

AGENDA SUPPLEMENT (1)

Meeting: Cabinet
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Tuesday 3 July 2018
Time: 9.30 am

The Agenda for the above meeting was published on 25 June 2018. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Will Oulton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713935 or email william.oulton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115. This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

5 **Public participation and Questions from Councillors** *(Pages 3 - 90)*

- Colin Gale – Everleigh HRC
- Housing Sites Allocations DPD

- 1. Graham Hill
- 2. Michael Roberts
- 3. Norman Swanney
- 4. Geoff Whiffen
- 5. Steve Wylie
- 6. Rachel Hunt
- 7. Julie Baptista
- 8. Tristan Stevens

7 **Site Disposal** *(Pages 91 - 94)*

- Question and Answer Sheet Proposal to transfer the ownership of Dairy House Bridge and Oak Tree Fields

DATE OF PUBLICATION – 2 July 2018

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Wiltshire Council

Cabinet

3 July 2018

Colin Gale

To Councillor Bridget Wayman, Cabinet Member for Highways, Transport and Waste

Pewsey Community Area Partnership (PCAP), Campaign to Protect Rural England (CPRE) and Pewsey Parish Council (PPC) Statement to Wiltshire Council Cabinet, 12 June 2018, on the status of Everleigh HRC

PCAP/CPRE/PPC provided a statement to the Cabinet Meeting held on the 12th June in Salisbury on the status of Everleigh Household Recycling Centre. It was noted that the 'Consultation on the Proposed Closure of Everleigh Household Recycling Centre' had been issued the previous day on the 11th June. The groups had not had the opportunity to look at the consultation in detail but the initial belief was that the consultation may be unlawful.

The chair of the Cabinet Meeting noted the point and placed an action on the Councils Monitoring Officer to investigate the legal status of the consultation as identified in the cabinet minutes.

PCAP/CPRE/PPC have since fully reviewed the consultation and independently produced two separate documents, an assessment and an appraisal. Both documents concluded the same that it is believed that the consultation on the proposed closure of Everleigh household recycling centre may be unlawful.

For transparency purposes the assessment and appraisal documents have been shared with the Monitoring Officer. Please can the Monitoring Officer advise if he has had the opportunity to consider the lawful status of the consultation and what his findings are?

Response

I am responding to the submission made by both Mr. Gale and the CPRE and Pewsey Parish Council regarding the consultation process being undertaken by Wiltshire Council in relation to the proposed closure of the Everleigh Household Recycling Centre.

The Council has a legal duty to act fairly in all of its actions and decisions. In some circumstances, compliance with that duty means that there is an obligation to consult prior to a final decision being taken.

There is no general duty on the Council to consult. It would clearly be impracticable for the Council to consult the public in advance of every decision that it made. In the absence of any statutory requirements, there are no set criteria that specify when a public consultation exercise has to be undertaken. However, there are certain situations where prior consultation would be expected.

In view of the local public interest regarding Everleigh HRC, the Council has previously stated that it would consult the local community before any final decision were made as to the future of the site. This is why the current consultation exercise is taking place. The Council does not accept that there would otherwise necessarily be a duty to consult in this instance.

Where a consultation process is undertaken, there are certain requirements that must be met. These have been developed by case law including, but not limited to, the case of Moseley v Haringey LBC 2014 that you mentioned in your submission. The general requirements set out in that judgement remain valid and relevant. The current consultation process being carried out by the Council meets those requirements.

No decision has been made to close Everleigh HRC at this stage. The position is that the Council has identified that there would be considerable costs incurred in bringing the site up to an acceptable standard and that therefore its preference would be to cease to operate the site. The Council therefore has a preferred option for the site, which is its closure, and it is now seeking the views of local residents and users of the site on that proposal, before any final decision is made. It is perfectly reasonable and lawful for the Council to have a preferred option and to seek comments on that option.

Where a public body is consulting on a preferred option, it has a duty to explain what other options were considered and why those other options were not supported. The Council has done this in the questionnaire and the linked information, which provide details of the reasons why closure of the Everleigh HRC is the preferred option and why the other options were not considered suitable. This information is sufficient for members of the public to make reasoned comments on the Council's proposals and the rationale for them. The Council does not accept that it has failed to provide sufficient information to enable the public and users of the site to comment on the proposals and the reasons for them. Nor does it accept that the phrasing of the questions affects the validity of the consultation process. It is clear that the public are being given an opportunity to say whether they agree with the proposed closure of the Everleigh HRC (taking into account the reasons for the proposal and the other options that were considered) or not. If they do not support it, they are able to say why, again by reference, if they so wish, to the other options that were considered. The public are also able to comment on the effect of the closure on them, if it were to go ahead, which again is a relevant consideration for the Council when making its final decision.

It would not be appropriate to restrict the consultation to local residents. This is not a case where there are specific users of a service (such as a proposal to close a residential care home) where there are clearly only a limited number of identifiable people affected. In this case, the consultation is open to anyone, although the responses can be identified by location. Again, this is entirely appropriate for this type of consultation.

Clearly, no consultation process is perfect and there will always be ways in which it can be improved. The issue here is whether the process is lawful, in terms of the factors set out by the Courts. Having considered the points raised in your submission to the Environment Select Committee, the Council remains satisfied that the consultation process that it is undertaking is lawful and does give the public the opportunity to comment properly on the proposal and that those comments will be taken into account before any final decision is made on the future of the Everleigh HRC.

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Graham Hill - Trowbridge

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (1)

- (a) Can cabinet make public the results of the full County Planning Archaeologist report in relation to site 3565 and relate it NPPF 169 and 170 and has an enquiry been made as to the likelihood of a PPG16 order being issued?
- (b) Are Cabinet aware of the disjunct between protections recommended by the Wiltshire Habitats Regulation Assessment (HRA), Natural England and the Environment Agency and the outline proposals to develop site 3565?
- (c) Through what mechanism were members of the public informed and invited to make additional contributions to the consideration of the Draft Housing Allocation Proposal? What was the published timescale and where can these comments be found?

Response

- a) Paragraph 169 of the NPPF requires Local Planning Authorities to have up to date evidence about the historic environment and to use this to assess the significance of heritage assets. Following advice from Historic England on plan making a high level Heritage Impact Assessment (HIA) has been carried out to provide evidence to inform the plan on sites with specific heritage sensitivities. This HIA includes assessment of the proposed allocation H2.6 Southwick Court (SHELAA site 3565) and can be found in the supporting documents for the Cabinet report¹.

Further detailed heritage assessment will be carried out to support any planning application and this is set out under paragraph 5.5 in the draft Wiltshire Housing Site Allocations Plan and proposed change 22 (PC22) which states that this further work "should include archaeological assessment where necessary". If significant archaeological remains are found during the evaluation there may be a requirement for preservation insitu which will inform the layout of the site at the planning application stage.

Paragraph 170 of the NPPF requires landscape character assessment to be carried out and for this to integrate historic landscape character considerations. The HIA has taken into account the wider historic environment and the setting of assets in its assessment of this site.

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<https://cms.wiltshire.gov.uk/documents/s143827/Heritage%20Impact%20Assessment%20LUC%20March%20018%2015052018%20Cabinet.pdf>

PPG16 has been superceded by the NPPF.

- b) In its response dated 17 September 2017, Natural England considers that “significant uncertainty remains around the significance of these [i.e. the 6 allocation sites at Trowbridge, including site 3565] for bats”. The essence of its concern is that in the absence of detailed survey, it is not possible to know the amount of land which might need to be set aside for mitigation and therefore the capacity of the sites for housing cannot be certain.

The Council considers that Southwick Court (site 3565) is capable of supporting 180 dwellings, as the major bat commuting route is likely to be along the Lambrok Stream which will be protected within a corridor of habitat at least 50m wide which is necessary to accommodate flood zones 2 and 3. The Trowbridge Bat Mitigation Strategy is in preparation to guide mitigation for the proposed allocations at the planning application stage. Progress with this document is described in the Addendum to the Wiltshire Housing Site Allocations Plan Pre-Submission Draft (June 2017) Assessment under the Habitats Regulations dated 4 May 2018.

Natural England acknowledges that such a mitigation strategy would be capable of addressing impacts caused through habitat loss / deterioration and recreational pressure. Natural England is involved in the preparation of the Strategy and ultimately will need to agree it as being adequate to ensure no adverse effects on the Bath and Bradford on Avon Bats SAC.

The Environment Agency response dated 22 September 2017 includes comments for site 3565. Provided the sequential approach is applied and development is restricted to Flood Zone 1, the Environment Agency has no objection to this allocation. It makes various recommendations in relation to flood risk assessment and recommends that the Lambrok stream corridor is enhanced for biodiversity. This is consistent with the approach the Council would expect developers to take in relation to flooding and biodiversity.

Further to the considerations of representations in September 2017 it is not, therefore, considered that there is any disjunct between the agencies.

Note that comments made by the EA in relation to the River Avon refer to the Hampshire Avon, rather than the Bristol Avon and are therefore not relevant to Trowbridge allocations.

- c) With regards to the Pre-Submission draft consultation in June 2017 the approach to the consultation is set out in the Regulation 22 (1) (c) Report May 2018.

The invitation for additional comments to be made on the draft Plan following Cabinet on 15th May was made through a Wiltshire Councillor briefing note and made available to all Wiltshire Councillors and Parish and Town Councils. It was a specific opportunity to further consider the Schedule of Proposed Changes and supporting information. Cabinet requested that town and parish councils were included, as well as Wiltshire Council councillors. Members of the public were not specifically informed but the town

and parish councils provide a channel of communication for local communities. These additional comments have been responded to and published through a report in the form of an Addendum to the Cabinet Meeting for 3rd July and can be found here - <https://cms.wiltshire.gov.uk/ielssueDetails.aspx?Id=78391&PlanId=0&Opt=3#AI77768>
Where members of the public have responded these can also found here.

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Michael Roberts - Trowbridge

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (2)

I refer to Site 3565, H2.6 Land East of the A361 at Southwick Court and ask the following question:

Are Cabinet aware of paragraph one of the NPPF Sequential Test which reads:

This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.

And its direct relationship with the Environment Agency Flood Plain assessment for site 3565?

Response

- a) The Wiltshire Housing Sites Allocations Plan (WHSAP) and its supporting evidence has been published in advance of Cabinet to allow councillors, interested parties and members of the public to review the documentation before the meeting on 3rd July. The supporting evidence presented includes the Trowbridge Community Area Topic Paper¹ and the Sustainability Appraisal (Annex 1 – A.8)², which set out the full assessment of potential site allocations at Trowbridge. In addition the map (see attachment A1) has been circulated to all Cabinet Members.

In relation to the proposed allocation at Southwick Court (Policy H2.6), flood risk has been assessed through the site selection process and this has included a review of the Environment Agency Flood Maps and the Council's Strategic Flood Risk Assessment³ which show that part of the site is within Flood Zone 2 / 3. Assessment of the site has also included consultation with the Environment Agency who have confirmed that there would be no objection to the development of the site, provided that development is directed outside of the identified areas of Flood Zone 2 and 3.

¹ <https://cms.wiltshire.gov.uk/documents/s143992/Trowbridge%20CATP%20May%202018%20FINAL%2016-05-18.pdf>

²

<https://cms.wiltshire.gov.uk/documents/s143288/Sustainability%20Appraisal%20Report%20Annex%20I%20MAY%202018.pdf>

³

http://www.wiltshire.gov.uk/planningpolicyevidencebase/evidencebasewest.htm#West_Wiltshire_planning_policy_evidence_base_SFRA-Anchor-2

In respect of surface water drainage Wiltshire Council is the Lead Local Flood Authority, and the Council's drainage officers have also been involved as part of the site assessment process. As set out in the Sustainability Appraisal (Annex 1 – A.8) assessment for the site, the susceptibility of parts of the site to surface water flooding is acknowledged but this is not considered to stifle the development capacity of the entirety of the site, as mitigation measures can be put in place to address surface water flood risks. It is expected that where appropriate, the development of the site may need to make provision for on-site surface and foul water drainage solutions and network improvements are likely to be required to prevent storm/sewer flooding. In addition it is anticipated that any future development of the site would incorporate Sustainable Drainage Systems (SuDS) to control the risk of surface water flooding from impermeable surfaces. A drainage strategy at the planning application stage would be expected to fully address all surface water management issues.

Paragraphs 5.79 through to 5.82 of the Plan, set out a range of matters that will need to be addressed to deliver a comprehensive, high quality development scheme. This includes ensuring built form development is directed away from critical flood zones associated with the Lambrok Stream.

In respect of this matter, the draft Plan has been prepared in conformity with the policies of the Wiltshire Core Strategy and National Planning Policy Framework and responds accordingly to the advice provided by the Environment Agency and drainage engineers within the Council.

Wiltshire Council

Cabinet

3 July 2018

Norman Swanney - Trowbridge

To Councillor Toby Sturgis, Cabinet Member for Spatial Planning, Development Management and Property

Question (3)

- a) With particular reference to Site 3565 of the Housing Allocation Plan, is the whole Cabinet *now* fully aware of the Environment Agency Flood Plain analysis entitled "South Court Farm" [*sic*] and with Paragraph: 015 Reference ID: 7-015-20140306 of the NPPF/Environment Agency Directive in relation to the non-disturbance of flood plains?
- b) Southwick Court, site 3565, is a notified flood plain and the NPPF Sequential Test forbids by statute, building on functional flood plain unless there is no other land. Is it therefore Wiltshire Council's position that there is no other dry (non-floodplain) land left in Trowbridge which can be nominated for development in the Housing Allocation Plan, instead of Site 3565?

Response

- a) The Wiltshire Housing Sites Allocations Plan (WHSAP) and its supporting evidence has been published in advance of Cabinet to allow councillors, interested parties and members of the public to review the documentation before the meeting on 3rd July. The supporting evidence presented includes the Trowbridge Community Area Topic Paper¹ and the Sustainability Appraisal (Annex 1 – A.8)², which set out the full assessment of potential site allocations at Trowbridge. In addition the map (see attachment A1) has been circulated to all cabinet Members.

In relation to the proposed allocation at Southwick Court (Policy H2.6), flood risk has been assessed through the site selection process and this has included a review of the Environment Agency Flood Maps and the Council's Strategic Flood Risk Assessment³ which show that part of the site is within Flood Zone 2 / 3. Assessment of the site has also included consultation with the Environment Agency who have confirmed that there would be no objection to the development of the site, provided that development is directed outside of the identified areas of Flood Zone 2 and 3.

¹ <https://cms.wiltshire.gov.uk/documents/s143992/Trowbridge%20CATP%20May%202018%20FINAL%2016-05-18.pdf>

²

<https://cms.wiltshire.gov.uk/documents/s143288/Sustainability%20Appraisal%20Report%20Annex%20I%20MAY%202018.pdf>

³

http://www.wiltshire.gov.uk/planningpolicyevidencebase/evidencebasewest.htm#West_Wiltshire_planning_policy_evidence_base_SFRA-Anchor-2

In respect of surface water drainage Wiltshire Council are the Lead Local Flood Authority, and the Council's drainage officers have also been consulted as part of the site assessment process. As set out in the Sustainability Appraisal (Annex 1 – A.8) assessment for the site, the susceptibility of parts of the site to surface water flooding is acknowledged but this is not considered to stifle the development capacity of the entirety of the site, as mitigation measures can be put in place to address surface water flood risks. It is expected that where appropriate, the development of the site may need to make provision for on-site surface and foul water drainage solutions and network improvements are likely to be required to prevent storm/sewer flooding. In addition it is anticipated that any future development of the site would incorporate Sustainable Drainage Systems (SuDS) to control the risk of surface water flooding from impermeable surfaces. A drainage strategy at the planning application stage would be expected to fully address all surface water management issues

Paragraphs 5.79 through to 5.82 of the Plan, set out a range of matters that will need to be addressed to deliver a comprehensive, high quality development scheme. This includes ensuring built form development is directed away from critical flood zones associated with the Lambrok Stream.

In respect of this matter, the draft Plan has been prepared in conformity with the policies of the Wiltshire Core Strategy and National Planning Policy Framework and responds accordingly to the advice provided by the Environment Agency and drainage engineers within the Council.

- b) As set out above, the Council recognise that there are parts of the site which fall within Flood Zones 2 and 3. With this in mind, the potential developable capacity of the site has been adjusted to reflect that only the land outside of Flood Zones 2 and 3 will be developed. This is reflected in the supporting text to the policy, which requires that built form development is to be directed away from critical flood zones associated with the Lambrok Stream.

This approach is consistent with the Sequential Test required by the National Planning Policy Framework, which aims to steer new development to areas with the lowest probability of flooding (Flood Zone 1).

Dear Sir,

I would like to make an official objection to the inclusion of site 3565 in the Trowbridge Site Allocation plan. I intend to organise my objection into a number of factually based and referenced categories. I shall make reference to documents and illustrations in the course of my objection and quote from them. Full copies and/or supporting material to which I make reference will be included in annotated appendices at the conclusion of this document. This is not meant to be a full and complete documented objection, as a number of my neighbours have raised a rich and varied collection of arguments, but just a statement of the facts that I have been able to gather in support of specific arguments.

Premise

I intend to prove through evidence-based arguments that the proposal to build on land designated as 3565 is flawed, under-researched and in one specific instance illegal. I intend to divide my argument into the following categories:

- Environmental
- Historical
- Access
- Ecological
- Unacceptable peril
- Infrastructure
- Unwarranted destruction of green space
- Procedural anomalies
- Economic hardship

Although evidence for one category will be referenced in another if applicable.

Environmental

Many strong arguments exist that this site holds an important place in the regional environment. In addition to acting as an area of great natural beauty used by locals with the historical blessing of the landowner it acts as a safety valve for the egress of the Lambrok Stream. In the proposal document there is a recognition that a part of the land acts as a floodplain.

The proposal assumes that this can be easily worked around, and that an engineering 'fix' is possible. This may well be the case, however, I intend to present evidence demonstrating beyond doubt that such a 'fix' would not be cost-effective and would wantonly destroy elements of the natural and historical landscape in order to build unsustainable housing on an unsuitable site.

1. The extent of the floodplain and seasonal flooding is greater than that notified by or to the Environment Agency. The photograph below evidences this assertion :

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This photograph was taken from approximately this point on the satellite image:



The building in the background being Southwick Court Farm and the wooden structure in the middle ground the corral indicated on the same photograph.

In appendix A I attach further photographic evidence of the spread of the floodwater.

The notified height differential between this point and the lowest point on the floodplain is approximately two metres. Given the spread of the flood water beyond the notified level 2 & 3 floodplain this is clearly a far greater risk to property and the public than has heretofore been recognised or acknowledged officially.

2. Surface water from The Sandringham Road, Windsor Drive, Holyrood Close, Balmoral Road and Boundary walk area currently drains into the ditch connecting the Lambrok. I have suspicions that some surface water drainage from Silver Street Lane also enters the system at this point.

Currently, during times of extended rainfall, this system backs up and drains in Sandringham Road cease to drain and begin to expel water from the system into roads and gardens. Any additional water entering the system, whether it be from site 3565 or from further upstream will exacerbate this situation. Whilst I am aware that any scheme must take this into consideration, it must be nigh on impossible to guarantee that all additional drainage including runoff from additional impermeable surfaces such as concrete and tarmac is dealt with.

Further complicating this situation is the underlying geology of the area, most notably the solid clay substrate. I understand that current regulations require a minimum of one metre of unsaturated soil for any soak away, and that any additional heavy flow be kept separate from current drainage by means of storage ponds. Whilst such a solution may be possible it underlines the fundamental unsuitability of the site and raises questions about its sustainability in relation to the current built form. Appendix F contains photographs taken on the day in which the drainage pits were dug (18/07/17) and pictures of the same pits two days later (20/07/17). These images clearly show that very little if any soak-away has occurred, fractionally lower water levels could be at least partly due to evaporation given the dates and prevailing weather conditions. They also clearly demonstrate the quantity of clay in the underlying earth.

3. Site 3565 is also home to post-medieval earthworks. I will address their value below, but their nature is pertinent to this discussion. Their function, going back many hundreds of years, was to trap and hold surface water. The fact that these constructs were successful for many years without the addition of any additional material such as stone, brick or concrete attests to the impermeability of the underlying clay. Disturbingly at least one of the soil test pits has been dug into these earthworks, not only causing damage, but creating erroneous data about the nature of the ground. I have reported this (email attached in Appendix B).
4. Even in dry periods there are many areas of the site which are subject to pooling surface water. Notably one situated around the area of the second drainage test ditch to the South of the site (I assume that the function of the

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ditches must be to assess either BRE 157 or 365) and one in the centre of the lower part of the field. This picture was taken in August of this year:



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5. The National Planning Policy framework clearly states that :

The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. However, land which would naturally flood with an annual probability of 1 in 20 (5%) or greater in any year, or is designed to flood (such as a flood attenuation scheme) in an extreme (0.1% annual probability) flood, should provide a starting point for consideration and discussions to identify the functional floodplain.

Evidence presented here clearly demonstrates the extent of the floodplain and the impact that it has on the existing environment and should be included in the applicants environmental statement or in an amendment made by the Council Planning body (full text included in Appendix H).

Historical

As mentioned above, site 3565 is home to post-medieval earthworks. These have had only superficial exploration and cataloguing and are therefore covered in section 169 of the National Planning and Policy Framework (full text in appendix G).

In an email dated 21/6/17 the County Planning archaeologist confirms that only superficial and preliminary work has taken place on either the known features or in search of any other potential archaeological features. A possible consequence of this further study would be to have a PPG16 order enacted as outlined in the NPPF 2016.

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These earthworks are materially connected with the Grade II* listed Southwick Court farm and can be argued to be integral to its place in the natural and developed landscape. This additionally impacts on the listing of the property itself and the context in which it sits. In addition to their relevance to the site as included in the proposal their importance is compounded by their relative rarity and by the permanent loss that would result from their destruction.

As the County Planning Archaeologist said in an email dated 21st June 2017:

“I have previously provided screening opinion advice for this site to the planning team. I highlighted that The Wiltshire and Swindon Historic Environment Record shows that a number of features have been plotted within the proposed development site which relate to a post-medieval water meadow system. Southwick Court Farm lies immediately south of the proposed development site and contains a number of important heritage assets including a medieval moated site with a medieval farmstead of which the farmhouse is a Grade II* Listed Building (national ref. 1194818) dating from 1567 to 1599. I therefore raised the need to have a full assessment of the impacts on the heritage assets in particular on the water meadows and Grade II* Listed Building.

Without further assessment I cannot advise on the appropriateness of the development but I would say that putting 180 houses will have an impact on a number of heritage assets.”

To the best of my knowledge such an assessment has not yet been carried out and at the time of writing the deadline for submissions to the consultation period expires in three weeks.

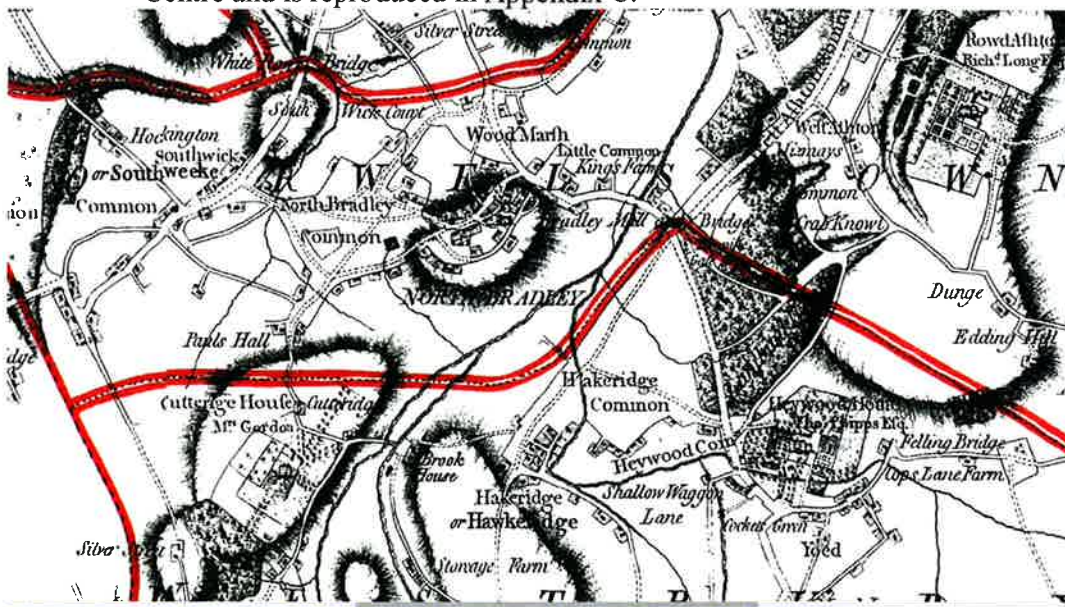
Access

Access to the site appears to be unclear. The initial Proposal document included, in appendix G, the suggestion that access should be through the current built form. Conversations with the teams both surveying and conducting groundworks on behalf of the potential developer and the omission of that phrase from the documents shown publicly during the exhibition on 26th July 2017 in County Hall would suggest that this element has been dropped. However, should this have been an oversight I would like to present the following evidence:

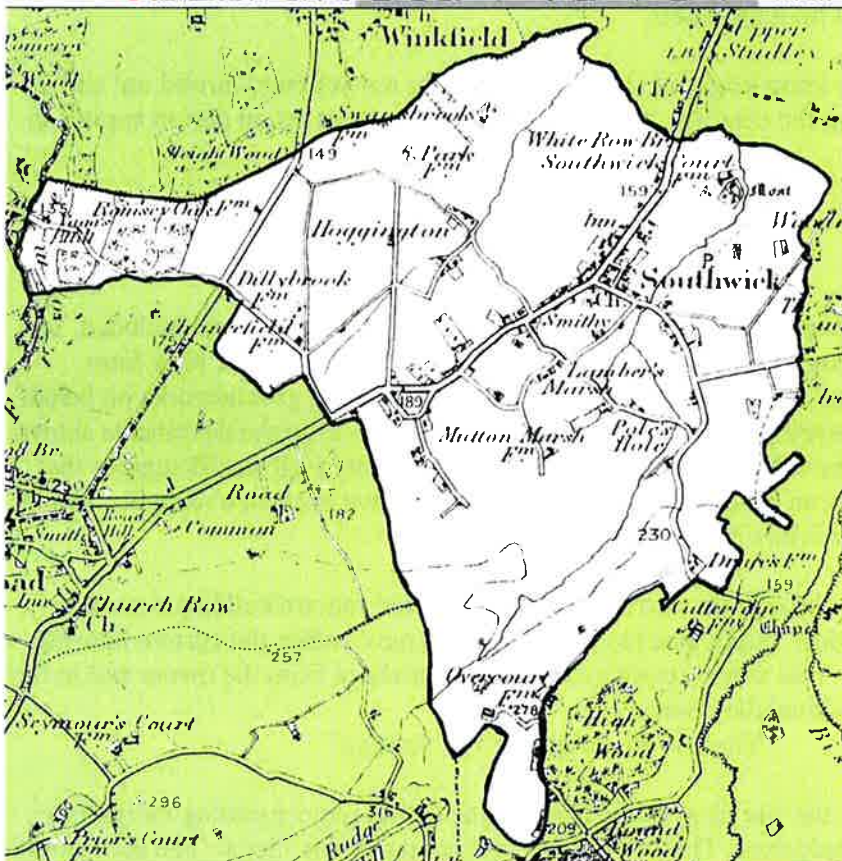
1. To ‘break through the current built form’ would require building across a ‘ransom strip’ put in place to prevent such a move when the current housing was built. This would require compulsory purchase from the owner and in the words of Councillor Berry:
 “There is no compulsion to develop”
2. To access the site from Silver Street Lane would require cutting through the existing hedgerow. The 1997 Hedgerow act make this illegal. The act confers

the status of 'important' for a number of criteria See appendix D. This hedgerow meets those criteria in the following ways:

- It appears on the Ordinance Survey revision map of 1890 (below) as an historic Parish Boundary, and in the Andrews and Dury's map of 1793 (also below; detail only) dividing as it did and still does Trowbridge and Southwick. The original can be found in Wiltshire and Swindon History Centre and is reproduced in Appendix C.



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It therefore marks a pre-1850 parish or township boundary (criterion a)

- It incorporates an archaeological feature (post medieval earthworks) as noted in the Proposal and confirmed by the Planning Archaeologist (email in appendix C) (criterion 2/3).
- The hedgerow is associated with a pre-1600 estate or manor (criterion 4)
- Contains certain categories of species of bird, animals or plants listed in the Wildlife and Countryside Act or Joint Nature Conservation Committee (JNCC) publications.
- Runs alongside a bridleway, footpath, road used as a public path, or a byway open to all traffic and includes at least 4 woody species, on average, in a 30m length and has at least 2 of the associated features listed at (i) or (v) below. The associated features are:
 - i. A bank or wall supporting the hedgerow.
 - ii. Less than 10% gaps.
 - iii. On average, at least one tree per 50m.
 - iv. At least 3 species from a list of 57 woodland plants.
 - v. A ditch.
 - vi. A number of connections with other hedgerows, ponds or woodland.
 - vii. A parallel hedge within 15m.

The act states that the hedgerow cannot be removed and can only be temporarily broken through if the work is for defence of the realm or for public safety reasons and only if there is no other access. If a breakthrough has to occur it must be no wider than 20 metres and replaced as soon as the work is complete.

Furthermore it is clearly stated that:

“The presumption is in favour of protecting and retaining important hedgerows” (The hedgerow regulations 1997 1.7)

The explanation of the document can be found in its entirety in appendix D.

3. Any vehicular access via Silver Street Lane would significantly increase traffic around the sensitive area of The Grove School (c.f. Unacceptable Peril).

If, as has been suggested by surveyors and ground workers employed by Barratt Homes, this option no longer features I understand that the alternative solution is to access the site from the A361. According to both the survey team and ground workers (photo in appendix F) this would involve building a road and culvert directly across the notified flood plain which would serve not only the proposed housing, but the satellite educational facility. In objection to this I would like to present the following evidence:

1. The size and severity of the existing floodplain has been significantly underestimated as can be seen in this photograph:

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Further evidence of this is to be found in appendix A.

This would render the required size and scale of the road and culvert to be disproportionate. In order to meet planning and environmental requirements relating to lifetime security from flooding this access point would perform be over engineered to a staggering extent. This further underlines the unsuitability of the site.

2. As seen in the satellite photo below the proposed cut-through and associated grubbing out of the hedgerow would take place as illustrated :



Not only does this potential access drive across the floodplain and major waterway (The Lambrok) but through the same Important Hedgerow. As can clearly be seen, not only is the hedgerow one and the same as the previously identified protected and Important hedgerow, it has further protection by its direct association with the Listed building. By extension this association further protects the entire run of hedgerow as laid down in the 1997 Hedgerow Act (see appendix D).

In addition to the inelegance of the access, the following direction is included in Guidance for developing on notified flood plains:

- Wherever possible, safe access routes should be provided that are located above design flood levels and avoiding flow paths. Where this is not possible, limited depths of flooding may be acceptable, provided that the proposed access is designed with appropriate signage etc to make it safe. The acceptable flood depth for safe access will vary depending on flood velocities and the risk of debris within the flood water. Even low levels of flooding can pose a risk to people in situ (because of, for example, the presence of unseen hazards and contaminants in floodwater, or the risk that people remaining may require medical attention).

Paragraph: 039 Reference ID: 7-039-20140306

Revision date: 06 03 2014

Access to the site is therefore limited to either locating a suitable existing break in the hedgerow further to the South, possibly mirroring the trackway leading to Southwick Court or cutting through private property belonging to Bramble Farm. These restrictions further illustrate the unsuitability of the site for development.

Ecological

Site 3565 currently acts as a habitat for a number of species which are notified. They include confirmed populations of Bechsteins bat, water voles and Red Kites. Furthermore the associated ecosystem serves to support and maintain those species. The removal of any significant component of this integrated ecosystem would inevitably lead to the unsustainability of many others.

In addition, the existence of this 'green corridor' acts as a vital element of the connectivity of the surrounding countryside. Regular sightings are made of animal species using this throughway from foxes to Red Deer. Taken into account with the habitats of the more endangered species such as the bats this natural corridor both supports and sustains many species in both a local and transitional context.

In the Natural England reply to the initial planning enquiry by Wiltshire Council it is stated that:

“Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this proposal is likely to affect such populations to an extent sufficient to require an EIA. It remains the case, however, that the developer must provide information supporting this application sufficient for your authority to assess whether protected species are likely to be affected and, if they are, whether sufficient mitigation, avoidance or compensation measures be put into place.”

Any information provided by the developer is not yet in the public domain, however, I believe that information provided in this letter and those of many other individuals should be included in the process of commissioning an EIA.

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Unacceptable peril

1. The development of Sandringham Road, Windsor Drive, Holyrood Close and Balmoral Road was built in 1972/3. At the time of its construction national considerations relating to flood plains was limited. As a consequence many of the properties on both Balmoral Road and Sandringham Road are currently adjudged to be at risk of flooding. This flooding is brought about by the abstraction of surface water from the built environment into a stream feeding the Lambrok which, in addition to natural and man-made drainage from fields between Trowbridge and Southwick, brings about regular flooding.

A consequence of this flooding is to be seen on Sandringham Road, where brown water is forced back through the drainage pipes to be expelled in properties and their gardens. This is a situation which happens on a regular basis at the current time. Any disturbance of current drainage patterns cannot but further this flooding. In their letter to planning dated 16th May 2017 hotlink:

<http://unidoc.wiltshire.gov.uk/UniDoc/Document/File/MTYvMTIyNzkvTlVULdk3OTEzMg==>

Leachfields make a case that all surface water generated by the proposed development off Blind Lane in Southwick will be abstracted before reaching the Lambrok Stream. Unless this is absolutely 100% successful with no drain off into arable land and with sufficient contingency to counteract the loss of drainage into unsaturated land the situation further downstream will be worsened.

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784

Should any other built form be introduced to the current drained environment without the capacity to hold and disperse significantly above 100% of current capacity this situation will also be exacerbated. Drainage plans will allow for surface dispersal but additional runoff is an inevitable consequence of replacing a semi-permeable landscape with one which is impermeable. As stated in the Environmental section of this objection, test pits and professionals alike have attested to the superficial nature of the soil in this area. The underlying clay is impermeable and the smallest percentage of unforeseen water entering the current drainage system will overwhelm a system which regularly fails.

Current guidelines relating to building in flood affected areas require a lifetime certainty that flooding will not occur, this expectation is nominally 100 years:

“Residential development should be considered for a minimum of 100 years, unless there is specific justification for considering a shorter period. For example; the time in which flood risk or coastal change is anticipated to impact on it, where a development is controlled by a time-limited planning condition.”

The lifetime of a non-residential development depends on the characteristics of that development. Planners should use their experience within their locality to assess how long they anticipate the development being present for. Developers would be expected to justify why they have adopted a given lifetime for the development, for example, when they are preparing a site-specific flood risk assessment. The impact of climate change needs to be taken into account in a realistic way and developers, the local planning authority and Environment Agency should discuss and agree what allowances are acceptable.”

Paragraph: 026 Reference ID: 7-026-20140306

Revision date: 06 03 2014

Not only is this not possible to apply to potential building on this field due to disturbances upstream but it actively infringes this recognised guidelines for the current built form. Houses built less than fifty years ago are currently at annual risk of flood events. Any development on land upstream will worsen this situation and remove the right to lifetime certainty as set out above.

A report by Sky News ran as follows:

“Councils are no longer forced to take other local authorities' housing allocations if it conflicts with national policy. That would mean less pressure to build on flood plains for planners, who have long been expected to help town halls meet house-building targets. Many hope the new guidelines will

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also ensure experts' advice plays a greater role in the planning process... Environment Agency figures given to Sky News show that is not always the case. In 2012-13, applications for 560 residential properties across England and Wales were approved in areas of flood risk, against the agency's advice. "

2. Any development on site 3565 will bring families with children. As developed in detail in the sections relating to environment, access and infrastructure, schooling is an issue which will require significant forward planning. Currently Southwick School and North Bradley School are full. Leachfields in their letter regarding the development of land off Blind Lane in Southwick (as above) recognise this tacitly by their offer to give money to Walwayne Court School. I am certain that to make this offer they have completed all of their due diligence on the availability of school places in the area and that the only available option is to work with a school four miles away (creating a round trip total of sixteen miles by car for every family).

The only other option for schooling will be The Grove School. This school currently has some spaces, but would necessitate either a significant car journey, or a walk on existing footpaths. The area around the school has significant parking restrictions which are being toughened. Already parents line Silver Street Lane and Balmoral Road with their vehicles as evidenced below:

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And this situation will be exacerbated when the restrictions change. A major road safety issue is building without the influx of a greater number of children and vehicles either passing through Silver Street Lane or 'ferrying' students to and fro.

Building on site 3565 will create traffic, parking and most importantly child safety issues. In terms of the criteria of sustainability this is surely a significant negative which must be considered.

Infrastructure

The topic of infrastructure is a challenge for all involved. During the Cabinet meeting of 20/6/17 the question was specifically raised and the answer was simple, if developers are asked to commit to infrastructure development before the building of houses they will not build the houses. Whilst this appears to contradict the publicly stated policy that building should not be developer-led, crucially the outcome is inevitably poorer service for all. Without going into great detail on a case-by-case basis, the example of the Health Centre on Paxcroft Mead is exemplary. Developers had permission to build granted on the premise that a Health Centre be provided, this then became a supermarket and local health resources were stretched that little bit further. With the stipulation that Local Government cannot control Health Services many infrastructure elements render this site less than optimal.

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1. As mentioned in unacceptable peril, a significant infrastructure requirement is education. Trowbridge is currently running with a slight surplus of primary school places and less so with secondary. After a career in education I understand the management of school funding. Schools will not receive funding for pupils until they walk through the door. Local Authorities are reticent about building more schools or extensions thereto due to the inexorable rise of Academies and the prospect that the significant financial commitment involved in building a new school is at risk of being taken out of public ownership.

I understand from the surveyors from Waddington Homes who have already been at work on the proposed site that their outline plan involves the building of a satellite school, to be managed by The Grove School on the adjacent field. This presupposes both vehicular access and significant service access to the proposed site and the funding of the build and on costs of staff and resources. This is notoriously uneconomic as a process and the likelihood here is that such an enterprise is more readily managed by The Mead cluster who can bring economies of scale to the process. The drawback here being that The Mead cluster is not under LA control and any public investment would be irrevocably lost in double-quick time.

Accessible education for anyone living on the proposed development would therefore be a major issue.

2. Access to transport links is another feature which renders this site unsuitable for development. According to sustainability criteria an optimal walking distance of 1.0 kilometres to the nearest railway station is to be desired. This site is significantly beyond that distance and will as a consequence add to traffic congestion both inside the town and on its main transport arteries, not to mention the additional demands on parking near the station.

Unwarranted destruction of green space

- Rep
790
1. Despite the proposal splitting site 3260 from site 3565 to create two entities of 17.6 hectares and just over 4 hectares the total developed land within the proposal is significantly above the 20 hectares stipulation for certain requirements in planning law. I have had assurances that the Governmental and NGO's will be viewing the sites in the proposal as a single entity.

With restrictions imposed upon the proposed site(s) in terms referenced in Environment, Historical and Ecology sections. The site will be a mish-mash of access, building and ancillary systems. In terms of the loss of a single, continuous buffer at the junction of village and town the loss is catastrophic. A significant piece of land with social, historical and economic value is potentially being carved up.

Procedural anomalies

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As documented in appendix B I have sent a number of emails requesting information and confirmation of contacts. Many of these mails have been a significant length of time in the system before any response. Some have been left unanswered and some have not addressed the questions raised. In recognition of this, which I presume to be a mixture of time and work pressure during a time of significant annual leave, I wrote to Councillor Sturgis and requested an extension of time to gather information and fact from Council sources. I have re-sent this request and am still to receive a reply (mails attached in appendix B). Sadly I feel that I have no alternative but to air this one-way conversation publicly and raise the following procedural queries:

1. If, as committed during the Cabinet meeting of 20/6/17 by Baroness Scott, Council resources are to be committed to independently verify data presented by developers what is this and when is it to be gathered? Surely in order to fully consider all information in a proposal such as this the information must be gathered in advance of any decision? At the time of writing, the consultation process is more than half way complete and, to the best of my knowledge not a single Council officer has visited the site, let alone performed any physical works.
2. In a series of emails (Appendix B) I have proved that geoconsulting.eng, acting as agents for potential developers, and themselves based in Devon have placed soil sample trenches on top of historical earthworks. I have submitted to planning a series of OS coordinates and altitude readings for all of the test pits. With the underlying geology comprising thick clay, the placing of these sampling trenches on top of man-made features will inevitably create erroneous data, Drainage rules clearly state that any soak-away must be into a minimum of one metre of unsaturated soil. To take these samples from what is effectively piled-up topsoil, which would itself be levelled for any development, is meaningless. I have attempted to have this recognised with little success. I have attached approximations of the wells, drainage pits and soil sample pits along with indicative public footpaths and byways in

Appendix E along with the closest OS coordinates and altitudes along with dated photographs of the drainage progress in these pits.

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3. Given the commitment made publicly in the Cabinet meeting of 20/6/17 that the process would be transparent and not developer-led not a single Council groundwork has been attempted. In contrast sub-contractors for Barratt Homes (geoconsulting.eng and Waddington Homes) have made at least five in-depth works on site 3565 and adjacent fields (see photos in appendix F). Whilst the landowner has the perfect right to commission any fieldworks that she wishes any uncontested data could only be developer-led and totally reliant on a developer vested interest. If this process is not to be developer-led it would be reassuring for this data to be ruled inadmissible in anything relating to decision-making in this process.
 4. In their letter to Wiltshire Council in January 2017 in response to an enquiry Natural England concluded that this site is marginal. This response was, in part, informed by a lack of information provided to them. They have been interested to learn of the nature of the Important hedgerow, the extent and rarity of the post-medieval earthworks and the far greater extent of the notified floodplain. Is there no requirement for Council officers to pass on this information rather than leaving this to members of the public?
 5. The National planning frameworks clearly states that:

157. Crucially, Local Plans should:

- Rep
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- plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework
 - be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date
 - be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations
 - indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map
 - allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate
 - identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation
 - identify land where development would be inappropriate, for instance because of its environmental or historic significance
 - contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified

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Point seven above is applicable in this instance due to both the environmental and historical issues related to this site, specifically relating to the larger than notified flood plain and issues relating to rare historical earthworks and the Important and protected hedgerow.

- 6. In relation to the standpoint of the Council being adamant that any building work relating to housing not be developer-led is there any justification for advertisements such as this:

“Land Requirements

Ashford Homes are currently developing.

If you have land in either a greenfield or brownfield location, with or without planning permission, which you are thinking of selling, please do not hesitate to contact us.

Our Management team will be pleased to offer advice on any planning related and technical matters.”

This would appear to indicate that much activity cannot be anything but developer-led. In the Officer’s report relating to the development of the nearby solar farm (15/04570/FUL) the final paragraph reads:

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“A question was asked by a member of the public as to why the applicant put a notice in the paper advising landowners to come forward and not the public which is a procedural matter for submitting applications.”

This remains a question hanging in the air some two years later.

- 7. National Planning Policy Framework provides the following instructions:

- 155. Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.

- **Infrastructure**

162. Local planning authorities should work with other authorities and providers to:

- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education,

flood risk and coastal change management, and its ability to meet forecast demands

- take account of the need for strategic infrastructure including nationally significant infrastructure within their area

166. Local Plans may require a variety of other environmental assessments, including under the Habitats Regulations where there is a likely significant effect on a European wildlife site (which may not necessarily be within the same local authority area), Strategic Flood Risk Assessment and assessments of the physical constraints on land use⁴. Wherever possible, assessments should share the same evidence base and be conducted over similar timescales, but local authorities should take care to ensure that the purposes and statutory requirements of different assessment processes are respected.

- **Historic Environment**

169. Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record.

170. Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.

A functional floodplain is a very important planning tool in making space for flood waters when flooding occurs. Generally, development should be directed away from these areas using the Environment Agency's catchment flood management plans, shoreline management plans and local flood risk management strategies produced by lead local flood authorities.

The area identified as functional floodplain should take into account the effects of defences and other flood risk management infrastructure. Areas which would naturally flood, but which are prevented from doing so by existing defences and infrastructure or solid buildings, will not normally be identified as functional floodplain. If an area is intended to flood, eg an upstream flood storage area designed to protect communities further downstream, then this should be safeguarded from development and identified as functional floodplain, even though it might not flood very often.

Paragraph: 015 Reference ID: 7-015-20140306

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Highlighted references serve to further prove that the site nominated as 3565 is unsuitable for development of any nature. A complete set of requirements relevant to this objection can be found in Appendix G.

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8. Despite public commitments to hold a Public Presentation outside of the School Holiday time; a commitment made some three months ago; it now appears that this will be "impossible". This was either known at the time of the publishing of the minutes, and has been kept from the public, or else the commitment was never made with any degree of conviction.

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Economic Hardship

I am very clear that the devaluation of property is not an issue which the Council can concern itself about. However, Mr Marshall, the tenant farmer based at Bramble farm, has made no secret of the fact that the loss of this field designated 3565 would put him out of business. The field is used for the grazing of his cattle for a part of the year and is harvested for hay during the summer months. Without this hay his business would not be viable.

Whilst this may appear to be acceptable collateral damage as a price for the housing it must be taken into the wider context of the proposal. The proposal suggests that all other fields between Southwick and Trowbridge be retained as a 'green buffer'. There is no mention of the ongoing costs of the County Council funding the upkeep of this buffer by which I can only draw the conclusion that they expect the current regime to continue. However, no farming means no maintenance of the land without a significant open-ended financial commitment from the Council.

The loss of this managed landscape in its entirety does mitigate against the sustainability of any development on this site.

Summary

As a series of bullet-points the evidence presented in this objection can be broadly summarised as follows:

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- The land suffers from serious flooding already currently impacting severely on the built form around it. Any further water entering the drainage system will exacerbate this and will break the Environment Agency 'Lifetime surety' to be free of flooding for *at least* 100 years for homes already existing.
- Photographic evidence (Appendix F) clearly illustrates the quantity of clay underlying the site and the innate inability of the geology to safely remove current surface water without the addition of additional surface run-off.

Rep 788

- Bird and animal species will be denied an ecological niche which has been in existence for a documented 100+ years.

Rep 786

- Extremely rare post-medieval earthworks will be destroyed (earthworks which have already suffered damage from ill-informed exploratory work).

Rep 786

- The field system and managed landscape associated with a grade two listed building will be destroyed.

Rep 790

- Public access to land which has been used as a public resource with the support of the landowner and on which residents have had their ashes scattered for a minimum of 40 years will be removed.

Rep 787

- Access to the potential site cannot be through the Important and protected hedgerow. Access can only be from the A361 directly past the grade two star listed building.

Rep 793

- Poorly informed exploratory work will inevitably lead to erroneous data in support of the application.

Rep 784

- Location in relation to the current built form will create unacceptable peril for existing and incoming residents.

Rep 795

- Short and medium term economic impacts will render the entire managed field system derelict.

Rep 789

- Public services and access to significant public transport hubs are out of specified range of this development. Traffic and education will be specifically impacted.

Rep 791

- Procedural anomalies relating to the process itself are rife. The indications being that this parcel of land has been added in a rushed manner to the Proposal without due diligence on its suitability having been performed. Furthermore all attempts to activate the commitments made by Councillors by County Officers have been met with negativity and inaction.

Rep 791

- There is no active support for this site from either, Local Council, Environment Agency, Natural England, Historic England or the County Planning Archaeologist despite such active support being voiced for other sites within the Proposal. In fact in a response from Natural England the case officer said :

“I have briefly looked at the conclusions/recommendations in the Trowbridge Community Area Topic Paper and have noted that Site 3565 (Land east of the A361 at Southwick Court), is considered to be a less sustainable options for development, and that five moderate adverse effects have been identified in relation to this site.”

As NPPF demands:

“If a planning application fails to score positively against the aims and objectives of the Local Plan Sustainability Appraisal or Local Plan policies..... planning permission should be refused.”

In conclusion, I believe that I have fulfilled the requirement laid out in the meeting of 20/6/17 by Councillor Sturgis that any objection should be based in fact. I have attempted to submit photographic evidence, documentary evidence and appropriate quotations from statutory instruments which support my assertion that the land is unsuitable whilst exposing flaws in the original arguments contained within the proposal. Any and all material quoted and enclosed here can be made available in the original format (capture dates for images for example) should that be required. I have attempted to reference any quotations from documents and/or include the source material within an appendix.

Please accept this objection in the spirit in which it has been researched and compiled and please feel at liberty to contact me should any statements or assertions contained herein require further attribution or context.

Yours respectfully

Graham Hill

Addendum

On the 12th of September 2017 I contacted the Environment Agency to thank the planning case officer for 3565 for her assistance in preparing my objection. During the course of our conversation she informed me that a fresh flood map for the site had been prepared in the light of more complete evidence.

A significant portion of my initial objection was that the notified floodplain for the area (estimate below) was far less than the actual. I presented the same evidence as documented in my objection.



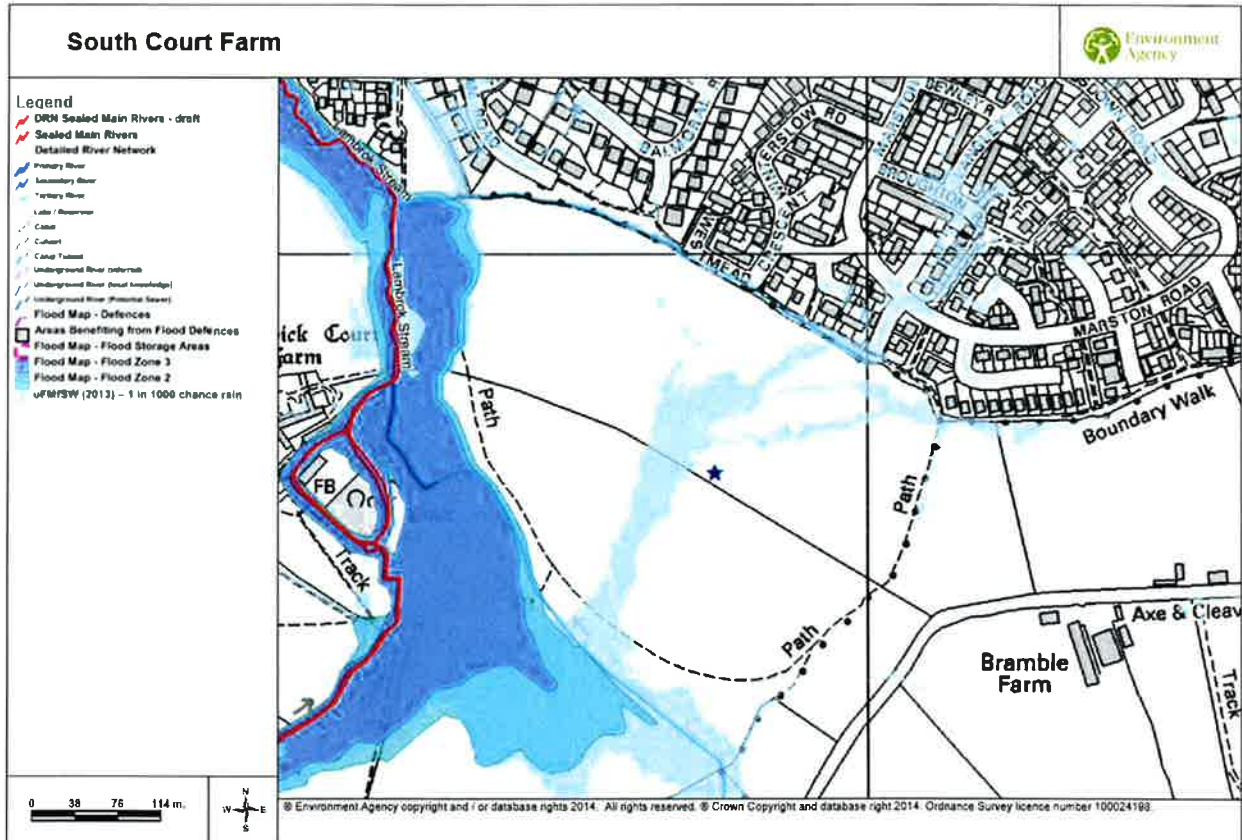
The areas in blue indicate the level two floodplain whilst the areas marked in red are level three.

As a consequence of changes in the new flood map the total area of floodplain has increased dramatically and the problematic surface water in the central part of the site has now been recognised. The size and positioning of the new notified area further supports evidence provided in the main body of my submission and specifically relates to:

- Access to the site – any direct access from the A360 must surely now be impossible due to the size and spread of the level 3 notification.

- The exacerbation of existing flooding and unacceptable peril – a part of Sandringham Road is now notified as level 2 floodplain and ANY development impacting on that is precluded.
- Unsuitability of the site – Excess surface water and absence of options for acceptable drainage in the central part of the site should render it unfit for development.

Environment Agency current flood map



Additionally this confirms that much of the test work completed by Geoconsulting.eng took place either within the margins of the level three floodplain or entirely beyond the affected area of surface water. This would serve to further invalidate the accumulated data that they have collected in submission of any application.

GJH 13/9/17

Rep 784

Appendix A

Flood photographs





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Appendix BEmail correspondence

First mail sent 11/8/17, second mail sent 18/8/17 no reply to either has been received.

Dear Councillor Sturgis,

Please excuse me writing to you again. I am not sure whether the email that I sent to you last week arrived safely, so have attached it for your information. Since we are a further week into the public consultation and the issues persist I believe that the questions raised are if anything even more valid.

Thank you again for your consideration in this matter.

Regards

Graham Hill

Dear Councillor Sturgis,

I am writing to request an extension to the consultation period for the Site Allocation Proposal (currently due to conclude 23/9).

My reason for so doing is in the interests of both fairness and accuracy.

During the Cabinet meeting in which this matter was discussed it was very clearly stated by Baroness Scott that the process would be underpinned by independent gathering and verification of data to substantiate or refute data submitted by developers. You yourself were adamant that the process of development was not and could not be developer led, but that any opposition or counter-argument should be factual.

In the same meeting, the open display in County Hall in Trowbridge was raised as an issue as taking place within school holiday time when a great many people would be away. An additional date for this display was added (although the date is yet to be made public) and this was gratefully acknowledged. However, the self-same issue has arisen in the attempts to gather facts and data to form cohesive counter-arguments.

Your colleagues in both Local and National Government departments and NGO's have been extremely helpful and supportive to the extent that they are able, however, they have been hamstrung. In many cases the individual holding information or the key to process has been either on leave, about to go on leave and so unable to follow a process to its conclusion within stipulated time frames or snowed under coping with the workload of colleagues already on leave.

As such the ten week time period in which the public are able to gather information is not ten weeks, but far shorter. In view of the entire Proposal having taken two

years to draft this is in no way an equitable 'right of reply'. I understand now that this should have probably been raised at the cabinet meeting, and that the timing is probably due in part to the pre-election purdah as I believe you alluded to in explanation, however, I do not believe that the difficulties of operating within this window were foreseen either by the public or members of the Cabinet.

In conclusion I would be grateful if you could give full consideration to the request herein and grant an extension to the period of the consultation especially considering the delay that has already been enforced upon it.

Kind regards

Graham Hill

Sent from Mail for Windows 10

Emails to County Hall

From: Graham Hill
Sent: 11 August 2017 15:40
To: *Name redacted*
Subject: RE: Land survey at site H2.6

Dear *Name redacted*,

Thank you for your reply. It is heartening to know that we have some input into the process at a meaningful level.

I do have an element of my original enquiry to which I would value a response. In my original email I asked :

During the Cabinet Meeting in June when the Site Allocations Plan was discussed Cllr. Sturgis was adamant that any building should not be developer led and Baroness Scott committed to independent surveys of the site (both statements are recorded on the video minute of the meeting).

Since we are now a fortnight into the consultation process is it possible to share some form of timetable and scale of testing planned for the site? Under normal circumstances I would leave this enquiry until later in the process, but in light of both individuals being so adamant that independence should be seen to be operating I wondered whether you could help with this enquiry.

As I alluded to in my original contact, I appreciate that normal operating procedure may not call for this degree of independent gathering of data, but in view of the

commitment made by the Leader of the Council, together with the slapdash methodology of the 'professionals' I need to ask again for this commitment to be met. As a member of the public directly affected by this proposal I should not have to gather grid reference and altitude data and point out that some data has been erroneously gathered.

I am genuinely frightened that erroneously gathered data could lead to a worsening of the flooding currently experienced by residents when the drains back up from the Lambrook and disgorge brown water into their property. I am genuinely sorry to burden you with this, as I realise that you are stuck in the middle of this irregular situation.

Thank you again for your time.

Regards

Graham Hill

Sent from [Mail](#) for Windows 10

From: *Name redacted*
Sent: 11 August 2017 15:14
To: [Graham Hill](#)
Subject: RE: Land survey at site H2.6

Dear Mr Hill

Thank you for your email and attachments dated 4 August. My colleagues and I welcome the information you've provided.

Whilst I acknowledge the clear concerns expressed, I must stress that Wiltshire Council has not instructed the investigative works undertaken to date. At this stage, our evidence has been drawn from statutory consultees (e.g. the Environment Agency, Wessex Water et al); and dialogue with our own drainage experts.

We understand that the landowner/prospective developer is gathering their own evidence, which they are entitled to do. We assume they will submit the results of this work in due course. At that point, we will test the veracity of their findings through further detailed dialogue with our drainage engineers. Your submitted evidence will prove useful in that regard.

Regards

Name redacted

From: Graham Hill [REDACTED]
Sent: 04 August 2017 15:32
To: *Name redacted*
Subject: FW: Land survey at site H2.6

Dear Mr. *Name redacted*,

Your colleague was kind enough to forward my attached mail to you earlier this week. I thought that to add a little meat to the bones of my concerns it might help to provide you with some factual evidence. In addition to the photograph that is attached (taken at grid reference 846/559 altitude 90.8 metres) I have also attached a list of grid references and altitudes for all of the test works so far completed on the field in question.

There are three concerns that I have with the nature of the data gathering:

- The test pits congregate around the area significantly away from the floodplain, with just a few sites in the higher regions of that flood area. These only represent approximately 60% of the area identified in the land allocation proposal and appear to be avoiding the more contentious sections of the 'dry' area along with the lowest areas in closest proximity to the Lambrook itself.
- As can be seen in the altitude figures, the topography of the area is anything but level with significant undulations. Not all of the test pits are in the locations which are most prone to flooding, in fact many are in areas which remain relatively dry, even in the worst flooding events.
- Most disturbingly of all, the company responsible for these pits, geoconsiltingeng, are based in Devon. Perhaps if they were locally based they would know of the post-medieval earthworks in the field (acknowledged in the proposal) and would have avoided digging some of their test pits ON THE SUMMIT OF THE EARTHWORKS. These earthworks were created by the removal of topsoil from the immediately adjacent clay substrate. Any data gathered as to soil depth and density, especially the requirement for one metre of unsaturated soil to be present before any form of soakaway is enabled, will be completely invalidated.

Whilst I do not suggest that these testing point locations and altitudes are motivated by a desire to produce favourable results, there is a legitimate concern that this professional survey may have missed points through ignorance which, if these are the only rigidly applied criteria, may lead to a totally erroneous set of assumptions. I am concerned that the old adage of 'garbage in, garbage out' might result in unfortunate conclusions for all concerned.

I hope that this has made a little sense of our following up the commitments made by members of the cabinet for which we are clearly in their debt.

I would be more than happy to walk a member of the planning team across the land in question if that might prove to be productive for you. Thank you again for your time.

Regards

Graham Hill

Sent from Mail for Windows 10

From: [Developmentmanagement](#)
Sent: 02 August 2017 09:09
To: [REDACTED]
Subject: FW: Land survey at site H2.6

Good morning Mr Hill

Thank you for your enquiry below. This has been forwarded to our Spatial Plans Department, for [Name redacted](#)'s attention and response to you. Name redacted can be contacted by email, as follows: Name redacted@wiltshire.gov.uk.

Kind regards

Shelley Allen

From: Graham Hill [REDACTED]
Sent: 31 July 2017 10:22
To: DevelopmentmanagementNorth
Subject: Land survey at site H2.6

Good morning,

I was wondering whether you could help me. I am writing in connection with the land off Boundary walk and identified in the site allocations plan as H2.6.

In the past fortnight we have had a number of works performed on the site by a company called geoconsultingeng. They have been working for Waddington Homes, themselves an offshoot of Barratt Homes. These works have included soil sampling in test pits, detailed survey work within the notified flood plain and tests on both drainage and water table which I assume to be BRE 157 and 365 tests (or close associates).

Photographic evidence of far more extensive flooding than the interactive Environment agency map suggests (attached photo is at the top of the floodplain with a further approx.. 2 metre drop to the right of shot, the property in the background is Southwick Court) is coming to light. During the Cabinet Meeting in June when the Site Allocations Plan was discussed Cllr. Sturgis was adamant that any building should not be developer led and Baroness Scott committed to independent surveys of the site (both statements are recorded on the video minute of the meeting).

Since we are now a fortnight into the consultation process is it possible to share some form of timetable and scale of testing planned for the site? Under normal circumstances I would leave this enquiry until later in the process, but in light of both individuals being so adamant that independence should be seen to be operating I wondered whether you could help with this enquiry.

Thank you very much for your time, I appreciate that a query like this can be a pain.

Regards

Graham Hill

Sent from Mail for Windows 10

Emails written to Geoconsulting.eng

(no replies received)

Hi,

I met one of your team in fields adjacent to Southwick Court in Wiltshire today. I noticed that a pair of pits have been dug, one to the high side of a notified flood plain (almost certainly on the level 1-2 boundary and certainly not in the level 3 area) and the other in a flat spot in the centre of the field. I am not sure of your monitoring schedule, but I can inform you that at 5pm on the day that they were dug there were significant ingresses of water. The higher one being within about 14 inches of the top of the pit. I have photographs if you require them. Would you be able to make a copy of your report available for public scrutiny?

Thank you very much for your time

Regards

Graham Hill

Hi,

further to my email via this site yesterday. I'm sorry if your operative was startled this morning. I was with a photographer and reporter from the local paper and he may have felt uncomfortable. He was unable to confirm whether you are acting on behalf of the Local Council. Whilst I understand that there is an element of client confidentiality involved is it possible to confirm that so that it might be possible to avoid a separate investigation by another Council Department.

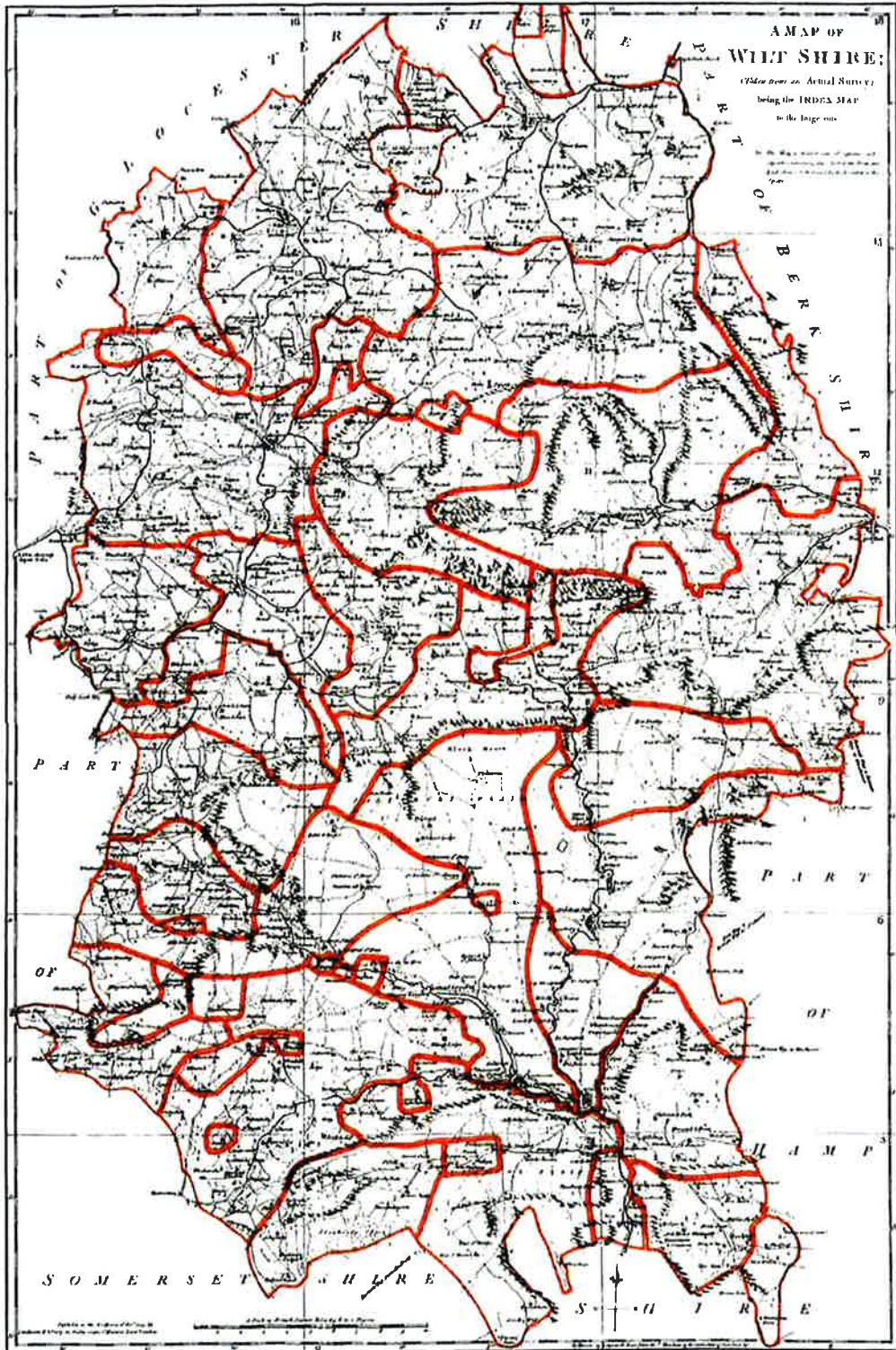
Thank you

Regards

Graham Hill

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Appendix C



Appendix D**Important Hedgerows: The Criteria**

The Regulations specify in detail how the criteria are met. Here is a simplified guide.

1. Marks a pre-1850 parish or township boundary.
2. Incorporates an archaeological feature.
3. Is part of, or associated with, an archaeological site.
4. Marks the boundary of, or is associated with, a pre-1600 estate or manor.
5. Forms an integral part of a pre-Parliamentary enclosure field system.
6. Contains certain categories of species of bird, animals or plants listed in the Wildlife and Countryside Act or Joint Nature Conservation Committee (JNCC) publications.
7. Includes (in County Durham):
 - a. At least 6 woody species, on average, in a 30m length.
 - b. At least 5 woody species, on average, in a 30m length and has at least 3 associated features.
 - c. At least 5 woody species, on average, in a 30m length including a black-poplar tree, or a large-leaved lime, or small-leaved lime, or wild service-tree.
 - d. At least 4 woody species, on average in a 30m length and has at least 4 associated features.
8. Runs alongside a bridleway, footpath, road used as a public path, or a byway open to all traffic and includes at least 4 woody species, on average, in a 30m length and has at least 2 of the associated features listed at (i) or (v) below. The associated features are:
 - i. A bank or wall supporting the hedgerow.
 - ii. Less than 10% gaps.
 - iii. On average, at least one tree per 50m.
 - iv. At least 3 species from a list of 57 woodland plants.
 - v. A ditch.
 - vi. A number of connections with other hedgerows, ponds or woodland.
 - vii. A parallel hedge within 15m.

Regulations 2(3) and 4

SCHEDULE 1

ADDITIONAL CRITERIA FOR DETERMINING "IMPORTANT" HEDGEROWS

PART I

INTERPRETATION

In this Schedule—

“building” includes structure;

“Record Office” means—

(a)

a place appointed under section 4 of the Public Records Act 1958(1) (place of deposit of public records),

(b)

a place at which documents are held pursuant to a transfer under section 144A(4) of the Law of Property Act 1922(2) or under section 36(2) of the Tithe Act 1936(3), including each of those provisions as applied by section 7(1) of the Local Government (Records) Act 1962(4), or

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a place at which documents are made available for inspection by a local authority pursuant to section 1 of the Local Government (Records) Act 1962;

“relevant date” means the date on which these Regulations are made;

“Sites and Monuments Record” means a record of archaeological features and sites adopted—

(a)

by resolution of a local authority within the meaning of the Local Government Act 1972(5), or

(b)

in Greater London, by the Historic Buildings and Monuments Commission(6);

“standard tree”—

(a)

in the case of a multi-stemmed tree, means a tree which, when measured at a point 1.3 metres from natural ground level, has at least two stems whose diameters are at least 15 centimetres;

(b)

in the case of a single-stemmed tree, means a tree which, when measured at a point 1.3 metres from natural ground level, has a stem whose diameter is at least 20 centimetres;

“woodland species” means the species listed in Schedule 2; and

“woody species” means the species and sub-species listed in Schedule 3, and any hybrid, that is to say, any individual plant resulting from a cross between parents of any species or sub-species so listed, but does not include any cultivar; and references to the documents in paragraph 6(3)(b) and (4) are to those documents as at the relevant date, without taking account of any subsequent revisions, supplements or modifications.

PART II

CRITERIA

Archaeology and history

1. The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township; and for this purpose “historic” means existing before 1850.

2. The hedgerow incorporates an archaeological feature which is—

(a)

included in the schedule of monuments compiled by the Secretary of State under section 1 (schedule of monuments) of the Ancient Monuments and Archaeological Areas Act 1979(7); or

(b)

recorded at the relevant date in a Sites and Monuments Record.

3. The hedgerow—

(a)

is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site; and

(b)

is associated with any monument or feature on that site.

4. The hedgerow—

(a)

marks the boundary of a pre-1600 AD estate or manor recorded at the relevant date in a Sites and Monuments Record or in a document held at that date at a Record Office;

or

(b)

is visibly related to any building or other feature of such an estate or manor.

5. The hedgerow—

(a)

is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts(8); or

(b)

is part of, or visibly related to, any building or other feature associated with such a system, and that system—

(i)

is substantially complete; or

(ii)

is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act(9), for the purposes of development control within the authority's area, as a key landscape characteristic.

Wildlife and landscape

6.—(1) The hedgerow—

(a)

contains species listed or categorised as mentioned in sub-paragraph (3); or

(b)

is referred to in a record held immediately before the relevant date by a biological record centre maintained by, or on behalf of, a local authority within the meaning of the Local Government Act 1972(10), and in a form recognised by the Nature Conservancy Council for England, the Countryside Council for Wales(11) or the Joint Nature Conservation Committee(12), as having contained any such species—

(i)

in the case of animals and birds, subject to sub-paragraph (2), within the period of five years immediately before the relevant date.

(ii)

in the case of plants, subject to sub-paragraph (2), within the period of ten years immediately before the relevant date;

(2) Where more than one record referable to the period of five or, as the case may be, ten years before the relevant date is held by a particular biological record centre, and the more (or most) recent record does not satisfy the criterion specified in sub-paragraph (1)(b), the criterion is not satisfied (notwithstanding that an earlier record satisfies it).

(3) The species referred to in sub-paragraph (1) are those—

(a)

listed in Part I (protection at all times) of Schedule 1 (birds which are protected by special penalties), Schedule 5 (animals which are protected) or Schedule 8 (plants which are protected) to the Wildlife and Countryside Act 1981(13);

(b)

categorised as a declining breeder (category 3) in "Red Data Birds in Britain" Batten LA, Bibby CJ, Clement P, Elliott GD and Porter RF (Eds.), published in 1990 for the

Nature Conservancy Council and the Royal Society for the Protection of Birds (ISBN 0 85661 056 9); or

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categorised as “endangered”, “extinct”, “rare” or “vulnerable” in Britain in a document mentioned in sub-paragraph (4).

(4) The documents referred to in sub-paragraph (3)I are—

(a)

of the books known as the British Red Data Books:

1.

“Vascular Plants” Perring FH and Farrell L, 2nd Edition, published in 1983 for the Royal Society for Nature Conservation (ISBN 0 902484 04 4);

2.

“Insects” Shire DB (Ed.), published in 1987 for the Nature Conservancy Council (ISBN 0 86139 380 5); and

3.

“Invertebrates other than insects” Bratton JH (Ed.), published in 1991 for the Joint Nature Conservation Committee (ISBN 1 873701 00 4); and

(b)

of the books known as the Red Data Books of Britain and Ireland:

“Stoneworts” Stewart NF and Church JM, published in 1992 for the Joint Nature Conservation Committee (ISBN 1 873701 24 1).

7.—(1) Subject to sub-paragraph (2), the hedgerow includes—

(a)

at least 7 woody species;

(b)

at least 6 woody species, and has associated with it at least 3 of the features specified in sub-paragraph (4);

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at least 6 woody species, including one of the following—

black-poplar tree (*Populus nigra* ssp *betulifolia*);

large-leaved lime (*Tilia platyphyllos*);

small-leaved lime (*Tilia cordata*);

wild service-tree (*Sorbus torminalis*); or

(d)

at least 5 woody species, and has associated with it at least 4 of the features specified in sub-paragraph (4),

and the number of woody species in a hedgerow shall be ascertained in accordance with sub-paragraph (3).

(2) Where the hedgerow in question is situated wholly or partly in the county (as constituted on 1st April 1997) of the City of Kingston upon Hull, Cumbria, Darlington, Durham, East Riding of Yorkshire, Hartlepool, Lancashire, Middlesbrough, North East Lincolnshire, North Lincolnshire, Northumberland, North Yorkshire, Redcar and Cleveland, Stockton-on-Tees, Tyne and Wear, West Yorkshire or York(14), the number of woody species mentioned in paragraphs (a) to (d) of sub-paragraph (1) is to be treated as reduced by one.

(3) For the purposes of sub-paragraph (1) (and those of paragraph 8(b))—

(a)

where the length of the hedgerow does not exceed 30 metres, count the number of woody species present in the hedgerow;

(b)

where the length of the hedgerow exceeds 30 metres, but does not exceed 100 metres, count the number of woody species present in the central stretch of 30 metres;

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where the length of the hedgerow exceeds 100 metres, but does not exceed 200 metres, count the number of woody species present in the central stretch of 30 metres within each half of the hedgerow and divide the aggregate by two;

(d)

where the length of the hedgerow exceeds 200 metres, count the number of woody species present in the central stretch of 30 metres within each third of the hedgerow and divide the aggregate by three.

(4) The features referred to in sub-paragraph (1)(b) and (d) (which include those referred to in paragraph 8(b)) are—

(a)

a bank or wall which supports the hedgerow along at least one half of its length;

(b)

gaps which in aggregate do not exceed 10% of the length of the hedgerow;

I

where the length of the hedgerow does not exceed 50 metres, at least one standard tree;

(d)

where the length of the hedgerow exceeds 50 metres but does not exceed 100 metres, at least 2 standard trees;

(e)

where the length of the hedgerow exceeds 100 metres, such number of standard trees (within any part of its length) as would when averaged over its total length amount to at least one for each 50 metres;

(f)

at least 3 woodland species within one metre, in any direction, of the outermost edges of the hedgerow;

(g)

a ditch along at least one half of the length of the hedgerow;

(h)

connections scoring 4 points or more in accordance with sub-paragraph (5);

(i)

a parallel hedge within 15 metres of the hedgerow.

(5) For the purposes of sub-paragraph (4)(h) a connection with another hedgerow scores one point and a connection with a pond or a woodland in which the majority of trees are broad-leaved trees scores 2 points; and a hedgerow is connected with something not only if it meets it but also if it has a point within 10 metres of it and would meet it if the line of the hedgerow continued.

8. The hedgerow—

(a)

is adjacent to a bridleway or footpath, within the meaning of the Highways Act 1980(15), a road used as a public path, within the meaning of section 54 (duty to reclassify roads used as public paths) of the Wildlife and Countryside Act 1981(16), or a byway open to all traffic, within the meaning of Part III of the Wildlife and Countryside Act 1981(17), and

(b)

includes at least 4 woody species, ascertained in accordance with paragraph 7(3) and at least 2 of the features specified in paragraph 7(4)(a) to (g).

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Appendix E

Test wells



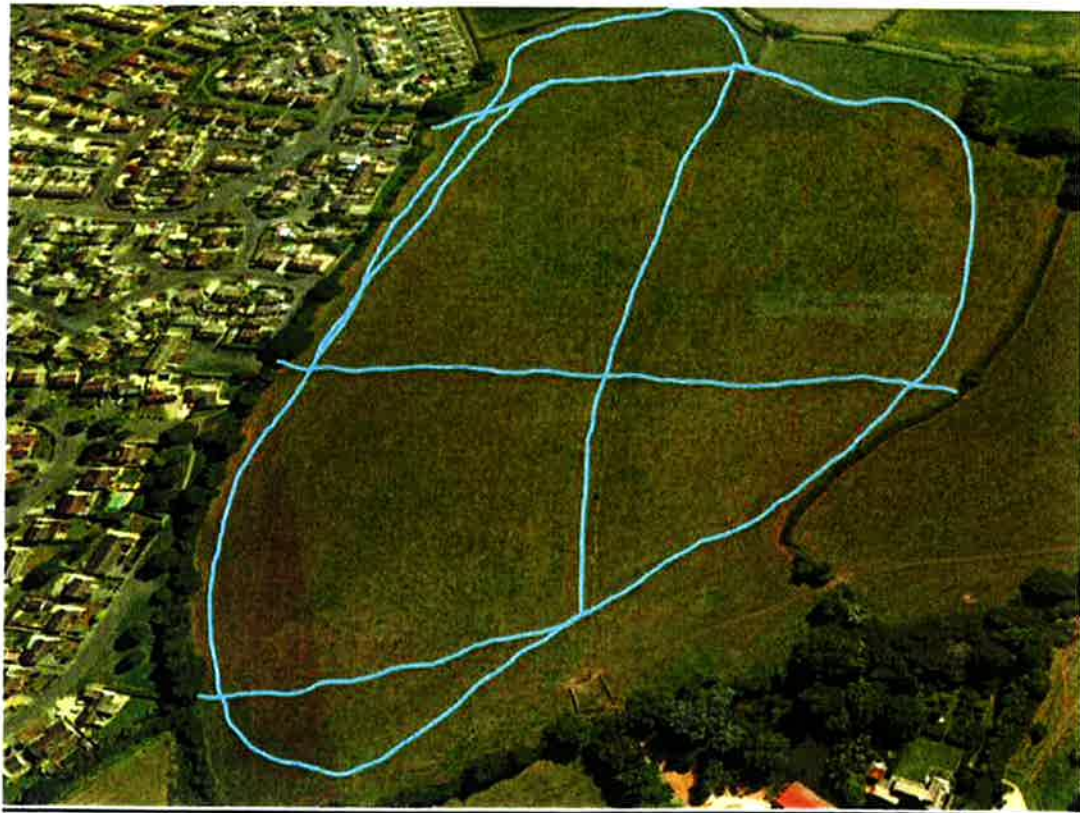
Drainage pits



Soil sample pits



Footpaths



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Drainage pit images

Location of drainage pits

All images 18/07/17





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Images of drainage pits

All images taken 20/07/17

Floodplain pit



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Upper Pit



Location of test earthworks**All datapoints have prefix ST**

	<u>Easting</u>	<u>Northing</u>	<u>Altitude</u>
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Drainage pits

<u>Top pit</u>	<u>848</u>	<u>557</u>	<u>95.7m</u>
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<u>Floodplain pit</u>	<u>846</u>	<u>560</u>	<u>88.8m</u>
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Test Wells

<u>Top</u>	<u>849</u>	<u>566</u>	<u>99.2m</u>
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<u>Middle</u>	<u>850</u>	<u>559</u>	<u>98.7m</u>
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<u>Floodplain</u>	<u>845</u>	<u>559</u>	<u>82.6m</u>
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Soil sample pits

	<u>845</u>	<u>559</u>	<u>85.4m</u>
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	<u>847</u>	<u>559</u>	<u>91.0m</u>
--	-------------------	-------------------	---------------------

	<u>850</u>	<u>558</u>	<u>86.5m</u>
--	-------------------	-------------------	---------------------

	<u>849</u>	<u>557</u>	<u>87.7m</u>
--	-------------------	-------------------	---------------------

	<u>850</u>	<u>556</u>	<u>92.4m</u>
--	-------------------	-------------------	---------------------

	<u>850</u>	<u>557</u>	<u>92.9m</u>
--	-------------------	-------------------	---------------------

	<u>851</u>	<u>558</u>	<u>90.0m</u>
--	-------------------	-------------------	---------------------

	<u>849</u>	<u>558</u>	<u>87.5m</u>
--	-------------------	-------------------	---------------------

	<u>848</u>	<u>559</u>	<u>97.7m</u>
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Appendix F

18/07/17



21/07/17



25/07/17



Appendix G

National Planning Policy Framework extract

National planning policy framework

154. Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.

155. Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.

Infrastructure

162. Local planning authorities should work with other authorities and providers to:

- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands
- take account of the need for strategic infrastructure including nationally significant infrastructure within their area

Environment

165. Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area including drawing, for example, from River Basin Management Plans. Working with Local Nature Partnerships where appropriate, this should include an assessment of existing and potential components of ecological networks. A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

166. Local Plans may require a variety of other environmental assessments, including under the Habitats Regulations where there is a likely significant effect on a European wildlife site (which may not necessarily be within the same local authority area), Strategic Flood Risk Assessment and assessments of the physical constraints on land use⁴. Wherever possible, assessments should share the same evidence base and be

conducted over similar timescales, but local authorities should take care to ensure that the purposes and statutory requirements of different assessment processes are respected.

167. Assessments should be proportionate, and should not repeat policy assessment that has already been undertaken. Wherever possible the local planning authority should consider how the preparation of any assessment will contribute to the plan's evidence base. The process should be started early in the plan-making process and key stakeholders should be consulted in identifying the issues that the assessment must cover.

168. Shoreline Management Plans should inform the evidence base for planning in coastal areas. The prediction of future impacts should include the longer term nature and inherent uncertainty of coastal processes (including coastal landslip), and take account of climate change.

Historic Environment

169. Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record.

170. Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.

Health and well-being

171. Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.

How should a Strategic Flood Risk Assessment be used to identify the functional floodplain?

The definition of Flood Zone 3b in [Table 1](#) explains that local planning authorities should identify areas of functional floodplain in their Strategic Flood Risk Assessments in discussion with the Environment Agency and the lead local flood authority. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. However, land which would naturally flood with an annual probability of 1 in 20 (5%) or greater in any year, or is designed to flood (such as a flood attenuation scheme) in an extreme (0.1% annual probability) flood, should provide a starting point for consideration and discussions to identify the functional floodplain.

A functional floodplain is a very important planning tool in making space for flood waters when flooding occurs. Generally, development should be directed away from these areas using the Environment Agency's catchment flood management plans, shoreline management plans and local flood risk management strategies produced by lead local flood authorities.

The area identified as functional floodplain should take into account the effects of defences and other flood risk management infrastructure. Areas which would naturally flood, but which are prevented from doing so by existing defences and infrastructure or solid buildings, will not normally be identified as functional floodplain. If an area is intended to flood, eg an upstream flood storage area designed to protect communities further downstream, then this should be safeguarded from development and identified as functional floodplain, even though it might not flood very often.

Paragraph: 015 Reference ID: 7-015-20140306

Revision date: 06 03 2014

Should a Level 2 Strategic Flood Risk Assessment take account of existing flood defences?

See the [Environment Agency's](#) advice on development and flood risk.

Paragraph: 016 Reference ID: 7-016-20140306

Revision date: 06 03 2014

How should the assessment cover flood defence breaching and overtopping, and risk to people behind flood defences?

See the [Environment Agency's](#) advice on development and flood risk.

Paragraph: 017 Reference ID: 7-017-20140306

Revision date: 06 03 2014

The sequential, risk-based approach to the location of development

What is the sequential, risk-based approach to the location of development?

This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.

Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds. According to the information available, other forms of flooding should be treated consistently with river flooding in mapping probability and assessing vulnerability to apply the sequential approach across all flood zones.

Waste and mineral planning authorities should apply the sequential approach to the allocation of sites for waste management and, where possible, mineral extraction and processing. It should also be recognised that mineral deposits have to be worked where they are (and sand and gravel extraction is defined as ‘water-compatible development’ in [table 2](#), acknowledging that these deposits are often in flood risk areas).

However, mineral working should not increase flood risk elsewhere and needs to be designed, worked and restored accordingly.

Mineral workings can be large and may afford opportunities for applying the sequential approach at the site level. It may be possible to locate ancillary facilities such as processing plant and offices in areas at lowest flood risk. Sequential working and restoration can be designed to reduce flood risk by providing flood storage and attenuation. This is likely to be most effective at a strategic (county) scale.

Paragraph: 018 Reference ID: 7-018-20140306

Revision date: 06 03 2014

The aim of the Sequential Test

What is the aim of the Sequential Test for the location of development?

The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The [flood zones](#) as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the [flood risk vulnerability of land uses](#) and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the [Exception Test if required](#). Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

- Note: Table 2 categorises different types of uses & development according to their vulnerability to flood risk. Table 3 maps these vulnerability classes

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against the flood zones set out in Table 1 to indicate where development is 'appropriate' and where it should not be permitted.

Within each flood zone, surface water and other sources of flooding also need to be taken into account in applying the sequential approach to the location of development.

Paragraph: 019 Reference ID: 7-019-20140306

Revision date: 06 03 2014

Applying the Sequential Test in the preparation of a Local Plan

This is illustrated in diagram 2 (below). As some areas at lower flood risk may not be suitable for development for various reasons and therefore out of consideration, the Sequential Test should be applied to the whole local planning authority area to increase the possibilities of accommodating development which is not exposed to flood risk. More than one local planning authority may jointly review development options over a wider area where this could potentially broaden the scope for opportunities to reduce flood risk and put the most vulnerable development in lower flood risk areas.

Paragraph: 020 Reference ID: 7-020-20140306

Revision date: 06 03 2014

Diagram 2: Application of the Sequential Test for Local Plan preparation

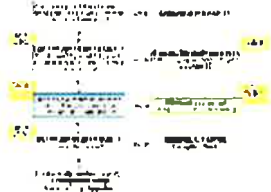


Diagram 2: application of the Sequential Test for Local Plan preparation

PDF, 189KB, 1 page

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Notes to Diagram 2:

Other sources of flooding also need to be considered.

See [Table 1](#), [Table 2](#), [Table 3](#) and [Diagram 3](#).

See [guidance on applying the sequential test to individual applications](#).

See [further guidance on the role of sustainability appraisal in the sequential test](#).

Paragraph: 021 Reference ID: 7-021-20140306

Revision date: 06 03 2014

What is the role of sustainability appraisal in the sequential test?

A local planning authority should demonstrate through evidence that it has considered a range of options in the site allocation process, using the Strategic Flood Risk Assessment to apply the Sequential Test and the Exception Test where necessary. This can be undertaken directly or, ideally, as part of the sustainability appraisal. Where other sustainability criteria outweigh flood risk issues, the decision making process should be transparent with reasoned justifications for any decision to allocate land in areas at high flood risk in the sustainability appraisal report. The Sequential Test can also be demonstrated in a free-standing document, or as part of strategic housing land or employment land availability assessments.

Paragraph: 022 Reference ID: 7-022-20140306

Revision date: 06 03 2014

The Exception Test

What is the Exception Test?

The Exception Test, as set out in [paragraph 102 of the Framework](#), is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

Essentially, the 2 parts to the Test require proposed development to show that it will provide wider [sustainability benefits to the community that outweigh flood risk](#), and that it will be [safe for its lifetime](#), without increasing flood risk elsewhere and where possible reduce flood risk overall.

Paragraph: 023 Reference ID: 7-023-20140306

Revision date: 06 03 2014

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How can wider sustainability benefits to the community that outweigh flood risk be demonstrated?

Evidence of wider sustainability benefits to the community should be provided, for instance, through the sustainability appraisal. If a potential site allocation fails to score positively against the aims and objectives of the sustainability appraisal, or is not otherwise capable of demonstrating sustainability benefits, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so. Where this is not possible the Exception Test has not been satisfied and the allocation should not be made.

Paragraph: 024 Reference ID: 7-024-20140306

Revision date: 06 03 2014

What needs to be considered to demonstrate that development will be safe for its lifetime?

Wider safety issues need to be considered as part of the plan preparation. If infrastructure fails then people may not be able to stay in their homes. Flood warnings and evacuation issues therefore need to be considered in design and layout of planned developments. In considering an allocation in a Local Plan a level 2 Strategic Flood Risk Assessment should inform consideration of the second part of the Exception Test. See further [information on making development safe from flood risk](#) and on [what is considered to be the lifetime of development](#).

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Appendix H**Preparing an Environmental Statement****Who is responsible for preparing the Environmental Statement?**

The applicant is responsible for preparing the Environmental Statement.

Paragraph: 034 Reference ID: 4-034-20140306

Revision date: 06 03 2014

What information should the Environmental Statement contain?

There is no statutory provision as to the form of an Environmental Statement. However, it must contain the information specified in Part 2 of Schedule 4, and such of the relevant information in Part 1 of Schedule 4 as is reasonably required to assess the effects of the project and which the applicant can reasonably be required to compile. It may consist of one or more documents, but it must constitute a "single and accessible compilation of the relevant environmental information and the summary in non-technical language" (Berkeley v SSETR [2000] 3 All ER 897, 908).

The applicant does not need to consult anyone about the information to be included in an Environmental Statement. However, local planning authorities will often possess useful local and specialised information and may be able to give preliminary advice on those aspects of the proposal that are likely to be of particular concern to them. It may also be helpful to an applicant preparing an Environmental Statement to obtain relevant environmental information from the statutory consultation bodies (regulation 15), and also to consult any appropriate non-statutory bodies that also have relevant information.

Whilst every Environmental Statement should provide a full factual description of the development, the emphasis of Schedule 4 is on the "main" or "significant" environmental effects to which a development is likely to give rise. The Environmental Statement should be proportionate and not be any longer than is necessary to assess properly those effects. Where, for example, only one environmental factor is likely to be significantly affected, the assessment should focus on that issue only. Impacts which have little or no significance for the particular development in question will need only very brief treatment to indicate that their possible relevance has been considered.

Where alternative approaches to development have been considered, the Environmental Statement should include an outline of the main alternatives studied and the main reasons for the choice made, taking into account the environmental effects.

The Environmental Statement may, of necessity, contain complex scientific data and analysis in a form which is not readily understandable by the lay person. The main findings must be set out in accessible plain English in a non technical summary to

ensure that the findings can more readily be disseminated to the general public, and that the conclusions can be easily understood by non-experts as well as decision makers (paragraph 5 of Part 2 of Schedule 4).

Paragraph: 035 Reference ID: 4-035-20140306

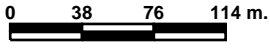
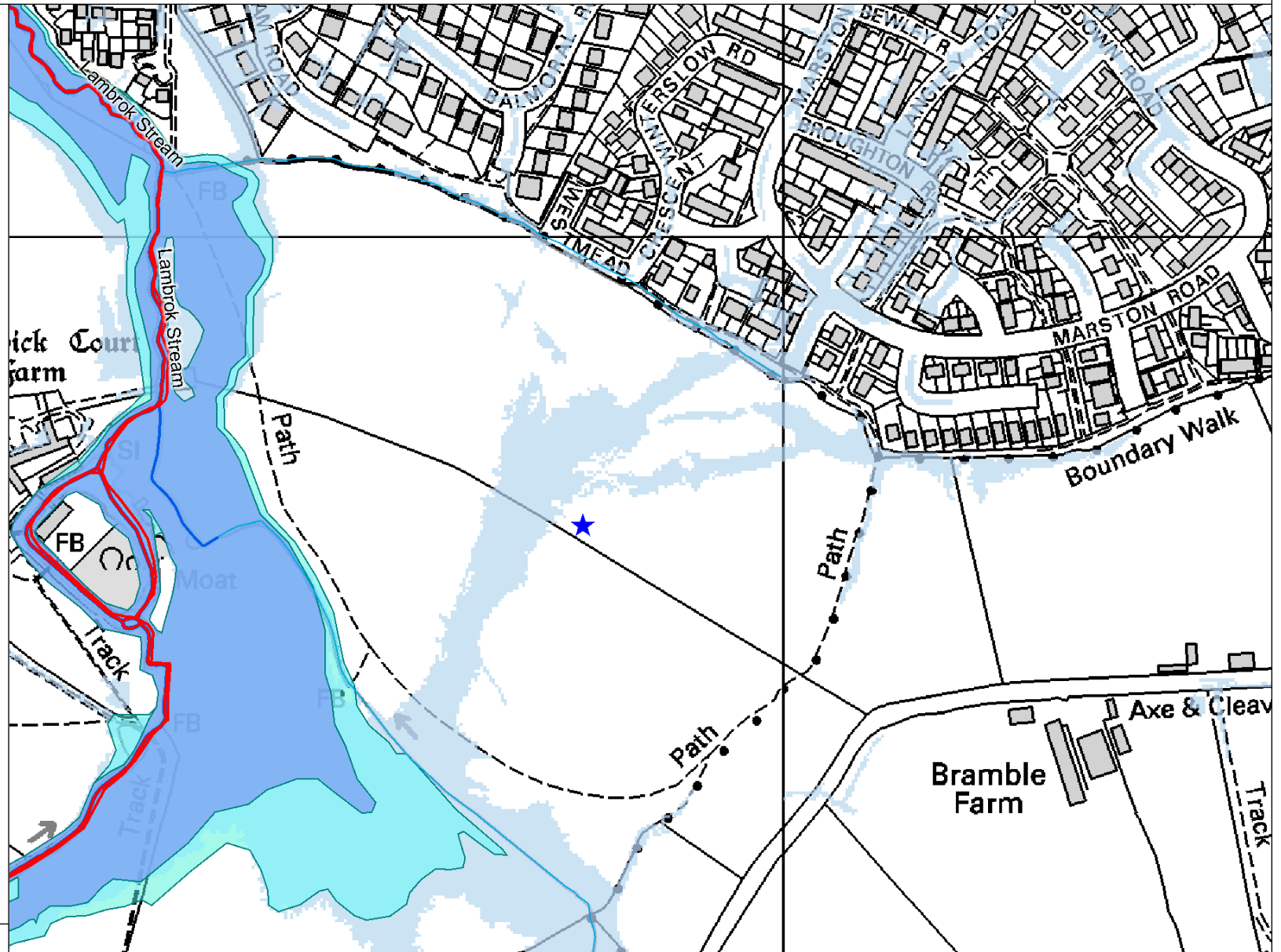
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South Court Farm

- Legend**
- DRN Sealed Main Rivers - draft
 - Sealed Main Rivers
 - Detailed River Network**
 - Primary River
 - Secondary River
 - Tertiary River
 - Lake / Reservoir
 - Canal
 - Culvert
 - Canal Tunnel
 - Underground River (inferred)
 - Underground River (local knowledge)
 - Underground River (Potential Sewer)
 - Flood Map - Defences
 - Areas Benefiting from Flood Defences
 - Flood Map - Flood Storage Areas
 - Flood Map - Flood Zone 3
 - Flood Map - Flood Zone 2
 - uFMfSW (2013) - 1 in 1000 chance rain
- ↑ updated Flood Map for Surface Water 2013

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Geoff Whiffen - Trowbridge

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (4)

- (a) Can cabinet please make public the results of the wildlife scoping report in relation to site 3565.
- (b) Could I please have an explanation as to why my questions on 15th may, how many written objection how many email objection and how many comments in favour of site 3565 were received also how many signed the petition, have not been answered.

Response

- a) The evidence for the site selection process incorporates consideration of wildlife and ecology considerations. In particular ecology and wildlife evidence for proposed allocation H2.6 Southwick Court (SHELAA site 3565) can be found in the Sustainability Appraisal for Trowbridge Community Area, specifically page 1150 of the following document -

<https://cms.wiltshire.gov.uk/documents/s143989/Sustainability%20Appraisal%20Report%20Annex%20I%20MAY%202018.pdf>

It can also be found in the Habitat Regulations Assessment (HRA) June 2017 and the addendum to that document from May 2018, which can be found on the following links:

Habitat Regulations Assessment June 2017:

<https://cms.wiltshire.gov.uk/documents/s143825/Assessment%20under%20Habitat%20Regulations%20June%202017%2015052018%20Cabinet.pdf>

Addendum to Assessment under the Habitats Regulations (date of addendum 4th May 2018):

<https://cms.wiltshire.gov.uk/documents/s143825/Assessment%20under%20Habitat%20Regulations%20June%202017%2015052018%20Cabinet.pdf>

- b) The Cabinet question on the 15th May requested data on the number of objections that were received by electronic and paper means. Data was provided on the overall number of electronic and paper responses for Southwick Court. A differentiation was not made between whether those responses were in support or objection. This data is provided below.

The figures below are based on the number of individual consultees that have responded to the pre-submission consultation. Their representations have also been split up into individual comments (so one consultee may have made numerous comments) – figures

can also be provided by comment if necessary. In total 318 comments were made on Southwick Court by 88 consultees.

Number of consultees objecting to Southwick Court - 81

Of these:

34 were by email

42 were by letter

5 were direct into the consultation portal on the web

Number of consultees supporting Southwick Court - 2

Of these:

2 were by email

0 were by letter

0 were direct into the consultation portal on the web

5 consultees made neutral comments or provided technical information.

Signed Petition: None received

Steve Wylie - Trowbridge

To Councillor Toby Sturgis, Cabinet Member for Spatial Planning, Development Management and Property

Question (5)

- (a) In September 2017 my wife and I jointly submitted 8 comments on the Draft WHSAP. I think that qualifies us as 'proper consultees'. So, why is it that Wiltshire Council has **never** responded to any of those 8 comments, **never** given us any update on the progress of the Plan, and **never** given us notice of any Planning Committee, Cabinet or any other Wiltshire Council meeting being convened to discuss this topic? How can Wiltshire Council claim it has run a legitimate, transparent consultation process whilst employing this modus operandi?
- (b) Site 1021 Church Lane, Trowbridge:
- adjoins 7 Listed Buildings whose outlook and environs are protected by the Listed Buildings and Conservation Areas Act 1990;
 - contains an Ancient Monument (MW173579) protected by the Ancient Monuments and Archaeological Areas Act 1979;
 - incorporates important historical hedgerow dating from at least the 17th Century which cannot be disturbed and is protected by the Hedgerows Act 1997;
 - is on, or immediately flanked by Environment Agency identified flood zones 1,2 and 3 alongside the Lambrok Stream.
- So, why is site 1021 Church Lane still included in the WHSAP?
- (c) The presence of the rare and internationally protected Bechstein's Bat stopped development at West Ashton in the areas where they were found. An independent expert survey carried out in Church Lane in 2017 has evidenced that Bechstein's Bats also commute and forage in site 1021 Church Lane. This is not surprising as it is believed that they live and nest in the adjacent Southwick Country Park. Given the precedent established at West Ashton not to develop sites where Bechstein's Bats are present why is site 1021 Church Lane still included in the WHSAP?
- (d) On Friday 22 June 2018 Church Lane residents received a leaflet from RPS Planning & Environment (whoever they are), announcing a public exhibition of the planning application for residential development on site 1021 to take place on Thursday 5th July. What planning regulations and good practice guidance are breached by holding such an event **before** the WHSAP has been debated by Cabinet, **before** it has been considered by full Council, and **before** the independent Inspector has considered the validity of the whole WHSAP?

Response

- a) The regulations¹ that govern the process of plan making do not stipulate a requirement that the Council is obliged to respond to each and every objection submitted in response

¹ The Town and Country Planning (Local Planning)(England) Regulations, 2012

to consultation exercises. The Council is required to prepare a statement before it submits its plan to the Secretary of State that sets out:

Regulation 22 (1) (c)

(i) which bodies and persons the local planning authority invited to make representations under regulation [18](#),

(ii) how those bodies and persons were invited to make representations under regulation [18](#),

(iii) a summary of the main issues raised by the representations made pursuant to regulation [18](#),

(iv) how any representations made pursuant to regulation 18 have been taken into account;

(v) if representations were made pursuant to regulation [20](#), the number of representations made and a summary of the main issues raised in those representations; and

(vi) if no representations were made in regulation [20](#), that no such representations were made.

Officers have accordingly prepared a Statement - Regulation 22 (1) (c) Report May 2018. It addresses each and every representation received in order to identify the **Main Issues**². Indeed, these main issues and full copies of all representations received to date will be submitted to the Secretary of State for independent scrutiny.

- b) These specific issues have been raised through your question have been considered through the plan making process by officers. However these matters will also be considered in detail through the independent examination process.
- c) A resolution to grant permission (subject to Section 106 legal agreements) for development of 2500 dwellings etc at Ashton Park, West Ashton has been passed following assessment and redesign work to ensure, beyond reasonable doubt that development would not impact on Bechstein's bats. This species breeds in Green Lane and Biss Woods which lie close to Ashton Park and the bats fly across the development site to access other necessary resources, such as food, water etc. Redesign work focused on minimising the effects of recreational pressure by locating dwellings outside an area where it is considered that frequent visits would generate unacceptable recreational pressure. Mitigation work focused on protecting roosts in the woodlands, retaining and buffering the likely bat commuting corridors through the site and offsetting residual impacts through the creation of a strong green infrastructure scheme.

It is likely that all of the allocation sites in the Plan are used by Bechstein's bats in much the same way that Ashton Park is used i.e. for commuting and foraging, with possible roosting, especially temporary night roosts. Features at Church Lane which hold potential for foraging and commuting include; Framfield, boundary hedgerows and the Lambrok Stream. In addition, there are a few mature trees which could provide roosting opportunities (e.g. rot holes, cracks, fissures etc) either now or in the future.

Safeguards in the Plan demonstrate that all these features will be retained and buffered. In addition, the Council is preparing the Trowbridge Bat Mitigation Strategy in order to

² Regulation 22 (1) (c) (v)

provide offset habitat for impacts that are likely to occur at a landscape scale as a result of the in-combination effects of the Wiltshire Core Strategy, the Plan and windfall development. In this way the Council has adopted the same approach in the Plan as it has done to the Ashton Park development.

- d) In accordance with the legislative requirements and the Council's Statement of Community Involvement (Chapter 5, para 5.15) the Council encourage applicants of major applications (more than 10 units) to undertake public consultation in the local area before submitting a planning application. The planning application process is separate from plan making. However it not unusual for developers to undertake consultation on their proposals while a plan is being prepared. The Council is not always able to influence the timings and decision made by developers. Irrespective of what a developer does now, there will still be an appropriate public consultation if a planning application were to be submitted.

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Rachel Hunt - Trowbridge

To Councillor Toby Sturgis, Cabinet Member for Spatial Planning, Development Management and Property

Question (6)

(a) **Bat Corridors at Site 1021**

I note from amendments to the Draft Strategy that site 1021 has been extended to allow mitigation land for bat corridors and that the plan states that these corridors will be inclusive of gardens. Modern gardens are well lit, social spaces which are not suitable for dark corridors. Also, there will need to be a planned maintenance and monitoring process for these very rare bats, which is clearly not possible if the “dark corridor” is owned by different house owners. Wiltshire Councils (Bat Special Areas of Conservation (SAC) Planning Guidance for Wiltshire) regarding the protection of bats states that:

All mitigation land should be transferred to a single responsible body and should be visible and accessible to facilitate effective compliance, monitoring and enforcement. It is not acceptable to rely on land in multiple and / or private ownerships e.g. private gardens, as appropriate management of such features cannot be secured for the long term – conditions would be unenforceable. Clearly, gardens should be excluded from the bat corridors on site 1021. **Can the Council confirm that the bat corridors including those which run adjacent to all the hedgerows, will not include gardens and will be transferred to a single body for compliance, monitoring and enforcement?**

(b) **Listed Building Preservation**

Can the council confirm that the outlook of the 7 listed building will be maintained following any development of site 1021? St John’s Church and adjoining buildings currently have wide ranging views across the surrounding countryside which would need to be preserved in accordance with the Listed Buildings and Conservation Areas Act 1990;

(c) **Brownfield Sites**

Can the council offer residents of Trowbridge reassurances that brownfield sites such as Bowyers (which has not yet confirmed it residential quota), will be developed before any greenfield sites are approved for planning? At site 1021 there is an allocation of just 45 houses. If this allowance can be fulfilled by current brownfield sites, presumably planning would not be granted on this site. Please comment.

(d) **Continued lack of response to requested information by Wiltshire Council**

On the 19th June 2018 a letter and email was sent to Baroness Jane Scott and Spatial Planning regarding the flawed process carried out by Wiltshire Council with regard to the Draft Strategy. In this letter I requested answers to several questions before the Cabinet Meeting on the 3rd July so that I could prepare questions in an informed manner. I have had no response from spatial planning and a brief acknowledgement that the letter had

arrived from Baroness Scott's Secretary. This is just another example of Wiltshire Councils flawed approach to consulting and responding to residents. I would request that no further decision are made regarding the HSAP until a full response to these queries has been received.

Response

- a) Lambrok Stream is likely to be an important commuting corridor for bats and it will be protected from any development by virtue of the flood plain which is between 25 and 60m wide within the allocation boundary. In order to function efficiently, the floodplain must have no obstructions such as garden fences. The intention behind extending the site to include the floodplain is to respond to Natural England's suggestion that this area should be used as on site mitigation for bats.

The long-term management of such land, will be a matter of detail to be determined at the planning application stage. However, this could be through a management company associated with the development.

Any planning applications submitted for the proposed allocation at Trowbridge will be subject to further assessment under the Habitats Regulations (HRA) and will need to demonstrate there would be no adverse effect on the Bath and Bradford on Avon Bats SAC by following the mitigation principles established in the HRA for the draft Plan. At Church Lane it is anticipated that impacts arising from developing land outside the floodplain will be offset in the bat commuting corridor and through the Trowbridge Bat Mitigation Strategy.

- b) The draft Wiltshire Housing Site Allocations Plan and supporting evidence in the Heritage Impact Assessment recognise the importance of the heritage assets of Church of St John (grade II listed), associated church school and school master house (grade II listed), 344 Frome Road (grade II listed, former farm/weavers cottages) and Rose Villa (grade II listed) and their settings.

Proposed change 47 (PC47) sets out the considerations for planning applications on this site:

"The layout and design of the site would need to give great weight to conserving the significance of these heritage assets and their setting to minimise harm. Access to the site must be sensitively designed and accommodated in manner that minimises harm to heritage assets."

Any proposed development of the site would therefore need to ensure that great weight is given to the listed buildings and their setting.

- c) Brownfield sites in Trowbridge can come forward alongside greenfield development but it is not possible to place reliance on brownfield development only as greenfield sites are also needed at the town in order to ensure sufficient housing land supply.
- d) A full response to the letter of the 19th June was sent on Thursday 28th June from Cllr Sturgis.

Julie Baptista - Trowbridge

To Councillor Toby Sturgis, Cabinet Member for Spatial Planning, Development Management and Property

Question (7)

(a) Reference Schedule of Proposed Changes to the Pre-submission Draft (May 2018) which was presented at the Cabinet Meeting in May.

In this document PC49 – Housing Allocation H2.5 Upper Studley, Trowbridge says: *Approximately (2.33 crossed out) 2.27 of land at **Church Lane** allocated for the development of approximately (20 crossed out) 45 dwellings*

Has this site 3260 – Upper Studley, been confused with site 1012 – Church Lane, which is a much larger site, also in the parish of Upper Studley, and does have an allocation of 45 dwellings?

I look forward to receiving your response and hopefully a correction to the Proposed Changes document.

(b) Re. site 3260 – Upper Studley

Question 1

The Bechstein's bat, native to the UK, is classified as vulnerable on the IUCN Red List, and is identified as a UK Biodiversity Action Plan Species; this means it is a conservation priority on both a local and national scale. It is also listed on Annex II of the EC Habitats Directive, which requires designation of Special Areas of Conservation (SAC's) to promote important populations. The population in Green Lane / Biss Woods is recognised as the second largest population in Britain.

The site 3260 – Upper Studley is known to be frequented by Bechstein's bats, is boarded on 2 sides by mature broad leaf trees and at the bottom of the site is the Lambrok stream. All essential, not just for Bechstein's, but for all the bats from Green Lane / Biss Woods whilst on their nightly forage.

This is a small site – 2.27ha necessary mitigation will further reduce the site by 16m in all directions to ensure protection for the trees, flooding from Lambrok stream and screening for existing residential gardens.

How will Wiltshire Council ensure necessary mitigation measures are implemented appropriately on site 3260 – Upper Studley when the net developable area will be so much reduced?

(c) Question 2

It is unlawful to disturb bats anywhere, roosts, flight lines or foraging areas. Any disturbance to trees on a potential development site is particularly damaging for

Bechstein's bats, identified as one of the rarest mammals in Europe, as they are tree dwelling woodland bats. Any mitigation measures, such as planting new trees will not be effective in protecting these bats as Bechstein's prefer old growth broadleaved woodland.

How will Wiltshire Council ensure safe access and egress to site 3260 – Upper Studley without cutting down mature trees potentially effecting the roosting sites used by Bechstein's bats and risking possible prosecution?

(d) Question 3 and 4

When will the Trowbridge Bat Mitigation Strategy be available?

Why was it not realised several years ago that some kind of mitigation strategy might be required for Trowbridge?

Response

- a) The evidence used to support the proposals in the draft Plan published in 2017 was based upon the delivery of a relatively low density of 30 dwellings per hectare. Officers then applied mitigation measures to address potential environmental issues. This resulted in a conservative proposal at the time to deliver 20 units.

Since the consultation exercise, officers have considered all comments received in respect of the draft allocations. The proposal to recommend that the deliverable housing quantum be raised to 45 is premised upon evidence that technical issues such as drainage, landscaping and bat protection can be fully addressed and still deliver a higher quantum.

In a wider sense, the recommendation to increase the deliverable quantum for the proposed Upper Studley site reflects the advice set out in current and draft revised national planning policy. Paragraph 17 (Core planning principles) of the National Planning Policy Framework stresses that development proposals should use land effectively. Indeed section 11 of the latest consultation draft of the National Planning Policy Framework reinforces the need to maintain this stance on the use of land.

The two sites have not been confused and the proposed capacity of each site is based on an assessment of the constraints on each site, consultation responses and making the most efficient use of land.

- b) The necessary mitigation measures will be secured by virtue of the fact that the development will be considered under the Habitats Regulations 2017 before any application to develop the site is determined. The initial screening will take a precautionary approach in considering whether the application is likely to lead to significant effects, referring to the HRA completed for the HSAP and the mitigation requirements identified in the Trowbridge Bat Mitigation Strategy. If significant effects are likely an appropriate assessment will be undertaken where the development will need to demonstrate, beyond reasonable scientific doubt that there will be no adverse effects on the Bath and Bradford on Avon Bats SAC. Natural England will be consulted if an appropriate assessment is undertaken and regard will be taken of their representations, as required by the Regulations.

It is considered that although the density had been increased it is still considered that the site at 2.27 hectares can provide appropriate mitigation and deliver approximately 45 homes. The mitigation and form of development will be determined through the planning application process which will be guided by the Trowbridge Bat Mitigation Strategy.

- c) It is not unlawful to remove trees, sections of hedgerows etc where planning permission has been granted to do so provided that a derogation licence is obtained where section 43 of the Habitats Regulations 2017 may be infringed. The planning authority has a duty to further the conservation of biodiversity under sections 40 and 41 of the NERC Act 2006 and to determine planning applications in a way that complies with its legal obligations, national policy and government guidance e.g. Government Circular 2006/05. The developer is responsible for ensuring a licence is obtained where required, e.g. a bat roost is affected.

Planning authorities have an added obligation where European Protected Sites are potentially affected by development, as is the case for greenfield applications in the Trowbridge area. In this situation authorities must screen and if necessary carry out an appropriate assessment under section 63 of the Habitats Regulations 2017. Mitigation measures can be taken into consideration in such assessments. The HRA for the draft Plan establishes that where losses of habitat are unavoidable, these will be offset by habitat creation measures according to criteria identified in the Trowbridge Bat Mitigation Strategy. Once this strategy is accepted by Natural England, applications which meet its criteria will be required to demonstrate that they will not adversely affect the Bath and Bradford on Avon Bats SAC, before they may be lawfully approved.

- d) Data indicating the importance of the woodlands in South Trowbridge for breeding Bechstein's bats and linking them to hibernation sites included in the Bath and Bradford on Avon Bats SAC did not come to light until survey data was submitted with the application for the Ashton Park development in 2015. The significance of the findings for Ashton Park became apparent during the appropriate assessment for that development in 2016 and the implications for the draft Plan were identified through its appropriate assessment in June 2017. Since then the Council has worked closely with Natural England and local bat specialists to identify the scope of the strategy and it is now being taken forward by a specialist consultant. It is expected that the Trowbridge Bat Mitigation Strategy will be available at the time of the Examination in Public.

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**Tristan Stevens - Crudwell
Vice Chair of the Neighbourhood Plan Steering Group**

**To Councillor Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property**

Question (8)

Topic Paper 2 accepts that the Housing Site Allocations Plan should only allocate sites where there is a strategic priority to do so and that, where there is not, neighbourhood plans are the most appropriate means to assess local needs and plan growth at large villages. Topic Paper 3 shows that substantially more than 5 years housing land supply exists in the North and West Wiltshire Housing Market Area and that at least 206 more homes have been built or permitted (when the recently approved Cotswold Community development is included) than are required in the Malmesbury Community Area up to 2026 already. A local housing needs survey has been produced to inform the Crudwell Neighbourhood Plan. This identifies a need for 20 to 25 homes. A call for sites was organised and consultation on the site options has been undertaken. We will soon be releasing a draft neighbourhood plan which will meet the identified local need. The officer's response to Crudwell Parish Council's representation made since the May Cabinet meeting accepts that there is a case for recommending the deletion of the Ridgeway Farm allocation. Does Cabinet agree that the localism agenda is best served by deleting the proposed Ridgeway Farm allocation from the Housing Site Allocations Plan, to allow the Crudwell Neighbourhood Plan to determine where to meet its local housing need?

Response

Topic Paper 3 indeed shows that there is currently a 5-year housing land supply in the North & West Wiltshire HMA. However one of the objectives of the Plan is to ensure a 5-year supply can be maintained throughout the remaining plan period. Table 3.4 of the Topic Paper 3 Addendum (May 2018) shows that without additional land allocation, a 5-year supply cannot be demonstrated beyond March 2024 in this HMA. Housing figures for Community Areas in the Wiltshire Core Strategy are expressed as 'indicative' requirements and are not a cap on development. This allows the Council and local communities preparing neighbourhood plans to respond positively to proposals for sustainable development in line with the supporting text for Core Policy 2 of the Wiltshire Core Strategy.

The officer's response to Crudwell Parish Council's representation made since the May Cabinet meeting recommends making no change to the Plan and therefore retaining proposed allocation H2.13 Ridgeway Farm, Crudwell in the Plan. Whilst the draft Crudwell Neighbourhood Plan is yet to reach the Regulation 14 stage, it is acknowledged that good progress has been made. However, in the interests of ensuring that the overall housing land supply position across the North and West Housing Market Area is sustained it is recommended that the proposed allocation be retained at this stage.

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Question and Answer Sheet
Proposal to transfer the ownership of
Dairy House Bridge and Oak Tree Fields

1. Do you know who the new owners will be and do you have someone lined up to purchase the sites?

These are only proposals at this stage. As the sites are currently not for sale we have no one lined up to take on these sites and at this stage would not have an idea who may express an interest if the proposal to transfer the ownership of these sites is agreed by the Council's Cabinet.

2. Will the Local Authority continue to be the landlord?

If the proposal to transfer the ownership of these sites is agreed, Wiltshire Council would no longer be the owner or landlord after the transfer.

3. Has anyone expressed an interest in purchasing the sites?

Not at this stage. We have, however, been contacted in the past by people expressing an interest in taking on ownership of the sites, but these enquiries have not been taken forward.

4. Will we all be evicted?

No one will be evicted should the Council transfer the sites and we would like to reassure tenants that any transfer of ownership will only be on the condition the sites remain as Gypsy and Traveller sites. The only circumstance in which action might be taken by the Council before a transfer is for breach of your existing Mobile Homes Act Agreement.

5. How will the Council ensure that the new landlord invests into and improves the sites?

As part of the assessment of bids we will evaluate the bidder's proposals for investment into these sites.

6. How will you ensure the sites remain as Gypsy and Travellers sites?

We will seek to ensure this through the terms of the transfer.

7. Why are you abandoning our gypsy and traveller community?

We are committed to ensuring the sites remain Gypsy and Traveller sites. By transferring ownership, the future of the sites can be secured. A new owner can bring in new investment and ensure site improvements. We will continue to retain ownership of 50 other pitches elsewhere in the County.

8. Could the rent and service charges be put up?

Following any transfer of ownership the Council will not be able to influence either the rent or service charges. However, in regard to rent the landlord will need to comply with the rent review requirements contained within the Mobile Homes Acts and for service charges it is normal practice for the landlord to justify the charges based on actual costs from the previous year and follow the terms of your existing Mobile Homes Act Agreement.

9. What will happen to my current rent arrears and notices?

It is normal practice for any new landlord to take on the current liabilities including any current rent arrears and to continue with any arrangements including suspended possession orders.

10. Will we be asked to remove our own caravans and purchase ones owned by the new owner?

We understand that this would be a breach of your existing Mobile Homes Act Agreement, which will be binding on the new owner.

11. Will we have the option to purchase our own plots or the sites?

If the sites are placed onto the market anyone would be able to express an interest in taking on the ownership of the sites, although we are not seeking to transfer plots or parts of the site in isolation.

12. Can the Local Authority consider closing both sites and create new ones elsewhere?

There is no intention to close these sites at the current time.

13. What would be the cost to improve these two sites?

Depending on the extent of the works the costs to the Council is estimated between £3m and £7m.

14. When will the council be discussing and making this decision about this proposal and will we be able to attend this meeting to express our views?

The decision will be made at Wiltshire Council's Cabinet meeting on Tuesday 3rd July 2018 at County Hall Offices in Trowbridge. This meeting will just deal with the principle of transferring ownership and will not have any details of future owners.

15. Will the residents from both sites be able to attend the Cabinet meeting being held on Tuesday 3rd July 2018.

Wiltshire Council's Cabinet meetings are public meetings and anyone is able to attend. When the agenda has been confirmed for this meeting we will provide all residents with a copy.

If you would like to attend this meeting or if you would like the opportunity to speak please ensure you make contact with William Oulton to confirm your attendance. William can be contacted using the following email:-

William.Oulton@wiltshire.gov.uk

16. Would the Council consider selling Dairy House Bridge and moving the residents from this site onto Oak Tree Fields as well as utilising the Transit site

The Council does not wish to see a reduction in the amount of available pitches for Gypsy and Travellers and the sale of Dairy House Bridge would firstly reduce the total number of pitches and will also not raise sufficient funds to ensure that Oak Tree Fields was refurbished to the required standard.

17. When will you be carrying out a site meeting on our pitches for all residents

Following initial feedback from the engagement sessions, it has been agreed that we will attend both sites on Wednesday 23rd May, starting at Oak Tree Fields at 9.30 and then travelling to Dairy House Bridge. Cllr Toby Sturgis the Cabinet Member with the responsibility for Gypsy and Travellers will be attending with the Heads of Operational Housing, Nicole Smith and Head of Housing Strategy and Assets, Janet O'Brien

18. What are the reasons for the Council not being able to refurbish these sites when it was confirmed in 2014 that all sites would be refurbished

It was our intention to complete a full refurbishment of all 5 gypsy and traveller sites across Wiltshire. All sites required this work as all were in poor condition. As part of a phased programme of investment phase 1 included the refurbishment of Lodehill, Fairhaven and Thingley, which are all now complete. When this work was originally undertaken, the Council had access to significant amount of grant funding from the Homes and Community Agency. This funding covered the majority of the works, without which the council would have faced significant challenge to fund the costs from existing Council budgets.

Funding was secured to support works to the remaining two sites. However, when the works were tendered, the tender prices were significantly in excess of the grant funding secured leaving a £3m funding gap. Due to the lack of funding available within the Council's capital budget the project was then unable to proceed and the funding had to be handed back.

19. Is it not possible to sell some of the Council owned social housing stock to help fund the refurbishment of the Gypsy and Traveller sites

The council social housing stock are assets that belong to the Housing Revenue Account (HRA). Any money that is made following the disposal of any social housing stock owned by Wiltshire Council can legally only be used for the benefits of tenants who are included within the HRA. The Gypsy and Traveller sites are part of the Council general fund and therefore we are not legally able to use HRA funds to invest in these sites

20. Is it not possible to sell the transit site and use the money to invest and refurbish Oak Tree Fields and Dairy House Bridge?

The value that will be obtained from the sale of the transit site would not be enough to refurbish either site.

21. Is it possible for the Council to repair the sewers on the Oak Tree Field site and allow the residents to carry out all other repairs on the site?

The council would like to see the standards of both sites brought up to the required level to provide suitable conditions for all residents and ensure the site complies with the standards as described in the Mobile Home Act. This is one of the main reasons why we are considering the transfer of ownership as a new owner will be able to raise funds to invest which the Council is unable to do.

22. Has the Council considered any other options than to sell the sites?

For the past 12 months the Council has been doing work in regard to a number of options. In considering these options we have had in mind a significant improvement required on both sites, the long term investment requirements on the sites as well as compliance with the Mobile Homes Act and the assessment of need for gypsy and traveller pitches across Wiltshire. The options considered have been:-

- Do nothing
- Minimal refurbishment and drainage improvement
- Improvement of pitches
- Transfer of ownership of sites

23. Why is the cost to carry out the refurbishment on these sites so expensive?

The refurbishment works for both these sites were out to tender for any contractor to submit a bid to complete the required works. It was unfortunate that the Council only received one bid and this quote was very high.

24. What will happen if the sites are not sold?

If it is agreed that we proceed with the transfer of ownership of these sites and within a reasonable period the sites do not sell or no offers are received we would need to re-evaluate the options and go back to cabinet for a further decision

25. Why are we not able to buy another piece of land to build a new traveller site?

The council doesn't have sufficient funds to purchase land and build a further Gypsy and traveller site-

26. Is it possible to increase the pitches on Oak Tree Fields and move the residents from Dairy House Bridge onto the Oak Tree field site, making use of the transit site and paddock if needed?

It is our intention to ensure we retain the current number of pitches for Gypsy and Travellers. Closing Dairy House Bridge would mean a reduction in the overall pitch numbers available across Wiltshire. The sale of Dairy House Bridge site would not provide enough funds to bring Oak Tree Fields up to the required standard as well as the refurbishment that would be needed to accommodate the residents from Dairy House Bridge.

27. Would the council consider a community land trust?

Yes the Council is prepared to consider a Community Land Trust

28. If it was possible for the residents to create a community land trust would the council consider a discounted price?

If residents wanted to consider a community land trust then a discussion could take place in regard to the transfer value.

29. Will the sites be sold as one?

If the proposal to transfer the ownership of the sites is agreed then the sites will be sold separately. Dairy House Bridge as one lot and Oak Tree Fields and the transit site as another. A purchaser could consider purchasing both sites or just place a bid for one.