclusions in the report.
- 6.5 It was also necessary to make it clear that either approach carried cost implications for the Council.

The Council's schedule of work

- 7.1 The schedule of work attached at Appendix 2 to the Council's response to the Inspector on 4 December envisaged that steps 1-3 would be completed by the end of December 2015, with steps 4-6 completed during January. The Council gave a brief update on each step to explain the progress the Council had made to date.
- 7.2 Step 1: Review Sustainability Appraisal of Strategic Areas
Atkins had been retained by Wiltshire Council to develop the SA in accordance with the proposed enhanced methodology. This was seen as part of the iterative nature of the SA report which should be updated and amended as the Plan proceeded through the process and new changes and/or evidence were brought to light.
- 7.3 The review of the SA of strategic areas had been completed. To aid in the review, a series of maps to reflect the baseline environment had been prepared, which had helped add to the consistency and clarity of assessment for each strategic area and enhanced the accuracy of the data. The work represented an updated Chapter 7 and Appendix 1 of the SA Report.
- 7.4 Step 2: Policy review Strategic Area Assessments
Informed by the SA, step 2 had recently been completed in draft. Original data from the Site Selection Report had been reshaped into a SWOT style assessment as proposed. This had benefited from the more systematic and consistent approach taken in the SA work.
- 7.5 It was too early in the enhanced methodology to provide any initial conclusions from the Step 1 and 2 work as this formed a base of knowledge for future steps.
- 7.6 The Inspector queried whether SWOT analysis had been used before in this capacity. Officers were unaware of a similar approach being used elsewhere, but it was a well-recognised method which should ensure each strategic area and each alternative was considered on an equitable and consistent basis.
- 7.7 Step 3: Identify Strategic Site Options
A new methodology had been developed, with advice from Mr Nicholson, to identify reasonable alternative strategic site options for detailed assessment.
- 7.8 In developing the strategic site options, information submitted as part of the CSAP process, or through planning applications had been taken into consideration, and options discussed during the hearings that had already taken place had been included. At this stage the methodology had produced 16 strategic site options, however the Council would keep reviewing to ensure they were correct. The Council was not just looking at areas which weren't looked at previously, but reviewing all of the areas to produce new strategic site options.

- 7.9 Strategic Area E had been quite complex to consider as, using the SHLAA sites as a basis, there were 11 SHLAA sites and some small pockets of land not promoted through the SHLAA. The revised Site Selection Report would set out the Council's reasoning for those strategic site options taken forward as reasonable alternatives.
- 7.10 The strategic site options were now being tested as part of the sustainability appraisal (Step 4: Sustainability Appraisal of Strategic Site Options) and policy assessment (Step 5: Policy review of Strategic Site Options). Steps 4 and 5 were therefore proceeding as programmed during January.
- 7.11 To support the assessment of the strategic site options, they had also been passed to the Council's transport consultants to provide a more detailed grain of information for each site to inform conclusions in relation to criteria 3 and 4 of Core Policy 10 and Objective 10 of the Sustainability Appraisal. The transport assessments of the strategic site options would be added as an addendum to Evidenced Paper 3, part 1.
- 7.12 The Inspector asked if the new transport evidence was being done using the same consultants and whether a new transport strategy would be produced. The Council confirmed that Atkins had been retained to do this work. However they had not come to a view of whether they would need to reissue the transport strategy. The strategy was based on the proposals in the Plan, so if the additional work led to major changes, it would be considered.
- 7.13 In anticipation of the review of strategic site options being completed towards the end of January, a review workshop, chaired by Mr Nicholson, with all officers and specialist support involved in the project, had been arranged to develop a clear methodology for the identification of reasonable alternative development strategies. (Step 6: Identify Reasonable Alternative Development Strategies). Again this should ensure the schedule of work proceeded to plan. The alternative development strategies, which previously were only looked at in the transport evidence, were being applied to all evidence for consistency.
- 7.14 Regarding the position statement on Eastern Link Road, background research for this paper had begun. The approach to the paper was to start with general principles that would be applicable to any new road proposal in the plan. The report would then provide an understanding of potential costs for both a potential southern or eastern link road together with a discussion of different delivery mechanisms.

The Council's timeline for the schedule of work

- 8.1 Officers confirmed that the Council were currently working to schedule. However, as the Inspector recognised in his letter of 9 December it was a complex and demanding programme and there were, inevitably, a number of factors that could influence the timeline as the project continued. Three potential influences on the future programme had been identified:
- i Additional detailed viability work in relation to the reasonable alternative development strategies. The submission anticipated 3 potential alternative strategies but there could be more than this. The time needed to undertake viability work and SA assessments for that matter might increase if there were substantially more alternatives.
 - ii The programme had been developed on the basis of the Associate Director for Economic Development and Planning in consultation with the Associate Director for Legal and Governance and the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste could proceed under delegated

authority to agree any proposed modifications to the Plan. If significant changes to the Plan were ultimately proposed on the basis of the revised work it would be necessary to take a view at that time as to whether the Plan could proceed under delegation, or it was necessary to take the conclusions back to Members for consideration. It would be possible to do this once the Council approached Step 8 (in the timeline for end February) Incorporating this into the programme would add approximately 4 -5 weeks to the current timeline. If Members would be involved, it could involve an extraordinary meeting of Cabinet.

- iii The programme had been developed on the basis that all comments submitted would be registered by the Council and forwarded at the end of the consultation without any further assessment or response from the Council. If the Council were asked to respond to each comment or theme that arose through consultation it would also add time to the current timeline.

Consultation and submission

- 9.1 The Inspector indicated that he felt that Member involvement would be needed and could see that the consultation was likely to start in April and last through until May. If Members were involved it was recognised that there was likely to be slippage to the programme, but potentially resubmission could still be by the end of June.
- 9.2 Regarding the consultation comments; it was the Inspector's view that Council responses were particularly valuable, especially if comments were broken down by policy or subject. The benefit of providing officer responses was that it cut down on the Inspector's time.
- 9.3 Officers agreed with the assessment the Inspector had made on the timing of consultation and that it was likely that information from the consultation would be submitted to the Inspector at the end of June, early July depending on the amount of additional work in response to comments needed.

Dates for resumption of the examination and potential hearings

- 10.1 Given the information provided by the Council, the Inspector's view was that to avoid the holiday period in August, the hearings were likely to take place in September. If this were the case he would aim to submit his report by the end of 2016.
- 10.2 The Inspector expected that the Council would in due course issue Main Modifications, a revised Sustainability Appraisal, a revised report on Methodology and addendums to the reports on transport and accessibility.
- 10.3 The Inspector requested that he be provided with copies of all documentation as and when it became available. Once received the Inspector would consider whether the use of expert assessors would be necessary.

AOB

- 11.1 Following a query from the Council, the Inspector agreed that he would be happy to receive copies of Statements of Common Ground that had been agreed and any further information that was now available.

- 11.2 It was agreed that the Council would provide the Inspector with a written progress statement in mid-March 2016 and that he would then make a decision as to whether a further meeting would be helpful.

Close and thanks

- 12.1 The Inspector thanked the Council for their assistance and all those that had attended and observed the meeting.