

Wiltshire Council

Cabinet

3 July 2018

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.