

Report on the Local Development Framework Consultation on Planning Matters

A1. Background

A1.1 A Report was taken to the 24th April meeting of this Council's Executive on the potential use of a site owned by a public authority to be made available for sale to interested members of the Gypsy and Traveller community, subject to the obtaining of appropriate planning permission. The Executive declined to enter into this arrangement and instead asked for a full consultation in two parts:

- (a) To obtain the views of the public on the potential of the six identified publicly owned sites; and
- (b) To undertake a "call for sites" consultation to reveal if other appropriate private sites may be made available.

A1.2 The allocation of land for planning policy purposes must be contained within a specific Development Plan Document and this may only be approved for Submission to the Secretary of State by full Council. However this Council's Executive has authority at present under the relevant regulations to produce plans for this purpose, including all relevant stages prior to the Submission Document.

A1.3 It is likely that new Regulations will soon be in force that will pass these powers to the Wiltshire County Council within a short period of time. The decision on the inclusion of this material within a Development Plan Document will therefore pass in the period (up to the election of the new Authority) to the Implementation Executive of the new Wiltshire Authority.

A1.4. This consultation was carried out as part of the normal planning process for considering the allocation of sites for specific land uses as part of the Local Development Framework for this area. The consultation must be undertaken under the requirements of the Council's Statement of Community Involvement. The consultation ended on 20th June 2008.

A1.5 Members are requested to refer to the Consultation Document, which had been made available to all Members and made available on the Council's website, for further background information.

A2. Statement of Community Involvement: what has been done

A2.1 The Statement of Community Involvement document is a mandatory publication of North Wiltshire District Council as required by the Planning and Compulsory Purchase Act 2004. It sets out the process for undertaking community consultation on potential planning policy. In that document five stages are shown where opportunities exist for the community to become involved in the process:

- Opportunity Stage 1 Evidence Gathering
- Opportunity Stage 2 Early Community Involvement
- Opportunity Stage 3 Issues and Options
- Opportunity Stage 4 *Preferred Options (now deleted as a result of recent new government regulations)*

Opportunity Stage 5 Submission of the Development Plan Document to the Secretary of State for approval.

Opportunity Stage 6 Post-submission

- A2.2 In respect of the consultation on seeking appropriate sites for inclusion within a Development Plan Document, we are at stage 2 in this process.
- A2.3 At the same time, this Council is also considering the use of publicly owned land for the purpose. It has sought the views of the public on such use. As such, the consultation is being conducted under the terms of the Statement of Community Involvement as a “Pre-Application Discussion” stage, where the SCI requests; “applicants are encouraged to involve the local community as early as possible in the process of preparing their proposals.”
- A2.4 In terms of the response to this consultation, in total some 1380 individual letters of objection and petitions numbering approximately 4000 individuals have been received. All five Area Committees held meetings to receive the views of residents and form a view. Details of the decisions of the Area Committees are included in Appendix C. In essence, no Area Committee recommended that any site be put forward for Gypsy and Traveller use.
- A2.5 A summary of the consultation responses and the response in turn of the Spatial Planning team is included in a separate Response to Consultation Document. A number of the consultation responses have included requests for factual corrections to be made to the assessment of individual sites. These have been taken into account and a revised and summarised version of the assessment matrix is attached as Appendix B.

A3. The Publicly Owned Sites

A3.1 There is a difference in scale and content when considering a site for allocation in a Development Plan to that when considering a site during any planning application process. In general terms it is expected that a broad analysis of the merits of a particular site would suffice whereas for a planning application it is normal for detailed technical impacts to be addressed. Therefore, the approach taken in this report is to set out the merits of each site for consideration as a potential Development Plan allocation. Each site is considered in turn as follows:

- A brief description.
- A brief summary of the public response (details are contained in the Consultation Report)
- A summary of any responses from relevant technical consultees; e.g. the County Council’s Highways Officer.
- A commentary on any key technical or legal matters that might determine the suitability of the site for the purpose.
- A conclusion and recommendation.

A4. Abberd Lane, Calne

A4.1 The site lies to the east of Calne, close to a concrete manufacturing works and lies in open countryside. The land is in agricultural use. Abberd Lane itself is a narrow public lane with access to the main urban area of Calne, though it is not this road which is used for access to the land and to the works beyond. Such access is via a modern road of good standard which was purpose built to the works from the Oxford Road.

A4.2 An important feature is Abberd Brook itself which lies along the south-eastern boundary of the site.

A4.3 At the time this report was completed, about 180 public responses directed to this site were received. In essence, there are objections on the grounds of potential flood risk, proximity to the nearby works, access constraints as well as a number of other detailed comments. A full summary is included in the formal Response to Consultation Report.

A4.4 The County Highways Officer states:

“Whilst a good highway access to the site exists via Sandpits Lane, this is a private road and its use may be denied by the owners. If use is allowed the site access should be located at the mid point between Abberd Lane and the works with visibility splays of 2.4m by 90m provided in each direction. The site is located over 500m from the nearest bus stop with no suitable pedestrian routes available. The site will rely heavily on the private car for transport needs. If use of Sandpits Lane is denied, I consider that Abberd Lane and Abberd Way are not suitable to provide access to the site, the former being a narrow lane and the latter a residential street with little off street parking provision. This site would attract a highway objection on sustainability grounds and also, if Sandpits Lane could not be used, on the inadequacy of the highway network.”

A4.5 As many have observed, this site is partially subject to a flood risk. The Environment Agency state:

“50% of the site lies within flood zone 3 (high risk). Permanent mobile homes are classed as highly vulnerable within flood zone 3 and development should not be permitted. Therefore only 50% of this site would be available.

Any development over, under or within 8 metres of the Abberd Brook will require a Flood Defence Consent from the Environment Agency.

There is a licensed surface water abstraction at 17/53/008/S/062, NGRSU01277184, licensed for industrial, commercial and public services. We have no information on the current layout of the intake point, but there may be a need for further protection/mitigation measures.

With regard to foul drainage, the site is underlain by thick clay deposits, and therefore traditional percolation areas for discharge to ground are unlikely to work. Connection to mains sewer is recommended.

This site adjoining the Abberd Brook is historically important for water voles. We would recommend a survey of the brook for voles prior to any development as this species is now fully protected by law and would be vulnerable at this location.

Precautionary measures need to be in place to prevent the watercourse becoming polluted by sewage, oils or other pollutants and also the deposition of solid items.”

A4.6 Government advice is clear that planning authorities should not allocate sites which are prone to flooding for residential purposes if sites with a lesser risk of flooding are available in the alternative. Whilst in this case, it would be possible to consider use of part of the site; two factors must be taken into account. Firstly, it would be necessary to conduct a full technical assessment of the flood risk at a detailed level which would include the environmental impact of any mitigation measures that were required. Secondly, if such a mitigation was feasible, it would have to be constructed before occupation of the site could be allowed.

- A4.7 A similar approach to assessing the impact of noise and particulates from the adjacent concrete manufacturing works would also be required.
- A4.8 Taking these key factors into account, it is considered that the site is unsuitable for allocation as a Gypsy or Traveller site.

A5 Land at Long Close & Hardens Mead, Chippenham

A5.1 These linked sites lie on the edge of the urban framework boundary of Chippenham, though it is easily perceived as part of the setting of the town being part of the river valley “finger” of open land that follows the River Avon into the centre. The condition of the land is kept as would be expected for public recreational use and is highly visible from many public vantage points both close by and as seen from across the valley from the north.

A5.2 At the time this report was completed, about 300 public responses on this site were received. In essence, there are objections on the grounds of its use as a recreation area, proximity to other houses, road access, landscape, and impact as well as a number of other detailed comments. A full summary is included in the formal Response to Consultation Report.

A5.3 The County Highways Officer states:

“I do not consider Long Close to be suitable to serve a development of this nature. It is a steeply graded residential road with a width of only 4.5m. There is a high incidence of parked vehicles. There is a frequent bus service on London Road, including evening and Sunday services. The nearest bus stop is within 400m of the site with suitable pedestrian links. This site would attract a highway objection on the inadequacy of the highway network.”

A5.4 The Environment Agency state:

“The northernmost point of the site is within flood zone 3 (high risk). Permanent mobile homes are classed as highly vulnerable within flood zone 3 and development should not be permitted. We disagree with the final box in this section of the document as the site does partially fall within a high flood risk zone.

Part of the site is adjacent to the River Avon County Wildlife Site which is an important corridor for wildlife.

With regard to foul drainage, the site is underlain by thick clay deposits, and therefore traditional percolation areas for discharge to ground are unlikely to work. Connection to mains sewer is recommended.

Precautionary measures need to be in place to prevent the watercourse becoming polluted by sewage, oils or other pollutants and also the deposition of solid items.”

A5.5 Similar to the Abberd Lane site, it would be necessary to conduct a full technical assessment of the flood risk and ground conditions at a detailed level which would include the environmental impact of any mitigation measures that were required.

A5.6 The land lies next to an identified County Wildlife site and a similar approach to assessing the impact of any development on those interests would also be required. The site is an important part of the remaining undisturbed river valley setting of the

town. There is also little that could be done on this prominent site to reasonably screen and landscape the site in that context.

- A5.7 The key factor here is the inadequacy of the access and therefore given the view of the Highways officer, it is considered that the site is unsuitable for allocation as a Gypsy or Traveller site.

A6 Land at Marlborough Road, Wootton Bassett

- A6.1 This site is in two parts and two ownerships. The smaller and central part consists of the existing small depot used by NWDC for refuse vehicles with an access shared with the adjoining sewage treatment plant. The larger part of the site is in agricultural use and is owned by the Wiltshire County Council.

- A6.2 At the time this report was completed, about 200 public responses on this site were received. In essence, there are objections on the grounds of the poor quality of the road, proximity to other properties, effect on wildlife as well as a number of other detailed comments. A full summary is included in the formal Response to Consultation Report.

- A6.3 The County Highways Officer states that:

“The access from Marlborough Road currently serves the council depot and the sewage treatment works. It would be suitable to serve the proposed use although minor works may be required to secure the visibility splays. I would not be in favour of the creation of a new access direct from Marlborough Road due to its close proximity to the existing access. The site is remote from Wootton Bassett with no suitable pedestrian links. The only public transport facilities are a pre-booked taxibus service to & from Wootton Bassett. This site would attract a highway objection on sustainability grounds”.

- A6.4 The Environment Agency state:

“As this site is larger than 1 hectare of land within flood zone 1, any application for the site would require a Flood Risk Assessment (FRA) in line with Table D.1 Annex D of PPS 25. The FRA must address vulnerability to flooding from other sources as well as from river and sea, the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of any new development on surface water runoff.

The eastern side of this site is within 250 metres of an old landfill. However in view of the thick clay cover (Amphill and Kimmeridge Clay) this is unlikely to be a significant risk.

With regard to foul drainage, the site is underlain by thick clay deposits, and therefore traditional percolation areas for discharge to ground are unlikely to work. Connection to mains sewer is recommended.”

- A6.5 One of the key factors that determines whether a site is appropriate for this type of use is the willingness of the landowner to co-operate with the proposal. This is not always a bar to the appropriate planning of future land uses, but in this case, the County Council have stated that they do not wish the land to be considered.
- A6.6 It is considered that in these circumstances, it would not be appropriate to pursue the allocation of the site for the purpose further.

A7 Land at Stanley Lane, Chippenham (Site A – western and Site B – eastern)

A7.1 This land is owned by the WCC and is in agricultural use. Both sites are accessed along Stanley Lane which has been enlarged along the length leading from the London Road to Abbeyfield School and the entrance to the Stanley Lane playing fields.

A7.2 Not all the public responses differentiate between the two Stanley Lane sites, but as an indication, at the time this report was completed, about 250 public responses were received. In essence, there are objections on the grounds of proximity to houses, condition of Stanley Lane as well as a number of other detailed comments. A full summary is included in the formal Response to Consultation Report.

A7.3 The County Highways Officer states:

“Two sites have been identified here, although the comments apply equally to both sites unless otherwise stated. The highway verge is generally of sufficient width to provide adequate visibility at any access (2.4m by 120m splays should be provided). The access to the eastern site will need to be towards the eastern end of that site because of the bend in the road. Stanley Lane was improved over its initial length to serve the school and sports facilities. Further improvements would be required with the provision of passing bays. The provision of suitable pedestrian links would also be required. Clearly the western site would require a lower scale of improvements than the eastern site. There is a frequent bus service along London Road, providing links to Calne, Swindon & Bath, in addition to Chippenham. However both sites are outside the accepted walking distance. Subject to a suitable access and the improvements outlined above it is unlikely that the western site would attract a highway objection. The eastern site, being more remote, is likely to attract an objection on sustainability grounds.”

A7.4 The Environment Agency states:

“As this site [Site A] is larger than 1 hectare of land within flood zone 1, any application for the site would require a Flood Risk Assessment (FRA) in line with Table D.1 Annex D of PPS 25. The FRA must address vulnerability to flooding from other sources as well as from river and sea, the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of any new development on surface water runoff.

With regard to foul drainage, the site is underlain by thick clay deposits, and therefore traditional percolation areas for discharge to ground are unlikely to work. Connection to mains sewer is recommended.” And also;

“This site [Site B] has an ordinary watercourse running along its northern perimeter. However, as this is not under the Environment Agency’s jurisdiction, North Wiltshire District Council may hold more information and should assess any flood risk. It is worth noting that any works that would impede the flow of these ordinary watercourses would require Flood Defence Consent.

The watercourse should be protected for its value as a wildlife corridor.

With regard to foul drainage, the site is underlain by thick clay deposits, and therefore traditional percolation areas for discharge to ground are unlikely to work. Connection to mains sewer is recommended.

Precautionary measures need to be in place to prevent the watercourse becoming polluted by sewage, oils or other pollutants and also the deposition of solid items.”

- A7.5 The western site A lies close to high voltage power lines. Whilst there is no specific government advice, a recent report from a Parliamentary Cross-Party Inquiry drawing from advice from the Health Protection Agency suggests that a precautionary principle should be applied and that residential uses should be discouraged near power lines.
- A7.6 The eastern site B is a small being only 0.6 hectares in size. It is a site that would be able to make only a small contribution to the requirement with room for a maximum of 7 pitches, depending on the need for landscaping and access arrangements. There is likely to be some cost to improving the highway leading to the site as suggested by the Highways Authority. Further financial assessment would be required to determine if the works would be cost efficient given the scale of use that could be made of the site.
- A7.7 It is considered that in these circumstances, it would not be appropriate to pursue the allocation of the site for the purpose further.

A8. Land at Stoneover Lane, Wootton Bassett

- A8.1 This is a small site that is bounded by residential use on one side and by the main Wootton Bassett to Swindon Road on the other. The land is uncultivated and there are substantial hedgerows and small trees around its boundaries.
- A8.2 At the time this report was completed, about 250 public responses on this site were received. In essence, there are objections on the grounds of lack of adequate access, proximity to houses, the presence of protected species as well as a number of other detailed comments. A full summary is included in the formal Response to Consultation Report.
- A8.3 The County Highways Officer states:

“I do not consider that a suitable access can be provided to this site. Direct access from A3102 would attract a strong objection on safety grounds due to the existing high accident record at this location. I have doubts whether access could be physically achieved from Lindisfarne and, in any case, that alternative would attract a highway objection due to the unsuitability of the highway network.”

- A8.4 The Environment Agency state:

“We have records of great crested newts in this area and would recommend a survey of the proposed site before any development commences. Should newts be found a mitigation strategy and licence will be required by Natural England.

With regard to foul drainage, the site is underlain by thick clay deposits, and therefore traditional percolation areas for discharge to ground are unlikely to work. Connection to mains sewer is recommended.”

- A8.5 The lack of a reasonable highway access and the impossibility of creating one is a significant factor against the site. It is considered that in these circumstances, it would not be appropriate to pursue the allocation of the site for the purpose further.

A9. Site Adjoining Oxford Road, Calne

- A9.1 The site is in agricultural use and lies to the east of the junction of the new northern distributor road and the A3102 which is the main Calne to Lyneham Road. There is a

strong tree/hedge boundary along its northern side and a field hedge to the eastern boundary. Otherwise, the site is open in aspect.

A9.2 At the time this report was completed, about 200 public responses on this site were received. In essence, there are objections on the grounds of impact on the regeneration of Calne, highways issues, landscape impact as well as a number of other detailed comments. A full summary is included in the formal Response to Consultation Report.

A9.3 The County Highways Officer states:

“Access to this site should be achieved by means of a fourth leg off the existing roundabout. I do not consider that it is possible to provide a suitable access from any other point on A3102 without the need to encroach upon third party land for visibility splays. The design of the access should allow for the future development of the remainder of the site for employment. The nearest bus stop to the site is currently adjacent to Stanier Road, some 500m plus from the site, but there is no reason why a closer stop cannot be provided. There is a frequent bus service along Oxford Road with evening and Sunday services. There is also a footway on the western side of Oxford Road, leading to the town centre. Subject to suitable design of the access, this site would not attract a highway objection. “

A9.4 The Environment Agency states:

“This site has an ordinary watercourse running along its northern perimeter. However, as this is not under the Environment Agency’s jurisdiction, North Wiltshire District Council may hold more information and should assess any flood risk. It is worth noting that any works that would impede the flow of these ordinary watercourses would require Flood Defence Consent.

As this site is larger than 1 hectare of land within flood zone 1, any application for the site would require a Flood Risk Assessment (FRA) in line with Table D.1 Annex D of PPS 25. The FRA must address vulnerability to flooding from other sources as well as from river and sea, the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of any new development on surface water runoff.

Precautionary measures need to be in place to prevent the watercourse becoming polluted by sewage, oils or other pollutants and also the deposition of solid items.

With regard to foul drainage, the site is underlain by thick clay deposits, and therefore traditional percolation areas for discharge to ground are unlikely to work. Connection to mains sewer is recommended.

The east and south east corner of the site is within 250 metres of a historical landfill site – All reasonable steps must be taken to investigate and where appropriate remediate against the possibility of gas migration affecting the site.”

A9.5 The site does raise some issues that will require further investigation, such as reports received about the poor ground conditions, but none are likely to be insurmountable. This is unsurprising given that the site is the only one considered which has been considered for other uses in the form of an allocation within the North Wiltshire Local Plan 2011. It is this issue which is the main factor in the consideration of the land for use as a Gypsy and Traveller site.

A9.6 When the North Wiltshire Local Plan 2011 was being developed, it was at a time when previous investigations into a substantial eastern expansion of Calne had been shelved. The requirements for housing at that time as a result of the Wiltshire and Swindon

Structure Plan did not justify the pursuit of that option. However, there remained a need for employment land for the future within the town. Part of the original eastern expansion area was therefore kept in the form a plan allocation for employment purposes. An extract from the NWLP 2011 is included as Appendix D.

A9.7 Since then, a further Employment Land Review has been undertaken and that review considered the site. It stated:

“This site performs well in terms of all criteria. It is in an accessible location that will assist greatly in improving the self containment of Calne and boosting potential for locally based enterprises. Future development should ensure that a range of occupiers are provided for potentially through incubation facilities and managed workspace. Development is yet to take place on site and therefore the entire allocated area remains to be taken forward (4.4 ha).”

A9.8 This suggests that using this land for a different purpose would impact upon the deliverability of suitable employment land for the town.

A9.9 More recently, the South West Regional Strategy will, by next year, be in place and that this requires the North Wiltshire area to contribute to a substantial growth in housing over the next 18 years. In the development of the replacement to the North Wiltshire Local Plan 2011, this authority undertook substantial consultations on where this growth should be situated. One of the options considered was a substantial expansion of Calne, second only to growth at Chippenham.

A9.10 In addition, this Authority has very recently completed a Strategic Housing Land Availability Assessment. This indicates that there are several areas which have scope for consideration, including as might be expected a revival of the eastern expansion option. It is important to note that no decision has been taken as to whether Calne will be advocated as a growth point in any new Development Plan Document. This will be a matter for the new Wiltshire Authority to determine in due course. The vital point here is that the Oxford Road site may be an important strategic land asset that may be required to deliver an appropriate access point to any eastern expansion.

A9.11 Therefore, it is recommended that, in the interests of the longer term determination of the planned future of Calne, it would be inappropriate to consider the site further.

A10 Financial Implications

A10.1 The Council has £250,000 available for this project. Some sites would require further technical assessment and the implementation of mitigation measures that have a strong possibility of exceeding this budget.

A11 Legal Implications

A11.1 There are no legal implications arising directly from the report. However, it is to be noted that a proposal on the Oxford Road site would need to be determined as an exception to the provisions of the North Wiltshire Local Plan 2011.

A12 Community and Environmental Implications

A12.1 The ultimate objective is to provide for permanent Gypsy and Traveller sites. The Council seeks to meet its obligations towards a section of the community in accordance

with Government guidance on such provision and the Council's policies on land disposal.

A13. Equality and Diversity Implications

A13.1 Gypsies and Travellers need to be treated as an integral part of the community whose need for decent housing has to be recognised and accommodated by and within the larger community.

A14 Risk Analysis

A14.1 Failure to provide a permanent site for gypsies and Travellers within the district within a reasonable timescale will severely undermine the Council's ability to control unauthorised developments of this nature within the open countryside. It will also lead to further community conflict and division.

<p>Background Documents Used in the Preparation of this Report:</p>	<ul style="list-style-type: none"> • Gypsy & Traveller Issues and Options Consultation Document • Circular 01/2006 • Local Development Framework: Statement of Community Involvement January 2007. • North Wiltshire Local Plan 2011 • North Wiltshire Employment Land Review 2006 • North Wiltshire Core Strategy Issues and Options B Document 2007 • North Wiltshire Strategic Housing Land Availability Assessment 2008 • Cross-Party Inquiry into Childhood Leukaemia and Extremely Low Frequency Electric and Magnetic Fields July 2007, House of Commons Report • NWDC June 2008 – Response to Consultations Document – (a summary of representations received)
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Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
<ul style="list-style-type: none"> • Gypsy and Traveller Site Provision 	Executive 24 th April 2008	E213