

Town and Country Planning Act 1990

PROOF OF EVIDENCE OF
Alistair Macdonald BSc(Hons) DipTP, MRTPI
APP/Y3940/A/11/2166277

Appeal by:

Taylor Wimpey UK Ltd, D. M. Webb,
D. A. Lindsey, J. Webb and S. Ballard

In respect of:

Land at Ridgeway Farm, Common
Platt, Purton, Swindon, Wiltshire

Prepared by

DPDS Consulting Group

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Appendix 5: Critical review of Swindon Core Strategy timetables

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0.0 PERSONAL BACKGROUND OF WITNESS

- 0.1 I am Alistair Macdonald. I hold a Bachelor of Science Degree with Honours in City and Regional Planning from the University of Wales, Cardiff and a post graduate diploma from the University of Central England in Birmingham. I am a Chartered Town Planner having become a Member of the Royal Town Planning Institute in 1995.
- 0.2 I have been a Town Planner for some twenty years in both the public and private sector. In 1991 I took up the post of Planning Assistant and then Forward Planning Officer at the Council of the Borough of Oswestry in Shropshire. In 1999 I took up the post of Principal Planning Officer (Forward Planning) at Salisbury District Council, Wiltshire before becoming Team Leader: Forward Planning and Conservation in 2001. In the latter role, I was responsible for the preparation and adoption of the Salisbury District Local Plan with particular responsibility for the identification and allocation of major mixed use and residential sites. I also acted as the Council's expert witness on policy matters in respect of major S.78 appeals.
- 0.3 In 2003, after 12 years at Local Authorities, I joined the Pegasus Planning Group LLP as a Principal Planner. I had specific responsibilities for the preparation and submission of major residential and mixed use development proposals as well as the identification and promotion of strategic development opportunities including appearing at public Inquiries.
- 0.4 In 2005 I joined Taylor Woodrow (now Taylor Wimpey) as a Strategic Planning Manager for the South West of England. My responsibilities included the identification and promotion of strategic development opportunities at regional and local level. These included sites in and around Swindon and Wiltshire. In addition, my role included securing land opportunities, including negotiations with land owners and their agents.
- 0.5 I joined DPDS as a Director in May 2009 based in the company's Swindon office.

1.0 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 This Proof of Evidence has been prepared on behalf of the Appellants Taylor Wimpey UK Ltd, D. M. Webb, D. A. Lindsey, J. Webb and S. Ballard. It deals with the land use planning issues raised by the Local Planning Authority in Reasons for Refusal 1, 2, and 3. These issues concern the interpretation of national, regional and local planning statute, policy and guidance, including:

- The weight to be ascribed to the emerging Regional Spatial Strategy, the Wiltshire and Swindon Structure Plan, the Local Plans pertinent to Wiltshire and Swindon and the emerging Local Development Frameworks for both authorities.
- The direction of travel and thrust of Central Government policy for the delivery of housing and the weight to be afforded to the emerging National Planning Policy Framework (NPPF).
- The status and critical importance of the NPPF 5 year housing land requirement.
- The assessment and understanding of the 5 year housing land supply in Wiltshire and Swindon Borough.
- The attributes of the appeal proposal and its implications for the established and emerging spatial strategy for Wiltshire and Swindon.

1.2 The Inspector is respectfully asked to note that my colleague Mr Soldat critically assesses the methodologies, approaches and findings of both Council's approaches to housing land requirements and this is specifically not covered in my Evidence.

1.3 I also deal with former Reason for Refusal 4 in respect of a planning policy commentary on the sustainability of the appeal proposals. My Evidence on this matter must be read in conjunction with that of my colleague, Mr Blacker, who provides a technical assessment of the site's sustainable credentials.

2.0 SITE DESCRIPTION AND PLANNING HISTORY

2.1 The Appellant is pursuing a draft Statement of Common Ground (SoCG) which seeks to agree a comprehensive description of the application site, surroundings and proposed development. These are also addressed in Planning Application documents which form a component of the Appeal Documents and I do not intend to duplicate this text

2.2 The Inspector is asked to note that the Appellants worked closely with the Councils over a considerable timeframe and made every effort to ensure that the proposal met with Officer approval. It is my firm belief, having been involved in the majority of these discussions and negotiations, that this was almost achieved and this will be set out further later in my Evidence and that of my colleagues. I would, however, point out at this stage that the policy responses from the Spatial Planning Team at Wiltshire (March and October 2011; CD15.7 and 15.8) do not represent formal objections to the scheme.

3.0 PLANNING POLICY OVERVIEW

3.1 In this section I will outline the most relevant national, regional and local policy context for the appeal proposals. I will also outline the appropriate weight to be given to these documents. I note that the Appellant will continue to cooperate with the LPA to agree a Statement of Common Ground on these matters.

3.2 The Planning and Compulsory Purchase Act 2004, Section 38(6) states that planning applications should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this case the adopted development plan consists of:

- Regional Planning Guidance (RPG) 10 for the South West 2016 (the incumbent Regional Spatial Strategy (RSS)), adopted September 2001;
- Wiltshire and Swindon Structure Plan 2016 (as saved); principally Policies DP2, DP3, DP4, DP10B and DP13.
- North Wiltshire Local Plan 2011 (as saved).

3.3 Planning policy documents that are also considered to be material considerations include, but are not limited to, national planning policy, most notably the National Planning Policy Framework March 2012 (NPPF), the draft Regional Spatial Strategy for the South West (Secretary of State's Proposed Changes) (dRSS), and the emerging draft Core Strategies for Wiltshire and Swindon. The supporting evidence base documents to extant and emerging policy are likewise considered to be a material consideration.

3.4 In determining the appropriate weight to be given to emerging documents and their respective evidence base, I will consider whether the documents have been confirmed as 'sound' through the process of a public examination and also consider the evidence of my colleague, Mr Soldat.

3.5 I will also refer to relevant case law as material considerations in this Appeal. This will include Land at Commonhead (Ref: APP/U3935/A/11/2155834; CD 12.2) where, on 12 March 2012, the Secretary of State decision (at paragraph 8 of the

decision letter) found that the Swindon Borough Council “*Core Strategy and Development Management Policies 2026 Development Plan document (DPD) is a material consideration. However this is some way from adoption so it has been afforded limited weight.*”

National Planning Policy

National Planning Policy Statement (NPPF) March 2012 (CD 1.1)

- 3.6 The NPPF was published on 27 March 2012 to underpin the Government’s approach to planning. The Ministerial foreword confirms that:

“The purpose of planning is to help achieve sustainable development.

.....

Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision. This framework sets out clearly what could make a proposed plan or development unsustainable.”

- 3.7 The relevant provisions of the NPPF for ‘*Determining applications*’ are set out in paragraphs 196-198. Paragraph 197 of the NPPF states that:
In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

- 3.8 Advice produced by the Planning Inspectorate for the implementation of the NPPF on 27 March 2012 succinctly summarises the overall change in policy regime introduced with the NPPF (Paragraph 3; CD 10.3):

“3. The Framework largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. It also introduces the presumption in favour of sustainable development, and makes adjustments to some specific policies.”

3.9 The introduction of the NPPF in no way detracts from the key arguments made in support of the Planning Application or Appeal. Indeed, as I will establish in my Evidence, I believe that the NPPF confirms the direction and thrust of Government planning policy and the key arguments which support the approval of our application for a sustainable development proposal which is required to redress demonstrable shortfalls in housing supply.

NPPF – Achieving Sustainable Development

3.10 As set out in greater detail elsewhere in this Evidence, there is an inherent link between the objectives of the NPPF, to help achieve sustainable development, and the associated housing objectives which seek to enable a more sustainable society by securing an adequate supply of decent, high quality homes which enable the wellbeing of current and future communities.

3.11 The NPPF as a whole provides comprehensive guidance on the Government's view of the role of the planning system in contributing to the achievement of sustainable development.

3.12 Paragraph 7 sets out the Government's approach to the *“three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles”*.

3.13 Paragraph 8 states that

“These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”

3.14 Paragraph 9 elaborates further on the key matters that should be pursued by the planning system in achieving sustainable development objectives:

“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- *making it easier for jobs to be created in cities, towns and villages;*
- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure;*
and
- *widening the choice of high quality homes.”*

3.15 The Government’s key policy mechanism in delivering the objectives of the NPPF is *“The presumption in favour of sustainable development”*. The key provisions are outlined in paragraphs 11 to 16, but paragraph 14, in my opinion, establishes the primacy of the *“presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”*.

3.16 Relevant to this Appeal, paragraph 12 states that it is *“highly desirable”* that Local Planning Authorities should have up to date Local Plans which reflect the presumption in favour of sustainable development in order for the presumption to be implemented by the plan-led system. Material considerations which apply to decisions include the provisions of the NPPF itself, particularly the guiding principle of the presumption in favour of sustainable development.

3.17 Specific explanation of the requirements of the *presumption in favour of sustainable development* are detailed in Paragraph 14, including the following:

*“For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*

- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*”

3.18 No specific policies of the NPPF presumption in favour of sustainable development indicate that the development of the site should be restricted. Ridgeway Farm is not a protected site under the Birds and Habitats Directive or designated as either a Site of Special Scientific Interest; Green Belt, Local Green Space, Area of Outstanding Natural Beauty, Heritage Coast, National Park, a designated heritage assets or a location at risk of flooding or coastal erosion.

3.19 As established in my Evidence and the evidence of Mr Soldat, the provisions of the extant and emerging development plan are either absent, silent or demonstrably out of date with respect to provision of housing west of Swindon to meet both housing requirements and objective evidence of housing need in the area. The requirement of the presumption in favour of sustainable development should therefore apply and the appeal should be “*granted permission*” if the adverse impacts do not “*significantly and demonstrably outweigh benefits*” when assessed in accordance with the NPPF policies as a whole.

3.20 Section 5.0 of my evidence addresses in detail the key considerations under *the presumption in favour of sustainable development*. That is to say, whether “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*”. I consider it clear that the site is a suitable and sustainable location for growth that conforms with the guidance in the NPPF. Two further factors, in my opinion, must also be considered to confirm this:

1. There is, as I set out later in my Evidence, a demonstrable, severe and persistent shortage in the 5 year supply of residential land in the area, which

threatens the achievement of sustainable levels of housing to meet the needs of the area.

2. That the Councils have withdrawn Reason for Refusal 4 which had stated that the proposed development is “*non-sustainable*”. Whilst I will also return to this point, the removal of this refusal reason can only mean that the Councils now accept that the proposed development is sustainable.

NPPF – Housing Policy

3.21 A key aim of the NPPF with respect to housing is set out at Paragraph 47, this being for local planning authorities (LPA) - “*To boost significantly the supply of housing*”. This reflects the principal aim of the national policy document which it replaced, PPS3 Housing (June 2011), (under which this application was submitted), to underpin the Government’s response to the *Barker Review of Housing supply* and the necessary step-change in housing delivery, through a new, more responsive approach to land supply at the local level.

3.22 Paragraph 49 sets out the guiding principle for consideration of planning applications:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

3.23 In delivering the NPPF paragraph 47 confirms that LPA’s should “*use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period*”.

3.24 Paragraph 47 also establishes the key delivery mechanism for the ‘*significant boost*’ in housing delivery. This is the obligation placed on local planning

authorities to demonstrate a flexible and responsive supply of suitable housing land by meeting the requirement for a five year supply of deliverable housing land, boosted by front-loading at least 5% or 20% depending upon whether there has been a persistent past record of housing under delivery *“to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”*.

- 3.25 It is also made clear that for sites to be considered deliverable and included within this calculation, they must offer a suitable location for development, and be achievable with a realistic prospect that housing will be delivered on the site within five years, including a reasonable prospect that the site is available and could be viably developed at the point envisaged.
- 3.26 The failure to demonstrate a deliverable supply has clear consequences in planning for housing policy terms. The NPPF (paragraph 49) requires that in circumstances where a local planning authority can not demonstrate an up-to-date five year supply of deliverable sites for housing, the relevant policies should be considered *‘out of date’* and a decision based on the presumption in favour of sustainable development. These considerations are addressed in section 5.0 of my Evidence.
- 3.27 I consider that the issues of housing land supply at both Wiltshire and Swindon are critical relevant considerations at this Appeal and I very much welcome the statement in paragraph 5.7 of the joint Council Statement of Case (CD 15.2) that:
- “Both Councils readily acknowledge a lack of 5 year supply of housing...”*
- 3.28 That said, the reason why the Councils must *“readily acknowledge”* the shortfall, specifically the significant extent of the deficiency against extant and emerging policy and objectively assessed housing need must also be understood in recognising the importance of housing supply issues in this appeal. This matter will be considered further in my Evidence and the evidence of Alan Soldat.

- 3.29 Section 4 of my Proof and **Appendix 1** contain an analysis of housing supply in both Wiltshire and Swindon and confirms there to be a significant 5 year supply shortfall, such that NPPF paragraph 49 is invoked and the applicable housing policies of Swindon and Wiltshire considered '*out of date*'.
- 3.30 At this juncture, I also note that the Councils' joint Statement of Case makes reference to the emerging Core Strategies being "*wholly consistent with the direction of travel of the Coalition Government...*" (CD15.2 – paragraph 5.5). In my opinion, the Council's interpretation of the "*direction of travel*" is at odds with the reality, and the Government's key housing objective to "*significantly boost the supply of housing.*" (my emphasis) In the consideration of my clients' application and in their emerging Core Strategies, I would respectfully suggest that both Councils have failed to embrace or even acknowledge the direction of travel that is clearly set out in the NPPF.
- 3.31 It is my opinion that the starting point for any assessment of housing land supply in the west of Swindon area should, as a result of the persistent under supply relevant to this appeal, in accordance with NPPF Paragraph 47, be based on the need to demonstrate 5 years plus 20% - in effect a 6 years housing land supply. It should be reiterated from the outset that these are the absolute minimum requirement of national policy, not a ceiling, and LPAs should be ambitious in their planning for housing supply in order to provide the required degree of housing supply security, which ensures they meet or exceed the objectives set out in the NPPF. As the NPPF requires, LPA's should seek to address housing needs, as far as is consistent with the policies set out in this Framework and the presumption in favour of sustainable development. The fact that the both Councils seem to treat the minimum requirements as a maximum level to plan for has contributed to cumulative failures to satisfy housing requirements.
- 3.32 The Appellant is seeking to agree a further Statement of Common Ground with the Councils on housing land supply matters prior to the inquiry.

Policy Statement - Planning for Schools Development (August 2011) (CD

11.16)

- 3.33 The Policy Statement reinforces the policies of the NPPF (paragraph 72) by setting out key principles that apply to the establishment and development of state funded schools. The Policy states that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools. Further principles that should apply include a presumption in favour of the development of state-funded schools, as expressed in the draft NPPF and the need to attach significant weight to establishing and developing state-funded schools when determining applications and appeals.

The Development Plan

Regional Planning Guidance for the South West (RPG10) (CD 2.1) /Wiltshire and Swindon Structure Plan 2016 (As saved) (CD 3.2)

- 3.34 The starting point for the determination of this appeal is, of course, set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The extant development plan relevant to this application includes the Wiltshire and Swindon Structure Plan 2016 (WSSP 2016), which was prepared by the strategic planning authorities of Swindon Borough Council and Wiltshire County Council.
- 3.35 The WSSP 2016 implements the objectives of Regional Planning Guidance 10 (RPG10), published in 2001. This plan was undergoing review through the emerging Regional Spatial Strategy for the south west 2006-2026.
- 3.36 RPG10 seeks to concentrate development at the Principal Urban Areas (PUA), of which Swindon is one. Policy SS2 (Regional Development Strategy) set out the distribution of growth which was to develop within PUAs and then planned urban extensions in sustainable locations. In reinforce this concentration of development Policy SS6 (Other Designated Centres for Growth) specially sought to avoid

significant growth within settlements which have a dormitory role.

3.37 Policy HO1 (Levels of Development 1996 to 2016) sets the housing requirement at 3,000 dwellings per annum in Wiltshire which was distributed across the district areas through the WSSP 2016.

3.38 The WSSP 2016 was adopted in April 2006 and sets out the strategic planning policies up to 2016. The WSSP 2016 is consistent with RPG10 in terms of concentrating development at the Swindon PUA (Policy DP3 Development Strategy).

3.39 Policy DP4 states:

“In the plan area provision should be made for 60,000 net additional dwellings and 725 hectares of additional strategic employment land between 1996 and 2016.....Provision should also be made for 1,000 dwellings at the Principal Urban Area at the Western side of Swindon in accordance with Policy DP10B....”

3.40 A separate and specific provision at the western edge of the PUA is set out in Policy DP10B for 1,000 dwellings. Policy DP10B states:

“At the western side of the Principal Urban Area provision will be made for 1,000 dwellings to be identified in Local Development Documents following a joint study by the Local Planning Authorities. Policies in these Local Development Documents will ensure:

A) The provision of public transport links from the first phase of any new development;

B) The protection of nature conservation interests; and,

C) Protection of the strategic landscape” (p52).

3.41 Paragraph 4.35 states

“The distribution for the Swindon Principal Urban Area is 25,000 dwellings (definition of the Swindon PUA is provided at paragraph 4.80). This comprises 24,000 dwellings to be found within Swindon and a further 1,000 dwellings that should be provided as an urban extension of extensions to Swindon on its western edge. The western edge of Swindon falls within the jurisdiction of both North Wiltshire District Council and Swindon Borough Council and until the outcome of the joint study required to be undertaken by Policy DP10B is known it will be unclear which local authority area provision should be made in. It is possible that the provision may be split between both areas rather than provision being made in just one.”

3.42 As I will set out my evidence, this application accords with, and delivers, policies DP4 and DP10B of the adopted WSSP 2016. Policy DP10B of the Structure Plan states that the location of the requirement for 1,000 dwellings will be identified through a study jointly carried out by both Authorities. Several studies have concluded that Ridgeway Farm/Moredon Bridge represents a sustainable and appropriate location for this growth. Both LPA’s have confirmed that Ridgeway Farm is a suitable site for development in their emerging Core Strategies in the past

3.43 Whilst the Councils may seek to negate the WSSP 2016, I hold the view that it represents the starting point for assessing both the application and housing land supply. It should be noted that the Wiltshire Council Cabinet of 19th October 2010, in response to the announcement by the Coalition Government of 27th May 2010 to “*rapidly abolish Regional Strategies*”, resolved that:

a) In light of the revocation of the Regional Spatial Strategies, reaffirms that the Wiltshire and Swindon Structure Plan 2016 sets out housing figures for Wiltshire up to 2016 (as set out in saved Policy DP4);

3.44 I will refer to this again in respect of the individual reasons for refusal.

North Wiltshire Local Plan 2011 (NWLP) (CD 4.3)

- 3.45 The NWLP was adopted in June 2006 and “saved” on 27th June 2009. Policy H1 of the Plan sets a housing requirement for the District at 13,500 dwellings for the period 1991-2011.
- 3.46 The NWLP is silent on the identification of sites to the west of Swindon as required under Policy DP10B of the WSSP 2016. This may be explained by reference in Policy DP10B to the need to bring forward sites through a joint study, which had not been completed at the time of its adoption, and was later delayed by the RSS process. Nevertheless, the total absence of any reference to the WSSP 2016 policy is in my view unhelpful and raises issues of conformity, particularly with Wiltshire Council’s application of NWLP Policy H4, referred to in the LPA reasons for refusal 1.
- 3.47 I do not address in detail the compliance of the proposals with the local plan in this Evidence. This is set out at paragraph 3.6.1 of the PASS document (CD 13.1) in the form a compliance table. Instead my evidence focuses on the matters of disagreement that have been identified by the Council, which are primarily addressed in Section 6.0

Draft/Emerging Development Plans

Draft Regional Spatial Strategy for the South West (CD 2.4)

- 3.48 The draft Regional Spatial Strategy was published in June 2006. Policy SR8 of that document included a requirement to provide for an average of 50 dwellings per annum “*adjacent to the Swindon urban area in North Wiltshire District*”.
- 3.49 This is a different requirement to that set out in Policy DP10B of the WSSP 2016 as the 1,000 dwellings (or 50 dwellings per annum) is specifically required to be provided within the North Wiltshire District, in addition to growth identified for the Swindon Borough and Swindon rural areas.

3.50 The SWRSS EiP Panel Report December 2007 (CD 2.3), at paragraph 4.2.30, made a number of comments regarding the high suitability of west of Swindon sites to deliver required housing with ‘alacrity’, in spite of cross-boundary constraints. These comments are still very pertinent to this Appeal (my emphasis).

4.2.30 In searching for more potential, our attention has, therefore, turned to the western side of Swindon. It seems to the Panel that there is already some evidence of the growth of the town being constrained by the administrative boundary with North Wiltshire District. The land here is more or less contiguous with the urban form of Swindon and is well located in relation to sustainable transport issues. It would, in our opinion, be suitable for further growth to rebalance past and proposed patterns of growth to the north, south and east of the town. The Panel considers that the need to deliver housing with alacrity suggests that the opportunities for housing in these western locations should be explored further and could be delivered without threatening the RSS strategy. We are aware of resistance to extending the town in that direction but we feel that further development could take place here without seriously compromising the “green wedges” principle. Additional capacity to the west of Swindon also provides more resilience for the Swindon growth programme. In all these circumstances, particularly in view of the urgent need to provide dwellings, we allocate 3,000 dwellings in North Wiltshire to be specifically located at Swindon so that they form part of the SSCT.

Secretary of State’s Proposed Changes to the RSS for the South West [July 2008] (dRSS) (CD 2.2)

3.51 The RSS Panel increased the housing requirement for the Swindon HMA from 34,000 to 36,000 dwellings. It also increased the requirement to be met in North Wiltshire to meet Swindon’s housing need from 1,000 to 3,000 dwellings to be met at Area of Search 2C to the west of Swindon but within Wiltshire. The housing requirements for the Swindon HMA, as set out in the SoS Proposed Changes to the dRSS Policy HMA2, is as follows:

North Wiltshire

- 3,000 dwellings as urban extension(s) to Swindon (Area of Search 2C)
- 5,500 dwellings at Chippenham
- 5,200 dwellings within the remainder of the District

Swindon

- 19,000 within the urban area (including committed urban extensions)
- 12,000 at urban extensions to the east of Swindon
- 2,000 at small scale urban extensions to Swindon
- 1,200 remainder of the Borough.

3.52 I respectfully ask the Inspector to note that the appeal site falls within Area of Search 2C as referred to in the Proposed Changes, a matter which is not disputed between the appeal parties.

Status of the RSS

3.53 I acknowledge that the RSS for the South West has never been adopted and since the announcement by the Government of its intention to revoke Regional Strategies, it is now highly unlikely that RSS will ever be adopted. Indeed the Localism Act provides the legislative mechanism to formally revoke Regional Strategies

3.54 The Wiltshire Council Strategic Planning Committee Report ('SPC Report'; CD 15.3) relevant to this appeal refers to the Appeal Decision regarding Brynard's Hill, Wootton Bassett (CD 12.8), in the former North Wiltshire District, where it is accepted by the Inspector that the evidence base which underpins the RSS is more up-to-date than that which informs the WSSP 2016 (Page 22 of DL). The SPC Report considers the Inspector's conclusions at that appeal to justify the council's position that:

"the evidence base used in the emerging Core Strategy now reflects the "more

up to date and robust” basis for consideration of deliverable housing land”.
(section cc, Page 53)

- 3.55 In my opinion, in reaching this conclusion the LPA has wrongly interpreted the Brynards Hill decision letter by aligning ‘robustness’ to the date of publication. The SPC Report relies on selective quotes from the decision letter and fails to recognise that the decision letter at paragraph 22 also states that:

“The Proposed Changes are also based on the most recently publicly examined housing figures.” (my emphasis)

- 3.56 The most recent appeal decision (January 2012) regarding land at Pentylands (APP/U3935/A/11/2159897 CD12.6) concludes that the dRSS and its examined evidence base is currently the most robust with respect to housing at Swindon.

“12. The WSSP forms part of the development plan whereas the draft RSS does not and is unlikely ever to do so. But the evidence base for the WSSP calculations is older than that of the draft RSS. When faced with a similar dilemma between WSSP and draft RSS figures, a colleague concluded in another, relatively recent appeal (albeit in a different district) that draft RSS figures were to be preferred as they were more up-to-date and therefore more robust. He was not dissuaded from using them by the Government’s intention to abolish the RSS but abolition is now more certain. However, it is still beneficial to use more recent figures than those of the WSSP as the Council argued in another appeal, although in that case the Inspector chose to rely on the WSSP rather than use emerging CS figures.” (my emphasis)

- 3.57 On that basis, given that the Proposed Changes to the dRSS remain the most recently publicly examined housing figures, it is my opinion that they should be given significant weight at this appeal and represent a more reliable basis upon which to base decision-making.

- 3.58 In giving effect to the policies of WSSP 2016 and the Secretary of State (SoS) Proposed Changes to the dRSS, the Councils embarked on a joint working study which culminated in the preparation of the Swindon Small Scale Urban Extension Study (January 2008), which I refer to in section 6.0 of my evidence.
- 3.59 It is relevant at this point in the time line to note that in April 2009, an Appeal regarding land at Moredon Bridge, West Swindon (Ref. APP/J3910/A/08/2082566; 30 April 2009), located immediately east of Ridgeway Farm was granted outline planning permission on appeal for approximately 200 houses. This decision is significant in confirming a persistent shortage of housing land supply in the area and also establishing the suitability of the site, location and proposed development to meet the housing shortfall.

Local Development Framework

- 3.60 Prior to the unification of the four former Wiltshire Districts, North Wiltshire District Council in partnership with SBC released for public consultation the West of Swindon Study Update in February 2009. This document sought to identify the most suitable and sustainable location for development in accordance with the housing requirements of SoS Proposed Changes to dRSS Policy HMA2. The preferred option identified was a combination of sites at Moredon Bridge, Ridgeway Farm (the appeal site) and The Pry.
- 3.61 The West of Swindon Study Update fed into the first Wiltshire wide Core Strategy consultation document, *Wiltshire 2026*.

Wiltshire 2026 (CD 4.12)

- 3.62 The 'Wiltshire 2026 – Planning for the future of Wiltshire' (consultation October 2009 end 31st December 2009) formed the first stage in the development of a Wiltshire-wide Core Strategy. The document was based on the newly formed Community Areas outside of South Wiltshire, alongside an overarching spatial strategy for Wiltshire as a whole.

3.63 Housing provision set out in Wiltshire 2026 was based on the SoS Proposed Changes version of the dRSS.

3.64 Strategic Objective 3 set out Wiltshire’s housing requirements which total 44,400 dwellings, including 13,700 dwellings at North Wiltshire, located as follows:

| | |
|------------------------|---------------|
| North Wiltshire | 13,700 |
| Chippenham SSCT | 5,500 |
| West of Swindon | 3,000 |

3.65 Wiltshire 2026 Paragraph 3.0.4 states

“The area to the west of Swindon, which is itself a strategically significant town, is included within the Wootton Bassett community area section. Swindon lies immediate to the north east of Wiltshire Council’s area, and needs to be addressed in the forthcoming Wiltshire core strategy.”

3.66 Wiltshire 2026 Paragraph 3.3.6 states

“The focus of the area to the west of Swindon should be to achieve an urban extension which provides a mix of housing, employment and community facilities which can be closely integrated with the rest of Swindon, without leading to coalescence with surrounding villages.”

3.67 Wiltshire 2026 Paragraph 3.3.11 identifies the *preferred strategic site option*.

*“The preferred strategic site option in the west of Swindon has previously been identified and was consulted on in the **West of Swindon Study Update** (February 2009). The work on the preferred option is more advanced than the other strategic site options and has been identified using an alternative methodology outlined in the **West of Swindon Strategic Site** background paper.”*

3.68 Wiltshire 2026 Paragraph 3.3.12 states:

“The preferred option provides the opportunity to deliver a concentrated development in the form of a single urban extension to the western of Swindon, with up to 2,000 dwellings provided within the Pry Farm area and up to 800 at Ridgeway Farm.”

Wiltshire Core Strategy Consultation Document June 2011 (CD 4.11)

- 3.69 In light of the Government’s announcement of its intention to revoke Regional Strategies, the Wiltshire Cabinet of 19th October 2010 announced that a comprehensive review of Wiltshire’s strategic housing requirements was to be undertaken as part of the Core Strategy process.
- 3.70 The outcome of the Wiltshire 2026 Consultation and the conclusion of the housing requirement review formed the basis of the policies and proposals set out in the June 2011 Wiltshire Core Strategy consultation document.
- 3.71 Core Policy 2 ‘Delivery Strategy’ makes provision for growth of 27,000 jobs (175-182 ha of new employment land) and 37,000 new homes (2006-2026).
- 3.72 Unlike Wiltshire 2026, the June 2011 Core Strategy consultation document makes no provision for development at the western edge of Swindon. The only reference to potential growth at the western edge of Swindon is found at the last bullet point of Paragraph 5.20.5 which states:

“... the community area may be seen as being at risk from unchecked expansion of the nearby higher order centre of Swindon. Imposition of a rural buffer as a line on a map is not permitted in a Core Strategy by Government guidance. However, protecting the open countryside, as well as the uniqueness of individual settlements, both of which the Core Strategy recognises are prized objectives by the local community, are therefore an

important objective for this strategy and will be taken forward by appropriate and strong policy mechanisms.”

3.73 The only justification for the removal of development options at the west of Swindon is set out in Topic Paper 17 (Housing Requirement Technical Paper paragraphs 3.18-3.20) which states:

“3.18 Swindon Borough Council has presented a Revised Pre-Submission Draft Core Strategy DPD to Full Council on the 13 January 2011. This document reappraises the Borough’s housing requirement to ensure that future projections are realistic, deliverable and that it achieves a balance between economic prospects and housing delivery.

3.19 Prior to this reappraisal the housing target for the Borough was for 36,000 homes over the plan period. The Revised Pre-Submission Draft document identifies a housing requirement over the plan period of approximately 25,000 additional homes, a significant reduction of over some 12,000 homes (including 3,000 to the west of Swindon). Taking into account completions the residual requirement for the Borough is approximately 19,000 homes.

3.20 The focus of future development identified through this document will be at the Eastern Development Area (EDA) with provision also planned for Tadpole Farm on the north-western edge of the town. Development at the west of Swindon in line with the RSS requirement of 3,000 dwellings is no longer advanced in the Swindon Core Strategy.”

3.74 It is clear therefore that the removal of the ‘west of Swindon’ requirement is based solely on the decision by Swindon Borough Council, in light of the significant reduction in housing requirements. Accordingly the removal of the west of Swindon requirement in Wiltshire’s June 2011 Core Strategy is based on nothing more than political opportunity, rather than a thorough consideration of such departure through the SA process.

Wiltshire Core Strategy Pre Submission Document February 2012 (dWCS) (CD 4.10)

- 3.75 The Pre Submission dWCS was released for publication consultation from 20th February 2012 to 2nd April 2012. The overall level of housing proposed is set out in Core Policy 2, as follows

“... the delivery strategy seeks to deliver future development in the most sustainable manner by making provision for around 178 ha of new employment land ... and at least 37,000 homes in Wiltshire between 2006 and 2026.”

- 3.76 It should be noted that the Delivery Strategy set out in the Pre-Submission Core Strategy differs from that set out in the June 2011 consultation document, by changing the housing provision from around 37,000 homes to at least 37,000 homes.
- 3.77 Reflecting the position taken in the June 2011 version of the Core Strategy, the Pre-submission version makes no provision for development at the western edge of Swindon. However, the Pre-Submission Core Strategy does seek to address the justification behind no longer seeking to delivery growth along Swindon’s western edge.
- 3.78 Paragraph 5.101 recognise the proximity of Swindon to the Wootton Bassett & Cricklade Community Area and states that:

“Planning for future growth in Swindon should be considered holistically and with appropriate co-operation between neighbouring authorities and involve the Wiltshire and Swindon Local Enterprise Partnership.”

“The strategy for future growth in Swindon is to support the most sustainable pattern and scale of development, ensuring that the level of new housing is more balanced with employment opportunities, to ensure Swindon is more self-

contained and the need for out-commuting is reduced.”(5.102)

“A comprehensive assessment of potential development sites around Swindon has been conducted jointly between Wiltshire Council and Swindon Borough Council to identify the most sustainable locations for development. These are outlined in the emerging Swindon Core Strategy. The study outlines which sites have been assessed and concludes that development to the west of Swindon, including within the Royal Wootton Bassett and Cricklade Community Area, is unnecessary and does not represent the most sustainable option for future growth in Swindon.” (5.103)

- 3.79 The ‘comprehensive assessment’ referred to above is confirmed in the SOCG as The Swindon Small Scale Urban Extensions Evidence Review Paper (February 2012)(CD 6.15). The purpose of the SSUES Review Paper (February 2012) is to ‘consolidate the evidence that was produce to support the emerging Core Strategies for Wiltshire and Swindon’ (Paragraph 1.1), and to set out the rationale behind the non-allocation of sites at west of Swindon within the pre-submission document. However it comprises only a general review of the Core Strategies’ preparation stages/process to date and a consolidation and description of the output of historic assessments of potential urban extensions. Critically it is predicated on the assumption [that Swindon’s current locally derived housing figure and strategic allocations and policy proposals to deliver this will be found sound. Therefore, the conclusions drawn in the pre-submission Core Strategy (paragraph 5.103) have been retrofitted to studies which at date of publication did not conclude that development at the western edge of Swindon was unnecessary.
- 3.80 Wiltshire Council, through the June 2011 and Pre-Submission iterations of the Core Strategy accepted, as *fait accompli*, the conclusions of the Swindon Core Strategy and its associated evidence base. This is notwithstanding the issues raised by Wiltshire Council in its consultation response to the Swindon Core Strategy to which I refer below.
- 3.81 The pre-submission Core Strategy text at paragraph 5.102 also fundamentally fails

to grasp a key sustainability issue with respect to the relationship of Swindon with Wiltshire. It is not out-commuting by Swindon residents, but rather the excessive in-commuting to Swindon by Wiltshire residents working in Swindon which is of primary concern. The dRSS clearly recognised the significance of the issue and attempted to redress this strategic sustainability concern, including concentrating housing at Swindon to reduce the TTW distances and reliance on car based transport. The reduction in housing at Swindon in the dSCS risks exacerbating the problem which is an issue of objection raised by Wiltshire themselves in representations submitted on the dSCS. To illustrate this, commuter patterns data based on 2001 Census output shows that 16% (10,131) of North Wiltshire residents work within Swindon (see **Appendix 2**). Paragraph 21 of the NPPF requires planning policies to build a strong, competitive economy, including a requirement to

“recognise and seek to address potential barriers to investment, including a lack of ... housing” (my emphasis).

Swindon Local Development Framework

Swindon Core Strategy Preferred Options Draft (March 2008) (POCS) (CD 4.14)

- 3.82 The POCS for Swindon sought to demonstrate a clear chain of conformity with the draft RSS by identifying areas within North Wiltshire as preferred options to meet the needs of the smaller scale urban extensions. This was based on the assessment undertaken through the Small Scale Urban Extensions Study, a comparative evidence base study that investigated 17 areas with potential to contribute towards the requirement for smaller scale urban extensions in Swindon and North Wiltshire.
- 3.83 Land at Ridgeway Farm and Moreton Bridge was identified (although not allocated) in the Preferred Options draft of the SBC Core Strategy as Swindon Borough Council's preferred sites to meet the requirements of the original draft

RSS, along with detailed development requirements.

3.84 Paragraph 19.11 Spatial Framework – Preferred Option states:

“... small-scale urban extensions to Swindon are proposed at Tadpole Farm, and land south of Kingsdown Lane.... The Preferred Option is also to direct growth in North Wiltshire District Council to Ridgeway Farm / Moredon Bridge to be confirmed in the North Wiltshire Local Development Framework.”

Swindon Core Strategy Proposed Submission (July – September 2009)

3.85 The Swindon Proposed Submission Core Strategy 2009 sets out the development strategy for Swindon in accordance with the dRSS requirement to provide 36,000 dwellings, with an additional 1,200 in the remainder of the Borough. In addition to the Swindon housing requirement, RSS Policy HMA 2 also requires 3,000 dwellings to be provided as an urban extension(s) to Swindon within Wiltshire.

3.86 Paragraph 3.20 refers to the Policy requirements of dRSS Policy HMA2. A specific policy is contained within the Proposed Submission document (SSP10) which deals with ‘Urban Extensions to Swindon in Wiltshire’ which sought to ensure that development at the western edge of Swindon, within Wiltshire, was delivered in the most sustainable way and the cumulative impact with other urban extensions is addressed.

3.87 Swindon Borough Council and Wiltshire Council (and formerly North Wiltshire District Council) have worked together to identify the most sustainable locations to accommodate these urban extensions. The assessment was undertaken through the Swindon Small Scale Urban Extensions Study (January, 2008) (CD 6.14) and the West of Swindon Study Update (January, 2009) (CD 6.13). The studies concluded that the sustainable locations for development are in Swindon Borough at:

- Tadpole Farm – 2,000 homes

and in Wiltshire at:

- Ridgeway Farm / Moredon Bridge – 1,000 homes
- Pry Farm – 2,000 homes

**Swindon Core Strategy Revised Proposed Submission – March-June 2011
(dSCS) (CD 4.9)**

3.88 The Revised Proposed Submission Document (March 2011) was published in response to the Government’s announcement of its intention to abolish Regional Strategies. Consequently, the Revised Proposed Submission Core Strategy proposes a reduction in housing growth from the RSS target of 36,000 to 25,000 over the period 2006-2026. Taking into account completions since 2006 this reduces the requirement for the remainder of the plan period to 19,000 dwellings. The LPA explain that this reduction is based on the LPA reassessing the housing requirement “*based mainly on more recent economic projections*”. (SBC – Housing Requirement Update Report – Jan 2011). Distributed as follows:

| Housing Component | Dwellings |
|---|-----------|
| Swindon Central Area | 1,000 |
| Within Swindon’s existing urban area | 4,480 |
| Northern Development Area Urban Extension (committed) | 3,970 |
| Wichelstowe Urban Extension (committed) | 4,500 |
| Commonhead Urban Extension | 900 |
| Eastern Villages Urban Extension | 7,500 |
| Tadpole Farm Urban Extension | 1,700 |
| Rural Settlements | 750 |

3.89 The Revised Proposed Submission document also counts housing at Moredon Bridge (200 dwellings) as contributing to Swindon’s housing needs although this site is in Wiltshire. As a result the overall requirement in the Borough is reduced by 200. (Policy CT2 – Box 1, page 30)

3.90 In respect of development requirements at the West of Swindon, the Swindon Borough Council Cabinet Meeting of 19 January 2011 (paragraph 2.15; **Appendix**

3) refers to the basis for the deletion of a 'west of Swindon' requirement. This states:

“The Regional Spatial Strategy identified an area to the West of Swindon in Wiltshire for 3,000 houses. On the evidence prepared for the Regional Spatial Strategy and Core Strategy including an extensive review of potential sites this was not supported by the Council. With the reduction in economic and housing projections the previous decision is further endorsed. It is considered that there is no requirement to allocate sites to the West of Swindon, which are less sustainable than those identified above. Joint working with Wiltshire Council should be maintained to work to a common agreed position but with a clear remit that this should not compromise the Council’s own strategy.”

Weight to be Given to Emerging Core Strategies

3.91 To date there is no adopted Core Strategy in place in Wiltshire or Swindon. Whilst progress has been made, the proposals and policies contained within the dWCS and dSCS are yet to be subject to the critical scrutiny of the examination process and are some way off from being so.

3.92 Whilst I accept that the Core Strategies are a material consideration in the determination of this appeal they can only be given very limited weight, in my opinion. Whilst both demonstrate progress in development, they cannot, at this stage in development, form a sound basis for decision-making. My colleague, Mr Soldat, also covers this issue.

3.93 Guidance on the appropriate level of weight to give to emerging plans was confirmed by Government in the NPPF on 27 March 2012. Paragraph 216 of the NPPF states (my emphasis):

From the day of publication, decision-takers may also give weight [unless other material considerations indicate otherwise] to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 3.94 The most recent iterations of both the draft Wiltshire and Swindon Core Strategies no longer contain any strategic allocation for development at the western edge of Swindon as originally set out in the WSSP 2016 and then through the RSS. At this stage both Core Strategies are yet to be submitted for examination. **Appendices 4 and 5** contain my review of the timetable for the Wiltshire and Swindon Core Strategies.
- 3.95 The justification for the deletion of west of Swindon development emerges from Swindon Borough and is predicated on the basis that the significantly reduced housing requirement, identified in the dSCS Revised Proposed Submission document (March 2011), no longer warrants development to be provided for Swindon across the border in Wiltshire. In response Wiltshire Council no longer advances any development at the western edge.
- 3.96 Furthermore, Wiltshire Council makes no allowance in the form of contingency sites at the western edge should development in Swindon not deliver as projected or if the quanta set out in the draft Swindon Core Strategy are increased as it progresses to adoption. This is somewhat of a contradiction to the WSSP2016, the dRSS and an even earlier version of the Swindon Borough Council (SBC) Core Strategy which relied on development of deliverable sites on the western edge in Wiltshire to plug any delays or gaps in delivery at larger urban extension sites within the Borough. I believe that this, and the low level of housing proposed in the dSCS, is at odds with the requirement of the NPPF paragraph 14, which identifies a key requirement of the NPPF presumption in favour of sustainable development

in development, for Local Plans to “*meet objectively assessed needs with sufficient flexibility...*” and to “*positively seek opportunities to meet the development needs of the area*”.

- 3.97 Accepting Swindon’s deletion of a west of Swindon requirement as a *fait accompli* means that Wiltshire has, in my opinion, effectively pre-determined the outcome of the SBC Core Strategy process and the dWCS now relies on the soundness of the dSCS and its unexamined evidence base to fully justify its own policies. This also has potential to delay the adoption of the dWCS.
- 3.98 It must be clear that only the housing requirements set out in the adopted WSSP 2016 and the SoS Proposed Changes dRSS have been subject to public examination, with the dRSS being the most recent. The March 2011 dSCS is predicated on locally derived housing numbers which are yet to enjoy a level of scrutiny any where near that enjoyed by the WSSP and dRSS. For these reasons, and those set out in the evidence of my colleague, Mr Soldat, I consider greater weight should be given to WSSP2016 and the dRSS in this Appeal.
- 3.99 Both Core Strategies are a considerable way off from being formally examined and until this independent scrutiny has taken place they will potentially be subject to substantial change. This fact is further supported by the level of representations made on these documents which demonstrate that there remains unresolved significant objections to the respective core strategies and in accordance with paragraph 216 of the NPPF the weight that can be given to the draft policies is reduced accordingly.
- 3.100 I particularly note that the planning for housing requirement of the emerging Core Strategies can be given little weight at this appeal, for the following reasons.
1. The level of housing proposed in both draft Core Strategies fails to meet the 20% front loading requirements and hence could not be considered ‘up to date’ in terms of NPPF.
 2. The level of development proposed in the dSCS (850dpa) is based on an unsound and unexamined evidence base and consequently will, in my

opinion, be subject to substantial modification prior to adoption.

3. The draft dWCS is predicated on a flawed assumption that the draft dSCS and its unexamined evidence base, are a sound basis for planning west of Swindon.
4. Neither of the draft Core Strategies requirements or their supporting evidence base have been subjected to independent scrutiny either in the form of resolved public consultation or, preferably, public Examination.
5. That the new housing requirements will be highly controversial, have been subject to significant objections and will be contested, including at Examination.

3.101 Far from being the up to date and more reliable evidence base as claimed by the Council, it is my strong belief, as established in this Evidence and that of Alan Soldat, that the emerging evidence base of the Swindon Core Strategy is fundamentally flawed and consequently unsound. In the circumstances, due to the high likelihood that the dSCS and its evidence base will need to be substantially altered prior to adoption, and specifically the housing requirements, the dSCS should be given no weight in this Appeal decision.

3.102 It is also relevant when considering “weight” to consider the guidance provided by Government when the RSS’s were to be revoked (subsequently quashed) on 6th July 2010. In terms of reviewing housing requirements, the guidance clearly indicates that LPA’s will be expected to provide robust evidence which fully justifies their revised housing requirements. The NPPF reinforces this requirement for an objectively assessed, robust evidence base to support housing policies throughout the document, including at paragraphs 14, 50, 158 and 159.

3.103 It is my firm view, therefore, that the requirements set out in the dWCS and dSCS have been and will continue to be robustly challenged, including housing requirements. The key argument of both Councils is that the reduction in housing requirements no longer justifies bringing forward development at Ridgeway Farm, in spite of the site being demonstrated as both a suitable and sustainable location for development. Until the LDF examination has been completed no weight can be

afforded to the proposed levels of development or spatial strategy.

3.104 In terms of the dWCS, this has effectively “overtaken” the dSCS in the preparation process. This, in my opinion, raises a fundamental question in terms of the relationship between both Core Strategies and, indeed, between the two LPAs. As I have set out above the emerging dWCS is now silent regarding the west of Swindon on the basis that the emerging dSCS no longer requires development in this area. However, I would respectfully draw the Inspector’s attention to the response of Wiltshire Council to the dSCS (my **Appendix 6**) dated 16th June 2011.

3.105 This states that Wiltshire Council has “*concerns regarding the soundness of the strategy with particular regard to plan’s sub regional context, level of future housing provision and transportation....*” (my emphasis).

3.106 Their concerns are explained in the following paragraph. In particular, Wiltshire Council states:

“There is concern that the strategic relationships with adjoining local authority areas are not fully explored or responded to within the draft Core Strategy. In the north Wiltshire area in particular, there are clear functional relationships with Swindon, as evidenced by commuting patterns and public transport services. It is considered that the Core Strategy should ensure an adequate supply of deliverable housing during the plan period. Without this, significant pressure will be exerted on the wider Swindon Housing Market Area (as defined in the draft RSS), which extends to the north and east Wiltshire areas (former North Wiltshire and Kennet districts) and as a result, other adjoining HMAs within Wiltshire.”

3.107 The concern being expressed here is clearly that should the dSCS identify too few dwellings to be provided within the Borough then the impact of this on north Wiltshire includes through increased and unsustainable out commuting. The same correspondence also raises major concerns in respect of Swindon’s methodology

used to calculate housing requirements. Wiltshire Council states:

“The draft Core Strategy does not appear to reflect the strategy for the town [Swindon] as a major economic and service centre within the sub-region as previously recognised and supported by the Borough and raises concerns regarding the ability to maintain and enhance Swindon’s wider strategic role...”

3.108 The Wiltshire consultation response is also expressing concern in respect of the dSCS’s reliance on 2006 based sub-national household projections rather than those of 2008 (which suggest a need for an additional 5,000 dwellings at Swindon). My colleague Mr Soldat deals with this issue in greater detail.

3.109 Other adjoining authorities have also raised significant concerns over the approach taken by Swindon Borough Council in its emerging Core Strategy and particularly in respect of the West of Swindon. The Vale of White Horse District Council response to the dSCS stated:

“It is not considered that the Core Strategy is sound because it is not justified as the most appropriate when considered against reasonable alternatives because reasonable alternatives, such as the sites to the west of Swindon, have been discarded without a transparent process demonstrating the alternatives’ assessment that led to them not being brought forward.”

3.110 The same objection goes on to make specific reference to the appeal site:

“The proposed submission Core Strategy (2009) confirmed the Preferred Options (2008) sustainable locations for urban expansion to include Ridgeway Farm (para 3.21). Although this site was outside Swindon Borough, it will function as part of the Swindon area (para 3.22). The companion proposed submission Sustainability Appraisal (2009) notes this site, among others, had environmental constraints but that these could be successfully mitigated with careful masterplanning (para 8.11.6)”

- 3.111 I attach the full objection by the Vale of White Horse at **Appendix 7**.
- 3.112 This clear evidence of a lack of coordination between Swindon, Wiltshire and other authorities in the development of their draft Core Strategies raises additional fundamental compliance issues with the requirements of the Localism Act and the NPPF which reinforce the importance of *a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in paragraph 156*” (NPPF paragraph 178). These strategic priorities include fundamental soundness issues and matters of importance to this appeal including cooperation on strategic planning to deliver homes and manage travel-to-work issues. In contrast, I believe the requirements of the dRSS are based on the examined evidence base which approached strategic development issues in an objective, sound and holistic manner and therefore warrant greater weight.
- 3.113 My conclusion is therefore, also, that the dWCS’s approach is justified solely on the findings of the emerging dSCS on which Wiltshire themselves and others have raised significant and valid concerns. This, in my opinion, means that the emerging dWCS can be given very little weight in the consideration of this appeal.
- 3.114 In terms of the dSCS, progress on this document has effectively stalled since the Revised Proposed Submission version consulted upon between March and June 2011. It is my understanding that SBC intend to revisit the dSCS document by re-consulting on it in September 2012 effectively meaning that the dSCS has not progressed in over one and a half years. It is also my understanding that this will involve a revised recommendation of housing land requirements.
- 3.115 This has also resulted in a substantial delay in the examination and adoption of the dSCS. My **Appendix 5** acknowledges the Council’s stated timescales but the Swindon LDS is currently out of date. This table also, based on experience, sets out what I consider to be a more realistic/achievable timescale.
- 3.116 In any event, it must be considered that the dSCS is some considerable way off

examination and adoption and is likely to be subject to change. On this basis alone, I believe that the emerging dSCS can be given extremely limited weight at this appeal. This approach was recently confirmed at the Commonhead Appeal, as noted previously in my Evidence.

- 3.117 Indeed, other recent appeals have shown that Swindon Borough Council gives no weight to these figures. I draw attention to a recent appeal at Pentylands, Highworth (CD 12.6) where the Statement of Common Ground (**Appendix 8**) stated:

“5. Housing Land Supply

5.1 The level of housing land supply on district wide or on a disaggregated basis is proposed to be calculated in two ways, either on the basis of the Structure Plan or on the basis of the Draft Regional Spatial Strategy figures. It has been agreed by the Council and the Appellants that the emerging Core Strategy will not be used as a basis to calculate housing land supply for the purposes of this appeal.”

(Pentylands Appeal (APP/U3935/A/11/2159897); CD 12.6; My emphasis)

It is my view that this approach is equally relevant to this appeal.

- 3.118 It is therefore my firm view that the requirements set out in the draft Core Strategies will be robustly challenged and until that process has been completed no weight can be afforded to the proposed levels of development.

Strategy for Development at Swindon

- 3.119 Having set out the relevant policy documents and their general provisions I now set out the matters relevant to defining an overriding strategy for development ‘at Swindon’
- 3.120 The long standing development strategy for Wiltshire, of urban concentration at Swindon supported by sustainable urban extensions, is firmly established and is

clearly defined in the saved policies of the WSSP 2016, which was informed by RPG10. RPG10 sought to concentrate development at the Principal Urban Areas (PUAs), of which Swindon is one. RPG10 Policy SS2 states that:

“The 11 PUAs identified in this RPG offer the best opportunity for accommodating the majority of development in the most sustainable way. The aim should be to concentrate most development at the PUAs”.

3.121 Furthermore, Policy SS2 recognises that:

“... Where this is not possible, development should be in the form of planned urban extensions to the PUA in sustainable locations with good access to the urban area by public transport, cycle and foot”.

3.122 Policy SS11: Swindon of RPG10 requires Local authorities, developers, infrastructure and transport providers and other agencies, should work together to achieve the following for Swindon: sustainable urban extensions incorporating a mixture of uses and sustainable transport facilities, involving a review of the rural buffer; (5th bullet point)

3.123 In evidence to the recent Pentylands Appeal, SBC (para 3.2 of PS PoE) confirmed that Policy SS2 *“is a key element of the regional planning framework that provided that context both the Wiltshire and Swindon Structure Plan, 2016 and the Swindon Borough Local Plan, 2011*

3.124 The WSSP 2016 implements RPG10 Policy SS2 through Policy DP3 (Development Strategy) which states:

“Development should primarily be focused at the Swindon Principal Urban Area to support and enhance its role and function and the regeneration of the central area”.

3.125 DP10A sets out the housing requirements at the Swindon PUA up to 2016 and this

is supported by additional housing requirements in accordance with WSSP 2016 policies DP10B and DP10C at the western side and on land at Commonhead of the PUA respectively. The WSSP 2016 is clear that development in accordance with DP10B and DP10C is regarded as development at the PUA. Para 4.80 of the WSSP 2016 states:

“However, development that directly adjoins the PUA, particularly that proposed by Policies DP10B and DP10C, is regarded as development at the PUA and once it has received planning permission or has been defined in an adopted Local Development Document should form part of the PUA.”

- 3.126 The saved policies of the WSSP remain extant. The site the subject of this appeal accords with the WSSP requirements set out in DP10B and therefore, if granted, would represent development at the Swindon Principal Urban Area.

Swindon Core Strategy

- 3.127 In March 2008 SBC published the Core Strategy Preferred Options document which included strategic allocations to meet the requirements of the dRSS including major urban extensions to the east of Swindon and smaller scale urban extensions.

- 3.128 The spatial strategy set out in the SBC CS Preferred Options was identified as:

“The spatial strategy in Swindon needs to achieve an appropriate balance between a regeneration led strategy; a strategy led by large strategic development sites; a strategy incorporating smaller development at the urban fringe, and a strategy led by development within the existing urban area.” (Para 19.1)

- 3.129 The Spatial Framework – Preferred Option (paragraph 19.11)

“The focus of development for the next 20 years will be within the existing

Swindon urban area boundary, principally on previously development land, and including those strategic urban extensions already with permission, the Northern Development Area and Wichelstowe.”

“Small-scale urban extensions to Swindon are proposed at Tadpole Farm, and land south of Kingsdown Lane to meet this need. The preferred Option is also to direct growth in North Wiltshire District Council to Ridgeway Farm / Moredon Bridge..”

3.130 The emphasis on the urban concentration of development, supported by urban extensions has shaped subsequent iterations of the Swindon Core Strategy.

3.131 Proposed Submission Policy SSP1 Settlement Hierarchy:

“Swindon will remain the focus for residential and commercial development in the Borough.”

3.132 In order to meet the housing requirements set out in the emerging RSS SBC Core Policy CP4 sets out the distribution in accordance with the principles of urban concentration and sustainable urban extensions.

CP4: Housing

A. *“To meet Regional housing targets, 34,200 additional new homes will be provided in Swindon Borough, including 33,000 at the Swindon urban area. At least 30% of the additional housing at Swindon should be provided on previously developed land within the urban area, with the remainder on urban extensions well connected to the existing urban area.”*

3.133 As part of the dRSS housing requirement 3,000 homes for Swindon within the North Wiltshire District were proposed and the SBC Proposed Submission document Paragraph 3.21 confirms that the evidence base which supported the Core strategy (SSUES and the West of Swindon Study Update) concluded *“that*

the sustainable locations for development are in Swindon Borough at Ridgeway Farm/Moredon Bridge – 1,000 homes, Pry Farm 2,000 homes”.

Revised Proposed Submission March 2011

- 3.134 Policy DS1: Development Strategy retains the long-established strategy of urban concentration of development alongside urban extensions.
- 3.135 The reduction in housing numbers proposed in the Revised Proposed Submission is used by SBC to justify the deletion of urban extension at the western edge of Swindon as set out in previous iterations, within which the site subject to this appeal is located. Notwithstanding this point, the appeal proposal remains consistent with a long established development strategy, a strategy that has not changed with the latest version of the SBC Core Strategy, rather it has been reinforced.

4.0 HOUSING LAND SUPPLY

4.1 This section of my evidence addresses the ability or otherwise of both Wiltshire and Swindon planning authorities to demonstrate a five year deliverable supply of housing.

4.2 With the publication of the NPPF on 27 March 2012 it is clear that the requirement to maintain an adequate supply of housing (i.e. five years) continues to be a central plank of planning guidance.

4.3 The NPPF builds on the emphasis of the Barker Review and PPS3 (now cancelled) in terms of setting out a planning framework which is intended to “*boost significantly the supply of housing*”. This is consistent with the Ministerial Statement “Planning for Growth” (Rt Hon Gregg Clark MP – March 2011.- CD 11.1)

4.4 NPPF Section 6 (paragraph 47) places the responsibility of significantly boosting housing supply on local authorities who should:

- *“Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.*
- *Identify and update annually a supply of specific deliverable sites sufficient to provide for five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land”.*

4.5 In addition Paragraph 47 of the NPPF states:

“Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period)”.

4.6 It is my opinion that the impetus behind five year housing land supply has been maintained, with all planning authorities required to demonstrate a minimum addition of a 5% buffer. In the context of this appeal it is my opinion that the housing land supply in both Wiltshire and Swindon should be considered in the context of the 20% buffer due to their persistent failure to maintain an adequate supply relative to this appeal.

4.7 Whereas previous planning guidance required applications to be 'considered favourably' in circumstances where a local planning authority is unable to demonstrate an adequate supply, the NPPF states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". (NPPF, paragraph 49)

4.8 In such circumstances Paragraph 14 of the NPPF is triggered. In respect of the decision-making process it states:

"Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- Specific policies in this Framework indicate development should be restricted".*

4.9 As contained in Section 3 of my Evidence, I believe that the message from the NPPF is clear. That is to say, where a five year housing land supply cannot be demonstrated the housing policies are to be considered out-of-date. In such circumstances planning permission should be granted 'without delay', subject to considerations of any adverse impacts or other specific policy restrictions set out in

the Framework.

- 4.10 The Council's acknowledgement a lack of a five year supply at paragraph 5.7 of the Joint Swindon and Wiltshire Statement of Case is stark (CD 15.2). Accordingly, the starting point for this appeal in terms of five year housing land supply is that neither planning authority can demonstrate and adequate supply. On this basis the Secretary of State is respectfully asked to consider this appeal in the context of the decision-making principles set out in NPPF Paragraph 14.
- 4.11 Table 4.1 provides a summary of the five year housing land supply position in both Wiltshire and Swindon. A full detailed assessment is provided in **Appendix 1**.

Table 4.1 Housing Land Supply Summary

| | AMR 2010/11 | Appellant's Assessment |
|---|----------------|---------------------------|
| Wiltshire | | |
| Wiltshire & Swindon Structure Plan 2016 DP10B | 0.9yrs | 0.9yrs |
| Secretary of State's Proposed Changes dRSS | 0.9yrs | 0.9yrs |
| Wiltshire Core Strategy | 5.6yrs | 3.6-4.8yrs |
| 2008-based household projections (Wiltshire) | N/A | 4.1yrs |
| 2008-based household projections (North Wiltshire) | N/A | 2.9yrs |
| Swindon | | |
| Wiltshire & Swindon Structure Plan (excl. Policy DP10B) | 2.9yrs | 2.2-2.4yrs |
| Wiltshire & Swindon Structure Plan (Incl. Policy DP10B) | 2.6yrs | 2.0-2.1yrs |
| dRSS (Borough Requirement) | 2.5yrs | 1.3-2.1yrs |
| Section 4/4 Advice | 2.7yrs | 2.1-2.2yrs |
| Draft Revised Core Strategy | 5.4yrs | 4.0-4.3yrs |

| | | |
|--|--------|------------|
| (March 2011) with phasing | | |
| Draft Revised Core Strategy (March 2011) without phasing | 3.8yrs | 2.9-3.1yrs |
| 2008-based household projections | 3yrs | 2.0-3.0yrs |

4.12 Table 4.1 clearly demonstrates that both planning authorities have a seriously deficient supply of housing when calculated against the housing requirements of the Wiltshire and Swindon Structure Plan 2016 and the draft RSS Proposed Changes. Accordingly the conclusions set out in NPPF Paragraph 49 bite. More significantly, both planning authorities have failed to provide any housing policy delivery mechanisms to implement the housing requirements of the extant development plan (DP10B) relevant to this appeal.

4.13 Accordingly, Paragraph 14 of the NPPF is triggered and, on the basis of all the evidence submitted in support of this appeal, planning permissions should be granted without delay.

4.14 Notwithstanding evidence provided to the Inspector in respect of the weight/relevance of draft Core Strategy housing requirements, my detailed assessment of housing land supply provided in **Appendix 1** also concludes that neither planning authority is able to demonstrate an adequate supply, even in the context of their draft core strategies.

4.15 It is my opinion that the Council’s statement that the lack of a five year housing land supply “*should not be the final arbiter*” demonstrates the desire by both planning authorities to ‘play-down’ the importance of maintaining a five year housing land supply. In doing so both planning authorities fail to grasp the Government’s objectives in terms of housing, namely to significantly improve the delivery of housing. The importance of improving housing land supply has since been further entrenched in the NPPF.

4.16 That said, I accept that the lack of a five year housing land supply does not

automatically mean that planning permission should be granted. However, I invite the Inspector to consider all of the evidence provided in support of this appeal which clearly demonstrates that there are no adverse impacts as set out in the NPPF, or specific policies within the NPPF to indicate the development should be restricted.

- 4.17 Both planning authorities are at best failing to ensure that there is a flexible and responsive supply of housing land based on the most optimistic calculations, premised on draft housing requirements set out in their respective draft Core Strategies. The reality of housing land supply in the context of this appeal is that there is, and remains, a persistent, significant and serious shortfall of housing land supply. This represents a significant material consideration which weighs in favour of this appeal.

5.0 NPPF Presumption in Favour of Sustainable Development

- 5.1 Previous sections of my Evidence have set out the thrust of Government Policy towards delivering a significant boost in the delivery of housing and reinforces the five year housing land requirement that neither Council can achieve. Ridgeway Farm is not a site where specific policies in the NPPF indicate development should be restricted (paragraph 14). On this basis, the requirement of the NPPF to apply a presumption in favour of sustainable development should be given greater weight and the appeal should be “*granted permission*” if the adverse impacts do not “*significantly and demonstrably outweigh benefits*” when assessed in accordance with the NPPF policies as a whole.
- 5.2 Paragraph 14 of the NPPF identifies those factors which should be considered in determining this appeal . I set these out below with reference to the appeal scheme.
- 5.3 Before doing so, however, I draw attention to paragraph 47 of the NPPF which succinctly identifies three crucial issues that need to be satisfied to assist the delivery of housing but which are generally applicable – sites need to be available for development; have a reasonable prospect of development within the necessary time frame and must be viable. Ridgeway Farm is a highly deliverable site in the short term and I believe is the most deliverable sustainable site which is capable of delivering housing of a scale suitable to meaningfully mitigate the impacts of housing supply shortfalls at Swindon, which in part arise due to an over reliance on larger scale urban extensions which have more complex infrastructure requirements and have proven to have longer lead-in times to commencement. The site is in single land ownership and is controlled by a single developer who are motivated to bring the site forward for development without delay upon the granting of planning permission. Furthermore the site does not have infrastructure constraints that would significantly delay its development. The housing delivery trajectory set out in the Appellants Rule 6 statement (CD 15.1). The developers commitment to develop the land is further reinforced by the provisions of the draft Section 106 agreement.

5.4 The application documents submitted, along with the relevant technical appendices establish Ridgeway Farm as an available, eminently suitable and deliverable development proposal and the Inspector will be aware that the Councils have removed their refusal reason based on sustainability i.e. it is now accepted and uncontested by the LPA that the appeal proposal is sustainable.

Housing Policy

5.5 Housing policies are set out at paragraphs 47-55 of the NPPF. My Evidence and the evidence of Alan Soldat establish that the relevant housing policy of the LPA is not up to date, hence the need for delivery of homes from Ridgeway Farm to meet the requirement to significantly boost the supply of homes. The appeal should therefore be granted unless an assessment against the requirements of the NPPF indicates the adverse impacts would not significantly outweigh the clear benefit of ensuring an adequate supply of decent homes to satisfy evidence of need and contribute to delivering sustainable, inclusive and mixed communities.

5.6 Considerations in respect of housing include the matters specified at paragraph 50, which states:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for*

example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

- 5.7 The proposed development is in line with planning for housing objectives of the NPPF. Indeed, the proposed housing at Ridgeway Farm is required in order to give effect to the planning for housing objectives set out in the NPPF and the extant development plan.
- 5.8 Development at Ridgeway Farm is considered to reflect the scale and speed of housing required to contribute meaningfully to satisfying urgent unfulfilled need and demand for housing in the Swindon housing market, without prejudicing wider, longer term objectives. The development proposals would comprise only a relatively minor proportion of the total housing supply at Swindon, being only a little over 6 months supply against the lowest requirement of the dSCS. The significant 5 year housing land supply shortfalls outlined in this Evidence are easily sufficient to justify the level of housing delivered from Ridgeway Farm.
- 5.9 The scale of housing provided at Ridgeway Farm is also consistent with that needed to contribute significantly to satisfying other indicators of housing need, such as DCLG 2008 based household formation projections. The development is of a scale that would not have a fundamental adverse impact on planning for Swindon and would have no adverse impact on any strategic resources of significance, such as minerals.
- 5.10 In accordance with the framework for development set out in the application Design and Access Statement (DAS; CD 13.4), it is clear that the development proposals can deliver high quality housing, via reserved matters applications. Based on the evidence contained within there is no doubt that high quality housing could be provided on this site. The same conclusion is drawn on the Wiltshire Council Strategic Planning Committee report (SPC Report; CD 15.3) in paragraph 16i(I) (page 62).

5.11 The Evidence presented by the Appellant in application documents also shows an appropriate mix of houses will and can be provided, in terms of dwelling type, dwelling size, tenure and affordability. This includes contributing to satisfying evidence of significant need for affordable housing in the area, family housing with excellent access to primary education and the potential to provide housing for the elderly.

5.12 The Ridgeway Farm proposals would make a meaningful contribution to affordable housing provision for residents of Wiltshire and Swindon, which is acknowledged by both LPA's. The draft Swindon Strategic Housing Market Assessment (SHMA) March 2012 (CD 5.8) includes the following 'Headline' figures which point to issues of need (my emphasis):

- ”• *Approximately 35 per cent of first time buyers in Swindon are priced out of the market for a lower-quartile priced flat.*
- *The average age of a first time buyer is now 36, if no financial assistance from family or friends is forthcoming.*
- *Approximately 7 per cent of all Swindon households are deemed to be in need of affordable housing by the Borough Council.* [6166 households]
- *The average of a range of estimates produces an annual shortfall of 801 affordable homes per year in Swindon.”*

5.13 The reported number of households on the Housing Register (as at 1 April 2011, DCLG live table 600; CD 11.25), with either Council or registered social landlords, in Wiltshire was 13,875, which is equivalent to 7.2% of households. The equivalent waiting list figure at Swindon Borough is 13,218 households which is reported by DCLG as being the equivalent to 14.9% of households in the Borough. I would describe these shortfalls in affordable housing provision as substantial, particularly at Swindon.

5.14 The Swindon SHMA acknowledges that factors required to address these issues and that the management of housing land supply will be a critical factor -
“Swindon’s future success is likely to depend upon the Council’s ability to provide and manage land supply ...” (draft Swindon SHMA March 2012 paragraph 4.8)

5.15 The Wiltshire Council SPC report (CD 15.3) at paragraph 16i(II) (page 62) acknowledges the proposed housing mix at Ridgeway Farm is acceptable and reflects the need for housing in the area.

Other NPPF Matters

5.16 Paragraph 14 of the NPPF identifies other factors which should be considered in determining this appeal, to the ensure that adverse impacts do not significantly outweigh the benefits of the proposals (my emphasis).

5.17 Ridgeway Farm is not a protected site under the Birds and Habitats Directive or designated as either a Site of Special Scientific Interest; Green Belt, Local Green Space, Area of Outstanding Natural Beauty or a National Park. The site is not designated or immediately adjacent to a heritage asset. The site is not a location at risk of flooding or coastal erosion.

5.18 Further more, my Evidence; the evidence of my colleagues and the information contained in the PASS (CD 13.1) and ES (CD 13.2 and 13.3) confirm that there are no significant environmental impacts arising from the development at Ridgeway Farm that cannot be effectively avoided, mitigated or remedied via the application proposals, conditions or legal agreement, in accordance with planning policy. The application proposals are considered environmentally sustainable in terms of the Policies of the NPPF.

5.19 The contributions the scheme can make to sustainable development are set out in the Application Documents and I do not repeat these in my Evidence. I would, however, confirm at this point the following key sustainable development attributes of the scheme:

- The proposal is situated in a sustainable location and represents an urban extension to the PUA of Swindon.
- The proposal is properly described as being “at Swindon” which conforms with the existing and emerging Spatial Vision.
- The site provides a mix of uses including open market and affordable housing, extensive green infrastructure, primary school, day nursery and community facilities.
- It is accepted by the LPA that there *“is no doubt that high quality housing could be provided on this site”* (Strategic Planning Committee Report (SPC Report) para 16(i) page 62).
- It is accepted by the LPA that a good mix of housing can be provided on the site, both in terms of housing type and tenures, encouraging the development of an inclusive community.
- The site does not involve the unacceptable loss of Best and Most Versatile Agricultural Land.
- The development would provide infrastructure to meet the needs of the development, including a sustainable drainage system resilient to climate change impacts.
- The development would be promoted by a package of measures encouraging uptake of more sustainable multi-modal transport.
- The building would meet Council and national standards for sustainable homes, reducing the carbon footprint of the development in accordance with government strategy.

5.20 The application site is a suitable and sustainable location for the proposed residential development and the form of development is also considered to meet sustainable development requirements of planning policy.

5.21 The development makes effective, efficient and appropriate use of land in density terms. The development would be an efficient use of land, achieving development densities which exceed 30 dwellings per hectare, and achieves 50 dwellings per hectare or higher in the more accessible and unconstrained parts of the site.

- 5.22 The development would deliver the objectives of section 8 of the NPPF, including a regime of multi-functional publicly accessible open space and Green Infrastructure which significantly exceeds both the quantitative and qualitative requirements of Wiltshire Council and would contribute significantly to promoting healthy communities and biodiversity for current and future generations.
- 5.23 Land which is subject to development constraints will be utilised effectively for open space to enhance the quality and amenity of the development, including extensive areas reserved for nature conservation and approximately 2ha of proposed forest planting.
- 5.24 The development proposals are also deliverable and effective, featuring high quality design which maximises the locational advantages of the site and the potential of the site to accommodate sustainable development. The design of the development proposals are further addressed in the evidence of Nigel Henham.
- 5.25 The development proposals would function efficiently and effectively as a sustainable urban extension to Swindon, in terms of both location and form of development, which either provides adequately for the needs of the community on the subject site or is accessible to facilities in Swindon and therefore complements and integrates with the urban area of Swindon, in accordance with the assessment set out in the DAS (CD 13.4), for instance bolstering the viability of public transport services to the area and allowing the potential reinstatement of night time bus service.
- 5.26 In accordance with the NPPF (paragraph 72) the inclusion of a new primary school in the proposed development should be considered positively and given appropriate weight when determining the appeals. I strongly believe that the development of a school at the centre of the scheme would enhance the identity and wellbeing of the community. It would also be consistent with the objectives of promoting 'healthy communities' at chapter 8 of the NPPF.
- 5.27 This Evidence establishes the accessibility of Ridgeway Farm to facilities and

employment at Swindon, as endorsed by the SSUES (CD 6.14). In summary, the Ridgeway Farm scheme represents sustainable development at a site that is widely recognised as being suitable for development of the scale proposed, including recognition in evidence base documents, as set out in the PASS (CD 13.1).

- 5.28 My Evidence establishes the clear and immediate need for the proposed development to give effect to planning for housing objectives in this area, including contributing to an adequate and sustainable supply of housing. The development proposals would not conflict with any housing market renewal policies. The proposed development would not undermine wider policy objectives.
- 5.29 The development proposals would assist in achieving sustainable development and good design at a location where it is accessible to a range of services and jobs thereby facilitating and promoting sustainable and inclusive patterns of urban development. The proposals would also appropriately protect and enhance the natural and historic environment. High quality development would be achieved through good design and the efficient use of resources. High levels of access to jobs and services would be available to all members of the community at a location which is accessible to the Swindon PUA.
- 5.30 In conclusion, the proposed development of Ridgeway Farm would accord with the policies of the NPPF as a whole and the appeal should be *“granted permission”* as the adverse impacts do not *“significantly and demonstrably outweigh benefits”* when assessed in accordance with those policies., .

6.0 THE REASONS FOR REFUSAL

Reason 1

“The proposed development is in the countryside, outside the framework boundary of any settlement where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011.”

- 6.1 It is accepted that the appeal site is outside of any recognised framework boundary however the issue requires a more thorough investigation and understanding including the need to have regard to the principle purpose of H4 and also to policy DP10B of the WSSP2016.
- 6.2 The intended purpose of Policy H4 must be clearly understood before weight can be ascribed to it as a reason for refusal. The fundamental purpose of the policy is to prevent unconstrained development in the open countryside outside of existing settlement boundaries to protect the character both of the countryside and of surrounding towns and villages. This would clearly be contrary to the Spatial Vision and lead to unsustainable development but clearly this is not the case in respect of the appeal site which immediately adjoins the Swindon urban area, has well defined boundaries and the proposal has been designed to fit in with the landscape and does not lead to coalescence. This will be explained further by my colleague Mr Griffiths.
- 6.3 As stated previously in my Evidence, WSSP2016 Policy DP10B requires 1,000 homes at West Swindon by 2016. Section 4.0 then explains that the only contribution towards meeting DP10B to date results from the Moredon Bridge development, itself won at appeal, creating a housing land supply of just 0.9 years.
- 6.4 On this basis, it is useful to refer to the final Spatial Planning policy response, as quoted in the Wiltshire SPC Report (CD 15.3), which states:

“While some weight can be afforded to the emerging Core Strategies the proposal would nevertheless be in line with adopted development plan policy to

deliver 1,000 units at West Swindon by 2016...” (Spatial Planning Response 13th October 2011, paragraph 8.1) (my emphasis) (CD15.3)

6.5 This is, of course, completely fair as is the final part of that paragraph which states that the appeal proposal:

“...alongside the delivery of new homes at Tadpole Farm, as well as Moredon Bridge, would collectively meet this requirement, while contributing to an apparent shortfall in the five year requirement at Swindon.”

6.6 The reality is that any site intended to meet the adopted WSSP2016 policy DP10B could be considered to be contrary to Policy H4. I hold the view that the need to provide a 5 year supply outweighs Policy H4 particularly given the specific circumstances pertaining to this site and I note that neither of the responses from the Spatial Planning team of Wiltshire Council make reference to Policy H4.

6.7 It is also informative to consider how Policy H4 has been applied previously by the LPA and how the Councils apply development boundaries/framework boundaries generally. There are specific examples of development taking place on the edge of Swindon within Wiltshire and these illustrate the flexibility that has rightly been applied by both Officers and s78 Inspectors in the past. These include:

- ‘Lydiard Fields’ which is a large mixed use 16,000sqm B1 use area including hotels, a pub, coffee shop, the National Self Build and Renovation Centre and employment uses, located just off junction 16 of the M4. Whilst at Swindon, this is in the Wiltshire administrative area and outside any development framework identified by either Council.
- A significant level of recent residential development at Common Platt which functions as part of Swindon but is in Wiltshire. This development adjoins the appeal site but is outside of any development framework boundary identified by either the North Wiltshire Local Plan (2011) or the Swindon Borough Local Plan (2011) and therefore, in Policy H4 terms, would have been considered to be in open countryside. Indeed, the development precedes the adoption of both Local Plans and neither

Council has brought it within a framework boundary.

- The Moredon Bridge Development, quoted often in my Evidence, represents a 200 dwelling scheme on the edge of Swindon and meeting Swindon's needs but is again outside any development boundary identified by either Council. A rigid and dogmatic application of Policy H4 would consider that this site was in the open countryside and should be resisted. This was discussed at some length at the planning appeal in respect of this site and whilst the Inspector acknowledged that the proposal did not accord with Policy H4, he concludes at paragraph 28 of his report (CD 12.7) that:

"I therefore find no basis in this main issue to dismiss the Appeal"
(Paragraph 28; CD 12.7)

6.8 I would also respectfully draw the Inspector's attention to the interpretation and application of Policy H4 elsewhere in Wiltshire. For example, this policy also formed the basis of a refusal of an application at Sandpit Lane, Calne, for up to 350 dwellings. An appeal into the refusal of permission was heard in December 2009 and, in allowing the appeal, paragraph 25 of the Inspector's decision letter (12.16) confirms that the Council's witness:

"...accepted that provision of housing in the Rest of NWDC area in excess of five years is only unacceptable in strategic planning terms and that LP Policy H4 should be set aside if the proposed development is required to meet the housing needs of the area." (Inspector's decision letter para 25, APP/Y3940/A/09/2108716, my emphasis).

6.9 The Inspector at Calne concluded on Policy H4 that:

*"The shortfall in the supply of housing in the former North Wiltshire area is a significant material consideration and, together with other material considerations, **outweighs** the general presumption against large scale housing development in the countryside as set out in LP Policy H4."* (Inspector's decision letter para 27; CD12.16; APP/Y3940/A/09/2108716, my emphasis).

6.10 In my view this is exactly the same conclusion as should be applied in respect of the Ridgeway Farm appeal. In respect of this appeal, both Councils “readily acknowledge” the lack of a five year land supply and, by virtue of the removal of Reason for Refusal 4, there can be no doubting that the appeal scheme is sustainable. The NPPF, paragraphs 47 and 49, read alongside paragraph 14, is therefore engaged and the need to provide adequate supply of deliverable housing land outweighs Policy H4 of the NWLP 2011.

Swindon Policy

6.11 At the time of writing, the Appellant is continuing efforts to progress a Statement of Common Ground to assist the Inspector. The Councils have sought to, at the same time as referring factually to the requirements of Policy H4 of the NWLP, to also include reference to Policy DS1 of the Swindon Borough Local Plan (SBLP) 2011 (CD 4.4); the latter policy being effectively the equivalent to H4 of the NWLP.

6.12 The Appellant has no objection to a purely factual reference to SBLP DS1, but if this policy is considered relevant by the Councils then other policies of the Swindon Local Plan must also be considered. In my view, this is especially the case when other policies clarify how Swindon Borough Council intended development frameworks to be applied. Policy DS1 states:

“Policy DS1

Subject to compliance with other policies in the plan, development in the Borough shall be permitted within Swindon urban area as defined on the Proposals Map.

Development outside the urban area shall be permitted either:

a) in primary and secondary settlements, as defined in Policy DS5 , or

b) in the countryside where it is provided for by other policies of the plan.” (My emphasis)

6.13 Policy H4 of the SBLP is useful in understanding when development outside the

urban area of Swindon “shall be permitted”. It states:

“...In considering planning applications on sites that have not been identified in this Plan the Council will give priority to those that are previously developed and will not permit development on further larger greenfield sites (0.5 hectares or more) within the identified settlements, or on all greenfield sites outside of the identified settlements, unless it can be clearly demonstrated that it is necessary to do so in order to achieve the Wiltshire Structure Plan 2011 housing requirement.” (extract from Policy H4 SBLP 2011, my emphasis).

6.14 Thus, the SBLP (2011) clearly and deliberately allows for development outside of settlement framework boundaries when it is necessary to meet Structure Plan requirements. I consider that this is exactly the case in respect of this appeal. Whilst the Councils may seek to argue that Policy H4 of the SBLP refers to a previous version of the Structure Plan, this would in my view be pedantic. The WSSP 2016 now forms part of the development plan and, if anything, the need for the flexibility expressly included in SBLP H4 is made even more important given the requirements of Policy DP 10B of the extant Structure Plan.

6.15 The recent interpretation of this policy by the Inspector on the appeal regarding land west of Pentylands Lane (16/01/2012), an appeal affecting land adjacent to the rural village of Highworth, concluded:

“17. Satisfying a WSSP supply shortage would find support in its Policy DP4, although there could be nominal conflict with WSSP Policy DP3 because the site is beyond Swindon, but I do not regard that as serious in the circumstances of this case because developing a sustainable site would reflect the principles of PPS1 without significantly challenging those of PPG13.”

(Inspector’s appeal decision paragraph 17; Ref: APP/U3935/A/11/2159897; CD 12.6; my emphasis)

Conclusion – Reason for Refusal 1

- 6.16 The flexibility in the application of NWLP Policy H4 has not been applied in the case of this appeal site. Policy H4 cannot be considered to be a cornerstone policy of the NWLP 2011 given the appeal decisions referred to above. With no landscape objection to the appeal proposal it is clear that H4 in this particular case is not premised on any concerns regarding the intrinsic value/character of the landscape. The application of H4 in this case is clearly an extension of the prematurity concerns set out in Reasons for Refusal 2 and 3. There is no development control justification for the Reason for Refusal 1.
- 6.17 For these reasons, I do not believe that Reason 1 is a valid basis for the refusal of planning permission or for dismissing this appeal.

Reason 2

“In the absence of a site specific allocation of the application site in any adopted or emerging development plan document, it is considered that there is no policy derived basis for the development of this site. It is proposed that the strategic growth of Swindon will be derived from other more suitable sites identified by Swindon Borough Council in their respective Core Strategy.”

- 6.18 This reason for refusal, whilst ill founded, raises a number of key issues which must be fully understood. These include:
- The critical importance of the 5 year housing land supply position.
 - The status of the development plan.
 - The weight to be given to the dRSS.
 - The weight to be given to the emerging Core Strategies of both Authorities.
 - The conclusions of various assessments, as they relate to the appeal site, which form or have formed, the evidence base of the emerging Core Strategies.

The Importance of 5 year Land Supply

- 6.19 As I have set out previously, the Councils readily acknowledge the absence of a 5 year supply of housing land as required by Central Government in the NPPF.

Elsewhere in my Evidence I set out the extent of this shortfall which must be considered to be dire and very deficient.

- 6.20 It must also be clear that the requirement for a 5 year land supply is an ongoing matter and not one that can be simply put on hold pending the eventual adoption of a Core Strategy. As stated previously, this is confirmed in the NPPF (paragraph 47 and others).
- 6.21 The fact of the matter is that the Councils have failed to ensure a continuous 5 year supply against regional, structural or even emerging Core Strategy requirements.
- 6.22 The requirements of the dRSS have been set out previously in my Evidence. These requirements and the supporting evidence base represent the most up-to-date quantum that have been independently examined and tested and therefore, in my opinion, must be given significant weight at this appeal.
- 6.23 Policy HMA2 of the proposed changes version of the dRSS (CD 2.2) is specific in terms of the West of Swindon and states that 3,000 dwellings AT Swindon IN Wiltshire. Further, the draft RSS June 2006 (CD 2.4), at Policy SR8, states that an average of 50 dwellings per annum (i.e. 1000 dwellings in the period 2006-2026) should be provided *“adjacent to the Swindon Urban Area in North Wiltshire District”* (my emphasis).
- 6.24 The reason I refer to this earlier (albeit lower) figure is that this was identified by the ‘4:4’ Authorities which included Swindon Borough Council and yet nothing has been done to deliver this requirement let alone the higher (3,000 dwelling) requirement established through the independent scrutiny and examination of the dRSS.
- 6.25 As a point of detail, whilst I do not afford the same degree of relevance to the proposals at Tadpole Farm as the Councils do, it must be accepted that that site

cannot be considered to be meeting the dRSS requirements by virtue of the fact that it is in Swindon Borough and not Wiltshire.

- 6.26 It is common ground that the WSSP Structure Plan forms part of the development plan. It is also relevant to note that, as set out previously, on 19th October 2010 the Wiltshire Cabinet resolved that:

“In light of the revocation of Regional Spatial Strategies, [the Cabinet] reaffirms that the Wiltshire and Swindon Structure Plan 2016 sets out housing figures for Wiltshire up to 2016 (as set out in saved Policy DP4)”. (Minute 149, Wiltshire Cabinet, 19th October 2010; CD15.10).

- 6.27 Notwithstanding the fact that the Councils are, at this appeal, seeking to give weight to emerging untested Core Strategies, this resolution stands and confirms the weight Wiltshire gives to the WSSP2016 (CD 3.2). I would also point out that Policy DP4 states:

“Provision should also be made for 1,000 dwellings at the Principal Urban Area at the Western side of Swindon in accordance with Policy DP10B.”

- 6.28 This leads me to deal, again, with WSSP2016 Policy DP10B and its requirement for 1,000 dwellings at the western side of Swindon. Whilst I fully acknowledge that this policy states that the location(s) for the 1,000 dwellings will be identified following a joint study, the simple position is that the Councils have failed to deliver this development in the 6 years since the adoption of the Structure Plan. This is ever more telling when considered against the need to provide a continuous 5 year supply of deliverable housing land.

- 6.29 To make the situation even more adverse, it must be remembered that the *raison d’être* for policy DP10B was that it would meet a shortfall in provision resulting from delays on the Southern Development Area of Swindon. This is confirmed in the WSSP2016 which states:

“... the development proposed by Policy DP10B now needs to be brought forward to meet the short-term shortfall in provision.” (paragraph 4.84: WSSP2016)

- 6.30 The Councils, in resisting the appeal proposal, therefore appear to be advocating that the long established shortfall in provision should now be forgotten pending the eventual adoption of their Core Strategies. Given the timescales involved in producing those documents and the fact that, until they have been independently scrutinised, they can be given little weight, the Councils are effectively promoting a policy vacuum and a black hole in housing land supply.
- 6.31 I also feel that the LPA is inconsistent in its approach. Earlier in my Evidence, I refer to an ongoing application at Moredon Bridge, a site in close proximity to the appeal site. In spite of the future revocation of regional strategies, the policy department at Wiltshire Council, considered that the outstanding requirements of WSSP policy are *“hard to resist”* (CD15.9: Wiltshire Policy response). Furthermore the Moredon Bridge site is recognised as a *“legitimate location for housing”* and finally, officers acknowledge the absence of a five year housing land supply.
- 6.32 In short, the Councils have failed to maintain a supply of housing land and this must be addressed. Likewise, the Councils are failing to match the aspirations of the NPPF and the Government’s key housing objectives set out therein. I return to this point in detail later in my Evidence.
- 6.33 The Councils state that development should take place at other ‘more suitable’ sites in Swindon. Wiltshire Council Spatial Planning Consultation Response (Updated) 13th October 2011 (CD15.8) raised the issue of alternative sites delivering housing, as follows:

“4.2 It is understood that 350 dwellings would be completed on Tadpole Farm by 2015/2016 (end of Structure Plan period), with 50 dwellings completed in year 1 (2013/14), assuming planning permission can be achieved early 2012.”

4.3 *Together with the Moredon Bridge commitment of 200 dwellings, this means that just over half the Structure plan requirement at West of Swindon could be delivered by 2016 as intended by the plan. However, this would leave a shortfall of at least 450 dwellings, which subject to achieving planning permission the Ridgeway Farm site could deliver.”*

6.34 I agree with the conclusion of Wiltshire Council that housing is required from both Ridgeway Farm and Tadpole Farm and therefore preference for one site over another is irrelevant. Irrespective of housing delivery from the Tadpole Farm development, my Evidence still forecasts significant shortfalls of housing land supply. In the circumstances the Council argument over preference for one site over another is irrelevant.

6.35 Furthermore, the Inspectors Report for the Appeal decision at Commonhead, Swindon (Ref: APP2155834; CD 12.2; paragraph 317) came to a conclusion which I believe is equally valid to Ridgeway Farm (my emphasis).

“317. Whereas other sites or locations around Swindon may be believed to be better placed with regard to sustainability and accessibility [143, 175, 211], even if this were to be substantiated – and no detailed evidence of this was put before the inquiry - this would not discount the overall acceptability of this proposed development if it is considered that the scheme is in conformity with the current development plan. That is, it does not have to be the most sustainable site in Swindon; it is sufficient to accept that it is sustainable within the expectations of current Government guidance.”

6.36 I furthermore stand by my assessment that Ridgeway Farm is a highly deliverable site in the short term and is the most deliverable sustainable site which is capable of delivering housing to mitigate the impacts of housing supply shortfalls at Swindon. Ridgeway Farm is in single land ownership and is controlled by a single developer who are motivated to bring the site forward for development without delay upon the granting of planning permission. Furthermore the site does not have infrastructure or other development constraints that would significantly delay

its development. The housing delivery trajectory set out in the Appellants Rule 6 statement (CD 15.1) and provisions of the draft Section 106 agreement are therefore considered achievable.

6.37 The Swindon Small Scale Urban Extension Study (January 2008) (SSUES) (CD 6.14) identified Ridgeway Farm as a sustainable site to accommodate an urban extension to Swindon, We also welcomed the conclusion of SBC in their 2008 Preferred Options Draft Core Strategy (CD 4.14), which although unable to allocate a site beyond LPA boundaries, nonetheless identified Ridgeway Farm as a sustainable location for an urban extension.

6.38 I note that the SSUES, although sound in identifying Ridgeway Farm as a sustainable location for development, is significantly less robust than the EIA and ES that accompanies this appeal. I reiterate my view that the EIA confirms the suitability of the location and application proposals at Ridgeway Farm, which constitute sustainable development in accordance with the guidance in the NPPF.

6.39 Finally, but by no means least, the NPPF provides useful policy input in considering the reasons for refusal and, whilst quoted previously, I feel it is worthwhile repeating it at this stage.

6.40 Paragraph 49 of the NPPF states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of land, relevant facilities for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites” (my emphasis)

6.41 Paragraph 14 of the NPPF advises how the decision taker should consider the ‘golden thread’ of the presumption in favour. It states:

“For decision taking this means:

- Approving development proposals that accord with the development plan without delay;
- Where the development plan is absent, silent, or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
 - specific policies in this framework indicate development should be restricted.”

(NPPF, paragraph 14) (my emphasis)

6.42 In conclusion, on the second reason for refusal, it is my opinion that there is a very clear policy basis for the development of this site at both a national and local level including in the adopted development plan. The refusal reason is therefore not a valid basis for dismissing development on the site.

Reason 3

“The proposal is premature to the progression of both Wiltshire Council’s and Swindon Borough Council’s Local Development Framework (LDF), the Core Strategy Development Plan Documents for the area [and] is therefore prejudicial to both Council’ plan-led approach to sustainable development, and the spatial vision for the development of Swindon and the surrounding area. As such the proposal is contrary to Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.”

6.43 Notwithstanding my previous Evidence that the draft Core Strategies should be given little weight in the consideration of this Appeal, and hence I consider reason 3 to be inherently to be invalid, I nonetheless respond to the Council case comprehensively in the interests of completeness.

NPPF

- 6.44 I note that since the Wiltshire SPC report was prepared, the Government has confirmed its intentions for the planning system by replacing the provisions of PPS1 and PPS3 referred to by Council in the new NPPF (CD 1.1), which is intended to integrate national planning policy and introduce the 'presumption in favour of sustainable development' at the heart of the planning system.
- 6.45 The intentions of the new policies are clear and reflected in paragraph 14 containing the requirements of the 'presumption' itself. I outline paragraph 14 in detail in section 3.0 of my evidence, but in summary it requires Councils to maintain an 'up to date' regime of plans, in which case the presumption is that development in accordance with that plan is to be approved. When a policy is 'out of date', as is the case with the Wiltshire and Swindon spatial strategies failing to deliver adequate housing, decisions must be made in accordance with the NPPF itself and approved when the adverse impacts of a proposal do not significantly and demonstrably outweigh the benefits – in this case including the provision of housing which is urgently needed to address significant and ongoing shortfalls of housing, which neither Council has addressed with the required alacrity. I consider the requirements of the NPPF and fact that the development plan is 'out of date' by virtue of a lack of housing delivery to be significant considerations in relation to Council's Reason for Refusal 3.

Prematurity

- 6.46 The advice in paragraphs 17 to 19 of 'The Planning System: General Principles' is that refusal of planning permission on grounds of prematurity may be appropriate where a proposed development is so substantial, or where the cumulative effective would be so significant, that granting of permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.
- 6.47 In any view therefore, the proposal must result in the objectives / aspirations of emerging policy being nullified and blunted to the extent that they no longer have the effect intended.

- 6.48 With respect to this application it is noted that the development would give effect to Policy DP10B of the WSSP2016, which forms the extant development plan of the area and is yet to be satisfied with 4 years remaining in the plan period.
- 6.49 Nether the dSCS or the dWCS have been submitted to the SoS and representations on the document are known to oppose the policies which the LPA quote in opposition to the proposed development. The proposed development site has been found to be a sustainable location for development in evidence base documents to the dWCS and dSCS.
- 6.50 I also believe that it is clear that the development proposals are not so substantial in scale or the cumulative effects so significant to prejudice the outcomes of the draft Core Strategies, which include a concentration of development at Swindon as a key component. The development proposals compensate for the lack of housing delivery from other sites early in the plan period and would not impact on the scale or phasing of development. The development comprises 700 houses or 1.9% of the additional 36000 houses required in or immediately adjacent to the Swindon urban area to satisfy the housing targets of the dRSS to 2026. The development would likewise represent just 2.8% of the much reduced 25,000 houses proposed at Swindon or 3.8% of the similarly reduced 18,600 houses to be provided in urban extensions to Swindon under the dSCS.
- 6.51 My Evidence and that of my colleagues (including the submitted planning application documents) confirms that no adverse environmental impacts would be generated that would be of such significance to prejudice the outcomes of the DPD.
- 6.52 Paragraph 18 of 'The General Principles' is clear that where a proposal does not prejudice the DPD in the context of Paragraph 17, *"Planning applications should continue to be considered in light of current policies"*. Paragraph 18 goes on to say that *"... account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review,*

increasing as successive stages are reached.” Neither Core Strategies have been submitted for examination so example 1 is relevant in the context of this appeal, as follows:

”1. Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.”

6.53 It is the case of the Appellant that, given the stage of preparation of the dSCS, this proposal should be considered in light of current policies, as set out in Paragraph 18 of The General Principles. This is justified on the basis that there is no realistic early prospect of the dSCS being submitted for examination. The Council’s prematurity argument would therefore put in place a significant delay in determining the future use of this site, which can not be justified.

6.54 In respect of the timetable of dWCS it is anticipated that it will be submitted for examination towards the Autumn of 2012. In doing so it provides clear evidence that both Council’s have failed in their duty to co-operate. S.110 of the Localism Act outlines the requirements of this duty:

“Principally relates to local and county planning authorities (and others) in relation to planning for sustainable development in (DPD and other) plan preparation (i.e. key strategic planning mechanism to replace regional level). Plans will be tested against compliance with duty”

This duty is also embraced in paragraphs 178 to 181 of the NPPF.

6.55 Both Councils are quick to apply prematurity as a reason for refusal on the basis that granting planning permission of the appeal site will prejudice the outcome of the DPD process. Yet, by accepting the deletion of the west of Swindon requirement on the basis of a housing requirement which is yet to be subject to examination, and is likely to be subject to further consultation later in 2012,

Wiltshire Council has itself by-passed the examination process and accepted as a *fait accompli* the housing provision set out in the dSCS. The places greater emphasis on the Core Strategy examination process and, until such time that both the Wiltshire and Swindon Core Strategies have been found sound, they can only carry limited weight.

6.56 Paragraph 19 of 'The General Principles' requires the local planning authority, when refusing planning permission on the grounds of prematurity, to "*demonstrate clearly how the grant of permission for development concerned would prejudice the outcome of the DPD process*". To date the Council have provided no cohesive evidence to which I can respond.

6.57 In his regard the Councils offer a mixed and confused case in so far as prior to the Strategic Planning Committee, the SPC Report set out the Council's reasons for refusal, including the original wording of proposed refusal reason 3 as follows:

"The proposal is premature to the progression of both Wiltshire Council's and Swindon Borough Council's Local Development Frameworks (LDF), the Core Strategy Development Plan Documents for the area is therefore prejudicial to both councils' plan-led approach to sustainable development, and the spatial vision for the development of Swindon and the surrounding area. As such the proposal is contrary to Planning Policy Statement 3: Housing, the Council will be relying on the principles in Cala Homes (South) Limited v Secretary of State for Communities and Local Government [2010] and R (on the application of Cala Homes (South) Limited) v Secretary of State for Communities and Local Government and another [2011]."

6.58 On the eve of the Wiltshire Strategic Planning Committee an email was sent to committee members clarifying the Reports position on prematurity. It stated that:

"Since the committee report was written, it has come to light that the decision regarding Cala Homes (also known as CALA III) referred to in paragraph a) has been quashed. This follows a signed consent order prior to it having been due

to be heard in the High Court on Wednesday 15 February 2012 accepting that the SoS the Rt. Hon Eric Pickles had erred in law in respect of the consideration of prematurity in his decision ahead of the publication of Winchester City Council's Core Strategy."

- 6.59 In response the case officer has considered it necessary to remove references to the Barton Farm Cala Homes decision *and any other decision which may be relevant from the report as well as the recommended reason for refusal 3*. This was duly done.
- 6.60 The original reliance on the Cala Homes decision at Barton Farm demonstrates that the Councils' case of prematurity is not robust and the removal of reference to the Cala decision is clear evidence that the council has struggled to identified a sound basis upon which to hang the prematurity objection to the appeal proposal.
- 6.61 The Wiltshire SPC Report (CD 15.3) refers to Paragraph 69 of PPS3, now cancelled, and considers that the appeal proposal conflicts with the 5th bullet point, which used to refer to proposals 'reflecting' the spatial vision of an area. In this regard the Strategic Planning Committee Report concludes that:
- "... the proposal would significantly undermine the emerging policy objectives and be clearly at odds with the direction of travel from the coalition Government at this juncture". (VI, Page 63)*
- 6.62 Notwithstanding the cancellation of PPS3 and the removal of paragraph 69 requirements, it is unclear as to what policy objective would be undermined by the granting of consent.
- 6.63 In respect of the dWCS, paragraph 5.6 from the supporting Topic Paper 15 (Housing Requirement Technical Paper) is particularly relevant in the context of this appeal. Referring to the housing requirements identified in the Topic Paper which form the basis of Core Policy 2 Delivery Strategy, paragraph 5.6 of the Topic Paper states.

“These projections forecast the requirements for Wiltshire alone and make no allowance for the requirements of the neighbouring settlement of Swindon. In previous policy, a specific allowance for housing on the edge of Swindon but within Wiltshire was made which was developed in order to meet the needs of the population of Swindon rather than Wiltshire. The requirements developed in this paper include no such allowance, and any further development (including that at Moredon Bridge) at the West of Swindon should be seen as being in addition to that required for Wiltshire alone. “

- 6.64 It is clear therefore that development at the west of Swindon is in addition to, and not in place of, the housing requirements for Wiltshire. In effect, 700 homes at the appeal site will not result in a reduction elsewhere, either in the Royal Wootton Bassett & Cricklade Community Area or the within the HMA.
- 6.65 Further, the Inspector is respectfully asked to note that the housing requirement set out in the dWCS (February 2012) provides a minimum (‘at least’) requirement of 37,000 dwellings. Notwithstanding the Appellant’s contention that the housing provision identified in the dWCS is insufficient, this ‘at least’ figure is considered sufficient to meet the strategic objectives of the County. It is difficult to understand therefore, how this proposal, which would not reduce housing delivery elsewhere in the County, can prejudice the draft Core Strategy.
- 6.66 My approach is also entirely consistent with that of the NPPF. Paragraph 216 (Annex 1: Implementation) acknowledges that weight can be given to policies in emerging plans according to:
- *“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given;*
 - *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given;*
 - *The degree of consistency of the relevant policies in the emerging plan to*

the policies in this Framework (the closer the policies in the emerging plan, ... the greater the weight that may be given.”

6.67 Using the same order, my firm position is that:

- 1) Both emerging Core Strategies are some way off adoption and have yet to be publicly examined and independently tested.
- 2) There are very significant objections to both draft Core Strategies including, in the case of Swindon, by adjoining local authorities questioning soundness.
- 3) The emerging Core Strategies are inconsistent with the NPPF in that they are neither aspirational or equipped to “significantly boost” the supply of housing.

Neighbourhood Plan

6.68 The dWCS places considerable emphasis on Neighbourhood Plans delivering growth above and beyond the at least 37,000 requirement set out in Core Policy 2. Neighbourhood Plans are intended to be the key delivery mechanism for additional housing delivery. The Royal Wootton Bassett & Cricklade Community Area is a DCLG Neighbourhood Planning pilot area. The Council’s Statement of Case, paragraph 5.6, makes reference to the role that local communities have in shaping their surroundings when outlining the case for prematurity:

“The Councils will demonstrate that the emerging Core Strategies are wholly consistent with the direction of travel of the Coalition Government in respect of a genuine plan-led approach which “empower local people to shape their surroundings.” having regard to the draft National Planning Policy Framework published in July 2012, Secretary of State decisions as well as the Localism Act (2011) . To contemplate development at this stage in the process on this site, regardless of there not being an adequate supply of housing land would be prejudicial and undermine that process and potentially set a precedent for other development proposals which could come forward in a similar manner, in similar

circumstances, by-passing the emerging Core Strategy(ies).”

6.69 There is currently no Neighbourhood Plan for the Royal Wootton Bassett & Cricklade Community Area and we understand that this is not expected to be delivered until March 2013 at the earliest, with slippage to this timetable a genuine possibility. Further, even if a Neighbourhood Plan was in place, it is unclear how this would deliver development at Ridgeway Farm, given that the dWCS proposes no development at west of Swindon due to the reduced housing proposals of the dSCS. There is also no experience that neighbourhood plans will provide a timely or effective delivery vehicle for additional growth as relied on in the dWCS or, in the case of Ridgeway Farm, to address existing housing shortfalls.

6.70 It is also clear that Neighbourhood Plans are not intended to deal with strategic issues or policies, including the delivery of needed houses and jobs. This is confirmed in the NPPF which states:

“... The ambitions of the neighbourhood should be aligned with the strategic needs of the wider area. Neighbourhood Plans must be in general conformity with the strategic policies of the plan.” (NPPF, paragraph 184)

6.71 Accordingly, with no Neighbourhood Plan in place, in draft format or otherwise, no weight can be given to proposals that may be contained within these documents, nor in my opinion can the site subject to this appeal be considered prejudicial to the process of preparing them.

Precedent

6.72 Local Planning Authorities are required to set out in their Local Plan policies and strategies for delivering the level of housing provision that will enable a continuous delivery of housing for preferably 15 years from the date of adoption. It is a statement of fact that neither of the emerging Core Strategies can do so and are therefore potentially unsound. Indeed a specific objective of the planning system is that it should deliver a flexible and responsive supply of land including a five year

supply of deliverable sites available for housing.

- 6.73 The Councils' Statement of Case in respect of Prematurity argues '*regardless of there not being an adequate supply of housing land*' the granting of permission at appeal will undermine the plan-led process and potentially set a precedent for other developments proposals to come forward in a similar manner, by-passing the Core Strategy process. Both LPAs are well aware that the lack of a five year housing land supply means that, under the terms of National Planning Policy, the application should be considered in accordance with the presumption in favour of sustainable development. However, the Councils raise the objection that in doing so it will open the flood gates for other planning applications. Such an argument is entirely misplaced and fails to recognise that the requirement to maintain a five year housing land supply is a central plank of Government Policy. In fact, with the additional 20% requirement set out in the NPPF, its significance has been heightened.
- 6.74 The very fact that the joint Statement of Case states that "*Both Councils readily acknowledge a lack of five year supply of housing*" clearly demonstrates that both authorities have therefore failed in the duty to ensure a flexible and responsive supply of housing land in accordance with the NPPF. There remains a serious and significant shortfall of housing and on that basis the contention that the granting of permission for this site will somehow prejudice the plan-led process is palpably wrong. The only precedent that is established is that set out in the NPPF in terms of maintaining a five year supply and the presumption in favour of sustainable development. The failure to demonstrate an adequate supply of housing is a significant material consideration that weighs in favour of this appeal.
- 6.75 In the context of a significant HLS shortfall the release of this site will not prejudice other sites identified in the emerging Wiltshire Core Strategy coming forward. Indeed neither Council has provided any evidence to suggest that this would be the case. The 700 houses that will be delivered as part of this proposal over the next five years will provide an important contribution to address the seriously deficient and acknowledged housing land supply shortfalls.

Direction of Travel

6.76 The Wiltshire SPC Report concluded that granting permission would

“... be clearly at odds with the direction of travel from the coalition Government at this juncture”. (VI, Page 63)

6.77 Such conclusions demonstrate, at best, a lack of awareness of the national agenda for economic growth and the role that planning, and specifically housing, has to play in the wider economic recovery. At worst, it demonstrates an attempt to avoid this agenda. The draft NPPF (Paragraph 13) states:

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.... Therefore, significant weight should be placed on the need to support economic growth through the planning system”.

6.78 This builds on the Ministerial Statement “Planning for Growth” (March 2011) which states that:

“The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs”.

6.79 Furthermore the Ministerial Statement requires that decision makers, when determining planning applications should:

“... ensure that they give appropriate weight to the need to support economic recovery”.

6.80 The DCLG document ‘Laying the Foundations: a housing strategy for England’ (21st November 2011) paragraph 11 states that:

“Getting house building moving again is crucial for economic growth – housing has a direct impact on economic output . . . For every new home built, up to two new jobs are created for a year. Without building new homes our economic recovery will take longer than it needs to”.

- 6.81 There is a clear impetus for bringing forward [sustainable] development at the earliest opportunity to support the wider economic recovery. Indeed, the NPPF supports the need to deliver a step change in housing delivery as confirmed at paragraph 47 of NPPF, whilst the presumption in favour of sustainable development is a ‘golden thread’ running through decision making (paragraph 14, NPPF).
- 6.82 The grant of permission for the proposal subject to this appeal will therefore be entirely consistent with the Governments ‘direction of travel’. It should be pointed out that the overall reduction in planned housing within Wiltshire and Swindon of some 18,000 homes over the plan period (2026) is significantly more at odds with the direction of travel than this appeal proposals. To accept the council’s prematurity argument would mean that there would have to be a moratorium on the granting of permission on all sites until the adoption of the Core Strategies. This, in my opinion, is clearly contrary to Planning for Growth Agenda and the NPPF.

Spatial Vision

- 6.83 Given the position taken by the Councils in reason for refusal 3, further analysis is required of the degree to which the proposals reflect the spatial vision for the area. Reason for Refusal 3 quotes consistency with the spatial vision of Swindon to be of particular concern to Council. The other relevant documents to be considered are the extant Development Plan, currently comprising RPG 10 the WSSP2016 and the Wiltshire Local Plan 2011. I also believe that weight should be given to the dRSS.
- 6.84 I consider the proposed development clearly ‘reflects’ the spatial vision for the area, for reasons set out in application documents and evidence, which I

summarise in the following paragraphs of my evidence.

RPG10/Wiltshire and Swindon Structure Plan 2016 (As saved)

- 6.85 The WSSP 2016 implements the objectives of Regional Planning Guidance 10 (RPG10), published in 2001. The WSSP 2016 was adopted in April 2006 and sets out the strategic planning policies up to 2016. The WSSP is consistent with RPG10 in terms of concentrating development at the Swindon PUA.
- 6.86 RPG10 sought to concentrate development at the Principal Urban Areas (PUA), of which Swindon is one. Policy SS2 (Regional Development Strategy) sets out the distribution of growth which was to develop within PUAs and then planned urban extensions in sustainable locations. To reinforce this concentration of development Policy SS6 (Other Designated Centres for Growth) specially sought to avoid significant growth within settlements which have a dormitory role.

The Vision of RPG10 is:

The Vision

“Developing the region, in a sustainable way, as a national and European region of quality and diversity, where the quality of life for residents, the business community and visitors will be maintained and enhanced.”

(CD 2.1)

- 6.87 RPG10 also expands on this Vision, with four cross referenced aims based on (then) central government sustainable development objectives. Text at paragraph 2.1 explains that *“Within this Vision are four underlying Aims expressing, at the regional level, the four objectives for sustainable development set out by central government”*. I address each component in the following paragraphs:

- *Protection of the environment – the effective safeguarding and enhancement of the region’s environmental resources, both natural and built, including those which are crucial to maintaining its overall*

attractiveness as an area in which to live, work and play;

6.88 The proposals would reflect this aim, by avoiding impacts on designated protected features of the built and natural environment and incorporating design and mitigation measures which maintain the overall attractiveness of the area 'as a place to live, work and play'.

- *Prosperity for communities and the regional and national economy – improving the competitive position of the South West within the EU and internationally to increase sustainable prosperity for all its residents and businesses;*

6.89 The appeal scheme accords this aim, by concentrating development at Swindon, as a focus for growth in the economy and housing in order to deliver adequate housing provision to provide a better balance with employment growth. In this respect, I demonstrate that both Swindon and Wiltshire are currently failing to deliver adequate housing at Swindon to meet the requirements of the development plan or evidence of housing need, which I consider justifies bringing forward Ridgeway Farm for development.

- *Progress in meeting society's needs and aspirations – recognising people's requirements for good and improving standards of housing and accessibility to facilities; reducing inequalities; and promoting social inclusiveness throughout the region; and*
- *Prudence in the use and management of resources – reducing the consumption of irreplaceable natural resources and making best use of past investment including buildings and infrastructure.*

6.90 The appeal site is acknowledged by both Councils as being in a sustainable location immediately adjoining the urban area of Swindon with good access to services, facilities and employment. The location of Ridgeway Farm would make best use of existing resources and facilities in the surrounding area and also

enhance the vitality of the town, for instance improving the catchment population of the town centre. It will provide a new primary school for residents, a day nursery and promote a sense of place and community.

6.91 The WSSP 2016 (CD 3.2) quotes overall aims at paragraph 2.23.

“The Aim of the Structure Plan is : -

To support a sustainable pattern of development in Wiltshire, meeting the needs of the County's current and future population for:-

(a) a prosperous and robust economy;

(b) an attractive and suitably protected environment;

(c) good housing and community facilities;

through the strategic planning of land-use and transport.”

6.92 The proposed development of Ridgeway Farm would represent a sustainable pattern of development by concentrating development at the largest PUA in Wiltshire. Swindon is identified as a strategic location for growth and the scale of development proposed is required to assist in satisfying the immediate and significant need for development identified in my Evidence and that of Alan Soldat.

North Wiltshire Local Plan (NWLP) (CD 4.3)

6.93 The NWLP was adopted in June 2006 and saved on 27th June 2009. The Vision of the NWLP, set out in Section 1.1, titled *‘Planning to improve North Wiltshire through sustainable development’* sets out *‘five underlying Aims expressing, at a local level, the objectives’* of the document. I consider that proposed development would reflect the five elements of the NWLP Vision, as summarised in the following paragraphs.

- *sustainable development set out at National, Regional and County level.*

6.94 For reasons set out in the application documents and evidence, the proposals would comprise sustainable development that is consistent with national policy and

regional and strategic planning documents.

- *To facilitate a sustainable pattern of land uses to reduce the consumption of natural resources whilst making best use of existing assets.*

6.95 The development proposals would minimise travel distances for residents to the wide range of facilities at the principal urban area of Swindon. The proposals incorporate robust Travel Plan measures and would meet the emerging national regime of sustainable building requirements, thereby representing a pattern of land use which reduces consumption of natural resources. The proposed development would integrate with surrounding neighbourhoods of Swindon and make best use of existing assets, for instance improving the viability of public transport services to the area and business at Peatmoor local centre.

- *To protect, enhance and provide the housing and facilities the community needs.*

6.96 The proposed housing (including affordable housing), schools and other land uses are considered necessary to satisfy evidence of significant and immediate community need, as demonstrated by my Evidence and that of Mr Soldat.

- *To facilitate good quality design and protect existing amenities where possible.*

6.97 It is agreed by the Council that the development proposals would facilitate high quality housing and represent good quality design. The development proposals would protect existing amenities and any significant local

- *Enhance the quality of life of residents and visitors to North Wiltshire through the conservation of the built and natural environment.'*

6.98 The proposed development would facilitate enhanced quality of life for new residents and visitors by provision of high quality homes, a new school and facilities

and significant areas of high quality public open space. The proposed development would avoid impacts on designated heritage assets/conservation areas or Areas of Outstanding Natural Beauty and would avoid, remedy or mitigate impacts on the natural and built environment.

Draft Regional Spatial Strategy for the South West 2006 – 2026 (dRSS)(CD 2.4)

6.99 The dRSS is in essence largely a high level strategic document. Paragraph 1.3.1 sets out a bullet point list, accompanied by an introductory sentence *“The regional future this Strategy is working towards can be summed up as one where: ... ”*

- *All communities enjoy the benefits of further development and where housing needs are satisfied*
- *The economy continues to prosper*
- *Rural parts of the region fulfil their economic potential with vibrant market towns at their core*

.....

- *Swindon, Exeter, Cheltenham/Gloucester, Bournemouth/Poole, Weston-super-Mare and Taunton develop as important focal points for economic growth*

.....

- *Growth is supported by necessary infrastructure in step with development”*

(CD 2.4; my emphasis)

I consider it appropriate to assess the development against these provisions.

6.100 It is the clear intension of the draft dRSS to concentrate development in Wiltshire at Swindon, as the specified strategic focal points for economic growth in the county. The development of Ridgeway Farm, essentially development ‘at Swindon’, would clearly be consistent with this policy of concentration.

6.101 It is equally clear that the provision of adequate housing to meet evidence of need is a central requirement of community building under the dRSS. Again, I consider

that Ridgeway Farm is a suitable and deliverable site to satisfy clear evidence of housing need, as set out in my Evidence and that of Alan Soldat.

- 6.102 The application documents and the evidence of Alan Blacker demonstrates that the proposed development would be provided with adequate infrastructure in step with the scale of development proposed.

Draft Core Strategies

Draft Wiltshire Core Strategy Pre-Submission Document February 2012 - Spatial Vision (CD 4.10)

- 6.103 The emerging spatial vision for Wiltshire is set out in Chapter 3 of the dWCS. The accompanying dWCS text explains that the spatial vision provides direction for development within Wiltshire and has helped to inform individual strategies for each of the community areas, to ensure that they address locally distinct challenges and opportunities.
- 6.104 The text of the dWCS Spatial Vision is repeated in italics type, with my assessment following each sentence.

“By 2026 Wiltshire will have stronger, more resilient communities based on a sustainable pattern of development, focused principally on Trowbridge, Chippenham and Salisbury. Market towns and service centres will have become more self-contained and supported by the necessary infrastructure, with a consequent reduction in the need to travel.”

- 6.105 The proposed development would result in the PUA of Swindon being more self-contained with a consequent reduction in the need of people in Wiltshire to travel long distances to work at Swindon, thereby redressing acknowledged travel to work imbalances between Wiltshire and Swindon.

- 6.106 Although not focused at Trowbridge, Chippenham or Salisbury, the proposed

pattern of development, concentrating development so as to extend Swindon, the largest town in Wiltshire, is clearly sustainable. Ridgeway Farm proposals are acknowledged by all parties to be a development at Swindon to meet needs of Swindon, which is a matter not addressed by the draft Spatial Vision. The necessary infrastructure will be provided to serve the development.

“In all settlements there will be an improvement in accessibility to local services, a greater feeling of security and the enhancement of a sense of community and place. This pattern of development, with a more sustainable approach towards transport and the generation and use of power and heat, will have contributed towards tackling climate change.

Employment, housing and other development will have been provided in sustainable locations in response to local needs as well as the changing climate and incorporating exceptional standards of design.”

6.107 As already stated, I emphasise that Swindon is the largest PUA settlement in Wiltshire. The location of Ridgeway Farm, with excellent levels of accessibility to Swindon would therefore maximise the access of residents to the wide range of employment, leisure, education and other services. The proposed development represents a pattern of development that would minimise travel distances for residents meeting their everyday needs and be a deliverable solution to assist in redressing unsustainable past patterns of growth, which have resulted in unsustainable percentages of the resident population in distant parts of Wiltshire out-commute to Swindon and elsewhere to find work opportunities. (see paragraph 3.72 of my evidence).

6.108 In addition, the proposed sustainable development measures outlined in application documents (e.g. travel plan, proposed school etc), would enhance the multi-modal accessibility of the location. The sustainability of the location and proposed development has significant support in the NPPF as a whole, including section 4.0 ‘Promoting sustainable transport’, particularly paragraphs 30, 34, 35, 37 and 38.

- 6.109 The DAS demonstrates that the design of Ridgeway Farm is suitably influenced by its surrounding context and would encourage a sense of community and place (e.g. location of school as the focus).

“Wiltshire's important natural and built environment will have been safeguarded and, where necessary, extended and enhanced to provide appropriate green infrastructure, while advantage will have been taken of the Wiltshire's heritage to promote cultural and lifestyle improvements as well as tourism for economic benefit.”

- 6.110 The location contains no designated protected built or natural environment features. Development proposals incorporate design and measures that would avoid, remedy or mitigate any significant adverse impacts.

- 6.111 The proposals incorporate high quality green infrastructure/open space which is approximately twice the minimum area required by Wiltshire Council policy and incorporates numerous positive features, such as major areas of woodland planting and water features.

“Partnership working with communities will have helped plan effectively for local areas and allow communities to receive the benefit of managed growth, where appropriate.”

- 6.112 The development would integrate with existing communities in Swindon, providing facilities identified by Council to enhance service to existing residents, such as teenage play space to meet shortages identified by Council and reinstating night time bus services. The development would also enhance the viability and sustainability of existing service provision in surrounding communities, for instance increasing the catchment population shopping at the local centre at Peatmoor and using public transport.

Draft Wiltshire Core Strategy - Spatial Strategy

- 6.113 The Spatial Strategy (CP1) requires that development be concentrated at principal settlements where sustainable development will take place, but then takes a non-holistic approach to identification of those settlements. Chippenham, Trowbridge and Salisbury are identified as Principal Settlements and the influence of Swindon is not recognised, in spite of the obvious cross-boundary influence.
- 6.114 It is clear from the evidence base and strategies of the WSSP2016 and the dRSS that the appropriate concentration of development at Swindon has significant potential to promote sustainable patterns of development in Wiltshire, for instance avoiding a worsening of unsustainable travel to work patterns in the sub-region.

Draft Swindon Core Strategy Revised Draft Document March 2011 (CD 4.9)

- 6.115 Notwithstanding my belief that the emerging Swindon Core Strategy should be given no weight in this decision, I have nonetheless considered the degree to which the development of Ridgeway Farm would reflect the emerging Spatial Vision of Swindon, as set out in after Paragraph 1.5 of the dSCS (CD 4.9). The text of the dSCS Spatial Vision is repeated in italics type, with my assessment following each sentence.

“The Borough of Swindon will become a place where people choose to live, visit and invest. As an important regional centre, Swindon’s appeal will stem from having an attractive and well-equipped town that has successfully blended traditional architecture with high quality contemporary buildings that incorporate sustainable design and construction principles. The possibility of a high quality public realm fully restored canal in the heart of the town could provide a real focal point for visitors and Swindonians alike.”

- 6.116 The provision of housing to meet demonstrable evidence of need would improve labour market conditions and responsiveness by minimising the potential constraint on business growth and investment at Swindon. The proposed development would

provide decent, high quality housing to provide responsiveness to the labour market which aligns with ambitions of business growth

“Swindon will be a community that has responded to the needs of a growing population in a way that has protected our natural environment as much as possible.”

- 6.117 My Evidence and that of Nigel Henham and Patrick Griffiths outline the design process and rationale for the proposed development, including sustainable design features and design measures which ensure the development would be sensitive and suitable to its context. The development would be accessible to Swindon Town Centre would enhance the potential vitality of the town centre.

“In 2026, people in Swindon will live a longer, healthier, happier and more active life. This goal will be achieved by public sector organisations, voluntary and community groups and local people all working closely to promote healthy living and to create caring, cohesive neighbourhoods.”

- 6.118 High quality green infrastructure/open space provided in association with the development would provide significantly enhanced recreation space for proposed and existing residents. Associated features enhance the ‘healthy lifestyle’ potential of the development, for instance providing a ‘trim track’ circuit, cycle paths and formal and informal areas of play and recreation which link with the nearby Moulden Hill Country Park.

- 6.119 Provision of an accessible development would maximise opportunities for active lifestyles, for instance providing convenient walk to school opportunities.

“Local people of will have a much greater appetite for learning new things throughout their life, whether for pleasure or to improve employment prospects. Employers will see the skilled potential workforce as a major asset and a key reason to locate in this area. Local communities will be working with public organisations like the Police, the Borough Council and a wide range of

voluntary groups to reduce crime, keep people safe and develop a sense of community and belonging."

- 6.120 The provision of a school at the heart of the development would enhance the sense of community and belonging. It would also provide a central and highly accessible and venue for high quality early years education and also provide a suitable potential venue for lifelong learning.
- 6.121 The provision of housing to meet demonstrable evidence of need is required to improve labour market conditions and responsiveness by minimising the potential constraint on business growth and investment at Swindon. The proposed development would provide decent, high quality housing to provide responsiveness to the labour market which aligns with ambitions of business growth in Swindon, outlined in the evidence of Alan Soldat.
- 6.122 Consultation with the Wiltshire Constabulary concluded that the framework of the development was suitable, subject to detailed design measures consistent with 'Designing Out Crime' guidance.

Conclusions on Spatial Vision

- 6.123 In this section, I have set out the core elements of the existing and emerging Spatial Vision as set out in various documents. Whilst the wording in these documents varies, there are a number of central and consistent themes to the Visions including:
- The aspiration of emerging a thriving economy.
 - The delivery of high quality housing to meet identified needs.
 - Deliver sustainable development at the principal settlements of Wiltshire.
 - Deliver sustainable developments at the Principle Urban Area of Swindon.
 - To ensure and promote the Swindon primacy as a business centre and a key economic driver within the region.
- 6.124 Given that the appeal scheme would deliver high quality housing and associated

uses, is in a sustainable location and is located at Swindon, I consider that it supports and assists in the delivery of the Spatial Vision.

Prejudicial to draft Swindon Core Strategy

- 6.125 Reason for refusal 3 also states that the development proposal would be prejudicial to both Council' plan-led approach to sustainable development, and the spatial vision for the development of Swindon and the surrounding area.
- 6.126 My evidence has set out relevant matters from the Spatial Vision and concludes that the proposed development reflects these provisions. This highlights the identified role of Swindon as a Principal Urban Area, a growth point, and as the economic driver for the sustainable development of the sub-region. Further, earlier in my Evidence, I relate Wiltshire Council's concerns that the emerging dSCS does not provide a basis for Swindon being able to achieve this function or vision.
- 6.127 In Section 3.0 of my evidence I outline the existing and emerging sustainable development strategy for Swindon relevant to the consideration of the appeal site. It is therefore clear that the long-established development strategy for Wiltshire, to concentrate development at Swindon and sustainable urban extensions to the town remains the cornerstone of strategic planning within the Borough. The appeal site, recognised in previous joint studies by both LPAs as a suitable and sustainable location for development, accords with the principle of concentration at PUAs, as confirmed by the WSSP2016 and previous iterations of SBC and Wiltshire's Core Strategies. There is therefore no significant conflict with the development strategy as set out in the emerging Swindon Core Strategy and at the time of preparation of my Evidence, no specific reasons or evidence has been provided by either planning authority to demonstrate how the granting of planning permission for the appeal site is premature or prejudicial.
- 6.128 Given that the circumstances of the appeal site, particularly the fact that the site is 'at Swindon', it is difficult to see how it could be seen to prejudice the Spatial Vision or sustainable development at Swindon.

6.129 The Councils may also argue that development of the appeal site will potentially compromise the delivery of sites which they deem are more sustainable, with specific reference to a site with a proposed dSCS allocation at Tadpole Farm. The Councils provide no evidence that this is the case. I firmly believe that this is not a justifiable reason for refusal, as Ridgeway Farm contributes to redressing clear evidence of past, existing and likely future housing shortfalls. This shortfall in itself acts as a potential barrier to inward investment to the town and the achievement of the spatial vision for Swindon, as recognised in the evidence of Alan Soldat and by the NPPF at paragraph 21. Ridgeway Farm does not replace the sites identified in the development plan or draft allocations for future development and does not prejudice their delivery.

6.130 The Councils also provide no evidence to suggest that allocated development of brownfield land would be compromised and it is generally accepted in previous and current versions of the development plan and draft Core Strategies that Swindon requires major contributions of housing from greenfield development to complement redevelopment within the town. Redevelopment of sites for housing in the town centre caters for a different demographic than a site on the edge of Swindon and this is especially true given the appeal proposal's emphasis on dwellings and facilities suitable for families. There are more critical reasons for past and ongoing delays in implementing major urban extensions and residential development in the town centre than the potential impact of Ridgeway Farm, such as those matters I outline in **Appendix 1** of my evidence. The appeal proposal will assist in reducing the supply deficit but will not undermine the overall spatial vision.

Conclusion

6.131 As stated previously, both LPAs readily accept that there is not an adequate supply of housing land, therefore granting planning permission will make a valuable contribution to the serious and significant housing land supply shortfall. There is no evidence provided to suggest that development at this site will prejudice the delivery of strategic sites identified in the draft Swindon Core Strategy.

- 6.132 At this stage in the SBC Core Strategy preparation any reliance on sites identified in the Core Strategy to contribute to housing land supply, prior to adoption of the Core Strategy, undermines the Council's case that the appeal proposal is premature.
- 6.133 To accept the LPAs argument of prematurity will result in a moratorium on development until such time that the Core Strategies are found sound. This is contrary to 'The General Principle's' and planning policy set out in the NPPF.
- 6.134 The appeal proposal is consistent with a long established development strategy at Swindon of urban concentration supported by sustainable urban extensions. No evidence has been provided by either LPA to clearly demonstrate how this proposal will prejudice the draft Core Strategy DPD.
- 6.135 Any suggestion that the granting of permission will set a precedent resulting in other sites coming forward in the same way is misguided. It is the inability of both LPAs to demonstrate an adequate supply of housing which in turn triggers Paragraphs 14 and 49 of the NPPF, which may result in other sites coming forward. To attribute this to the appeal site is disingenuous.

Former Reason 4

“The proposed development is non-sustainable; it would be located where it is distant from adequate services with an insufficient public transport provision and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with the advice given in PPG13, RPG 10 and Policies C1, C3 and T1 of the adopted North Wiltshire Local Plan 2011.”

- 6.136 I acknowledge and applaud the decision of both Councils not to pursue this reason for refusal. However, in not pursuing it, it can only be assumed that both Councils now agree that the site is, indeed, sustainable. Whilst I set out below why this is the case, it must be remembered that the alleged non-sustainability of the site

formed a cornerstone in the SPC Report advising Councillors that the application would have been refused. The acceptance that the site is sustainable therefore could raise concerns that elected members were misled on a fundamental issue. My colleague Mr Blacker deals with the site's sustainability in terms of its location and accessibility to existing services and facilities (including a technical assessment of distances and walking times) and will also detail the position in respect of public transport.

- 6.137 My Evidence on this refusal reason is therefore limited to an assessment of planning policy including the evidence base to the emerging Core Strategies and to explaining the approach taken to ensuring sustainability.
- 6.138 The approach taken during the preparation of the application, including pre-application discussions with officers, was to make use of the opportunities offered by the sites location and accessibility to support existing services and facilities, principally at the Peatmoor Local Centre which lies only 350m from the site. In my opinion, this represents a sustainable pattern of development that is appropriate for the scale of development proposed and enables the proposals to be delivered efficiently and effectively in the short term to meet evidence of significant existing housing shortfalls. . My clients approach is therefore entirely consistent with the NPPF which promotes effective, high quality development in sustainable locations.
- 6.139 In addition to supporting existing services and facilities, it is recognised that some of these cannot meet the needs of the development. The outline application therefore provides for:
- a 1FE primary school
 - a day nursery
 - D1 community uses
 - extended public transport provision
 - children's play areas
 - extensive green infrastructure
 - pedestrian and cycle facilities.

6.140 The appeal proposal should, in this context, be considered alongside the nearby Moredon Bridge development which consists of 200 dwellings and open space but no direct provision of community services or facilities. Again, therefore, this site demonstrated its sustainability by reference to its accessibility. Whilst this was rejected by the LPA, we have the benefit of that appeal Inspector who concluded:

“I visited local service provision. I consider that the proposal would represent an acceptably sustainable location. It would encourage travel by means other than by private car generally [be] consistent with the thrust of national planning guidance in PPG13: Transport”. (Decision letter in respect of Appeal APP/J3910/A/08/2082566 – para 34; CD 12.7).

6.141 The sustainability of the location of the Ridgeway Farm site has been considered on many occasions previously. The Inspector presiding over the North Wiltshire Local Plan Inquiry found that:

“There is no dispute that the site is in a sustainable location with good access to services and employment areas”. (para 9.207; CD4.15)

6.142 I do not therefore accept that the proposal is “non-sustainable”. Indeed the original position of the LPA that the site is not sustainable is astonishing given that this is at odds with the often stated position of both Councils.

6.143 I have set out the planning context previously in my Evidence, however, I respectfully draw the Inspector’s attention to the following facts.

6.144 Firstly, land at Ridgeway Farm was actually first identified as an appropriate location by Swindon Borough Council in the Preferred Options Draft Core Strategy (2008). This document, which was written in the context of the original draft RSS requirement (1,000 dwellings at Swindon and within North Wiltshire District) states as its preferred Spatial Framework, that:

“... small scale urban extensions to Swindon are proposed at Tadpole Farm,

and land south of Kingsdown Lane.... The Preferred Option is also to direct growth in North Wiltshire District Council to Ridgeway Farm/Moredon Bridge to be confirmed in the North Wiltshire Local Development Framework. It is expected that one or more of these small scale urban extensions will be phased for the second half of the plan period with an option of bringing them forward if delivery on other sites does not meet targets". (CD 4.14)

6.145 Given SBC took a bold and in many ways unusual step by identifying land in another district, it is inconceivable that they would have done so if the land was considered to be in an unsustainable location. That this is the case is confirmed by the Swindon Small Scale Urban Extension Study (January 2008) (CD 6.14) which formed the basis of the preferred options and investigated 17 areas with potential to contribute towards the requirements for Swindon and North Wiltshire.

6.146 I draw attention at this point to the following commentary on Ridgeway Farm.

"The site is very accessible to existing services and facilities and provided that development is contained in the east of Purton Road, could be accommodated without a significant contribution to coalescence between Swindon and any of the surrounding villages or strategic landscape impact. Further detailed work needs to be undertaken to identify the exact scale of development that could be accommodated considering environmental constraints and it may be that the site can only delivery around 800 dwellings. The majority of development would need to be concentrated to the south and west of the railway line with only a small proportion of development located on the high ground at either side of Purton Road to the north and east of the railway." (CD 6.14)

I am very firmly of the view that this appeal scheme bears close comparison with these findings.

West of Swindon Study Update (WoSSU) – February 2009 (CD 6.13)

6.147 The WoSSU was published as a consultation draft in February 2009. It is labelled

as a Joint Study carried out by: Wiltshire Council [and] Swindon Borough Council and was intended to respond to the Proposed Changes to the RSS (3,000 units at Swindon in Wiltshire). Several conclusions raised in that joint study are worth setting out now. For example, specifically in respect of “Accessibility Factors”, Ridgeway Farm is said to have:

“Good accessibility to services and employment areas although there is no capacity at the local primary school.”

Under the heading “Site Availability”:

“The site is already well connected and could be delivered on a short timescale. This is likely to be within 5 years.” (p 49, WoSSU February 2009; CD 6.13).

6.148 The preferred strategy identified in the WoSSU was to identify land at The Pry, Moredon Bridge and the appeal site to meet the 3,000 requirement (in the emerging RSS). Again, other findings in the WoSSU should be drawn to the Inspector’s attention. At paragraph 6.8 it states:

“Land at Pry Farm is fairly isolated on its own and has poor accessibility to existing services. However land at Ridgeway Farm and Moredon Bridge to the south of the site would effectively connect development on land at Pry Farm to the existing urban area.”

and also at paragraph 6.12 when it states

“Development on land at Ridgeway Farm and Moredon Bridge would read as a logical urban extension to Swindon and could be brought forward in the short-term, which would provide an early phase of development....” (My emphasis)

6.149 Paragraph 6.13 (CD 6.13) states:

“The option would also link well to the provisional allocation of 2,000 dwellings

on land at Tadpole Farm in Swindon Borough..... This could have benefits for the delivery of strategic infrastructure.”

- 6.150 It is also relevant to note that the recommendations and preferred option, including Ridgeway Farm, were maintained in the document “Wiltshire 2026: Planning for Wiltshire’s Future” (CD 4.12) which was considered to be a consultation document to inform the Wiltshire Core Strategy in October 2009. Paragraph 3.3.12 of that document stated that the preferred option for the West of Swindon was for 2,000 dwellings within the Pry Farm area and “up to 800 at Ridgeway Farm”.
- 6.151 The purpose of me setting out the extensive previous references by both Local Planning Authorities to Ridgeway Farm is simply to emphasise that the appeal site has featured, both on its own and in conjunction with other sites, as a preferred location for development. Further, it has been widely recognised by both Councils that the site is in a sustainable location, has good access to existing facilities and employment and can be delivered in the short term. Indeed, the only caveat to this endorsement related to primary school capacity, an issue which is fully addressed in the appeal proposal.
- 6.152 It is therefore completely illogical in my view for either local authority to suggest that development at Ridgeway Farm is unsustainable. Further, this issue, which is one of material significance, only became a concern for the case officer some ten months after the application was first submitted. As a consequence my client prepared and submitted the “Sustainability Addendum” in October 2011 (CD 14.5) and also the Retail Potential Report in November 2011 (CD 14.6).
- 6.153 The latter was intended to response to comments made by the Case Officer that there was no food store on site raising questions over sustainability. This “observation” appeared to be based on nothing more than a comparison with the development where the officer lives.
- 6.154 The Retail Potential report (CD 14.6) concludes:

- a) The absence of local shopping facilities as part of the appeal proposal in no way impacts on the sustainability of the scheme.
- b) In quantitative terms, the scale of the development is insufficient to support new shopping facilities; that is to say they would be unviable.
- c) In qualitative terms, a comprehensive range and choice of existing level of shopping facilities is already available and that Ridgeway Farm will be well served by these existing provisions.

6.155 I can find no reference to the Retail Potential Report in the officers report to Committee and certainly no evidence or suggestion that its findings are not acceptable. Therefore, given that both Council's have previously acknowledged the site's good accessibility to services, facilities and employment, the findings of the Retail report and the Evidence of Mr Blacker, I find reason number 4 totally unsubstantiated and consider that it is not a valid reason for refusing consent. In turn this triggers the 'presumption in favour of sustainable development.'

7.0 THIRD PARTY RESPONSES

Statutory Consultees

7.1 The final outcomes of stakeholder consultation and technical reviews undertaken during the course of the planning application confirm that, subject to suitable conditions, the following organisations and officers would not object to the granting of planning permission (some subject to conditions/planning obligations):

- Highways Agency,
- Environment Agency;
- Thames Water;
- English Heritage;
- Network Rail;
- Health and Safety Executive;
- Fisher German (for pipeline and Purton PSD operator);
- Wiltshire Council Principal Ecologist;
- Wiltshire Council Urban Design Officer;
- Wiltshire Council Landscape Officer;
- Wiltshire Council Environmental Health Officer;
- Wiltshire Council Head of Education;
- Wiltshire Council Adoptions and Inspections Officer (Public Open Space);
- Wiltshire Council County Archaeologist;
- Wiltshire Council Rights of Way Officer;
- Wiltshire Council Canal Officer, Countryside Section;
- Wiltshire Council Housing – Principal Development Officer;
- Wiltshire Council Emergency Planning Team;
- Wiltshire and Swindon PCT;
- Wiltshire Police Architectural Liaison Officer;
- Southern Electric.

Other Third Parties

7.2 Pages 42-48 of the Wiltshire SPC report identifies the key issues raised in the third party and public responses at that time, including key themes of objections at Paragraph 10. ii.

- *Loss of rural buffer/agricultural land/countryside/greenfield site/loss of green belt*
- *Site not allocated/contrary to policy*
- *No need/development unoccupied and underway elsewhere in Swindon*
- *Lack of associated infrastructure/employment*
- *No facilities on the site - i.e. shops, entertainment facilities*
- *Highways impact on local roads and Junction 16*
- *Increase in school buses on the road*
- *Partial road closure add miles to journeys*
- *Pedestrian routes poor*
- *Impact on cyclepaths*
- *Ability of existing bus services to cope with additional demand*
- *Impact on PSD depot/proximity of housing/safety concerns*
- *Impact on schools and services*
- *Flooding*
- *Lack of foul sewer capacity/drainage and foul services operated by Thames Water*
- *Contamination*
- *Impact on ecology and wildlife*
- *Financial implications for North Wiltshire Council tax payers*
- *Impacts for policing and fire services*
- *Increase in CO2 emissions*
- *Impact on archaeology*

7.3 The Appellant is currently cooperating with the Council to agree a Statement of Common Ground, which may include a summary of those matters that are not

relevant to a planning decision or have been resolved during the planning application process and those remaining matters which remain of concern to the Council. It is also noted that negotiations are at an advanced stage with respect to the finalisation of a Section 106 agreement.

- 7.4 A number of issues of objections are also in relation to matters which form part of the Council case which are addressed in the preceding sections of my evidence, including matters of planning policy, need for development and sustainable development issues.
- 7.5 A number of these themes of third party comments are addressed separately in the evidence of my colleagues, specifically the highways, transportation and accessibility comments in the statement of evidence of Mr Blacker; landscape impact and coalescence issues in the evidence of Mr Griffiths; urban design issues in the evidence of Mr Henham; and need for development in the evidence of Mr Soldat.
- 7.6 I address the remaining unresolved matters in the following paragraphs of my evidence.

Impact of the Purton Oil Storage Depot (PSD)

- 7.7 The Purton PSD is located immediately north-west of the site has Consultation Zones around it defined by the Health and Safety Executive (HSE), which limits the type of development that can take place within them. Consultation with the HSE and the PSD operators did not raise objections to the proposals.
- 7.8 The HSE Consultation 'Outer Zone' extends approximately 100m into the site in an arc. The affected area is proposed open space, ponds and an existing footpath. The closest residential use is located a minimum of 60m clear of any HSE Consultation Zone
- 7.9 The Government Pipelines and Storage System (GPSS) also operates an oil

pipeline in the vicinity of the north-western corner of the site. Its 6m exclusion setback for development may extend marginally into the site at the north-west but does not affect proposed residential areas.

Lack of foul sewer capacity/drainage and foul services operated by Thames Water

- 7.10 Consultation has been undertaken with Thames Water over a number of years to ensure the development would meet utility provider requirements, including undertaking required capacity modelling of the impacts of development on the infrastructure network. The proposed development would meet Thames Water requirements.

Flooding

- 7.11 It is agreed there is no reason for refusal specifically in respect to drainage and sewerage capacity. Relevant supporting documents submitted with the planning application include the Environment Statement (including Supplementary Environmental Statement) Ch 14 (ES); ES Technical Appendices including Flood Risk Assessment.
- 7.12 The application site falls wholly within flood zone 1, which is considered low probability in respect of flooding.
- 7.13 In relation to operational impacts in surface water runoff on the drainage system and flood risk, the proposed development would result in an increase in the impermeable area across the site of 11.95ha. Such increases have the potential to impact on downstream flood risk. The surface water strategy will seek to reduce or replicate the sites existing hydrology. Accordingly, any increase in run-off above the discharge limit will be stored or attenuated on-site.
- 7.14 Due to the underlying geology (mostly clay) of the site, the use of Sustainable Urban Drainage System (SUDS) in the form of infiltration systems is not feasible.

Thus a suite of SUDS measures are proposed including detention basins/ponds, swales and some areas of tanked pervious paving within the development site to attenuate Greenfield run-off rates.

- 7.15 These measures are considered to be wholly acceptable to the Environment Agency and Thames Water subject to conditions being imposed on any permission.

Contamination

- 7.16 The ES has addressed the potential impact on surface and groundwater during the demolition and construction phase to the satisfaction of the Environment Agency. In these respects due to the nature of activities and given the site is not within an Environment Agency designated SPZ and that there are no groundwater abstractions within 1km of the site, impact is negligible.
- 7.17 It is acknowledged that conditions would be required in respect of contamination given the existing nature of the site, hydrology and the residential end users, including a Construction Environmental Management Plan (CEMP).

Impact on ecology and wildlife

- 7.18 Extensive assessment of ecological matters is set out in the ES at Chapter 10, including ES Technical Appendices. Extensive consultation has also been undertaken with Statutory Consultees and it is agreed there is no reason for refusal specifically on ecological/biodiversity grounds.
- 7.19 It is acknowledged that conditions are required in respect of ecological matters including the preparation and implementation of Environmental Management Plans (EMP) and CEMP.
- 7.20 The site itself is not the subject of any site specific ecological designations but adjacent habitats within 100 metres of the site to the north and north west are County Wildlife Sites (CWSs), the River Ray Corridor and a railway embankment.

8.0 CONDITIONS

- 8.1 The Appellant will continue to cooperate with the LPA to agree a regime of suitable conditions, necessary to making the development acceptable in planning terms and meeting the tests set out in the NPPF paragraph 203 to 206 (CD 1.1) and the Circular 11/95 Use of conditions in planning permission (CD 9.1).

9.0 CONCLUSIONS

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. Here the development plan comprises the Regional Planning Guidance for the South West (RPG10), with Wiltshire and Swindon Structure Plan 2016 and the North Wiltshire Local Plan 2011.
- 9.2 My Evidence sets out why, in my opinion, significant weight should be given to the draft Regional Spatial Strategy and its evidence base. Conversely, I have shown that little weight can be afforded to the emerging Core Strategies at this time. I have demonstrated that both documents are some way off adoption, are subject to substantial objection and have yet to be Examined and therefore have not been independently examined/tested. Together with the Evidence of Mr Soldat, it must be concluded that the emerging Core Strategies do not represent a reliable basis for determining this appeal.
- 9.3 I have set out how this proposal accords with the Development Plan and, in particular, policy DP10B of the Wiltshire and Swindon Structure Plan. I have explained why policy H4 of the NWLP should not be used to resist this development especially given the very deficient housing land supply position which prevails.
- 9.4 My Evidence sets out the relevant parts of existing and emerging national planning policy with particular reference to the National Planning Policy Framework (NPPF) and in particular the need to demonstrate a continuous supply of deliverable housing land in a five year period and the presumption in favour of sustainable development.
- 9.5 Both Council's "readily acknowledge" that a five year supply cannot be demonstrated. I have set out my opinion of the extent of this shortfall which must

be considered to be very deficient. In the case of Swindon Borough, the Councils Annual Monitoring Report suggests only a 2.6 year supply and my Evidence explains why I believe that it could be as low as just 2 years. The situation is even worse if the 20% extra looked for in the NPPF is rightly taken into account.

- 9.6 I have considered the issues of prematurity and the tenuous suggestion that the proposal is prejudicial to both Councils plan-led approach to sustainable development and the Spatial Vision for the development of Swindon and the surrounding area. I have set out the extant and emerging Spatial Vision for Swindon and demonstrated that the appeal site which is at Swindon, would play an important role in seeing and delivering the Spatial Vision and the potentially severe adverse implications of identifying insufficient housing land on the “Planning for Growth” agenda and the fact that a major driver for growth is the availability of housing land. I therefore do not consider that the appeal site is either premature or prejudicial.
- 9.7 My Evidence explains how the Councils have had to withdraw [three] of the seven reasons for refusal; that is to say reason 4 in respect of sustainability, reason 5 in respect of highways and reason 6 in terms of amenity. It is hoped that a finalised and agreed S106 Agreement (reason 7) will be presented to the Inspector leaving reasons 1, 2 and 3 to be dealt with. It is my view that these remaining reasons are in effect, an extended prematurity argument which serve only to exacerbate the seriously deficient supply of housing land.
- 9.8 I therefore conclude that the appeal proposals will deliver much needed, high quality housing and associated facilities in an acknowledged sustainable location and which accords with the development plan and the Spatial Vision for Swindon.
- 9.9 I therefore respectfully ask the Inspector to allow this appeal.