Comment:

House building around and in flooding in the lower High Street Area and on the Burton Hill behind the Old Malmesbury Hospital as the run off into this area at the lower end of the High Street Silk Mills (Waitrose) run off into the same area!!!
Comment

Consultee: Mr Jeremy Ollis (810601)
Email Address: jerrypollis@hotmail.com
Address: 4 Elmer Close
           Reeds Farm
           Malmesbury
           SN16 9UE
Event Name: Malmesbury Development Plan Proposal
Comment by: Mr Jeremy Ollis
Comment ID: 2
Response Date: 1/22/14 9:53 AM
Status: Processed
Submission Type: Web
Version: 0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
In General

Comment:
I whole heartily support the plan. In particular the idea to have a 85 metre contour line above which new development should not occur; to protect the sightline to the abbey and protect the rain water soak-away green areas on the high ground around the town.I also support the proposed new development locations listed in the plan.
Concerns with the evidence base related to the site scoring system

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Comment:

I believe the shortcomings in the site scoring system mean that the Malmesbury Neighbourhood Steering Group (MNSG) has failed to comply with the requirements for an evidence base outlined in the Localism Act 2011. Professor Hands and I submitted a report to MNSG as part of the consultation process, but MNSG have consistently refused to discuss the concerns we raise. Their response has been: "The scoring system was designed to give balanced and objective site assessments and this was validated through Community Engagement in 2012 and considerable further community consultation since then. "P. 36 of MNSG Consultation Statutory and Others Report v.1 26 September 2013 This was the response given to 25 resident concerns in the consultation process, and three developer concerns (Gleeson, White Lion Land, Charlton Park Estate). We believe the MNSG response does not answer the questions we raise and would therefore like to see our questions answered during the examination process. MNSG have a copy of our report, which you can also download from this link http://tinyurl.com/psh9kIC
Comment

Consultee Ms Caroline Moore (809832)
Email Address caroline_moore@me.com
Address 1 Outer Silk Mills
Malmesbury
SN16 9LP
Event Name Malmesbury Development Plan Proposal
Comment by Ms Caroline Moore
Comment ID 4
Response Date 1/28/14 5:58 PM
Status Processed
Submission Type Web
Version 0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? Evidence Base

Comment:

I question the reliability of the evidence for MNSG’s recommendations. MNSG have demonstrated a lack of understanding of research design, including the need to distinguish between qualitative and quantitative methods, and the risk of bias in the design and analysis of community consultation research. Many residents found the draft Neighbourhood Plan documentation challenging, comments on this can be seen in the consultation analysis documents. MNSG recognized this, by organizing exhibitions and making themselves available to discuss their recommendations, but it is clear from the feedback that the underlying problem remained, and the draft report and annexes were too long and made responding to the consultation difficult. Furthermore, although MNSG worked hard to reach diverse groups within the community, the only evidence of Equal Opportunity and Diversity monitoring or data collection was in the administration of the very first housing and supermarket questionnaire, and not in the subsequent consultation exercises.

A community consultation phase was carried out between February and April 2013. Individuals and organizations were invited to submit comments in response to the draft plan, either in completing a handwritten form or online. 343 unique comments were submitted by individuals (some individuals submitted one than one) of which 20 were submitted on behalf of couples. This represents around 5% of the adult population of Malmesbury and neighbouring villages. Being a small and self-selected sample made it more likely to be skewed by those with strong views and “Nimbys” defending their respective patches, and this seems to have been the case here. Also, many of the comments were published on the MNSG website during the consultation period of around 3 months, and it is clear that many residents were influenced by reading the comments that had been published and referred to them in their own comments. This has the advantage of generating a kind of dialogue, and enabling residents to build on the views and arguments of others, but it makes it even harder to use the consultation as an unbiased survey of community opinions.
It has also been suggested that many residents felt uncomfortable with submitting comments when they knew their names and comments would be published and this may account for the small response rate compared to the anonymised housing and supermarket survey carried out earlier, which generated 700 responses. It would therefore be very unwise to claim statistical validity or a mandate for the supermarket or housing recommendations from this consultation exercise. And this was a consultation exercise, that invited qualitative comments and responses, that generated 80,000 words of text, not a vote. Perhaps the residents who did not comment felt they could only submit a response if they had fully studied the documents and had something substantial to say, or maybe they were waiting for the referendum. In other words, the consultation was to be followed up by a poll.

MNSG subsequently claimed the consultation exercise results gives them a mandate for the supermarket decisions, and this was why they were comfortable with the decisions being determined by Wiltshire Council instead of waiting for a Neighbourhood Plan referendum. By doing so they have seriously undermined the credibility of the Neighbourhood Plan, and public interest has been muted since the supermarket planning decision on 29 May 2013.

In its summary report dated 26 September 2013, MNSG claimed that: “78% of local people support the Neighbourhood Plan (inc. 8% who have not indicated serious objection. Only 20% of people raised some main objections... “those ‘anti’ feedback were often clustered by households, which could support the outcome, e.g. 11 couples, 2 families with three members mainly at the same address.”

The wording of this statement rather proves my earlier point.

I analysed the figures myself, and found:

- 387 comments, of which there were 343 unique comments from local residents excluding repeat comments, and from organisations
- 132 comments were in favour of the draft Neighbourhood plan (housing and supermarket recommendations)

Thus only 38% of 343 comments were unambiguously in favour of the draft Neighbourhood plan (housing and supermarket). Like MNSG, I discounted repeat submissions from individuals and non-residents (31 responses) and I also discounted 13 responses on behalf of organizations. I also found 76 responses that were difficult to categorise. The 76 difficult to categorise and 31 repeat responses included important ideas and feedback that reflected the initial purpose of the consultation exercise. I repeat, it was a consultation, not a vote.

There were many household “clusters” of submissions, both in favour of, or against the draft Neighbourhood Plan. Note also that several of us who submitted additional comments were encouraged to do so by MNSG as this was the only mechanism for our views to be registered.

I have struggled to understand the MNSG Summary Report analysis regarding the Burton Hill proposals. MNSG have counted 102 submissions that made no comment about Burton Hill as tacit support and an additional 41 comments of support. Overall they count 143 comments in favour and 62 comments against Burton Hill and thus 70% in favour and 30% against. They also claim that “the density of new dwellings at Burton Hill has been reduced from 100 to 50 as a result of the consultation feedback”. In fact the reduction was a result of development on the Burton House site being impossible because of the presence of horseshoe bats.

The longer MNSG Consultation Residents Report is more helpful, as it has collated and grouped comments in support and contra to the Backbridge and Burton Hill sites. Thus Backbridge has 55 comments in favour and 35 against, and Burton Hill has 41 resident comments in favour and 56 against. There has been an attempt to respond to the “contra” comments, but this generally consists of standard phrases such as: “Detailed highway and traffic matters are assessed and resolved by Wiltshire Council through the submission of Planning Applications.”

There does seem therefore to be a degree of support for the Backbridge site, but MNSG have understated the opposition to Burton Hill, which has generated approximately 8000 words of text, or 10% of the overall consultation word count. The “contra” word count for Backbridge was around 5000 words, so this was also significant. The total word counts in support of each site was much smaller, around 2600 for Backbridge and 1200 for Burton Hill, but much of the difference can be accounted for simply because expressing support tends to require fewer words than opposition. The “contra” comments therefore merit much more discussion of the arguments against the two sites than provided in the MNSG comments.
To summarise:

MNSG have misrepresented community support for the Neighbourhood Plan, particularly with regards to the Burton Hill (sites 6,10,11) housing proposals.

MNSG have failed to carry out appropriate Equal Opportunities and Diversity monitoring during most of the consultation exercises.
Comment

Consultee        ms Lesley jefferson (812577)
Email Address    transitions@btinternet.com
Address          chapel house
                 Mill Lane
                 malmesbury
                 sn160hh
Event Name       Malmesbury Development Plan Proposal
Comment by       ms Lesley jefferson
Comment ID       5
Response Date    2/1/14 10:50 AM
Status           Processed
Submission Type  Web
Version          0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Proposed residential development in Corston

Comment:

I am very concerned about the impact of additional residential development in Corston, for these reasons:

1. Flooding

Any new building south of the village centre increases the flood risk to homes near the bridge. This is because reduced surface water soak up will increase the rainfall load on the ditches either side of the main road. This water is carried down to Gauze Brook, entering the brook at the bridge. Gauze Brook is already frequently subject to flash flooding even if ditches are kept clear, which isn't always the case. Homes were flooded in both 2012 and 2013. Increasing this risk, especially to historic buildings in the heart of the village, is unacceptable.

2. Traffic

The main road going through the village is already so busy that residents have difficulty pulling out into the A429 main road at rush hour. Adding more local traffic only adds to the problem. Access to the main road has been the reason for planning applications being turned down in the past.

3. Alternatives

Milbourne has already been identified as an option. Milbourne traffic exits onto the B4040, a quieter road within a short distance of a town bypass roundabout with 4 exits. A pedestrian bridge would give easy access to Malmesbury and local amenities without impacting visually on the village. The only amenity in Corston is the pub - for everything else a road journey is required.

The plot at Addingtons Garden Centre was recently considered an acceptable location for a supermarket, only losing out to a nearby competing bid from Waitrose - its access would have been at the same point on the B4040.
Thank you
Comment

Consultee: Mrs Caroline Appelbe (816258)
Email Address: carolineappelbe@hotmail.com
Address: Old Garden House
            Brokenborough
            Malmesbury
            SN16 0HZ
Event Name: Malmesbury Development Plan Proposal
Comment by: Mrs Caroline Appelbe
Comment ID: 6
Response Date: 1/30/14 3:01 PM
Status: Processed
Submission Type: Letter
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

General comment

Comment:

Just a general comment - I congratulate the team on a thorough and well-thought plan. Malmesbury is such a special town, the efforts that the Draft Neighbourhood Plan take to preserve the character and balance of the town, new housing, trade development, shopping facilities etc are to be applauded.

I support the decision to retain the Worthies as a community open space, and the cere to be taken to balance new development with the overall character of the town. I hope efforts will continue to be made for new housing not to affect the water meadows and flood plain.
Comment

Consultee: Mr Tom Bowkett (816281)
Email Address: Tom.Bowkett@sportengland.org
Company / Organization: Sport England
Address: Sport Park
Loughborough
LE11 3QF
Event Name: Malmesbury Development Plan Proposal
Comment by: Sport England (Mr Tom Bowkett)
Comment ID: 7
Response Date: 1/20/14 3:39 PM
Status: Processed
Submission Type: Email
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

General comment

Comment:

Thank you for consulting Sport England on the above Neighbourhood Plan.

Planning Policy in the National Planning Policy Framework identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more active through walking, cycling, informal recreation and formal sport plays an important part in this process and providing sports facilities of the right quality and type and in the right places is vital to achieving this aim. This means positive planning for sport, protection from unnecessary loss of sports facilities and an integrated approach to providing new housing and employment land and community facilities provision is important.

It is important therefore that the Neighbourhood Plan reflects national policy for sport as set out in the above documents with particular reference to Pars 73 and 74 to ensure proposals comply with National Planning Policy. It is also important to reflect the role of Sport England's role in protecting playing fields and the presumption against the loss of playing fields (see link below) as set out in our national guide, ‘A Sporting Future for the Playing Fields of England - Planning Policy Statement’. http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/

Sport England provides guidance on developing policy for sport and further information can be found following the link below:
http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/
Sport England works with Local Authorities to ensure Local Plan policy is underpinned by robust and up to date assessments and strategies for indoor and outdoor sports delivery. If local authorities have prepared a Playing Pitch Strategy or other indoor/outdoor sports strategy it will be important that the Neighbourhood Plan reflects the recommendations set out in that document and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support the delivery of those recommendations.

http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/

If new sports facilities are being proposed Sport England recommend you ensure such facilities are fit for purpose and designed in accordance with our design guidance notes.

http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/

If you need any further advice please do not hesitate to contact Sport England using the contact details below.
Comment

Consultee  Ms Rachael Bust (169659)
Email Address  planningconsultation@coal.gov.uk
Company / Organization  The Coal Authority
Address  200 Lichfield Lane
          Berry Hill
          Mansfield
          NG18 4RG
Event Name  Malmesbury Development Plan Proposal
Comment by  The Coal Authority (Ms Rachael Bust)
Comment ID  8
Response Date  2/5/14 3:45 PM
Status  Processed
Submission Type  Email
Version  0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?  General comment

Comment:

Thank you for the letter dated 16 January 2014, received on the 20 January consulting The Coal Authority on the above.

The Coal Authority is a non-departmental public body which works to protect the public and the environment in coal mining areas. Our statutory role in the planning system is to provide advice about new development in the coalfield areas to ensure that it is built safely and also protect coal resources from unnecessary sterilisation by encouraging their extraction, where practical, prior to the permanent surface development commencing.

As you will be aware the Malmesbury parish area is outside of the defined coalfield and therefore The Coal Authority has no specific comments to make on the Neighbourhood Plan.

In the spirit of ensuring efficiency of resources and proportionality it will not be necessary to send any future drafts or updates to the emerging Neighbourhood Plan. This letter can be used as evidence for the legal and procedural consultation requirements.

The Coal Authority wishes the Parish Council every success with the preparation of the Neighbourhood Plan.
Comment

Consultee  Mrs Veronica Hourihane (398114)
Email Address  veronica.hourihane07@gmail.com
Company / Organization  Minety Parish Council
Address  Emanon
Silver Street
Malmesbury
SN16 9QU
Event Name  Malmesbury Development Plan Proposal
Comment by  Minety Parish Council (Mrs Veronica Hourihane)
Comment ID  9
Response Date  2/12/14 3:56 PM
Status  Processed
Submission Type  Email
Version  0.3

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
General comment

Comment:
This is just to record that Minety Parish Council has no comments to make on the Consultation for Malmesbury Neighbourhood Plan submission.
Comment

Consultee  
Mr David Stuart (803889)

Email Address  
david.stuart@english-heritage.org.uk

Company / Organization  
English Heritage

Address  
29 Queen Square
Bristol
BS1 4ND

Event Name  
Malmesbury Development Plan Proposal

Comment by  
English Heritage (Mr David Stuart)

Comment ID  
10

Response Date  
2/13/14 3:59 PM

Status  
Processed

Submission Type  
Email

Version  
0.4

Files  
Draft NP Consultation response, 25.3.13..pdf

to which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?  
general comments

Comment:

Thank you for your consultation on the Malmesbury Plan.

We were consulted on an earlier draft of the Plan in the spring of last year and our letter dated 25th April set out the issues which we wished to highlight at that time.

Of principal concern was the policy proposal for a foodstore adjacent to the Avon Mills site. Planning consent for such development has now been approved and in consequence provision within the Plan has now been removed. Though disappointed with the decision to approve that planning application, we are pleased that we can now more comfortably applaud the many positive aspects of the Plan and would encourage the realisation of the maximum package of benefits to the town which the foodstore scheme can deliver.

As our previous letter intimated, of the many Neighbourhood Plans which we have seen we are particularly impressed by the scope and depth of the policy issues which the Plan has identified and addressed. There is a sophisticated and robust framework of evidence and assessment to underpin proposals and inform the degree of detail associated with the specific objectives and outcomes which the Plan sets out as its agenda. The creation of a Design Guide as an integral part of the Plan, the level of understanding of local historic character it contains and the imperative to reflect this in new development and enhancement schemes, adds significantly to the Plan’s value and effectiveness.

The heritage significance of the area, in terms of its historic built character and landscape setting, is recognised and valued as an important underlying theme throughout the Plan. Protecting and enhancing
these qualities are promoted as priority concerns for the local community, as an objective in its own right and through the contribution they make to the realisation of social and economic aspirations. We believe that following last year’s consultation a community group may have been created specifically to address town centre and heritage issues raised at that time and explore how the Plan might accommodate them. The on-going existence of such a group can play a useful role in the promotion and realisation of the heritage aspirations within the Plan and help ensure a regime for the sustainable management of the town’s historic estate.

In terms of specific issues, we have the following comments:

1. Explicit reference is made to the Conservation Area Management Plan (CAMP) as the source of much evidence to inform Plan objectives. We welcome the extent of this referencing and the importance which the Plan attaches to the CAMP but at the same time would highlight that much of heritage significance to the town lies outside the conservation area and would wish to see that this is also given appropriate recognition and value, with issues and the need for attention identified as appropriate. Section 4.2.17 of the Sustainability Appraisal Report would benefit equally from a more comprehensive referencing of the Plan area’s heritage significance and how this will be used in future decision making.

1. This consideration may have particular application in the setting out of the CIL aspirations in the Plan (section 7). Much of this section is devoted to specific outcomes associated with the foodstore development, although we note the table of town centre improvements and objectives to monitor and review the situation and put forward new proposals for S106 and CIL funding as the need arises.

1. Housing. We previously drew attention to sites 3a, 15 and 6 and the specific heritage considerations which should be accommodated in bringing them forward for development. But it is not clear whether the Policy 1 Key Considerations and Requirements relating to sites 3a and 15 adequately respond to the need to retain a sufficient landscape buffer to protect the river corridor and the requirement to produce a stringent landscape assessment. Nor is there any reference to site 6 lying adjacent to the Grade II Listed Rookery and the need to take account of its setting in the formulation of any development proposals.

But these are relatively incidental observations and do not detract from the overall integrity and quality of the Plan and the congratulations which we offer on its production.
Comment

Consultee: Mr Brian Clifford (395993)
Email Address: Noreen.McCarrick@networkrail.co.uk
Company / Organization: Network Rail
Address: Room 55
Wyvern House
Derby
DE1 2RU
Event Name: Malmesbury Development Plan Proposal
Comment by: Network Rail (Mr Brian Clifford)
Comment ID: 11
Response Date: 2/14/14 4:09 PM
Status: Processed
Submission Type: Email
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

general comment

Comment:


I have looked through the council documents and find no reference to mineral extraction, therefore, our department has no recommendations or comments on this proposal. However please ensure any development within 100m of the railway is submitted to Network Rail Town Planning Department in Swindon.
RESPONSE BY Malmesbury River Valleys Trust to the Neighbourhood Plan Housing Site Selections

Housing

The MRVT is very concerned as to how the Backbridge site (3A) has been scored as one of the most favoured options for development for the following reasons:

1. Biodiversity - This site is adjacent to a Significant Natural Area (SNA) for natural grassland. The River Avon is a County Wildlife Site (CWS) and should be protected. A number of protected species are present on the site. (Source - Table A3.7 Wiltshire Sustainability Appraisal Report, October 2009)

2. Land and Soil - Any development here would occur on a Greenfield site in the River Valley. Brownfield sites should be used such as Nurden’s Garden Centre site where an application to build a supermarket by Sainsbury’s was recently rejected. Much of the traffic going through Malmesbury is going to Swindon, Cirencester, Chippenham, M4 so any development should be to the east of the Bypass. (see Para 7)

3. Water Resources - Water and sewerage provision to this site would require significant investment and disruption.

4. Flood Plain - A sizeable proportion of the site is within the flood plain, including functional flood plain. (Source - see table referred to in para 1)

5. Air Quality and Environmental Pollution - Increase in car use if this site was developed would increase environmental pollution in this sensitive area.
6. Landscape - Part of the Backbridge site is in proximity to an Area of Outstanding Natural Beauty (AONB) and is adjacent to an SNA (see para 1)

7. Traffic Congestion - Any development to the west/north west of Malmesbury, especially this site, will add to increasing congestion on narrow single track lanes (Park Road and the road to Brokenborough) as well as adding pressure on the town's historic core as most traffic will be going to the main roads to the east of the town. The town centre streets and pavements are narrow and there will be yet more risk for pedestrian safety. Park Road frequently floods.

8. There is no access to the site from Tetbury Hill as has been suggested. The top of Tetbury Hill is already congested with Dyson traffic and Dyson is intended further development at the top of Tetbury Hill.

A proposal by Lord Morton several years ago to develop this site was met with fierce opposition for the reasons set out here. The Trust recognises that some development will occur but this should be smaller and more dispersed sites.
Comment

Consultee
Mr Graham Webb (816796)

Email Address
graham.webb312@btinternet.com

Address
15 Park Close
Malmesbury
SN16 0EB

Event Name
Malmesbury Development Plan Proposal

Comment by
Mr Graham Webb

Comment ID
13

Response Date
2/19/14 5:00 PM

Status
Processed

Submission Type
Web

Version
0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
In Full

Comment:

I fully support the adoption of the proposed plan.

This Neighbourhood Plan (Proposal) has been well developed after a considerable amount of hard work by local people who have given many long hours of dedicated hard work. The PLAN will give the people of Malmesbury a much needed voice in future planning decisions that will have a major impact on the the town and immediate surrounding areas.
Comment

Consultee: Mrs Ann Webb (816816)
Email Address: ann.webb312@gmail.com
Address: 15 Park Close
Malmesbury
SN16 0EB

Event Name: Malmesbury Development Plan Proposal
Comment by: Mrs Ann Webb
Comment ID: 14
Response Date: 2/19/14 5:48 PM
Status: Processed
Submission Type: Web
Version: 0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
The full Plan Proposal

Comment:

I fully support the Malmesbury Neighbourhood Plan Proposal. I believe that the work that has been done on behalf of the town to produce the proposal is in the best interests of the town.
To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
The Whole Document

Comment:
There are no comments on the Neighbourhood Development Plan for Malmesbury, but we would like to be kept informed on the next stages of the plan.
Comment

Consultee: Mr Bill Halsey (820858)
Email Address: thehalseys@btinternet.com
Address: 4 Vicarage Gardens
Malmesbury
Sn16 9NZ
Event Name: Malmesbury Development Plan Proposal
Comment by: Mr Bill Halsey
Comment ID: 16
Response Date: 2/28/14 2:42 PM
Status: Processed
Submission Type: Web
Version: 0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Sites 10, 11 and 6 (Burton Hill/Swindon Road)

Comment:

Whilst acknowledging that a great deal of work has gone into the MNP, there are a number of flaws with this section of the plan:

**Access**: In December 2012 Brian Johnson, Urban Designer for Wilts Council commented on the suitability of site 10 in a written submission stating that “Site 10 may be too near the roundabout to form a safe vehicle access serving the site”.

The A429 and B4042 are extremely busy and at rush hour the Burton Hill area is often congested. It is already extremely difficult to turn right into and out of the care home entrance at peak times. The entrance to the Police Station is already nearly a blind spot and any new access road will be highly dangerous.

A full traffic survey should be undertaken when the nearby Waitrose has opened as traffic along both roads will have increased further. Dyson have announced plans to expand their workforce from the current 1,200 to 3,000. This will also increase vehicular traffic along both roads.

Site 6 is the most suitable of the 3 in Burton Hill. It is large enough to accommodate substantial development and sufficiently far away from the roundabout and care home to be accessed safely. It could also provide access to the next field up and an extension to the care home in the long term.

**Evidence of Need:**

The plan has not articulated a coherent and well evidenced need for the 50 sheltered homes suggested. What is more likely to be required are sheltered flats similar to those in nearby Townsend Court, part of the adjacent care home. If the access issues can be overcome it would be far more practical and beneficial to build a mirror image of Townsend Court on the site of the Police Station. Townsend Court is well designed and safe for vulnerable residents and allows for good access and parking. Another
similar building would be entirely in keeping with existing facilities and would not encroach into the green field as far as currently proposed.

Other Planning Proposals

The plan does not take into account other planned developments in the immediate area which are under consideration and may well come to fruition. The Gleeson appeal a few hundred metres along the A429 is pending, as is the appeal for the large development at Parklands. These will result in several more hundred new dwellings if granted and Malmesbury lacks the infrastructure for these and the proposals within the MNP which will be largely redundant.

The MNP should scope and list all proposed developments within the catchment area which are pending. The 47 houses at Cowbridge were only included when raised by local residents and there are others pending. For instance, the Minton Group recently circulated an email stating they had a financial interest in 10 acres of land with sustainable access to the A429 which they intended to build houses on in the foreseeable future. This would be a huge development which would link Cowbridge to the A429, yet it has not been considered in the plan.

Quality of Life For Care Home Residents

The plan takes no account of the impact of development on Site 10 on the residents of the care home - a 2 storey building where vulnerable and ill elderly residents are seeing out their days. A selling point for building the care home a few years ago was that it would be a peaceful location for the residents and would provide pleasant views over the countryside.

Under the plan the elderly residents will have to endure significant disturbance during construction and thereafter when the new houses are built.

Loss Of Public Amenities

Site 10 has a well used public footpath running through open fields which is part of the well publicised Malmesbury Circular walk. The site is regularly grazed by horses and cattle and has an abundance of wildlife which will be destroyed.
Comment

Consultee: Ms Deborah Gray (714209)
Email Address: gray500@btinternet.com
Address: 30 Kingswall
Malmesbury
SN16 9BJ

Event Name: Malmesbury Development Plan Proposal
Comment by: Ms Deborah Gray
Comment ID: 17
Response Date: 3/2/14 12:33 PM
Status: Processed
Submission Type: Web
Version: 0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? Overall

Comment:

I would like to support the Neighbourhood Plan Proposals, which have been developed in full and thorough consultation with the community. These proposal respresent a positive vision for Malmesbury, ensuring that it remains a unique, forward-looking, vibrant market town community.
Comment

Mrs Alison Charnock (822831)
Alisoncharnock@aol.com
Oliver house
Olivers lane
Malmesbury
SN16 9af
Malmesbury Development Plan Proposal
Mrs Alison Charnock
18
3/6/14 11:31 PM
Processed
Web
0.1

Developments on Burton Hill

Comment:

I oppose the development of any additional housing on the Burton Hill sites. The town has seen major development over the last 10 years and traffic has increased dramatically. There is currently public footpaths through the fields behind Burton Hill, this is part of the natural beauty of the area and provides access to the river. The impact of additional housing will significantly increase traffic on the Swindon Road and cause added congestion at a round about that is due to have a new supermarket within a year.
Comment:

I do not agree with the selection of sites 10 and 11 for the following reasons and believe these sites should be removed from the plan:

1. The sites have very poor vehicular access directly from a main arterial road which will cause significant difficulties to traffic flow and make access to and from site potentially dangerous.

2. In my opinion the site selection criteria is flawed and the proposals for these sites will result in over development of fairly small and limited sites which is unnecessary when there are larger more suitable sites available.

3. The Neighbourhood Plan has already endorsed development on a green field site by supporting the Waitrose Superstore Development. This development will create significant additional traffic and by developing sites 10 and 11 the potential traffic issues for the Town will be magnified.

4. The Neighbourhood Plan does not take into account the possibility of Gleesons winning their appeal for significant housing or the proposals by Dysons for expansion. If successful both these proposals will have a major material impact on the Neighbourhood Plan and until these proposals are adequately reflected in the plan I do not see how it can move forward.
Comment:

The MNSG need to be acknowledged for the time and effort that has been spent in creating the Malmesbury Neighbourhood Plan. However, the plan has failed to consider several key objectives.

**Involving the community**

The majority of residents are unaware of the status of the plan and are not aware of the sites that have been chosen by the MNSG for development. As of March 9th there have been 17 comments posted on this council portal, which reflects a lack of awareness on the part of Malmesbury residents.

**Architectural, Heritage and Human Health considerations**

The impact on architectural heritage and resident's enjoyment of the local countryside has not been properly considered in the MNSG’s choice of site 10. Site 10 currently forms part of the Malmesbury circular walk and provides good views of Malmesbury Abbey for the many local residents and visitors who enjoy Malmesbury's countryside. The choice of site 10 for the 10-15 dwellings it will contribute towards the total of 50 for Burton Hill, seems to be a large sacrifice for the local community for very little gain. It seems as though the MNSG has altered its own scoring system, a scoring system that previously scored site 10 as less favourable for development, in order to increase the landmass of development around the Malmesbury Primary Care Centre.

The Neighbourhood Plan should consider that the Care Centre has been relocated within Malmesbury several times because of insufficient room to expand at its previous locations. If the development of sites 6, 10 and 11 proceeds, the MPCC will once again be landlocked at its current location and unable to expand as the local community increases.

**Brown Field Sites**
Since the Sainsbury’s planning application at the Nurden Garden Centre site has been rejected, the MNSG should consider how the site might be incorporated into their proposals so as to ease the burden on the other greenfield sites in the Neighbourhood Plan.

**Gleeson Appeal**

The Neighbourhood Plan should be halted until the outcome of the Gleeson appeal is known. It seems somewhat premature to approve the Neighbourhood Plan with its current recommendations, and in so doing, surrender green field sites for development, if Gleeson win their appeal and proceed to build further housing developments in the heart of Malmesbury. In pushing forward with its agenda, the MNSG will pave the way for significantly more housing development in Malmesbury than it is being asked to provide.
Comment:

Having studied this excellent plan, which has involved much work and consultation by the authors, I strongly support the proposals.
Comment

Consultee: Mrs Jackie Peel (823497)
Email Address: jackiepeeluk@aol.com
Address: Old Stable Cottage
33a Burnivale
MALMESBURY
SN16 0BL

Event Name: Malmesbury Development Plan Proposal
Comment by: Mrs Jackie Peel
Comment ID: 22
Response Date: 3/10/14 10:36 AM
Status: Processed
Submission Type: Web
Version: 0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? All of it

Comment:
I would just like to add my support to the Malmesbury Neighbourhood Plan, I think a lot of hard work has been put into this process and the plans will enhance Malmesbury and put development where we want it with the right infrastructure to support it. Waitrose, Burnham House development and Dyson expansion are all good additions to our town and I am very happy to see them underway.
Comment:

I would like to express my broad support of the Neighbourhood Plan.

I have attended some of the meetings as an observer and was impressed with the effort and detail that has been put into the plans.

I very much hope Wiltshire Council supports it.
Comment

Consultee: Mrs Cross-Jones (823833)
Email Address: alison.cross-jones@hotmail.co.uk
Address: 7 Kembles Close
Malmesbury
SN16 9NU
Event Name: Malmesbury Development Plan Proposal
Comment by: Mrs Cross-Jones
Comment ID: 24
Response Date: 3/10/14 11:41 PM
Status: Processed
Submission Type: Web
Version: 0.4

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? All

Comment:

The Neighbourhood Plan was started not to give local people a voice but was begun to stop one particular development and this is evidenced by the fact that the number of people signing the original petition against the development is the same number of people in favour!

I attended one consultation in a village and it was no more than notice boards and a drinking party!

The MNSG have not taken account of everyone's views or every type of housing needed in their consultation and have failed to monitor equality and diversity.

The behaviour of [name removed] has been disgraceful stating people have "a bad ass attitude" whenever anyone disagrees with his views or challenges the plan. The behaviour has been off putting and disgraceful.

The scoring is not easily understandable as is the entire document, how can anyone reasonably give feedback on something they do not understand?
Mr William Allbrook (547652)
william@allbrook.net
11 Park Close
Malmesbury
SN16 0EB

Malmesbury Development Plan Proposal
Mr William Allbrook
25
3/11/14 9:28 AM
Processed
Web
0.1

The whole plan

Whilst it is not possible to please every member of the community I think on balance that the Draft Malmesbury Neighbourhood Plan has been well thought through. The fact that development and education provision have been considered in tandem is welcome. I support the plan.
Comment:

There are 4 areas on which I wish to comment;

1 Public support

The support forelements of the plan has been exaggerated. Any member of the public would expect that important issues such as site access would have been satisfactorily dealt with prior to the plan being put out to consultation. If no solution had been agreed attention should have been drawn to the problem at least. 2 Site selection

This process was supposed to be objective. Unfortunately it was not so, the main site 3A & 15 looks ideal on a map but to realise its potential, as being close to the town centre and other amenities, requires land purchase, legal agreements, bridge and road construction all of which will be expensive meaning that the objective of providing reasonably priced housing will not be achieved.

3 Traffic

Malmesbury depends upon its historic built environment in the town centre. This has suffered damage from high volumes of traffic - no measures have been suggested to ameliorate this problem.

4 Consultation

Much has been made of the public consultation. However important issues raised have not been answered and too much reliance has been placed on those who have not examined the very extensive amount of paperwork on which the plan depends. A number of important points were made by developers, planning professionals and members of the public which have not received appropriate consideration. The writer raised issues as a member of the Steering Group, at the Prince's Foundation workshops and during the public consultations without the major issues being fully answered. These comments are attached - it is acknowledged some minor points were dealt with but the important ones were not.
The Plan will not provide a platform for sustainable development and should not proceed. If the major employer expands its operation in addition to other undeveloped employment sites more housing will be required than allowed for in the Plan. The Plan is insufficiently robust to stand up to examination using normal planning considerations and will not prevent development on other sites. The Plan should either be re-written or withdrawn.
Comment

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Mr Charles Vernon (547719)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email Address</td>
<td><a href="mailto:chalcourt@mymailoffice.co.uk">chalcourt@mymailoffice.co.uk</a></td>
</tr>
<tr>
<td>Address</td>
<td>Chalcourt Dark Lane Malmesbury SN16 0BB</td>
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To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? potential housing sites and scores

Comment:

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<th>Site No.</th>
<th>Comment</th>
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<tr>
<td>3</td>
<td>Vehicle access, without considerable expense and demolition of existing properties, can only be obtained along the Brokenborough Road (unsuitable for the extra volume) or from the Tetbury Road north of Dyson (too far away from the town centre). This should be factored into the scoring.</td>
</tr>
<tr>
<td>7</td>
<td>This is off Foxley not Common Road. Most of the site stands above Foxley Road and extra engineering would be required to enter it which does not seem to be reflected in the scoring.</td>
</tr>
<tr>
<td>9</td>
<td>This site forms part of the Industrial Estate. Shouldn't a sustainable community have employment sites within it rather than on the fringes and be reflected in the score?</td>
</tr>
<tr>
<td>11</td>
<td>This site has no vehicle access to the Chippenham Road without access being provided through either site 6 or 10. Should be reflected in the score.</td>
</tr>
</tbody>
</table>
15
Vehicle access can only be obtained by removing the Youth Centre and Football field or adopting & widening (demolishing 2 houses?) Tetbury Hill Gardens. This should rule it out unless developed with 3.

17
The area on the map includes the Secondary School playing field - was this intended?

19
The area shown is Daniel's Well, not St Aldhelm's Mead. Whilst this area is very unsuitable shouldn't it be scored?

21
The area shown covers more than the Play Park which accounts for about one third of the site.

22
The owner does not wish for the Worthys to be developed and this seems to accord with the public mood. Why not exclude that from consideration?

Criterion Scoring

<table>
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<th>Criterion</th>
<th>Comment</th>
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<tbody>
<tr>
<td>H1</td>
<td>Local amenities are spread all over the town and it is unclear where the distances are measured from and to. Including Play parks and open spaces is misleading as these should be provided on all new developments. However this should be a factor to consider for sites too small to accommodate them. It would be better to split the amenities into geographical groups with different weightings. Examples; Town Centre - Abbey, Library, Town Hall, Museum &amp; Primary School, high weighting South - Health Centre, medium weighting West - Secondary School, Leisure Centre &amp; Swimming pool, medium weighting Population centre - Primary School, low weighting</td>
</tr>
</tbody>
</table>

1
Where is the measurement taken from and to? Unless it is from the edge of the site this discriminates against large sites (through which routes can easily be rearranged). Why bus stops - local buses stop on demand and constructing a new stop is a very low cost, should be bus routes.

2
Where is the measurement taken from and to? Unless it is from the edge of the site this discriminates against large sites. Are potential supermarket sites taken into account or just the 2 Co-ops?

3
Where is the measurement taken from and to? Unless it is from the edge of the site this discriminates against large sites. Are potential supermarket sites taken into account or just the 2 Co-ops?

4
The scoring seems eccentric. Why does site 5 score 10 when sites 5, 10 & 11 (see comment about this site above) score 2? Why does site 22 score 10 when sites 8 & 16 score 2?

7
In a scheme the cost of diverting and maybe improving rights of way is so minor this criterion should be removed.

8
The scores indicate this is not really a material consideration.
Assuming that the unneighbourly feature for site 18 is the Corn Gastons main sub station it is doubted whether, for example, the occupants of Parklands know it is there.

10

It would appear no advice has been sought from the County Archaeologist. Previous North Wiltshire Local Plans identified all land in the river valleys to the west of the town as of interest so a watching brief would be required for all development in this area which surely would require a score of 2. During the investigation of the Waitrose application evidence of an Iron age settlement has been found on site 2.

11

This criterion is a ‘blunt instrument’. The frequency of the view actually being seen by the public, the importance of the view and the possibility of opening up better views to a wider audience all must be factored in. Important views and panoramas affecting the Conservation Area (CA) are listed on page 22 of the CA Appraisal.

12

It is unclear how this has been scored. Sites 1, 2 & 9 are in the Conservation Area but score 1, 10 & 5 respectively. Sites 7, 12 & part of 22 adjoin the Conservation Area but score 10, 5 & 1. Unlike other criteria judgments must be made.

13

Unlike other criteria this calls for judgments to be made.
Comment

Consultee: Mr Charles Vernon (547719)
Email Address: chalcourt@mypostoffice.co.uk
Address: Chalcourt
Dark Lane
Malmesbury
SN16 0BB

Event Name: Malmesbury Development Plan Proposal
Comment by: Mr Charles Vernon
Comment ID: 28
Response Date: 3/3/14 10:38 AM
Status: Processed
Submission Type: Email
Version: 0.3

Comment:

The Steering Group have put considerable effort into preparing an impressive amount of paperwork for this draft and should be congratulated. However it is unfortunate that a number of key aspects are flawed and must be reconsidered. In particular;

Section 1 Housing

Selection Criteria. Whilst it is a good idea to try to find an objective method to select development sites this framework is fallible, fails to take into account important considerations and appropriate evidence has not been used to score some of the criteria. A hugely important issue not taken into account is the volume of traffic which travels through the town centre, making the narrow streets unsafe and causing environmental damage.

H1. This can only be scored if the Local amenities are mapped and given some weighting to determine where "most" of them are. It is not clear where the measurement is taken from and to, and might discriminate against larger sites.

1. The explanatory notes do not make it clear where the measurement is taken from and to, and might discriminate against larger sites. The measurement must take place along established rights of way and not simply a straight line on a map.

4. The measurement must take place along established rights of way and not simply a straight line on a map.

8. The explanation states "pylons and electrical power lines are considered very unlikely to be resited or removed." An 11kV high voltage power line with spare capacity might be considered an advantage as this would enable electricity to be provided with little difficulty whereas a 33kV line would be difficult to move. Details of the electricity network have been provided but were not used in the scoring (apparently aerial photographs were used). North of Filands are two very large high pressure gas pipelines which have prevented previous development in the area (a second factory planned by Dyson Appliances in the late 1990s) due to the high cost of diversion. These have not been taken into account.
See comments under 8 above.

This criterion seeks to combine two aspects identified in the Settlement Setting Assessment and produces a very poor result which has not been endorsed by any local heritage interest group. The criterion states that even if development obscures an important view provided the site is between the 75m and 85m contour lines it will be acceptable. However the Assessment also makes it clear that Rolling Lowland should be protected of which there is a huge area to the south of the town around Daniel's Well and Arches Lane most of which meets the height requirement. This is the area with the most iconic views both into and out of the town which must receive special protection.

It is unclear what the difference is between Considerable and Very considerable impact is. As hedgerows and trees are specifically mentioned one would imagine that very considerable would involve much destruction of such features but this does not seem to be reflected in the scores.

Paragraph 1.7

The scoring for sites 3a and 15 fails to take account of the access difficulties and the distance to be travelled to get to and from the sites. Looking at the identified potential access routes; A. The access at Park Road will require a bridge to be built. The Tetbury Hill access can only be delivered if the Football Ground is relocated. Persimmon have suggested moving it on to the development site which will considerably reduce the space available for housing. B. Is the only existing access but will require a road of 500m (around the Buffer Zone, the purpose for which is difficult to understand) to be built. Once this has been built there seems to be little to prevent further development along it. C to E are not placed in the correct positions on the map. C. As well as relocating the Co-op loading bay 2 private gardens would need to be compulsorily purchased which is highly unlikely to happen. D. Access would have to go along Poole Road take a sharp right turn and follow the northern edge of the school site. This would not be suitable for traffic serving 170 houses and business units. E. Tetbury Hill Gardens is a private road unsuitable for vehicle traffic not a public right of way and Sunhaven is unlikely to be redeveloped. F. The extension of Beuttell Way would require the purchase of 3 properties and would enter the Dyson buffer zone.

The conclusion is that just to provide access will require considerable expense and the main advantage of the site will fail to be exploited - its proximity to the town and its facilities. It is therefore unlikely the site is capable of delivering reasonably priced housing. Instead the most likely sole vehicle access will be outside the town and be more likely to attract commuters rather than those wishing to take an active role in our community.

A far better solution would be to realise the potential which was offered when the Reeds Farm estate was built in the 1980s of creating a town centre relief road from the stub of Reeds Farm Road to the Whychurch roundabout and develop site 22b. Whilst the Worthies must be retained as open space with increased sport and recreation facilities, the area to its north can be developed without much detriment to the town's environs. The bypass, Filands and existing housing to the west provide physical barriers to the amount of space for development, unlike Backbridge Farm which has open countryside to its west. This area should be developed in stages over a period extending beyond 2025. In addition to housing, this could be considered for the site of a supermarket.

It must be made clear that further large scale development must not take place until later in the plan period due to the pressure exerted on our infrastructure by 65% of the Core Strategy housing requirement having been delivered in the first 8 years of a 20 year plan.

In view of the paper considered by the Steering Group on 15th April 2013 regarding a possible extra 70 dwellings on the Cowbridge site there should be a complete reappraisal of housing sites.

Section 3 Shopping

The evidence does not support the conclusion that a supermarket should be built adjacent to Avon Mills. First various consumer surveys have found that as much as three quarters of the convenience spend of residents in the Malmesbury area is made outside the area at Cirencester, Tetbury, Swindon and Chippenham. It is unclear why this is a 'problem' which can be cured by one extra local supermarket. Most consumers have favoured shops, with particular qualities they associate with and as there are many branches of at least ten different major store brands (Aldi, Asda, Co-op, Iceland, Lidl, Marks & Spencer, Morrisons, Sainsbury, Tesco and Waitrose) within 15 miles of the town it is unlikely one local supermarket will have much impact. Next the results from Neighbourhood Survey are not as clear as set in paragraph 3.1.2. Question A4 "Do you think the Malmesbury area needs a new supermarket"
is ambiguous. Anecdotally many people took this to mean “Should the Malmesbury area have a supermarket other than Co-op.” However the result from question A5 is clear, a majority would not support a supermarket if it had a negative impact on the High Street. There is overwhelming evidence to show it will have a negative impact and the amelioration measures laid out in paragraphs 3.1.4 and 3.1.5 will not wholly alleviate this.

The objective to extend the Town Centre Boundary in paragraph 3.2.3 is unrealistic and the map on page 36 although based on the Primary and Secondary Frontage areas R1 and R2 of the North Wiltshire Local Plan does not reflect the present position. The Secondary Area to the north west of the centre has shrunk so there is a gap between Gloucester Street and the Triangle with the only commercial premises being the Old Bell Hotel, not a retail usage. Also there are no retail premises in Cross Hayes Lane or the east side of Cross Hayes (other than the cafe premises at 2a Silver Street) and this area should also be removed from the map. Some listed buildings are no longer sustainable as shops due to changes resulting from modern requirements such as the Disability Discrimination Act. This requires buildings open to the public to be fully accessible which often requires unacceptable alteration to the historic fabric. Therefore each case for change of use must be viewed on its merits.

Section 4 Business

The shortcomings of the site selection process outlined above relate to this section, in particular the high pressure gas pipes will probably rule out the site identified for the Dyson Technology Park.

Paragraph 4.1.2 states Dyson Limited has a need for additional employment land and a buffer zone. No justification has been provided for the buffer zone. Apparently there is a suggestion that sensitive research and development might be compromised by the public being able to get close to the research building. No evidence has been provided to support this assertion, the public can already get very close to the building in Beuttell Way (what would stop a rival occupying one of the units there?) and if sensitive work was carried out in the inside the building away from external walls there should be no possibility of external eavesdropping. The only instances of secrets being stolen from this company has been by persons employed by them.

No evidence has been provided to justify the allocation of any employment land in addition to the area adjacent to the Persimmon Headquarters which has permission for offices and the Garden Centre site reserved for light industrial. Both sites have been identified for several years and the fact they remain undeveloped must demonstrate the lack of demand. As the town had many more workers commuting in than residents working elsewhere (2001 Census) before the latest round of recruitment at Dysons it would again suggest there is no demand for more employment here.

Section 5

It is unfortunate that Paragraph 5.7.2 makes no reference to Wiltshire Council’s car park prices. Whilst the desire to harmonise prices across the county is commendable it unfortunately does not take other factors into account. In Malmesbury Station Yard car park is some distance from the town centre with a steep climb which differentiates it from other car parks in similar towns which is not reflected in the charges. Prior to the introduction of charges a temporary extension had to be made. After the introduction of a charge of £1 a day it was still well used but since the charge increased to £5.60 less than one quarter of the spaces are usually occupied. This is having a great impact on the viability of the Town Centre.

Section 8

8.1 sets out many aspirations some of which are contradictory and some which are difficult to envisage how they will be realised. Examples are;

Paragraph 8.1.4 Task 1, development must contribute to distinctive character (there is no uniform character, it comprises many different elements and therefore is very difficult to define), task 2, style must be appropriate to the context, and paragraph 8.1.7 task 2, use of continuous frontages, are contradictory. Post war development extending the town in all directions has very little continuous frontages until the most recent 21st Century development which is not highly regarded. The layout of developments like White Lion Park, Reeds Farm and smaller sites on the Swindon Road have become the context of those areas and are now seen as being very acceptable.

Paragraph 8.1.4 Task 2, style must be appropriate to the context, and task 3, Design and Access Statements, the Steering Group should not have any role in overseeing future development - this should be done by the Town & Parish Councils in association with existing local interest groups. It
would be inappropriate for all new development to replicate the town centre as suggested by the final paragraph. Paragraph 8.1.5 Task 1, development must maintain visual connection with the countryside and task 2, visual impact must be enhancing, both of these aspirations will be very difficult to deliver. Paragraph 8.1.6 Task 3, street furniture with a common language, designs & specifications, must be encouraged but details have to be provided. Paragraph 8.1.6 Task 5, town centre opportunities for reallocating space, should form part of section 8.2 but in view of that section seems superfluous. Throughout this section illustrations are lacking to demonstrate examples of good design. Some photographs seem inappropriate, on page 18 it is unclear how parking bays slow traffic (street parking would) and the brick built house of page 19 is surely not what is expected in Malmesbury.

**Settlement Setting Assessment**

Section 6

No description has been given of the views and their relative importance. Views 2 and 3 are of no importance (see paragraph 61 of the Gleeson Appeal's Inspector's opinion), 4 is an uninspired view of new houses and 6 of incongruous brick houses, all of which should be removed from the document (although T3 and T5 should be retained as Thresholds). The view at T1 should be numbered & described and the view shown as Figure 6 added.

Section 7

This section is particularly weak as it does not analyse the strengths, weaknesses and special features of particular areas around the town. The areas to be given protection are not clearly identified. No mention has been made of Park Road which has the following special qualities; part of the river valley, it and Park Lane are the only remaining examples of country lanes adjacent to the settlement, must be kept free of traffic if the river walk is to be extended to Back Bridge and the rising ground screens the White Lion Park development.

Section 8

It is not clear what is meant by Sustainable Edges, local topography does not offer any way to limit development. The fact that past development has occurred on land between the 75m and 85m contour lines does not provide a good guide for the future. The phenomenon of sprawl could be prevented by framing development by physical features, for example the bypass, Filands and Reeds Farm.
Comment

Consultee            Mr Roger Budgen (547640)
Email Address        mspwra@ymail.com
Company / Organization Malmesbury & St Paul Without Residents’ Association
Address              Illex House, 
                        Burton Hill, 
                        Malmesbury, 
                        SN160EL
Event Name           Malmesbury Development Plan Proposal
Comment by           Malmesbury & St Paul Without Residents’ Association 
                        (Mr Roger Budgen)
Comment ID            29
Response Date        3/3/14 10:56 AM
Status               Processed
Submission Type      Email
Version              0.2

Comment:
On behalf of the Association, the Committee wishes to record its overwhelming support for the draft Malmesbury Neighbourhood Plan. We are of the view that the plan is soundly evidence based and has received significant community support throughout its evolution and preparation by the cross-community Malmesbury Neighbourhood Steering Group. We believe the correct balance has been achieved with the recommendations for new housing sites given the evidence provided from the Neighbourhood Survey that indicated the growth in the elderly population over the period of the plan would require development to cater for this growing percentage of our population.

The plan has also addresses the educational needs of the community in a sensible and practical manner that is fully supported by the local schools. Having endured the questionable output of the previous developer-led planning process, the plan identifies housing sites and design criteria that will more readily conform to the existing heritage of this ancient and historic town in addition to maintaining the sense of community cohesion that presently exists.
## Comment

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<tr>
<td>Consultee</td>
<td>Ms Ellie Challans (555472)</td>
</tr>
<tr>
<td>Email Address</td>
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<td>Environment Agency</td>
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</table>
| Address                | Rivers House  
Sunrise Business Park  
Blandford  
DT11 8ST                                                                 |
| Event Name             | Malmesbury Development Plan Proposal                                 |
| Comment by             | Environment Agency (Ms Ellie Challans)                               |
| Comment ID             | 30                                                                    |
| Response Date          | 3/4/14 10:58 AM                                                      |
| Status                 | Processed                                                            |
| Submission Type        | Email                                                                |
| Version                | 0.2                                                                  |

**Comment:**

Thank you for consulting the Environment Agency on the above document.

We are pleased to see that the issue of flood risk and the environment has been adequately addressed. We have no further comments.
Comment

Consultee: Mr N Bray (390113)
Company / Organization: RailFuture Severnside
Address: 68 Gurney Avenue
Tuffley
Gloucester
GL4 0HN

Event Name: Malmesbury Development Plan Proposal
Comment by: RailFuture Severnside (Mr N Bray)
Comment ID: 31
Response Date: 3/5/14 11:00 AM
Status: Processed
Submission Type: Email
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? public transport

Comment:
Railfuture wishes to reiterate the point it made during earlier Consultations, that there needs to be an improvement in access to / from Malmesbury by public transport. The town is in the unusual position of being relatively near (about three miles from) a main railway line but at least 10 miles from a station. When the Great Western main line from London to South Wales is electrified in 2017, there may be scope for an electric local service between Bristol and Swindon via Bristol Parkway. The West of England Partnership wants to see passive provision for possible stations at Coalpit Heath, Chipping Sodbury and Badminton. Railfuture believes a site should be safeguarded for a station to serve the Malmesbury area, eg at Hullavington, as this would bring many more visitors to the town and improve access to jobs for local people.
I live on Burton hill, and welcome the development of this area. Currently the rain runs unchecked off the fields onto the road where it swamps the sewers and floods the road outside our house frequently. A well planned development with appropriate drainage features would stop this. Additionally the amount of housing appropriate to the requirements of the area is pitiful. This plan for development of the area around the health center with appropriate low rise accommodation suitable for those in later life is an excellent idea. My mother in law moving to the area on her own had to buy a 4 bedroom house as nothing else was suitable. Developers if left to their own devices will simply build what is profitable and not (as this plan shows) what is needed. The level of consultation done to date has been, in my opinion, excessive. Though availability of the people who helped create the document at the open sessions, was particularly helpful and appreciated. The amount of work put into this plan by the local people is astounding. I hope that their months of unpaid work is appreciated and I whole heartedly support the adoption of this local plan as soon as possible, to save us from the developer led mess that has left us with inappropriate houses in inappropriate locations.
**Comment**

<table>
<thead>
<tr>
<th>Consulatee</th>
<th>Mr Malcolm Carter (823971)</th>
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<tbody>
<tr>
<td>Email Address</td>
<td><a href="mailto:malcolm.carter@btinternet.com">malcolm.carter@btinternet.com</a></td>
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**To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?**

The complete Neighbourhood Plan proposal

**Comment:**

The Malmesbury Neighbourhood Plan is a comprehensive positive plan to guide development over the next 12 years for the benefit of the communities included. The plan sets an example of how community engagement and consultation with all interested parties should be done to achieve the best outcome for all. As a not too distant neighbour and visitor to Malmesbury I feel assured that the character of the town and surrounding area will be preserved, if not enhanced. It is also notable that preservation and development can be achieved with careful planning. I applaud the hard work and diligence of the MNSG in creating this plan, which I fully support.
Comment

Consultee Mr Ed Halford (824178)
Email Address Ed.Halford@highways.gsi.gov.uk
Company / Organization Highways Agency
Address Temple Quay House
Bristol
BS1 6HA
Event Name Malmesbury Development Plan Proposal
Comment by Highways Agency (Mr Ed Halford)
Comment ID 34
Response Date 3/6/14 4:58 PM
Status Processed
Submission Type Email
Version 0.2

Comment:
Thank you for your email of 5 February 2014 inviting the Agency to comment on the Malmesbury Neighbourhood Plan.

The Agency has previously responded to Wiltshire Council with regard to the proposed housing allocations throughout the County, including the most recent amendments to those allocations. In the light of that previous correspondence the Agency has nothing further to add at the present time.

Thank you for inviting the Agency to comment on the Plan.
Comment

Consultee: Mr John Hurst (824183)
Email Address: hurstjd@tiscali.co.uk
Address: 18 Monks Park
Milbourne
Malmesbury
SN16 9JF

Event Name: Malmesbury Development Plan Proposal
Comment by: Mr John Hurst
Comment ID: 35
Response Date: 3/6/14 5:03 PM
Status: Processed
Submission Type: Email
Version: 0.2

Comment:

I raise a number of observations and concerns regarding the NP.

1. **Re Gleeson's application.** Expansion in Malmesbury to the north has long been planned. Road access is good. Why not include the 180 homes in the Neighbourhood Plan (NP) with the condition that Gleeson allocate a certain number of the 180 to self-build sites* (see below)?

I do not follow the assumption in the NP that 180 Gleeson homes actually means 800 homes. Wiltshire planners would have to consider the viability of any such huge expansion and must surely oppose it within the 2026 time frame given the infrastructure of the town and the significant contribution Malmesbury has already made to housebuilding in north Wiltshire. This would make a substantiable contribution to Malmesbury's allocation of houses.

I attended an early consultation meeting where the principal concern regarding building to the north was that views of the Abbey would be restricted but few people walk along the Filands road. Neighbourhood planners seem to have an unsupported prejudice against Gleeson viz a viz other sites.

2. **Concern re the Primary Care Centre.** I have lived in Milbourne for forty years and in that time I have seen the doctors' surgery outgrow its premises twice. We know that Malmesbury has a disproportionate number of old people. How the PCC might wish to develop to serve our future needs is uncertain and it would be most unwise to surround the PCC with private housing but this is a possibility under the present assessment of possible sites.

Current medical and governmental thinking moreover points to more resources being allocated to PCCs as primary care becomes more important to communities and money shifts from hospitals to primary care. **Demands on the PCC will thus continue to grow irrespective of the rising population of the town.** Sites around the PCC need to be removed from the NP.

We have seen the problems caused to Malmesbury Secondary School in past years through having to operate a split site. It is crucial we avoid similar problems with regard to health. **The NP needs to protect the interests of the community with regard to health provision.**
This is the most serious weakness in the NP proposal.

3. Self-builds, small builders and the local economy.

We know that self-builders are renowned for incorporating a higher level of sustainability into their dwellings. They will also use local merchants for supplies and employ local people. Large developers merely focus on meeting existing regulations and profit and only a fraction of their "spend" feeds into the local community.

In contrast the "spend" of local, small builders is good for local merchants and the profits are returned to the local economy of Malmesbury and its environs. The proportion of houses built by small and medium size builders has declined markedly over the last twenty years as major developers have increased their share.

I believe it is essential that the NP incorporate these ideas.
Comment:

I have been following the sterling efforts of the team working on the Malmesbury Neighbourhood Plan since they started. I have attended a number of meetings where the issues have been vigorously discussed, and I have seen at first hand, the attention to detail with regards to the submission that has been demonstrated.

It is clear to me that the only way that the interests of local people can be best served, is by embracing the opportunities that a Neighbourhood Plan offers a community - the chance to reflect back the desires, hopes and aspirations that a community has with regards to the ways in which they wish to see their community develop.

As a resident of the community, I fully and unreservedly support this excellent PLAN, and would like to thank those who have given so selflessly of their time in its production.
Comment:

I fully support this plan which is the best defence the Malmesbury area has against almost uncontrolled housing development. It has been very well recied at the consultations and I am sure the result of the referendum will be emphatically positive.
Comment

Consultee          mr c sadler (824197)
Email Address      woodmansworld@live.co.uk
Address            wayside
tetbury hill gardens
malmesbury
sn16 9jp
Event Name         Malmesbury Development Plan Proposal
Comment by         mr c sadler
Comment ID         38
Response Date      3/11/14 8:33 PM
Status             Processed
Submission Type    Web
Version            0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

proposed development on north of town

Comment:

I object to the proposed development off tetbury hill as we were promised a meeting with the neighbourhood planning group to discuss any concerns etc. We did not receive the planning application in fact only two out of sixteen houses on tetbury hill gardens did receive the paperwork and the council said that the others were sent back marked not at this address. The land on the north of the town is subject to flooding and the run off from any houses would increase the risk of flooding at the other side of town in the st john street area. If a consultation was to have taken place then every body should be consulted and informed not just the chosen few.
Comment

Consultee Mr Chris Hurst (824199)
Email Address chrishurst82@hotmail.co.uk
Address Meadow House
Swindon Road
Malmesbury
SN16 9LU
Event Name Malmesbury Development Plan Proposal
Comment by Mr Chris Hurst
Comment ID 39
Response Date 3/11/14 8:43 PM
Status Processed
Submission Type Web
Version 0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? Proposed development around Primary Care Centre (Burton Hill)

Comment:

An objection to the proposed development behind the Swindon Road, Malmesbury I have previously supported the Neighbourhood Plan and its objective to empower the local community in planning decisions. However I do not find acceptable the proposed development of 50 homes around the Primary Care Centre and the establishment of a ‘satellite town’ in this area. There are a number of points the Neighbourhood Plan Steering Group seem to have failed to consider.

1. My strongest objection is that building around the Primary Care Centre is very short sighted. Rather than plan for the potential development of health provision in Malmesbury, building residential housing adjacent to the PCC will potentially limit the opportunity to expand care in the future. The GP surgery has already moved three times in the past forty years. There are far better sites for residential homes to the north of Malmesbury.

2. Establishing a ‘satellite town’ near Malmesbury seems to contradict the initial premise of the Neighbourhood Plan, namely to avoid large scale development of the nature of Gleeson’s proposals of 180 houses at Filands. The Proposal disregards one of the key issues raised in the initial consultation process (page 15-16 of the Neighbourhood Plan draft document) - that there is much to recommend small development over large scale development. This has ramifications for the local economy, the communities who move into these developments, and the existing communities into which they are introduced.

3. The Steering Groups proposed development behind Swindon Road has the stamp of a major developer wishing to maximize their profits without regard to the community. The Steering group makes great play of their ambition to put the community ahead of corporate interests. I fail to
see how building densely packed houses on a small area of land in a neighbouring parish satisfies this claim.

4. The Swindon Road community has already been called upon to accept very substantial development in the last 6 years (Cowbridge development) but this proposal radically changes the existing rural character of the area.

5. Development to the east of the A429 will set a precedent for substantial future development and the creation of a sub-urban hub away from Malmesbury.

6. Swindon Road & Burton Hill is very much part of St Paul Without Parish and not part of Malmesbury town since most children living in this area cannot get a place at Malmesbury Primary School and instead attend Lea or other local village schools. Additional housing on this scale and the creation of a ‘satellite town’ would further exacerbate the disconnect between the Swindon Road & Burton Hill area and Malmesbury.

7. There are highways issues with this proposal with the potential of many extra vehicles spilling out onto the busy A429 and right next to the major Priory roundabout. When the road was resurfaced outside the Primary Care Centre recently there were major hold ups. The roundabout ceased to function and quickly became choked with traffic. When the Primary Care Centre was proposed, Highways were reluctant to grant permission since the entrance was too close to a major roundabout. The entrance was subsequently moved further away from the roundabout and only then did Highways reluctantly grant permission. The Steering Group’s proposal would exacerbate the problem considerably.

8. In the Steering Group’s draft plan there is no impact assessment of the damaged caused to neighbouring houses by building on sites 10 & 11 in particular.

Yours faithfully, Chris Hurst
**Comment**

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Mr Graham Mockridge (824201)</th>
</tr>
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<tbody>
<tr>
<td>Email Address</td>
<td><a href="mailto:graham.mockridge.t21@btinternet.com">graham.mockridge.t21@btinternet.com</a></td>
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<td>Address</td>
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<td>Event Name</td>
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<td>Comment by</td>
<td>Mr Graham Mockridge</td>
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<tr>
<td>Comment ID</td>
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<td>Web</td>
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<td>0.1</td>
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</tbody>
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**To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?**  
The complete Neighbourhood Plan proposal

**Comment:**

I support of the Neighbourhood Plan. I have attended many of the meetings and presentations as an interested resident and have been impressed with the hard work, effort and detail that has been put into the plans by the MNSG. I very much hope Wiltshire Council will support and implement it.
I disagree with the selection of sites 6, 10 and 11 for the following reasons.

We have already had one greenfield site developed in this area for Waitrose and I do not think that we should lose another greenfield site that is quite so close. Instead the MNSG should be looking at Brown field sites such as the Nurden site to develop.

The A429 is an extremely busy road and an increase in traffic from these sites would make it even more dangerous than it already is, particularly when turning right on to the A429.

As the town's population increases there will inevitably be a need to expand the Primary Care Centre and car park at some stage in the future. This would be impossible if all of the surrounding land was built on. The cost to relocate the PCC would be huge and then the problem would be where to locate it. The MNSG has not considered this.

The development of these sites would also have a major impact on the residents of Athelston House. Why should the residents be surrounded by the noise and light pollution of an estate in the remaining years of their life? The home was built in that position to make the most of the peace and tranquility, and for the beautiful views of the countryside.

The public footpath that runs through site 10 is an extremely popular walk for young and old alike and it would be a great loss to many people who use this footpath and enjoy the countryside and a great loss in terms of flora and fauna.
Comment

I cannot support a document that has no reference to the on going appeal with the Gleesons site. If passed then 170 houses will be built on the Filands site and 3a and 15 would not need to be offered for housing.

3a and 15 has difficult access and would increase traffic on Tetbury Hill Road which is at the moment congested with Dyson and school traffic. There is no mention of this increased traffic and how it would be made safe. At present this site has repeatedly been refused planning in the past because of its outstanding natural beauty and wildlife, poor access and on a flood plain that would affect houses and roads below it. Major roads will have to be built to gain access to this housing estate and this will then create potential for development later on.

I can not support the expansion of an already large primary school. Tetbury Hill Road is very congested at school times. Increasing traffic to expand the school will make this very dangerous. I can see no provisions to address the traffic congestion.

The limited comments on this portal suggests a lack of awareness not a lack of concern.
Comment

Consultee                   Charman (824206)
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                            Malmesbury
                            SN16 9JP
Event Name                  Malmesbury Development Plan Proposal
Comment by                 Charman
Comment ID                  43
Response Date               3/11/14 11:35 PM
Status                      Processed
Submission Type             Web
Version                     0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? Site 3A and 15

Comment:

1. We understand from the representative of our neighbourhood concerning MNPP that the building of houses on site 3A is going to proceed, and yet we can find no details of access routes to this site. It is difficult therefore to objectively comment on the plans.

2. We also understand that Tetbury Hill Gardens is being discussed by members of MNSG as a possible pedestrian/cycle route, as if it is a public right of way. This is not the case - this unadopted track only has private rights of way over it for residents and users of the parcels of land originally served by it.

3. At the beginning of each school day, and working day at Dyson, Tetbury Hill becomes a dangerous road. How will the MNPP safeguard the users of this road in the event of more houses at site 3A, more pupils and school run vehicles travelling to an enlarged Primary School, and up to 3000 extra workers at Dyson? The road infrastructure of the town is inadequate to cater for such disproportionate expansions.
Comment:

I do not support the Malmesbury Neighbourhood Plan and wish to make the following comments. The Malmesbury Neighbourhood Plan Proposal does your comment relate?

The General Plan

- The plan is not, and never has been, reflective of the views of the residents of Malmesbury.
- When considered against the population of the town, those offering support is actually very low, and most people won't believe they can make a difference.
- There has been very poor communication of this consultation period. If you are 'connected' you may have heard about it. This means response levels will remain poor.
- This plan, and most of those involved in creating it, lost all credibility when the decision was taken to support the Waitrose development without the plan being mandated by the community, and then used the same plan to object to Sainsbury's. One rule for one, etc.
- The MNSG has merely provided a platform for a handful of people to force their views on the local community. This is not about doing what is best for Malmesbury, or representing the residents in making Malmesbury better for all, this is about delivering the views of the individuals who are out of touch with the needs of the town and surrounding area. This was evident in the decision to support Waitrose over Sainsbury's, despite the fact that Sainsbury's were offering more to the community in service provision, road infrastructure and financial support. More importantly, as a parent with young children, I spoke to a lot of my neighbours and there was overwhelming support for Sainsbury's as it related better to the status of the residents.
- The plan allows some of the MNSG members to apply their own NIMBY principles to development opportunities even though they are likely to benefit the wider community.

Development
The town needs the Gleeson development so I am at a loss as to why MNSG object so strongly to it. This is even more important now that Dyson have announced their expansion plans as it will help reduce commuting into the town.

Interestingly the Gleesons development meets a large proportion of the ‘design quality’ statement and actually looks a lot more ‘community’ focused. In fact it is worlds apart from the appalling layout of the ‘Abbey Heights’ development.

The Gleesons development also offers land for a new school. The plan keeps referring to expanding the existing school. The design of the school does not lend itself to seamless expansion, and the reality is that an expansion of the existing school will become disjointed with the potential to impact on its ‘outstanding’ status. Also, there are already serious parking/access issues at drop off and collection times. Increasing the size of the school without solving the wider problem is an unacceptable approach. The school should be relocated where it can be designed to cope for expansion post this plan (2026), and provide enhanced facilities without compromise.

While talking about Gleesons, under the climate change reference it states “new development has been located where it will reduce or avoid flood risks”. The Gleeson development includes remedial works to remove the localised flooding of Reeds Farm so adds a wider value to the town.

Infrastructure

The only mention under infrastructure is that of the primary school expansion. Why is this? The town suffers from a significant issue with its road network. If development is encouraged (which it should be) there must be improvements to the road network such as a north-easterly bypass from B4014 Filands to B4040 Sherston Road to remove the articulated lorries from Parklands and the town centre and reduce the damage created by them navigating through the town (i.e. War Memorial in the Triangle). This should have a bearing in the plan.

We also need the link road built from Reeds Farm Road out to the water tower roundabout (A429). This has been discussed for years and is required now more than ever. This need will only increase as we develop the town and should be included in the plan particularly as it will help reduce congestion in the town centre.

The plan misses the opportunity to address the appalling parking issue in the High Street. The High Street should have a more appealing layout to attract more visitors, with parking at 45 degree along one side, and wider pavements. The current layout creates turmoil as many drivers are unable to parallel park – a drive in, reverse out approach would speed up turnaround times and encourage more people to ‘pop-in’.

Bias

It is always nice to see a member of the MNSG quoted in the document offering support of the plan – however this is a biased view and does not demonstrate impartiality.

Malmesbury is at risk of becoming a ghost town – we have an aging population, no real family orientated social opportunities (i.e. family pub), no facilities to keep people in the area, and our youth will not be able to stay in the town with this plan in force. We need better overall facilities and infrastructure to support the building stock this town desperately needs. I personally would like to move up in the property market, but am priced out as the demand outweighs the availability. When I moved in to Reeds Farm some 19 years ago I knew Filands was due to become housing. This can still be achieved without affecting The Worthey’s and meets all the requirements for accessibility. Stop messing around using the ‘plan’ to delay everything and get on expanding the town. The 5 sites proposed are just not enough. The reality is that we are too small currently to support a strong High Street, and therefore whether the residents like it or not we need more houses and more residents.
Comment

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Mr Desmond Dunlop (558013)

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Consultee
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Company / Organization
White Lion Land LLP

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Unknown
Unknown
Unknown

Event Name
Malmesbury Development Plan Proposal

Comment by
White Lion Land LLP (Unknown)

Comment ID
45

Response Date
3/7/14 9:56 AM

Status
Processed

Submission Type
Email

Version
0.5

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Introductions

Comment:

Objections are lodged to the submission of the Neighbourhood Plan to Wiltshire Council in advance of the adoption of the Wiltshire Core Strategy or indeed to even the resolution of the substantive issues raised by the Core Strategy Inspector. It is considered that the submission of the Neighbourhood Plan to Wiltshire Council is premature to the outstanding issues being resolved. Clearly some if not all, of these issues will affect the Neighbourhood Plan. The Core Strategy Inspector has sent a series of procedural letters to the Council since the end of the Examination in July 2013. The various letters commencing in December 2013 indicated that the overall housing provision was not 'sound' and needed to be significantly increased. In addition issues relating to the level of affordable housing and settlement boundaries amongst other things have been highlighted as being unsound. These are all substantive issues which the Council must now seek to address. This will delay the progress of the Core Strategy to adoption. The increase in housing provision and its disaggregation to the 3 respective Housing Market Areas and beyond to the market towns is a major consideration which the Neighbourhood Plan has sought to ignore. Furthermore, the Core Strategy Inspector's specific comments on Malmesbury are still to be received. They could have implications for the programme of the Neighbourhood Plan.
It would have been right and proper for the Neighbourhood Plan to have been delayed pending the outcome of these important policy considerations. By progressing the Neighbourhood Plan has now sought to have it removed from these important policy issues.

**Recommendation**

Objections to the submission of the Neighbourhood Plan to Wiltshire Council in advance of the resolution of a number of important policy considerations in the Core Strategy which have a direct impact on the Neighbourhood Plan. The Plan should be delayed until the implication of these policy issues have been resolved.
Comment

Agent Mr Desmond Dunlop (558013)
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Consultee Unknown (389468)
Company / Organization White Lion Land LLP
Address Unknown
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Unknown
Event Name Malmesbury Development Plan Proposal
Comment by White Lion Land LLP (Unknown)
Comment ID 46
Response Date 3/7/14 10:21 AM
Status Processed
Submission Type Email
Version 0.3

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? site selection

Comment:
Objections are lodged to the non allocation of land off Park Road for residential development. The promoter of the site has consistently made representations to the earlier versions of the Neighbourhood Plan including the site selection process and are unclear as to why their site has not been allocated for residential development.

The site selection process is based on a weighted scoring system as a means of comparing potential housing sites in terms of their locational and environmental suitability. Such factors include:

ACCESS
Access by public transport

Access by bicycle
Access by pedestrians
BUILDABILITY
Road and infrast, access

Designation of land

Topography

Rights of Way

Features difficult to re-site or remove

Proximity to unneighbourly features
CONSERVATION IMPACT
On archaeological sites

On heritage view and setting of Abbey

On historic environment &
Town

On landscape settings, views etc
ENVIRONMENT
Flood risk ground water saturation

Flood risk fluvial

Biodiversity and ecology

Geodiversity

As a concept this is a reasonable means by which the suitability of the sites for housing development can be considered side by side. However, the weighting system has been devised on the basis of factors which the Neighbourhood Forum considers to be most important. It is not a reflective of the community’s view as the system has not been shaped following targeted consultation.

The assessment of the individual factors also requires a high degree of specialist expertise and experience in order to ensure that the correct score can be attributed. For instance the assessment of landscape and visual impact, flood risk and ecological matters are highly technical areas that require specialist input. As a principle the full assessment should be made objectively in order to ensure that the conclusions are impartial and have not been influenced by a pre-determined view as to which sites should be chosen.

The assessments in this case have been carried ‘in-house’ by the Neighbourhood Forum without any direct input from landowners, specialist consultants or reference to relevant evidence that may be within the public domain such as environmental reports submitted with a planning application. This brings into serious question the robustness and credibility of the site selection process which has led to the housing allocation proposals within the DMNP.

On this basis we recommend that the site selection process should be reviewed on an objective basis with the benefit of the relevant expertise and evidence available for particular sites.
It is apparent from both the previous appeal on 13th March 2012 and the recent refusal of planning permission on 18th June 2013 that there are no site specific objection to the site for residential development. Indeed it is worth noting that:

i. There is no landscape objection from the Council's landscape architect. Indeed the site is not covered by any statutory landscape or environmental designation such as green belt or AONB.

ii. There is no biodiversity objection from the Council's ecologist who recognises that local biodiversity enhancements can take place through the creation of green buffers and habitat creation.

iii. The development of the site will have no adverse impact on the setting of the town or of views to Malmesbury Abbey.

iv. The Environment Agency have no objections in respect of surface water drainage or flooding subject to conditions which can be met as part of any development.

v. The Environmental Health Officer has no objections in respect of noise or air quality issues.

vi. The Highway Authority have no objections to the development of the site on access or traffic generation grounds.

vii. The Planning Authority accepts that the site represents a sustainable location for new development.

viii. There are no archaeological objections to the development of the site.

Despite the lack of specific site objections, the site was not allocated for residential development which indicates a flaw in the site selection methods. Indeed it is apparent that in respect of all impacts on the site that they are capable of being satisfactorily mitigated.

**Recommendation**

Object to the non allocation of land off Park Road, Malmesbury for residential development. The site should be allocated for residential development.
Comment

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Consultee: Unknown (389468)
Company / Organization: White Lion Land LLP
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Unknown
Event Name: Malmesbury Development Plan Proposal
Comment by: White Lion Land LLP (Unknown)
Comment ID: 47
Response Date: 3/7/14 12:33 PM
Status: Processed
Submission Type: Email
Version: 0.3

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Sustainable development in the right places

Comment:

**Housing in Malmesbury Town pg 9**

Objections are lodged to the proposed housing provision in the Malmesbury Community Area in the period 2006-2026. The submitted Wiltshire Core Strategy set out a requirement for 1,200 new dwelling of which 760 of those dwellings are to be identified within Malmesbury Town. However, the overall housing provision in the Core Strategy has been found to be unsound by the Inspector. He identified an objectively assessed housing provision of 44,000 dwellings. The Council has now accepted a figure of 42,000 dwellings albeit to date these have not been disaggregated to the 3 respective housing market areas. Malmesbury is located within the North & West Housing Market Area and represents a sustainable location for additional development. Indeed the emerging Core Strategy states: -

"There is a small employment base in the town which is dominated by a single manufacturer, yet overall there is a pattern of net in-commuting to the town. Malmesbury is an important local retail centre for the surrounding rural area. The town’s proximity to the M4 and the A429 is a real asset and should provide the impetus required for attracting increased employment growth."
Furthermore the Wiltshire Employment & Workforce Strategy published by Wiltshire Council identifies that the population of Malmesbury is 3,200 and that there are 3,500 jobs in the town with key employment areas being the Eastcourt Farm and Malmesbury Industrial Park. The town’s major employer Dyson are also planning a major extension of their existing research and development facility which will create up to 700 additional jobs.

In such a context, we consider that the overall housing provision for Malmesbury and the Community Area is too low and should be increased to at least 1,000 dwellings in Malmesbury Town and at least 600 dwellings in the remainder. We have also raised objection to the fact that the Neighbourhood Plan is being progressed in advance of the resolution of these important policy considerations. The Neighbourhood Plan should be delayed pending the resolution of such issues.

**Recommendation**

Objections are made to the proposed housing provision on the basis that it is too low and should be increased to at least 1,000 dwellings for Malmesbury and at least 600 dwellings in the remainder of the Community Area.
Comment

Agent: Mr Desmond Dunlop (558013)
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Consultee: Unknown (389468)
Company / Organization: White Lion Land LLP
Address: Unknown
Unknown
Unknown
Event Name: Malmesbury Development Plan Proposal
Comment by: White Lion Land LLP (Unknown)
Comment ID: 48
Response Date: 3/7/14 1:44 PM
Status: Processed
Submission Type: Email
Version: 0.4

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Housing need

Comment:

Objections are lodged to this section of the Neighbourhood Plan on the basis that it assumes 40% of all new build housing as a target for affordable housing in accordance with Core Strategy Policy CP43. However, this policy has been found to be unsound by the Inspector who stated:

"The evidence indicates a considerable need for various forms of affordable housing throughout Wiltshire. Core Policy 43 seeks the provision of at least 40% (net) on sites of 5 or more dwellings and financial contributions in other circumstances. In essence and whilst I recognise a considerable need for such housing, I am concerned that the figure of 40% is not justified adequately by the evidence base, particularly the Affordable Housing Viability Assessment (STU/51).

STU/51 provides some support for the policy figure of 40% for both the strategic sites and other notional sites but it does so primarily on the basis of tenure being affordable rent. If, for example,
social rent were required, STU/51 indicates the likely need for flexibility to be necessary in securing other potential infrastructure, particularly in areas of lower value.

Similarly, STU/51 indicates that 40% affordable housing can only be required on the basis of the Code for Sustainable Homes Level 4 of 2013 (in the context of providing housing for affordable rent) and that Code 5 from 2016 would only be viable if supported by a proportionate increase in sales values in the intervening period.

The Framework requires a Local Plan to be produced with due consideration of relevant standards and policies together with their impact upon development throughout the economic cycle. It would therefore appear that a range of tenures delivering 40% affordable housing without subsidy (accommodating changes to the Code for Sustainable Homes) is most challenging to secure under current and foreseeable circumstances. As mentioned previously, the CS can reasonably be aspirational but must also be capable of effect delivery.

Whilst the Council has proposed to delete its requirement for affordable housing to be constructed to the latest Housing Corporation Standards, there appears to be no substantive evidence which analyses alternative affordable housing proportions, for example those lower than 40%. Whilst being progressed, there are only limited details of the Council’s intended Community Infrastructure Levy. The Framework (para 173) is clear that the sites and scale of development in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. With particular regard to STU/51, the CS approach to affordable housing does appear to risk the delivery of key elements of the plan.

Core Policy 43 acknowledges that the provision of affordable housing may vary on a site by site basis with regard to factors which include development viability. This introduces a necessary degree of flexibility which would aid the effectiveness of the CS. Nonetheless, the CS should be justified adequately and the balance of the evidence does not currently support the 40% figure as a minimum requirement for affordable housing on sites of five dwellings or more. The justification and effectiveness of the policy is in question. However, there is insufficient evidence to establish what alternative figure may be justified and therefore I am faced with a conundrum of how Core Policy 43 and its supporting text may be modified to ensure the CS as a whole is justified adequately and will be effective in operation.

For example, the simple deletion of the 40% reference within Core Policy 43 would remove the unjustified requirement on all sites but it would not provide particular precision for the plan as a whole or an effective means of maximising the provision necessary affordable homes in the county. Supplementing the modified policy by keeping a broad target within the supporting text may be feasible but would require justification and I remain conscious of the need to avoid the ineffective burden of individual site negotiations on the majority of schemes which come forward. Can the Council direct me to any evidence which supports clearly a lower figure than 40%? It may be necessary for the Council to revisit STU/51 to look at alternatives which will be clearly viable in a more comprehensive range of circumstances so that the objectives of the CS may be fulfilled. Clearly, subsequent review could be programmed as necessary. I would appreciate your constructive thoughts on how to progress this important matter.”

Recommendation

The Neighbourhood Plan’s approach to affordable housing provision is flawed and needs to be reviewed pending the outcome of the work being undertaken on Core Policy CP43.
Comment

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Comment by: Mr Jeremy Moore
Comment ID: 49
Response Date: 3/12/14 1:47 PM
Status: Processed
Submission Type: Web
Version: 0.1

Objection: housing site selection/scoring methodology

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Comment:

6,10,11: Burton Hill
i) the site solidifies Burton Hill development still further, particularly with the 2014 opening of the nearby supermarket on the by-pass (A429). It would not merely help create a ‘satellite town’ but would generate outright urban overspill

   ii) a greenfield site, together with a significant footpath on the River Walk (trumpeted elsewhere in the Neighbourhood Plan), would be sacrificed for the creation of relatively little housing

   iii) access to site 10 is impractically near to the Priory Roundabout and would add to traffic problems likely to occur once the supermarket is in operation

   iv) the impact on neighbours in Athelstan House and on the Swindon Road would be disproportionate to any benefit; fears about flooding/run-off have not been addressed adequately

   v) future development of the Primary Care Centre would be precluded

3A and 15: Backbridge Farm and Punters Farm

i) this development needs to be understood in conjunction with the latest expansion plans announced by Dyson (considerably greater than those mentioned in the draft Neighbourhood Plan). It would result in continuous development from river level up to well above the 90 metre contour level, an undesirable outcome according the Plan's environmental and conservation guidelines

   ii) vehicle access to the centre of Malmesbury is problematic with no satisfactory way through to Tetbury Hill

   iii) once the problems of vehicle access have been ‘solved’ by the extension of Persimmon’s access lane off the B4014, there will be pressure to expand Backbridge Farm development further. This would
in effect reinstate the Lord Morton plan that was rebuffed by the town a decade or so ago. As a consequence, one of the last undeveloped approaches to the town would be lost and a large greenfield space adjoining a designated Area of Natural Beauty would be lost.

While the numerical need for these two identified sites may be superseded if Gleeson were to win its Filands appeal in April 2014, a green light would still have been given to developers for the future. As with the supermarket decision, the Neighbourhood Plan could be rendered irrelevant - but ultimately influential in a negative way.

I endorse the critiques of the site scoring methodology made in other objections.
Comment

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Consultee: Unknown (389468)
Company / Organization: White Lion Land LLP
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Unknown
Unknown
Event Name: Malmesbury Development Plan Proposal
Comment by: White Lion Land LLP (Unknown)
Comment ID: 50
Response Date: 3/7/14 1:56 PM
Status: Processed
Submission Type: Email
Version: 0.3

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
sustainability appraisal and addendum

Comment:
The evidence base for the Neighbourhood Plan includes a draft Sustainability Appraisal report which states to incorporate the requirements of the SEA Directive.

Article 1 of the Directive states that its objective is: "...to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development."

This is consistent with national planning policy with respect to the National Planning Policy Framework.

The Sustainability Appraisal includes considerations of biodiversity and considers a number of potential development sites, including a number of potential residential allocations. Appendix B sets out the sustainability framework which is used by the Appraisal and, with respect to biodiversity, the Appraisal apparently addressed a number of questions. However, it is apparent that with respect to these questions and the consideration of the various development options only cursory and generic
consideration are given to these questions. For instance, the appraisal of the residential development sites allocated through Policy 1 and 2 fails to: - i. Identify the potential for protected and priority habitats and species likely to be present, despite available mapping and aerial photography identifying a number of substantial hedgerows, mature trees, ponds and a watercourse; ii. Consider whether the sites would individually or collectively lead to habitat fragmentation, such as through the cumulative effect of the allocated residential and employment development; and iii. Despite evidence green and river corridors within and adjacent to these sites, fails to consider how they could be affected.

As a result and with respect to biodiversity considerations, the Sustainability Appraisal gives inadequate consideration to the affects of the Plan or its policy proposals on biodiversity. In addition, there is no evidence included to indicate that the assessment of biodiversity matters was completed by a professional ecologist e.g. a member of the Chartered Institute of Ecology and Environmental Management.

We also believe that the Sustainability Appraisal does not assess all of the relevant housing alternatives or even a higher quantum of housing to ascertain the most sustainable form of development for the area. Wiltshire Council's Sustainability Appraisal for Chippenham was found to be unsound as it did not assess all of the relevant alternative options. This equally applies to this Sustainability Appraisal.

**Recommendation**

Objections are made to the submitted Sustainability Appraisal which is flawed and gives inadequate consideration to the effects of the plan or its policy proposals on a range of issues on ecology.
Comment:

My wife and I live in Tetbury Hill Gardens, which is a private unmade lane connecting Tetbury Hill to the proposed development sites via Malmesbury Tennis Club. We received no written notification of this proposal, although we clearly live adjacent to one of the major proposed sites (3a & 15). At present there is no road or pedestrian access to the proposed housing development sites, nor is there any obvious way of providing this. The plans show some pedestrian and bicycle access presumably over a bridge across the Avon (it is not clear if this is existing or proposed) and via the service road to the football ground - the pitch literally is adjacent to the river, and the school closes off the other edge. It is possible that an existing development further up the hill may give access, but I doubt the residents would be keen to allow access to 300 odd cars. Finally there is the access adjacent to the Persimmon office itself - this area is already a traffic chaos area at peak time with the present Dyson employee traffic, which is going to get worse when the site enlarges in the foreseeable future. The neighbourhood plan mentions that it will support the Malmesbury Tennis Club in expanding, and gives only cursory mention to any of the other sports clubs, including the three on the flood plain that are now regularly flooded out. Presumably this means any plans will include vehicle access to the Tennis Club, overcoming many of the access problems it has at present down the unmade private lane it is on. We are concerned that this will turn our lane into a de facto pedestrian and bicycle shortcut connecting the new development and Tetbury Hill. We feel that not enough consideration has been given to the practicalities of the limited access to the proposed sites, and there is just optimism that it will be sorted out. Perhaps the football, drama and boxing clubs will receive enough money from a developer to move elsewhere, out of the flood plain, allowing access via a narrow road, that is subject to flooding? The NP seems to dismiss the rest of the Reeds Farm site out of hand. The original plan for Reeds farm included a road connecting the supermarket and Water Tower roundabouts, and if this was put in place the traffic on Tetbury Hill would decrease markedly and it would open up access to extensive land above the present...
development. A lot of this land is also flat, and could offer a site for the football club. The end of Webbs Way is at a fence and it was clearly intended to extend it out and develop this field as well. Why is this not an option?
Comment

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Event Name Malmesbury Development Plan Proposal
Comment by White Lion Land LLP ( Unknown)
Comment ID 52
Response Date 3/7/14 2:00 PM
Status Processed
Submission Type Email
Version 0.3

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Habitats Regulations Assessment

Comment:


European Sites Regulation 61 requires that a competent authority (in this case Wiltshire Council), before deciding to undertake, give any consent, permission or other authorisation for a plan or projects which is likely to have a significant effect on an European Site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of the site's conservation objectives.

With reference to this Regulation, Wiltshire Council has undertaken a Habitat Regulations Assessment (HRA) screening based primarily on the results of the Wiltshire Core Strategy Habitat Regulations Assessment. The original assessment was completed on 4th January 2013 and a supplementary assessment completed on 28th February 2013. Both assessments form part of the evidence base for
the draft Neighbourhood Plan currently subject to consultation. With reference to these assessment
the followings points are noted:

i. Contrary to what is normally expected, Wiltshire Council has not sought the advice of the Government’s
statutory agency, Natural England, in completing the screening assessments. It is our experience that
Natural England’s advice on such matters may differ from the advice or conclusions of the competent
authority. Such a difference would be a material consideration for the competent authority to consider
and resolve. It is therefore considered paramount that the competent authority consults Natural England
as part of the screening assessment;

ii. Wiltshire Council concludes; as is consistent with the conclusions of the HRA prepared as part of
the evidence base for the Wiltshire Core Strategy, that the development set out in Core Policy 13 of
the Wiltshire Core Strategy and reflected in the draft Neighbourhood Plan is unlikely to have a significant
effect, either alone or in combination with other projected development in the wider Wiltshire Core
Strategy and neighbouring plans;

iii. Wiltshire Council notes that there are aspects of the neighbourhood Plan which are not covered
and consistent with those proposals set out within the Wiltshire Core Strategy. Further information was
sought by the Council and this resulted in the supplementary assessment being completed and issued
by the Council on the 28th February 2013. In relation to the supplementary assessment and housing
allocations, the Council concludes that the proposals will result in an increase in traffic movements
and emissions; however, these are unlikely to have a significant effect on European sites when
considered alone. However, the Council fails to consider whether such an increase in traffic movements
and emissions would have a significant effect on European sites when considered in combination e.g.
for instance in combination with the “…significant increase in traffic movements…” as a result of the
significant increase of employment land in Malmesbury proposed by the Neighbourhood Plan. A failure
to do so is a failure in its duty to consider Regulation 61 fully with respect to the Neighbourhood Plan;
and

IV. The supplementary assessment completed by the Council concludes that it cannot be concluded
that the significant increase in traffic on the local road network will not result in likely significant effects
on European Sites. It states that because it is not possible to accurately model the traffic flows generated
by the proposed development included in the plan at this stage and recommends that a specific policy
is included within the Plan in order to satisfy the Council that this matter could be overcome and to
enable the Council, as the competent authority, to conclude that no likely significant effects upon
European sites will result. The recommended policy is not included within the draft Neighbourhood
Plan and without its inclusion it is only reasonable to conclude that the Plan is likely to result in a
significant effect on European sites and should not be approved. Since the Council’s recommended
policy has not been included the Plan will need to be subject to an Appropriate Assessment in
accordance with the Regulations prior to approval. This is consistent with the advice of the competent
authority.

European Protected Species

Regulation 40 sets out a list of species considered European Protected Species; these included great
crested newts and all UK bat species. Regulation 41 sets out a number of offences against such
species. Under Regulation 53(2)(e-g) and 53(9)(a-b) of the Regulations, Natural England, under the
powers conferred by the Secretary of State, has authority to issue licences for a number of specific
purposes including imperative reasons of overriding public interest including those of a social or
economic nature. Typically, where development is likely to result in one or more of the offences set
out at Regulation 41 it is against this reason which a licence would be issued. However, such licences
will only be issued provided that:

i. There is no satisfactory alternative; and

ii. The action authorised will not be detrimental to the maintenance of the population of the species
concerned at a favourable conservation status in their natural range.

The Neighbourhood Plan considers alternative development options before concluding on those which
should be allocated for development. There is no evidence within the Plan to demonstrate that the
likely affect on European Protected Species was considered and that there were no satisfactory
alternatives for development allocated within the Plan which would avoid engaging with Regulation 41
offences. Even with a cursory review of the sites allocated for development within the Plan, it is likely
that these sites could incur offences under Regulation 41 and potentially required licences to be gained.
Given that licences are potentially required, the Plan should demonstrate why there are no satisfactory alternatives that would avoid or minimise the scale of offence. For instance, it is clear from available mapping that the allocation of adjoining employment sites will have an impact on several ponds. There is no evidence included within the Plan to demonstrate whether great crested newts, as European Protected Species, are present within these ponds and whether their development or the development of supporting terrestrial habitat is likely to engage with the offences set out at Regulation 41. Even if it can be demonstrated that there are no satisfactory alternative, the presence of such legally protected species is likely to significantly affect the quantum, layout and deliverability of the allocated development in order to satisfy the licensing 'test' that the action would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

**Recommendation**

The Habitats Regulation Assessment is flawed and not suitable as amongst other things does not comply with Regulation 61 of the Habitats Directive. The Habitats Regulation Assessment needs to be withdrawn and redrafted.
I would like to record my overwhelming support for the draft Malmesbury Neighbourhood Plan. The plan is soundly evidence based and has received significant community support throughout its evolution and preparation by the Malmesbury Neighbourhood Steering Group.

A balance has been achieved with the recommendations for new housing sites with evidence provided from the Neighbourhood Survey and much community consultation. A sound scoring system has been developed to rate each of the potential sites for housing, business and new retail developments.

The plan contains much that is to be recommended in mapping out the way forward for Malmesbury and the surrounding area and is a clear plan developed from what local people want and yet meets the needs of the wider Core Strategy defined by Wiltshire Council.

The plan has also addresses the educational needs of the community in a sensible and practical manner that is fully supported by the local schools. There is an extensive design plan for future development which has been lacking in the past.
Comment

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Event Name
Malmesbury Development Plan Proposal

Comment by
Mr Atherton Gray

Comment ID
54

Response Date
3/10/14 2:14 PM

Status
Processed

Submission Type
Email

Version
0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

general support

Comment:
I would like to support the continuing efforts of our neighbourhood planning group in their thoughtful choice of development projects for Malmesbury.
Comment

Consultee Ms Andi Witcombe (780726)
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Event Name Malmesbury Development Plan Proposal
Comment by National Farmers Union (Ms Andi Witcombe)
Comment ID 55
Response Date 3/11/14 2:19 PM
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Submission Type Email
Version 0.2

Comment:

The South West NFU welcomes the opportunity to comment on the Malmesbury Neighbourhood Area Application which includes both urban and agricultural areas. The NFU represents approximately 50,000 Farmers and Growers nationally, 10,000 of these farm in the South West. In Wiltshire we represent 800 farmers and growers, including landowners and tenants, from all sectors and commodities. The NFU, and its members, recognise the importance of the neighbourhood and overall are supportive by the approach given. Our response is given below along with some key priorities.

As you will be aware the farming community continues to face formidable challenges with increasing regulation, volatile markets and fluctuating farming returns. In response to these challenges farmers have had to consider the resources available to them and look at new ways of developing their businesses so that they can grow and remain competitive. This might include the need for modern agricultural buildings either to meet regulations or to change the use of existing buildings in order to respond to changing market demand.

Our members within the proposed Malmesbury Neighbourhood Area are no exception and given that the town is surrounded by a large area of productive farm land it is clear that any form of Neighbourhood Plan must adequately address the issues and opportunities of farming. The Malmesbury Plan does not currently detail the value of agricultural production within its boundary. Our vision for the area is:

The land surrounding Malmesbury town is a sustainable rural community that is underpinned by an innovative rural economy and thriving farming and food industry, which is profitable and supports viable livelihoods, underpins sustainable and healthier communities and enhances the environmental assets that are vital to the counties prosperity.

For the farming community this vision is to be achieved by the following themes1. Strengthening our farming businesses to help them build profitability and respond to new opportunities
2. To create thriving localities that meets the needs of their communities, businesses and their environment.

3. Realising the value of the region’s environmental assets

In addition we would see some of the key priorities for farms to include (not in order of priority): 1. The ability for the next generation to take on management of farms and to support this through the provision of affordable housing to allow succession

2. Develop farming enterprises that can meet the challenges of food security through modernising and becoming more efficient

3. Diversifying farming enterprises to meet new opportunities such as, inter alia, business units or tourism

4. Developing renewable energy which meets the needs of the farm and are appropriate to the location and renewable resources available

5. Access to high-speed broadband.

Food production is a key priority for economic growth both nationally but also importantly in a rural area such as that which surrounds Malmesbury town. In the Government white paper ‘Local Growth: realising every place’s potential’ the Coalition Government makes clear that the first priority “is to return the nation’s economy to health”. This includes creating, “the conditions that will help business and gets the economy growing” and this includes the support for farming enterprises so vital to the rural economy and enabling them to remain viable through diversified enterprises. We would expect that any proposals for developing farms will take this into account.

Diversification is in line with National Planning Policy Framework (NPPF) that provides that local authorities should support development that enables farmers to become more competitive and sustainable and diversify into new opportunities. A key message within the NPPF is the need for economic growth. “A positive planning system is essential, because without growth, a sustainable future cannot be achieved. Therefore, significant weight should be placed on the need to support economic growth through the planning system...the default answer to development proposals is yes.”

In the NPPF the government makes a number of very important statements related to this the development of renewable energy. Paragraphs 95 to 98 make a number key points including:

‘local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources’ (para 97); ‘have a positive strategy to promote energy from renewable and low carbon sources’ which ‘maximise renewable and low carbon energy sources’. Renewable energy represents an important opportunity for farms to reduce their energy bills and also to create revenue that can help support farming activity. We understand that this can be a contentious issue within communities and are aware that early consultation with those that are either impacted or likely to gain is crucial.

To help guide work we have developed some principles which we believe will help Malmesbury to shape any activity in its local rural area. These are:

- Food security is a crucial issue for now and the future and any actions must ensure that we do not compromise our ability to feed ourselves
- We should look to increase farm productivity and decrease impact on the environment
- The achievement of sustainable development in rural areas through the integration of environmental, social and economic objectives
- Meet the needs of a diverse rural population and ensure equality of opportunity.
- Maintain and enhance the areas natural asset base
- Farmers and landowners should always be consulted and listened to with regard to developing the area
- Support sustainable growth in the rural economy
- Sustainable farming will support the wider community
- Not one system of farming is the answer and all should be supported for maximum benefit to society and the environment
- Encourage links between rural areas and urban centres.

Many thanks for the opportunity to respond to this consultation and we hope that these comments are helpful and will be taken into account.
Comment:

Network Rail has been consulted by Wiltshire Council on the Malmesbury Neighbourhood Plan Proposal. Thank you for providing us with this opportunity to comment on this Planning Policy document. This email forms the basis of our response to this consultation request.

Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. In this regard, please find our comments below.

Malmesbury Neighbourhood Plan Proposal includes a large area of railway / Network Rail land within the St Paul Malmesbury without Parish, therefore the following points will need to be taken into consideration:

Level Crossings

Councils are urged to take the view that level crossings can be impacted in a variety of ways by planning proposals:

- By a proposal being directly next to a level crossing
- By the cumulative effect of development added over time
- By the type of crossing involved
- By the construction of large developments (commercial and residential) where road access to and from site includes a level crossing
- By developments that might impede pedestrians ability to hear approaching trains
By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs.

By any developments for schools, colleges or nurseries where minors in numbers may be using a level crossing.

Wiltshire Council has a statutory responsibility under planning legislation (Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) order, 2010) to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over the railway. Therefore, as Malmesbury Town Council will be the authority in this case, they will still need to consult with Network Rail under schedule 5 on their proposals to determine if they impact upon level crossings.

Network Rail request that the opportunity be given to comment on any future planning applications or proposed site allocations should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make (further to those above).

We trust these comments will be considered in your preparation of the forthcoming Neighbourhood Plan proposal document.
Comment

Consultee: Mr Paul Rowley (824194)
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Event Name: Malmesbury Development Plan Proposal
Comment by: Mr Paul Rowley
Comment ID: 57
Response Date: 3/11/14 2:27 PM
Status: Processed
Submission Type: Email
Version: 0.2
Files: photo 2.pdf
Photo 1.pdf

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Comment:

The diagrams on pages 16 & 18 are incomplete and biased.
Specifically, the potential accesses to the proposed development site omit an option that is superior to the documented options and, frankly, glaringly obvious.
The development site forms a natural extension to the existing large development to the north and west of the town accessed via Park Road up to its junction with Old Alexander Road, St Aldhelm Road and the onward Park Road that continues to the North West. Major existing residential developments lie off these roads accessed from Park Road.
The onward Park Road provides a natural access to the proposed development (see photo 1 attachment)
The most cursory of on-site inspections shows a potential access that appears to have been purpose designed for the proposed development.
(see photo 2 attachment)
This access would necessitate the construction of a light vehicle bridge across the Avon to the proposed development and it is assumed that a walk/cycle way would further connect the proposed development to Dyson and the other businesses in the Principal Employment Area.
The benefits of this access include the following;
1) Creation of a further river crossing enabling viable walk/cycle route to the Principal Employment Area for a large number of residents.

2) In turn, releasing vehicle movements on Gloucester Road and Tetbury Hill and the Park Road roundabout.

3) Creation of further walking/cycle routes into the town centre for those in the Principal Employment Area and surrounding residences

4) Additional pedestrian access could serve CE Primary School - reducing vehicle movements to the school and promoting a 'walk to school' culture. (The alternative walking route via narrow pavements at the Park Road roundabout and then across the Coop car park main access is extremely dangerous for younger children.) and, most significantly:

5) This access eliminates any suggestion of the proposed development access through the school access roads at the Coop roundabout and the bottom of Tetbury Hill - assuring the safety of children.

This proposed access via Park Road would involve the developers in a greater cost through having to design a light bridge over the water meadow. Consequently, there will be less profit to fund the S106 / CIL towards subsidised car parking in the town centre.

This humble Malmesbury resident believes the lives of our young children are worth it.
Comment:

1.1 The consultation period for the Malmesbury Neighbourhood Development plan Proposal Consultation (MNP) runs until 5 pm on Wednesday 12 March 2014.

1.2 These submissions are prepared on behalf of Amita Management Ltd in respect of the MNP and its supporting documentation as follows:

- Basic Conditions Statement;
- Draft Plan Main Body;
- Draft Plan Design Guide;
- Consultation Statement;
- Sustainability Assessment Summary;
- Sustainability Assessment Main Report;
- Sustainability Assessment Appendices;
- Sustainability Assessment Addendum;
- Equalities Impact Assessment; and
- Map.

1.3 Amita Management Ltd is promoting the revival of the Cotswold Community site which is located outside of the area covered by the MNP, though it is located within the same Community Area.

2.0 PROCEDURE
2.1 Provision for Neighbourhood Planning is made through the Localism Act and Neighbourhood Planning Regulations. There are five basic conditions against which Neighbourhood Plans must comply. They should:

- Be in general conformity with the strategic policies in the Development Plan for the local area;
- Be appropriate having regard to national policy;
- Contribute to the achievement of sustainable development;
- Be compatible with EU obligations; and
- Be compatible with human rights requirements.

**In general conformity with the strategic policies in the Development Plan for the local area**

2.3 The Neighbourhood Plan must be in general conformity with the current Development Plan for the District. The current Development Plan comprises the saved policies of the North Wiltshire District Local Plan 2011 (adopted in June, 2006) and will remain so until such time as it is replaced. The MNP does not recognise that it must be in conformity with the saved policies of the adopted North Wiltshire District Local Plan 2011. The MNP therefore fails this basic condition against which all neighbourhood plans must comply [1].

2.4 As the adopted Local Plan is largely out of date and does not cover the whole of the MNP period from 2006-2026, it may have little relevance to the MNP, though the saved policies should be reviewed and commented on in this regard.

2.5 The MNP is clearly prepared to align with the Wiltshire Core Strategy2 (WCS). Once the WCS is adopted, this will be the correct procedure. Therefore it is critical that the MNP follows on from the WCS, once it is adopted, as that sets the strategic direction for the period of the MNP.

2.6 The emerging WCS, however, has not been adopted and its housing numbers have been found unsound by the Examining Inspector. Whilst it is recognised that Wiltshire Council are taking steps to rectify this position and these are commented on further below, the WCS is not adopted and therefore the MNP cannot be in general conformity with the strategic policies of the emerging development plan.

2.7 As the MNP has been prepared in advance of the finalisation of future housing needs for Wiltshire Council and the Malmesbury Community Area, the Neighbourhood Plan is unable to assess the contribution that Malmesbury may make to meet those needs. The MNP is therefore also premature.

2.8 There is precedent on this issue from neighbourhood plan examiners elsewhere.

2.9 The Dawlish Neighbourhood Plan Examiner found that as the neighbourhood plan was produced in advance of the final strategic policies it could not demonstrate that the provision for housing growth was based on an objective assessment of housing requirements. The Examiner found that this was ‘... a key flaw .. which cannot be remedied until the ... Core Strategy/Local Plan is settled.’

2.10 Furthermore, in a judicial review [Neutral Citation No. [2013] EWHC 1022 (ADMIN); Case No. CO/322/2013] Judge Pelling QC considered the 2 Basic Condition Statement, Section 5, Pages 10-13. Sandbach Neighbourhood Plan, prepared in advance of the finalisation of future housing needs for Cheshire East, and found that the Neighbourhood Plan could not prejudge the contribution that Sandbach may make to meet those needs. i.e. preparation of the Neighbourhood Plan was premature and little weight could be given to it as a result. 2.11 Hannick Homes is also aware of the pending High Court Challenge to the Tattenhall and District Neighbourhood Plan (Cheshire West and Chester Council) and the postponement of the Examinations of the Winslow (Aylesbury Vale District Council) and Winsford (also Cheshire West and Chester Council) Neighbourhood Plans on the prematurity issue.

2.12 The MNP therefore fails this basic condition against which all neighbourhood plans must comply.

**3.0 CONCLUSIONS**

3.1 Of the five basic conditions against which Neighbourhood Plans must comply the MNP is considered not be in general conformity with the strategic policies in the Development Plan for the local area.

3.2 In addition, the MNP is premature given the state of the emerging Wiltshire Core Strategy and does not reflect the emerging objectively assessed need.

[1] Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)
To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

conformity with the development plan

Comment:

1.0 INTRODUCTION

1.1 The consultation period for the Malmesbury Neighbourhood Development Plan Proposal Consultation (MNP) runs until 5 pm on Wednesday 12 March 2014.

1.2 These submissions are prepared on behalf of Hannick Homes and Developments Ltd in respect of the MNP and its supporting documentation as follows:

- Basic Conditions Statement;
- Draft Plan Main Body;
- Draft Plan Design Guide;
- Consultation Statement;
- Sustainability Assessment Summary;
1.3 Reference will also be made to a Site 13, Land at Park Road, Malmesbury which has been promoted by Hannick Homes and Developments Ltd throughout the neighbourhood plan process. Copies of past submissions made by Hannick Homes are provided in Appendix 1.

2.0 PROCEDURE

2.1 Provision for Neighbourhood Planning is made through the Localism Act and Neighbourhood Planning Regulations. There are five basic conditions against which Neighbourhood Plans must comply[1]. They should:

- Be in general conformity with the strategic policies in the Development Plan for the local area;
- Be appropriate having regard to national policy;
- Contribute to the achievement of sustainable development;
- Be compatible with EU obligations; and
- Be compatible with human rights requirements.

In general conformity with the strategic policies in the Development Plan for the local area

2.3 The Neighbourhood Plan must be in general conformity with the current Development Plan for the District. The current Development Plan comprises the saved policies of the North Wiltshire District Local Plan 2011 (adopted in June, 2006) and will remain so until such time as it is replaced. The MNP does not recognise that it must be in conformity with the saved policies of the adopted North Wiltshire District Local Plan 2011. The MNP therefore fails this basic condition against which all neighbourhood plans must comply.

2.4 As the adopted Local Plan is largely out of date and does not cover the whole of the MNP period from 2006-2026, it may have little relevance to the MNP, though the saved policies should be reviewed and commented on in this regard.

2.5 The MNP is clearly prepared to align with the Wiltshire Core Strategy[2] (WCS). Once the WCS is adopted, this will be the correct procedure. Therefore it is critical that the MNP follows on from the WCS, once it is adopted, as that sets the strategic direction for the period of the MNP.

2.6 The emerging WCS, however, has not been adopted and its housing numbers have been found unsound by the Examining Inspector. Whilst it is recognised that Wiltshire Council are taking steps to rectify this position and these are commented on further below, the WCS is not adopted and therefore the MNP is not in general conformity with the strategic policies of the emerging development plan.

2.7 As the MNP has been prepared in advance of the finalisation of future housing needs for Wiltshire Council and the Malmesbury Community Area, the Neighbourhood Plan is unable to assess the contribution that Malmesbury may make to meet those needs. The MNP is therefore premature.

2.8 There is precedent on this issue from neighbourhood plan examiners elsewhere.

2.9 The Dawlish Neighbourhood Plan Examiner found that as the neighbourhood plan was produced in advance of the final strategic policies it could not demonstrate that the provision for housing growth was based on an objective assessment of housing requirements. The Examiner found that this was ‘... a key flaw .. which cannot be remedied until the ... Core Strategy/Local Plan is settled.’

2.10 Furthermore, in a judicial review [Neutral Citation No. [2013] EWHC 1022 (ADMIN); Case No. CO/322/2013] Judge Pelling QC considered the Sandbach Neighbourhood Plan, prepared in advance of the finalisation of future housing needs for Cheshire East, and found that the Neighbourhood Plan could not prejudge the contribution that Sandbach may make to meet those needs (i.e. preparation of the Neighbourhood Plan was premature and little weight could be given to it as a result).

2.11 Hannick Homes is also aware of the pending High Court Challenge to the Tattenhall and District Neighbourhood Plan (Cheshire West and Chester Council) and the postponement of the Examinations of the Winslow (Aylesbury Vale District Council) and Winsford (also Cheshire West and Chester Council) Neighbourhood Plans on the prematurity issue.

2.12 The MNP therefore fails this basic condition against which all neighbourhood plans must comply.

[1] Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)
Comment

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? national policy

Comment:

Appropriate having regard to national policy

2.13 In regard to national policy, Hannick Homes' main concern is that the MNP is contrary to the Framework’s growth principles and in particular ‘to boost significantly the supply of housing’ (paragraph 47) and meet housing needs (paragraphs 16 and 184) as the scale of growth does not reflect a sound, objectively assessed, housing requirement defined in the emerging Core Strategy.

2.14 Hannick Homes also notes that the Framework’s Core Planning Principles (at Paragraph 17) states that planning should ‘proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.’ For the reasons set out below this is not achieved by the MNP.

2.15 The MNP states that it is seeking to allocate sufficient land for housing development as set out in the submission version of the WCS. The WCS defined a residential development requirement of
760 dwellings for the period 2006 to 2026 with 242 to be identified as at April 2012. The MNP allocates sites for some 270 dwellings. However the housing requirements of the submission version of the WCS have been found to be inadequate during its Examination process.

2.16 In consultation with the Inspector the County Council is suggesting an additional 5,000 dwellings to be distributed in accordance with the spatial strategy set out in the WCS (relevant correspondence between Wiltshire Council and the Examining Inspector is set out at Appendix 2). This will lead to an additional dwelling requirement to be met within the Malmesbury Community Area at Malmesbury, which the MNP has not addressed.

2.17 Based on Wiltshire Council's Housing Land Supply Statement April 2014[3] the likely implications for housing to be identified in the MNP is set out in the table below:

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malmesbury</td>
<td>requirement in Proposed Modification</td>
<td>Completions</td>
<td>2006-2014</td>
<td>Residual requirement (A- B)</td>
<td>Existing planning permissions and MNP allocations</td>
</tr>
<tr>
<td>Shortfall against new requirement</td>
<td>(C-D)</td>
<td>885</td>
<td>496</td>
<td>389</td>
<td>291</td>
</tr>
</tbody>
</table>

2.18 Therefore it is clear that the MNP proposed allocation of 270 dwellings is insufficient to meet the needs of the emerging WCS and, on the basis of the evidence presented in Wiltshire Council's Housing Land Supply Statement (April 2014), the draft Neighbourhood Plan will need to make provision for for a minimum of 98 additional dwellings.

2.19 Hannick Homes is also concerned that the level of commitments assumed by the MNP is unrealistic for the following reasons:

- there is an existing planning consent (ref is N/09/02226/OUT) for 8 dwellings on the Burton Hill site (Site 6) which will have been included by Wiltshire Council when calculating the residual housing requirement for the town. The capacity for Site 6 should be reduced by 8 dwellings and land identified elsewhere within the draft plan to accommodate these 8 dwellings; and

- the inclusion of the 47 dwellings from the Cowbridge Mills site within the MNP relates to anticipated future planning applications on the site (such as the change of use of the office block to residential and the conversion of the building previously earmarked for a restaurant). Planning applications for these potential future developments have not been submitted to Wiltshire Council, let alone received
concern. It is therefore not appropriate to include these dwellings within the predicted housing supply for the neighbourhood area.

2.20 Hannick Homes also notes that the town’s largest employer, Dyson, has recently announced extension plans for 21 hectares creating up to 3,000 additional engineering jobs. This is in addition to the 5ha of employment to be provided within Malmesbury over the period 2006-2026 by the submission WCS and on which the housing target for Malmesbury town would have been set.

2.21 In addition to direct employment provision, additional jobs are likely to be created locally through a multiplier effect. In terms of sustainability/good planning practice, it is important that provision is made for additional housing to meet the needs of at least some of the additional employment generated. As evidenced in Appendix C to Core Strategy Topic Paper 3 (Settlement Strategy), Malmesbury already has a very high level of in commuting and this will be further exacerbated unless provision is made for additional housing.

[3] Appendix 4 ‘Remaining housing to be identified by CA’
Comment

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Consultee  (640703)
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          SN1 3EF
Event Name  Malmesbury Development Plan Proposal
Comment by  Hannick Homes and Developments Ltd ( )
Comment ID  61
Response Date  3/12/14 3:27 PM
Status  Processed
Submission Type  Email
Version  0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?  Potential Conflict with NPPF Policy on Protection of Valued Landscapes

Comment:

2.22 The potential impact of the proposed housing allocations on the Cotswolds AONB has not been properly assessed during the site appraisal process. We have reviewed the Malmesbury Settlement Assessment report, prepared by Camlins Landscape Architects on behalf of the NP Steering Group, and note that this report appears to focus on assessing potential impacts of future allocations on the setting of the town, particularly the historic core. The Settlement Assessment report does not include an assessment of potential impact on the AONB.

2.23 It is Hannick Homes' view that the site selection process and associated Sustainability Appraisal should have been informed by a Landscape Appraisal of the candidate sites to determine potential impacts on the AONB. Without the benefit of a Landscape Appraisal, Hannick Homes questions the credibility of the findings of the Sustainability Appraisal. It should be noted that Hannick Homes is not alone in raising these concerns; it is clear from reviewing the Neighbourhood Plan Steering Group's Consultation Feedback Report (report ref: MNSG Consultation Statutory and Others Report) that Natural England and the Cotswolds Conservation Board still have significant concerns in relation to the potential impact on the Cotswolds AONB.
2.24 This therefore raises uncertainty in relation to the draft Neighbourhood Plans’ compatibility with the National Planning Policy Framework (paragraphs 109, 110 and 115) which states a requirement to allocate land with the least environmental impact and places great weight on the protection of areas of landscape and scenic beauty, such as AONBs.
Comment

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Event Name: Malmesbury Development Plan Proposal
Comment by: Hannick Homes and Developments Ltd
Comment ID: 62
Response Date: 3/12/14 3:40 PM
Status: Processed
Submission Type: Email
Version: 0.4

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Contribute to the achievement of sustainable development

Comment:

2.25 Whilst it is not a legal requirement to produce a Sustainability Appraisal for a neighbourhood plan, the MNP is accompanied by such an appraisal which is combined with a SEA (see below for further comments). There is precedent that plans must be based on the most sustainable options. 2.26 Each of the allocated and other suggested sites is appraised using common objectives and scoring system[4]. This is welcomed and provides a consistent base for assessing the most sustainable options for site allocations.

2.27 The appraisal of the three allocated sites at Burton Hill identifies four instances of significant negative impacts. These relate primarily to the relative distance from facilities. There are no significant positive impacts associated with these three sites.

2.28 In comparison, the appraisal of Site 13, Land at Park Road, has two instances of significant negative impacts (SA objectives 5 and 7b). These relate to the incorrect assertion that the site is partially within Flood Risk Zone 3. The majority of the Site 13 falls within Flood Zone 1, with a small area along the northern boundary falling within Flood Zone 2. A Flood Risk Assessment for the site has been submitted to the Environment Agency, with the Agency confirming that flood risk is not a
constraint to development (See Appendix 1). This information was given to the Malmesbury Neighbourhood Plan Steering Group in order for them to reappraise the site. This is not been reflected in the SA. There are four instances of significant positive effects related to Site 13 (SA Objectives 6, 7a, 13 and 15). On this basis Site 13 represents a more sustainable option for residential development when compared with sites 6, 10 and 11).

2.29 The SA makes no specific recommendations in relation to the preferred housing sites[5] and it is considered that the SA and the MNP have failed to adopt the most sustainable option. The MNP therefore fails this basic condition against which all neighbourhood plans must comply.

2.30 Furthermore, as mentioned in paragraphs 2.22-2.24 of this written representation, we are of the firm view that potential impacts on the Cotswolds AONB were not properly assessed and considered within the Sustainability Appraisal. AONBs, along with National Parks and the Broads, are afforded the highest status of protection in relation to landscape and scenic beauty within the NPPF. Hannick Homes contends that the housing sites should be reassessed to determine potential impacts on the AONB and the Sustainability Appraisal revised accordingly. In particular, this has the potential to alter the score attributed to site 3a which is clearly visible from the AONB.

2.31 We also note that the Draft Neighbourhood Plan identifies a need to utilise third party land to access Sites 11, 3a and 15. We are not aware of any formal agreements in place between the promoters of these sites and the owners of relevant third party land, and this therefore raises questions over the deliverability of these sites within the context of the Neighbourhood Plan which is contrary to the recently published NPPG in this respect which confirms that a neighbourhood plan must be deliverable (Ref ID:41-005-20140306). We believe that this is an important factor which should have been taken into account during the site assessment process. Given the scale of development proposed within these sites (circa. 180 dwellings), any uncertainty regarding their deliverability raises fundamental concerns as to the sustainability of the Neighbourhood Plan (i.e. its ability to meets the town’s future housing needs).

[4] As set out in Appendix C to the Malmesbury NDP Draft SA

Comment

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Event Name Malmesbury Development Plan Proposal
Comment by Hannick Homes and Developments Ltd ( )
Comment ID 63
Response Date 3/12/14 3:43 PM
Status Processed
Submission Type Email
Version 0.4

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Compatible with EU obligations + conclusions

Comment:

2.32 EU Directive 2001/42/EC sets out a legal requirement to consider the need to carry out a Strategic Environmental Assessment (SEA) on plans which are determined likely to have significant environmental effects. The SEA Directive was transposed in England through The Environmental Assessment of Plans and Programmes Regulations 2004. Given the content of the Malmesbury Area Neighbourhood Plan, the consideration of development sites, and the geographical area that the plan covers there is the likelihood of significant environmental effects and therefore an SEA is required.

2.33 The published Sustainability Appraisal (SA) combines the processes of sustainability appraisal and SEA[6]. Whilst the Sustainability Assessment claims to include SEA and the need for SEA is not disputed by the Malmesbury Neighbourhood Steering Group (MNPSG) there appears to be no Screening Opinion issued by Wiltshire Council.

3.0 CONCLUSIONS

3.1 Of the five basic conditions against which Neighbourhood Plans must comply the MNP is considered not to meet four of those conditions.
3.2 It is not considered to be appropriate having regard to national policy; nor is it considered to be promoting sustainable development; neither is it in general conformity with the strategic policies in the Development Plan for the local area; or compliant with the EU regulations.

3.3 In particular, the MNP is premature given the state of the emerging Wiltshire Core Strategy and does not reflect the emerging objectively assessed need.

3.4 Of significant concern is that it ignores the evidence in the SA and does not allocate the most sustainable sites, particularly when compared with Site 13, land at Park Road. Hannick Homes is also concerned that the SA failed to appropriately assess impact on the AONB.

3.5 Taking into account the likely additional housing requirement which will be apportioned to the town from the 5,000 extra units recommended by the Wiltshire Core Strategy Examining Inspector, the residual housing requirement for Malmesbury over the period 2014-2026 will be at least 389 dwellings. Putting aside our previously raised concerns regarding the proposed neighbourhood plan site allocations, even if these sites were to come forward as envisaged along with other committed sites (e.g. existing outstanding planning permissions, etc.), this leaves an outstanding requirement of 98 dwellings. When the reduced capacity of Site 6 is taken into account this increases to 106 dwellings (refer to para 2.19 above). The Neighbourhood plan needs to make provision for this additional requirement.

3.6 The plan in its current form is virtually certain to fail an independent examination, and any decision to make the plan as it currently stands is very likely to be quashed by the High Court on an application for judicial review.

Comment

Consultee mr chris evans (824637)
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Address unit 13 malmesbury business park
Beuttell way
Malmesbury
sn16 9ju
Event Name Malmesbury Development Plan Proposal
Comment by mr chris evans
Comment ID 64
Response Date 3/12/14 4:52 PM
Status Processed
Submission Type Web
Version 0.1

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? Beuttell way/Tetbury hill

Comment:
As a owner of one of the Units on Beuttell way I object in the strongest terms possible to extra car parks for Dyson being given the right to exit onto Tetbury via Beuttell way. The reason for this is Tetbury hill is a residential road and it will encourage commuters from Dyson to use the town as a rat run. At the moment this already happens and causes major traffic problems but adding the amount of extra cars to this will bring Malmesbury high street to a stand still every day and will cause shoppers to detract from the high due to congestion. All Dyson traffic should be directed to the main roads for safety. If they use Tetbury hill as an exit they will also pass a primary school, pre school etc. At this stage the current Dyson plans make the exit onto Tetbury the MOST active exit/entrance on the entire site and yet its a small residential road with poor visibility. This extra traffic will also cause significant problems to local business's already trading on the estate. Beuttell way/Tetbury hill already struggles with the current volume of traffic. Any more and it will not be beneficial for the town.
Comment

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Malmesbury
SN16 9JP

Event Name: Malmesbury Development Plan Proposal
Comment by: Mrs Charman
Comment ID: 65
Response Date: 3/12/14 4:56 PM
Status: Processed
Submission Type: Web
Version: 0.1

Comment:
MNSG have succeeded in 'steering' Malmesbury towards the loss of its last remaining segment of historic greenbelt countryside. Their ability to influence the likes of Persimmon is limited. It feels more like 'surrender' than 'steering' and is a disappointing end result given the reams of documents produced.
Comment

Consultee Ms Sue Alexander (824738)

Email Address suey_alex@hotmail.com

Address Hope Cottage
Tetbury Hill Gardens
Malmesbury
SN16 9JP

Event Name Malmesbury Development Plan Proposal

Comment by Ms Sue Alexander

Comment ID 66

Response Date 3/12/14 8:19 AM

Status Processed

Submission Type Email

Version 0.5

Comment:

I would like to bring to your attention the following:

- I live close to the proposed development sites
- I have not been consulted about the plan by the neighbourhood planning group
- I have not recieved a letter from Spatial Planning at Wiltshire Council, only two out of 14 residents in our lane did get a letter

Comments from two Councillors [names removed]:

- We are past the point where meaningful objections can be made against the Malmesbury Neighbourhood Plan
- Access: suggested access to the primary school can be made via Tetbury Hill Gardens, despite this being a private road, over which only the residents have extensive rights
Comment

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Address: UNKNOWN
Consultee: (817896)
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Harvest Crescent
Fleet
GU51 2UZ
Event Name: Malmesbury Development Plan Proposal
Comment by: Gleeson Development Ltd
Comment ID: 67
Response Date: 3/12/14 12:00 PM
Status: Processed
Submission Type: Email
Version: 0.8
Files: Gleeson Appendicies.pdf

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Scope of interest and submission

Comment:

1 INTRODUCTION
Scope of Interest

1.1 This document details Gleeson Development Limited's (Gleeson) response to the submitted Neighbourhood Plan (dated September 2013, published by Wiltshire Council (WC) for consultation 20 January 2014 - 12 March 2014) (NP).

1.2 Gleeson has a long-term option in respect of land on the northern edge of Malmesbury, known as 'Whychurch Farm'. In terms of how this land is referenced in the NP (and its evidence base), the optioned land comprises 'potential housing sites' ref. 16, 22A, 22B and 22C. It is relevant that:

Site 16 'Land north west of Reeds Farm Estate' together with the adjacent field to the north, partly within 22A, has been the subject of a planning application for 180 dwellings and land for a primary
school. WC refused permission, which has subsequently been appealed. The Inspector’s decision concluded that the scheme represents sustainable development and should be granted planning consent. However, later, the decision was said to have been “issued in error” and the SoS sought to recover the application. The lawfulness of this attempted recovery is subject to challenge in the Court of Appeal, due to be heard in July 2014. The Inspector’s conclusion is returned to later in these submissions.

Malmesbury Neighbourhood Plan Steering Group (MNSG) have subdivided the remainder of the optioned area into sites, 22 A, 22B and 22C ‘Whychurch Farm’. This subdivision has been undertaken without reference to Gleesons and without any understanding of the areas that would remain undeveloped, the opportunity for comprehensive master planning, and therefore the development capacity of the remaining 22A - 22C sites.

1.3 For reference, the land subject to the planning application / appeal is locally known as ‘Filands’, and this is how the application / appeal site is referred to later in these representations. All of these sites, 16 & 22 collectively, fall within one landownership and are all part of Whychurch Farm.

1.4 The plans at appendix 1 identify the various areas, relative to the wider range of alternative housing sites considered by MNSG.

1.5 In writing these representations, and participating in the process, we acknowledge that MNSG seem to be progressing the NP in tandem with the progression of the Wiltshire Core Strategy (WCS). Indeed the NP is explicitly aligned to the ‘pre- submission’ version of the WCS dated February 2012 (updated with a ‘Hearing Session Tracked Changes Version’ dated November 2013).

1.6 We are now concerned that the NP is not keeping up with the changes being made to strategic policies in the WCS. This matter is fundamental to the examination of the NP, given the main modifications currently being made to the WCS, in respect of housing requirements, settlement boundaries and site allocations, as well as additional development plan documents (DPD), including a Site Allocations DPD, now agreed by WC to be advanced through a revised local development scheme (see section 3 below).

1.7 It should be noted that Gleeson supports the neighbourhood planning process, in considering local issues, and, having originally been excluded from the workshops, has welcomed the opportunity to try and become involved in the Malmesbury NP process. A representative of Gleeson regularly attends meetings of the MNSG, as an observer (although offers have been made to participate), and technical evidence has been submitted to MNSG, with the hope and intention that this would help to inform and assist the housing site selection process (although unfortunately this has not been the case, a matter that we return to later).

1.8 MNSG is therefore fully aware that land is available and the landowners/developers keen to be involved. MNSG could have been positively engaged with Gleeson from the start of the NP process.

1.9 It is relevant to note that MNSG were actively involved in the ‘Filands’ appeal inquiry and gave evidence at that inquiry. A meeting has since taken place with MNSG to discuss the consequences of an outline planning permission at ‘Filands’, although during the course of that meeting it was a clear indication that, contrary to the findings of the Filands appeal inquiry Inspector, MNSG did not view the Filands appeal site as a sustainable option.

"Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic objectives." (184)

1.10 Nevertheless, during the appeal process, and in response to specific questioning at the Application Inquiry, it was never been suggested by MNSG that, if the Filands appeal site comes forward for development, MNSG would abandon the NP process and work that has undertaken to date. Indeed, the NP addresses a variety of local issues, not just housing, and we note that the Government expects the NP process to be a vehicle for growth, with one of the requirements of the NPPF being that:

1.11 Further, the WCS Inspector, in his 10th procedural letter dated 2 December 2013 (following hearings May - July 2013), has suggested that WC bring forward a site allocations DPD to accommodate increased housing requirements and amend settlement boundaries, a process which, he considers, could complement neighbourhood planning:

"Is it feasible, for example, to identify a broad disaggregation for each HMA whereby the early production of a Sites Allocation DPD could provide a means of providing the subsequent detail of site allocation? Such a process could be complementary to any neighbourhood planning process currently underway or those which subsequently emerge and would supplement the planned CS Review."
1.12 In this context, and as further explained below, it would be reasonable for the NP to include development at Filands, reflecting the strategic aims of the WCS, whilst being complementary to local aspirations.

**Scope of Submission**

1.13 The submission identifies and addresses:

- The stage of the NP process reached, to confirm that the NP has been submitted and there is no opportunity for MNSG to make further amendments;
- The relationship of the NP to the WCS, to identify those strategic objectives with which the NP must comply and the implications of the Inspector's interim conclusions in respect of the WCS;
- The history of the Filands appeal site, to re-confirm the sustainability of the site and set the scene for demonstrating the irrational way, including a complete disregard of the evidence available, in which the site has been assessed through the NP process in relation to reasonable alternatives;
- Compliance with the basic conditions, including the requirements of the SEA Directive, to outline the tests to be met and the consequences of failure to do so, including with reference to the WCS process;
- Comments on the consultations process, highlighting that MNSG’s response to consultation has not been fair or genuine;
- The implications of the above for the examination of the Malmesbury NP, outlining our case that the NP as is will not survive the examination process and thus will not be able to proceed to referendum if it stays in its current state.

1.14 We have not yet had opportunity to fully consider any consequences of the published Planning Policy Practice Guidance, and would wish to have the opportunity to do so before any examination of the NP. However, the NPPG has not amended the relevant legislation and dose not change the NPPF.
Comment

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

examination of the plan

Comment:

2. EXAMINATION OF THE PLAN

2.1 The examiner must assess whether the NP meets the basic conditions and other matters as set out at paragraph 8 (2) of Schedule 4B of the Town & Country Planning Act 1990 (as amended by the Localism Act 2011).

2.2 There are five basic conditions, three are referred to in these representations, these being:

. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NP;
. The making of the NP contributes to the achievement of sustainable development; and
. The making of the NP is in general conformity with the strategic policies contained in the development plan for the area.

2.3 Part 5 of the Neighbourhood Planning (General) Regulations 2012 set out the process for submission and examination of the NP as well as potential outcomes.
2.4 At this stage, the MNSG has submitted the NP to WC as the local planning authority. WC has publicised the NP for consultation and will appoint a qualified person to undertake the examination, issuing to that person the NP and a copy of all representations received. The examiner can only make one of the following recommendations:

- The NP can proceed to a referendum on the basis it meets all the necessary legal requirements;
- The NP can proceed to a referendum subject to modifications;
- The NP should not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

2.5 The process is therefore now in the hands of the examiner.
Comment

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Event Name: Malmesbury Development Plan Proposal
Comment by: Gleeson Development Ltd ( )
Comment ID: 69
Response Date: 3/12/14 12:19 PM
Status: Processed
Submission Type: Email
Version: 0.6

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Comment:

3. THE WILTSHIRE CORE STRATEGY: RELEVANCE TO THE NP

3.1 As stated above, the NP must be in general conformity with the strategic policies contained in the development plan for the area and, in this case, is explicitly aligned to the WCS rather than the saved policies of the North Wiltshire Local Plan 2011 (adopted June 2006). This is made clear at NP section A2 ‘Our Vision’. However, the WCS has yet to be settled, as follows:

3.2 The WCS was submitted to the SoS on the 10th July 2012 for examination, following pre-submission consultation June - August 2011. Once a plan is submitted to the SoS, the responsibility for its preparation falls to the appointed Inspector. Section 112 of the Localism Act, ‘Adoption and withdrawal of development plan documents’, amends Section 20 of the Planning and Compulsory Purchase Act 2004 with the effect that, if the Inspector recommends modifications then the authority can only adopt the plan with those modifications. The authority can make no other modifications.
3.3 Hearings into the WCS took place May - 19 July 2013. The Inspector has yet to issue his final report but has already signalled a number of inevitable changes that will need to be made. These have not yet been formally presented as suggested modifications by the WCS Inspector. Nonetheless WC has chosen not to withdraw the WCS, and has, instead, accepted the inevitable, namely, that recommended modifications must be made. WC has issued a schedule of modifications to the Inspector (28 February 2014) and we await confirmation that these should be subject to consultation.

3.4 The schedule of proposed modifications is published on WC's web site. A response from the Inspector is awaited, but given the modifications, it is anticipated that further consultation would be followed by a further hearing session.

3.5 In short, the overall housing requirement is being increased from 37,000 homes to 42,000 homes, this is being split to three Housing Market Areas in Wiltshire and then across the Community Areas. The Chippenham allocations (2,250 dwellings in total) have been deleted because, with reference to case law and legal compliance, and in the context of dealing with the alternatives in a fair and comparable manner to justify the content of the WCS, they fail to comply with SEA Directive so in policy terms they have not yet been adequately justified. Specifically in this matter, the Inspector states:

"I have considered, in the context of all the SA criteria and the balance of the evidence available, whether the weaknesses in the Council's approach are sufficient to undermine the justification for the content of Core Policy 10. Ultimately, I conclude that they do." (10th Procedural Letter dated 2 December 2014). NB The requirements of the SEA directive in respect of the NP are addressed further at section 5 below.

3.6 The WCS Inspector has also concluded that the existing settlement boundaries are out of date and do need to be reviewed. WC has agreed to do this through a Site Allocations Development Plan Document (SA-DPD), which will also make further housing allocations to assist in meeting the overall requirement. The timescale for this DPD, as agreed by WC in an updated Local Development Scheme (considered at committee 21 January 2014), looks to adoption of the SA-DPD June 2015.

3.7 The consequences for the NP are fundamental. Because it is so aligned to the WCS and includes housing and employment allocations that do not conform with the saved policies of the development plan (North Wiltshire Local Plan), as a matter of law, the Malmesbury NP can not be made until the WCS is adopted and possibly the Site Allocations DPD, if the latter is going to be relied upon, in the NP, to further review settlement boundaries at Malmesbury and make additional housing allocations necessary to meet the strategic aims of the WCS.

3.8 The relative timing of the making of the NP relative to the adoption of a local plan is a matter currently being considered in the High Court in respect of the Tattenhall NP (BDW Trading Ltd (trading as Barratt Homes) and others v Cheshire West and Chester Council and another). It is relevant to highlight that, as a consequence of this litigation, examination of the Winsford NP has been adjourned, with the examiner there stating, in his interim decision dated 15 January 2014:

"2. In this case, one of those making a response to the consultation on the draft Winsford Plan has raised, as a preliminary legal point, the issues of:

- the relative timing of the making of a neighbourhood plan and the adoption of a local plan, and
- whether the requirement for a neighbourhood plan to be the subject of a strategic environmental assessment (SEA) can be met by such an assessment having been prepared in the context of an emerging local plan.

3. It would seem to be meaningless to refer to a neighbourhood plan being made "before" a local plan, as long as there is in place a local plan - of whatever age. However, if the relevant local plan is some way in the past, and if there is within that plan no saved policy that allocates a specific amount of housing to be provided, it is then at least arguable that it would be unlawful to make a neighbourhood plan, or that it would be unlawful if that plan were to contain any housing allocations; and that might have implications on other policies."

3.9 The outcome of the legal challenge should give a clear statement on these matters.

3.10 In the meantime, whilst the NP is not explicit about which strategic policies it is to conform to, because the NP includes both employment and housing allocations and discuss related infrastructure requirements, these strategic policies must include CP1 'Settlement Strategy', CP2 'Delivery Strategy', CP3 'Infrastructure Requirements' and CP 13 'Spatial Strategy; Malmesbury Community Area'.

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3.11 These policies, as amended by the proposed modifications (Feb 2014) (in response to 10th Procedural Letter), are summarised as follows:

“The Core Strategy sets out the strategic vision for delivering sustainable growth over the period up to 2026. However, it is not the only development plan document in the planning policy framework for Wiltshire. The Council is committed to bringing forwards a suite of plans designed to support the Core Strategy which will collectively deliver the aspirations for growth across Wiltshire.

The Local Development Scheme includes a commitment to delivering site allocations plans for Chippenham and wider Wiltshire. These plans will address issues relating to housing delivery to ensure a surety of supply throughout the plan period in accordance with national policy; and help to compliment Neighbourhood Planning.” (Ref TPL1 - WCS introduction)

“The flexible approach will have allowed the Council, for example through the preparation of the Site Allocations DPD and local communities preparing neighbourhood plans, to respond positively to opportunities without being inhibited by an overly prescriptive, rigid approach which might otherwise prevent sustainable development proposals that can contribute to delivering the strategic objectives of the plan.” (Included within ref TPL4 & TPL9 - WCS strategic objective & supporting text to CP1)

Core Policy 1: Settlement Strategy

“The Settlement Strategy identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire.”

Under the heading ‘Market Towns’ CP1 states, “Outside the Principal Settlements, Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.”

Malmesbury is identified as a Market Town.

Core Policy 2: Delivery Strategy

This did make provision for at least 37,000 additional homes in Wiltshire 2006 - 2026, but is currently being modified to 42,000 homes. The overall requirement is split between three Housing Market Areas and further distributed to Community Areas. The North West HMA, within which Malmesbury is located, was to accommodate at least 21,400 homes but this is being modified to 24,740 homes. The Malmesbury Community Area was to accommodate at least 1,200 homes, split between Malmesbury Town (760 homes) and the remainder of the community area (440 homes) but again this is being modified to 885 and 510 homes, respectively.

A modification to the supporting text (4.28) confirms that:

" The indicative figures also allow a flexible approach which will allow the Council including through the preparation of the Site Allocations DPD and local communities preparing neighbourhood plans to respond positively to opportunities without being inhibited by an overly prescriptive, rigid approach which might otherwise prevent sustainable development proposals that can contribute to delivering the strategic objectives of the plan.” (TPL13 )

Nb. The un-modified figures are identified in the table on page 10 of the NP.

CP2 confirms that there are no strategic housing allocations proposed at Malmesbury.

Core Policy 3: Infrastructure Requirements

This requires the timely delivery of necessary on-site and off-site infrastructure associated with development.

Core Policy 13: Spatial Strategy Malmesbury Community Area

“Development in the Malmesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

Market Towns: Malmesbury.

Large Villages: Ashton Keynes, Crudwell, Great Somerford, Oaksey and Sherston. Small Villages: Brinkworth, Charlton, Corston, Dauntsey, Lea, Luckington, Milbourne, Minety and Upper Minety.
The following Principal Employment Areas will be supported in accordance with Core Policy 35: Malmesbury Business Park, Dyson Site, and Land North of Tetbury Hill.

Over the plan period (2006 to 2026), 5 ha of new employment land (in addition to that delivered or committed at April 2011) will be provided including:

Land North of Tetbury Hill Saved North Wiltshire District Plan 1 ha allocation Land at Garden Centre, Malmesbury Saved North Wiltshire District Plan 4 ha allocation

Over the plan period (2006 to 2026), approximately 1,395 new homes will be provided of which about 885 should occur at Malmesbury. Approximately 510 homes will be provided in the rest of the community area. There will be no strategic housing sites allocated in Malmesbury. Non-strategic development Growth in the Malmesbury Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.

Development proposals in the Malmesbury Community Area will need to demonstrate how the relevant issues and considerations listed in paragraph 5.70 will be addressed."

NB We have left the struck-out text within this quote in order to highlight a key change, that the WCS no longer dismisses the potential for a strategic allocation at Malmesbury.

Policy CP35 states that, "Proposals for renewal and intensification of the above employment uses within these areas will be supported." It does not explicitly support the expansion of employment sites.

3.12 It is relevant to note that TOR, on behalf of Gleeson, will, if invited to do so, be making further representations to these strategic policies. Specifically we will be making reference to the unusual position of Malmesbury in the settlement hierarchy, in that it is a Market Town but is the home to one of Wiltshire's major employers, Dyson. This, along with other employment opportunities within the town, means that there is a current imbalance, with the number of jobs far in excess of working resident population. The result is significant level of in-commuting, which inevitably impacts on the core of this historic town, the centre of which accommodates many buildings which need to be preserved and infrastructure that cannot really cope with the demands of modern traffic.

3.13 Dyson held a public exhibition on 3 February 2014 presenting expansion plans for consultation. The plans are to create a technology campus, adjacent to the existing facility located on the northern edge of the town, to include new commercial research and development buildings. They will create over 35,000 square metres of additional employment floor space along with additional staff facilities, including a restaurant and sporting facilities and energy centre (see appendix 2).

3.14 Dyson's website reports are that this development could create around 3,000 new jobs (see appendix 3), which would increase the total number of employees on site to 4,800 over the next five - ten years.

3.15 Dyson is well aware of the concerns about increased traffic and is proposing to address the traffic impacts with two proposed roundabouts at (1) Tetbury Road/Tetbury Hill and (2) at Filands/Crudwell Road as well as a Travel Plan (containing, for example, car sharing, flexible working to spread the peak hour rushes and putting on coaches to/from surrounding towns and nearby train stations).

3.16 However, a more appropriate response for the town would be to maximise opportunities for sustainable housing development at Malmesbury to enable the town to thrive, attract a resident workforce and therefore to become a sustainable settlement.

3.17 This needs a comprehensive and strategic approach to spatial planning, and is not a task that can, or should, be left to a NP, the process for which is ill-equipped to consider all of the economic and social issues of what is likely to be a significant employment expansion to the town. The housing provisions, even in the modified WCS, are inadequate to address the issues.
4. HISTORY OF FILANDS 4.1 In 2009, at the start of the WCS process, WC undertook a Sustainability Appraisal (SA) of sites to deliver housing development at Malmesbury. The published Sustainability Appraisal Report (SAR) identifies the Filands appeal site as performing "most favourably in relation to the Sustainability Appraisal" in comparison to other options, including the Backbridge Farm site (paragraph 6.10.10 - appendix 4).

4.2 The SAR informed the WCS Strategic Sites Background Paper 2009, in which WC confirmed, in respect of the Filands appeal site, that:

"No major constraints have been identified within this option. The land is on the other side of town to the Cotswolds AONB, which is located to the west of Malmesbury. This land is also located some distance away from the environmental and flood risk constraints to the south of the town. ... This option is preferred because it is well related to the existing employment land to the north of Malmesbury increasing the potential for self-containment. It is also well related to the existing built form and is less constrained than alternative options." (page 85).
4.3 The strategic allocation was not carried forward into the WCS, the Draft Topic Paper 14 Site Selection Process (June 2011) ‘Review of Wiltshire 2026 Preferred Strategic Sites’ confirmed that:

“There was general opposition to development in Malmesbury until later in the plan period.”

The outcome was:

“The remaining housing allocation can be delivered through the identification of small site allocations. These will be identified through community-led Neighbourhood Plans or a site allocation development plan document, prepared in close consultation with local communities.”

4.4 In December 2011, Gleeson submitted an outline planning application in respect of the Filands appeal site. This sought the development of 180 homes and land for a primary school. The application was accompanied by a wide range of technical reports, but has been screened to conclude that environmental impact assessment was not required in association with the development.

4.5 The application was refused 21 March 2012. The refusal was appealed and it was agreed through the SoCG that the main issues were matters of policy, prematurity and education, the application being outside the Malmesbury Settlement boundary and therefore contrary to Policy H4 of the North Wiltshire Local Plan and the settlement boundaries then expected to be revised through neighbourhood planning. In respect of education, the Council’s position had been in relation to insufficient capacity at the local primary school.

4.6 No technical issues remained, there had been no objections to the application from Natural England, the Environment Agency, Highways Authority or Wessex Water.

4.7 The Inspector’s decision letter, specifically considers whether the development (site and proposals) constitute sustainable development. This is an independent assessment that must carry significant weight. The legal process underway does not diminish the conclusions in respect of the sustainability of the site. There is no reason as to why the conclusions should be amended in the transition from letter to report, or why the SoS would take a different view - the issue of recovery being related to prematurity vis a vis the NP.

4.8 The Inspector’s considerations in respect of sustainability are contained in his paragraphs 52 - 73 (appendix 5). He concludes:

“Taking all this into account the appeal scheme seems to me to be the kind of sustainable development which paragraph 14 of the NPPF urges LPAs to grant planning permission in a drive to boost housing provision.” (IR 72)

“Indeed, it is entirely feasible for there to be additional, and other, appropriate sustainable housing provisions for Malmesbury; which could include both the appeal site and the green field allocation preferred by the dMNP.” (IR 79)

“The appeal scheme is the kind of sustainable development to which the presumption in its favour, under paragraph 14 of the NPPF, applies.” (IR 89)

4.9 There can be no doubt that both WC, through the SA process, and the Inspector consider development of the Filands application site for housing and primary education provision to constitute sustainable development, exactly the type of development specifically that the strategic policies of the WCS, as proposed to be modified, seek to achieve:

“The indicative figures also allow a flexible approach which will allow the Council including through the preparation of the Site Allocations DPD and local communities preparing neighbourhood plans to respond positively to opportunities without being inhibited by an overly prescriptive, rigid approach which might otherwise prevent sustainable development proposals that can contribute to delivering the strategic objectives of the plan.”
5. COMPLIANCE WITH THE BASIC CONDITIONS

**National Policy Advice 5.1** The NPPF sets a presumption in favour of sustainable development, which must be applied to plan making and decision taking. This means that the NP should positively seek opportunities to meet the development needs of the area. The NPPF also requires that the NP cannot provide for less development than that which is set out in the local plan, or undermine the strategic priorities of the local plan (184) - in this case the WCS.

5.2 The NPPF describes sustainable development in paragraphs 18 to 219; including guidance on the preparation and function of NPs.

5.3 With regard to the wider aims of achieving sustainable development and conformity with strategic policies, the NP process gives the local community direct power to influence the future of the town,
but with that power comes the responsibility to deliver sustainable development to meet the community’s needs (NPPF, paragraph 183) which will include complying with the following principles of positive planning:

- "plan positively to support local development" (paragraph 16)
- "respond positively to wider opportunities for growth" (paragraph 17)
- "supply of housing required to meet the needs of present and future generations" (paragraph 17)
- "allocate sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities" (paragraph 17)
- "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable" (paragraph 17)
- "boost significantly the supply of housing" (paragraph 47)

5.4 Malmesbury is a key market town accommodating significant employment opportunities that are set to expand. Increasing the number of jobs in Malmesbury by 700, as a consequence of Dyson’s expansion plans, will have a significant impact on the need for new homes. New employees will be drawn to the town from other parts of Wiltshire and beyond. If new homes are not provided to match this new need, existing levels of in-commuting will be exacerbated. 5.5 The NP proposals, do not address these issues which are clearly central to sustainable development, they do not represent a significant boost in housing provision, do not take opportunities for sustainable development and do not seek to make the town more sustainable.

5.6 In relation to affordability, Core Principles of the NPPF recognise that "plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land" (17). The Sustainable Community Strategy for Wiltshire (2007 to 2016) recognises the lack of affordable open market and rented housing, making it difficult for young people and families to stay in their communities. It acknowledges that the lack of affordable housing can pose difficulties for employment recruitment (page 10). This is supported by research from the National Housing Federation ‘Home Truths’ which identifies that 80% of businesses believe that a lack of affordable housing is stalling economic growth in local communities and 70% of businesses warn that it would affect their ability to attract and keep workers.

5.7 The Malmesbury and Villages Community Area Plan (2009 to 2013) also highlights housing need in Malmesbury as a major issue, identifying that in 2007 “the average cost of a home in Malmesbury Community Area was 8.26 times the average recorded yearly earnings of its residents” and that average house prices in Malmesbury in 2008 were almost £100,000 more than the average for the rest of Wiltshire (page 17, evidence from State of Malmesbury Community Area 2008 and Land Registry).

5.8 Malmesbury clearly has the ability to accommodate more housing than is being promoted in the NP. To this extent the NP fails to plan positively, and therefore fails to comply with the NPPF. This is not fulfilling the responsibility given to the local community by ministers and fails to satisfy the first basic condition.

**Sustainable development**

5.9 The qualifying body must demonstrate how the NP contributes to the achievement of sustainable development, as set out in the NPPF. The NPPF identifies three dimensions to sustainable development, economic, social and environmental.

5.10 Under European Law, specifically the Strategic Environmental Assessment Directive 2001/42/EC, there is a requirement to assess the effects of the NP on the environment in order to be legally compliant. The SEA Directive, and regulations transposing them, requires the NP to identify the most reasonable alternatives.

5.11 First, we address the process of site selection and then identify more detailed points regarding the inadequacy of the Sustainability Appraisal. Before doing so, it is relevant to highlight that the WCS Inspector has recommended the deletion of four strategic allocations at Chippenham (primarily for housing development) from the WCS because he is not satisfied that the SA has informed robustly the equitable consideration of reasonable alternatives. This is the very serious implication of an inadequate SA:

**Site selection process: General Points**

5.12 WC has not published the evidence base supporting the NP site selection process as part of this consultation, but it is referred to in the NP and TOR has previously reviewed and commented on it,
identifying significant concerns. MNSG has not addressed these concerns and it remains the case that the process has not produced a NP that will contribute to sustainable development, as defined by the NPPF.

5.13 Unfortunately, the deficiencies in the site selection criteria result in the preferred sites not being the most sustainable or suitable sites for development in Malmesbury and raises questions about the deliverability of the largest site. We set out below our key concerns and their relationship to the achievement of sustainable development.

5.14 The scoring system has been created by MNSG, rather than using a proven objective system. The system is overly confusing and has led to distorted and disproportionate results. For example, when scoring sites relative to local amenities, a site within 5 minutes walk of most local amenities scores ‘CV1’ but sites within 20 minutes walk score ‘CV5’, whilst any site just over this distance effect of which is to multiply the original result. Hence, the results become disproportionate to the issue and cannot be used to provide an indication of the most sustainable patterns of development.

5.15 Further, the detailed assessment of sites places significant emphasis on the 85- metre contour, using this contour to dismiss potential sites on the basis of visual impact. The Malmesbury Settlement Assessment report (dated 2 December 2013) seeks to justify this approach by indicating that there is not much existing built development above the contour and that any such development would impact views of the Abbey. However this is a poor point, evidenced by the Filands appeal decision letter - Filands being above the 85m contour but considered to be sustainable development by the Inspector who specifically considered views to the Abbey (para 61).

5.16 The lack of study and robust investigation to support this approach is obvious. The approach is overly simplistic and would never be adopted to provide a robust landscape and visual analysis, which uses contouring information to identify zones of visual influence and considers the screening influence of existing landscape and built form. The potential for impact on views to the Abbey will clearly depend on the location of viewpoints, intervening topography, vegetation and built development.

5.17 Further, as shown by figure 10, of the Settlement Assessment report, there are significant areas of the town above the 85-metre contour, for example new homes at Tetbury Hill and parts of the Reeds Farm estate. Further, the Technology Park and Dyson expansion zone allocated in the NP lie above the 85 metre contour.

5.18 Hence the assessment approach is unjustified, un-evidenced and inconsistent and, as a consequence, MNSG has dismissed sustainable sites.

**Sustainability Appraisal**

5.19 There are seven main points of weakness in the NP Draft Sustainability Appraisal (SA), relating to the following:

- The information contained in the SA Report
- The SA framework
- The SA assumptions
- The housing requirement
- The assessment of alternatives
- The non-technical summary (NTS)
- The addendum to the SA Report

**The information contained in the SA Report**

5.20 Schedule 2 of The Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) and Directive 2001/42/EC Annex 1 (the SEA Directive) requires that the environmental report (in this case the SA Report) includes/identifies, among other things:

- the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
- the environmental characteristics of the area likely to be significantly affected;
- any existing environmental problems which are relevant to the plan or programme; and
- the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.

5.21 These elements were included in the SA Scoping Report, a revised version of which was published alongside the draft SA Report on the MNSG website, although this is not available on WC’s consultation
website. However, the information is not summarised in either the main SA Report or its appendices.

5.22 The absence of this information means it is not possible to understand how the current state of the environment, and existing environmental issues, informed the SA process. This also means that the draft SA Report as currently written fails to meet the requirements of both the UK and EU legislation.

5.23 It should be noted that case law has confirmed that the SEA process should not become a paper chase. The judgement on the Save Historic Newmarket Ltd v Forest Heath District Council case states that: “The final report may rely on earlier material but must bring it together so that it is identifiable in that report. This is consistent with the requirement that members of the public must be able to involve themselves in the decision-making process and for that purpose receive all relevant information. It cannot be assumed that all those potentially affected would have read all or indeed any previous reports.”

The SA framework

5.24 Appendix B of the draft NP SA Report sets out the SA Framework, and sets out the approach to assessing the significance of effects against each SA objective. Due to the overlap between some of the SA objectives, and the related approach to assessing these objectives involving duplication, this has resulted in certain issues inadvertently being weighted more heavily than others, as they are repeatedly assessed and scored against the same significance criteria.

5.25 In particular, the objectives relating to improving air quality, minimising impacts on climate change, improving equality of access to local high quality community services and facilities, and reducing the need to travel, are all assessed in the same way, based on distance from existing facilities and connectivity for pedestrians / cyclists. In the assessment of alternative housing sites, this means that one issue (distance to existing facilities) is effectively being scored four times, providing an unacknowledged weighting towards this issue and biasing the assessment against sites that score less well in relation to this issue, even if those sites are located within a reasonable walking distance and route of facilities. No consideration is given to proposals for new facilities - for example a new primary school at the Filands appeals site, instead it is assumed that all sites would contribute to school provision but no significant benefit of securing land for a new school is acknowledged.

5.26 The assessment framework underlying the SA objectives does not allow the assessment to differentiate between receptors of varying levels of importance. For example, in relation to impacts on landscape, site 3a is approximately 0.5 km to the west of the AONB but only scores an insignificant negative landscape effect, indeed the AONB is not even mentioned. Sites 2 and 9 are recorded as being within an ‘inner threshold’ of the historic core of Malmesbury and are assessed as having a significant negative landscape effect whilst sites 3b, 8, 12 and 14 are recorded as only being within or on the edge of an ‘outer threshold’ of the town’s historic core, but are also assessed as having a significant negative landscape effect.

The SA assumptions

5.27 Appendix B of the draft SA report sets out the assumptions that have been factored into the SA during the course of the assessment process, this includes reference to policies that are likely to change, including policy CP13 which sets the level of housing to be provided at Malmesbury. Many of the assumptions listed relate to eWCS policies being in place. The policies from the eWCS have not yet been adopted, and may still be subject to change, particularly those relating to housing numbers. The assumption that these policies will provide mitigation for the plan is flawed until the eWCS is in place, and until such time as the eWCS is adopted, the conclusions drawn in the SA cannot be considered to be valid.

5.28 Once the eWCS is adopted the SA assessment will need to be reviewed to consider if any changes to the policy wording have affected the SA assessment.

The Housing Requirement

5.29 The SA states that “a key objective of the NDP is to propose the site location / locations for up to 270 new homes in the Malmesbury Town area.” The SA assessed the effects associated with the provision of allocations totalling up to 295 dwellings, which were subsequently reduced to 235 dwellings in the revision to the NDP assessed in the SA addendum. However, these figures were based on an assumption of the total housing requirement that would need to be accommodated in the Malmesbury Town area over the plan period, as set out in the submitted WCS. The Inspector’s subsequent findings and current proposed modifications, which increase the requirements for Malmesbury, have not been assessed in the SA and neither have the impacts of under-providing housing in the area.
5.30 The SA report therefore does not meet the requirements of the SEA Directive to, “identify, describe and evaluate the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme”, as a current key objective for the Malmesbury Town area will need to change and the effects of implementing the NP with this change have not been assessed.

The assessment of alternative sites

5.31 No maps are provided of the locations of the various alternative sites and no information is given on the number of dwellings that could be accommodated on the rejected sites. This makes it difficult to understand the context of the alternatives. It also makes it impossible to understand whether and how the capacity of the sites was taken into account in the assessment. For example, all the sites scored the same against the objective of providing good quality affordable housing and an appropriate mix of dwelling sizes, types and tenures. This appears to ignore the fact that larger sites will not only provide more dwellings, and therefore a more significant effect, but also have greater potential to provide a mix of dwellings.

5.32 The Neighbourhood Plan allocates sites 6, 10 and 11 together, but the SA assesses them separately as individual alternative sites, meaning that the impact of the allocation as proposed in the plan has not been assessed. In addition, it is not clear from the SA Report why sites 3 and 22 have been divided up as they have. The report states that these are large sites that were subsequently split into three parcels by the MNSG, but no justification for the extent of the parcels has been provided.

5.33 Schedule 2 of the SEA Regulations requires that the environmental report include "an outline of the reasons for selecting the alternatives dealt with." The SA Report refers the reader to the NP and several other documents, but does not summarise the process undertaken to identify the alternatives selected for assessment. While the report provides a summary of the performance of the preferred alternatives, and sets out a detailed analysis of all alternatives in an appendix, it is not clear why the allocated sites were chosen over some of the others with a similar or better performance. For example, housing site 20 has no significant negative effects but is not allocated.

5.34 The requirement to identify the reasons behind the selection of alternatives was confirmed in the judgement on the Save Historic Newmarket Ltd v Forest Heath District Council case:

"the final report accompanying the proposed Core Strategy to be put to the Inspector was flawed. It was not possible for the consultees to know from it what were the reasons for rejecting any alternatives to the urban development where it was proposed or to know why the increase in the residential development made no difference. The previous reports did not properly give the necessary explanations and reasons and in any event were not sufficiently summarised nor were the relevant passages identified in the final report. There was thus a failure to comply with the requirements for the Directive."

It is considered that the SA Report on the NP suffers from the same flaw.

5.35 More detail appears to have been taken into account in the assessment of the allocated sites than for the rejected sites. For example, paragraph 3.3.11 states that " Development of Site 5 would potentially have a significant negative impact in relation to objective 5 ‘historic environment’, the design work undertaken in preparation of the NDP demonstrates that such effects could be avoided by limiting development to the area identified in the NDP." Similarly, a distinction is made between the whole of site 18 and the allocated section in relation to the significance of negative impacts on landscape. Paragraph 3.3.9 states that, " Site 15 is partially within a flood risk zone but the land forms part of a larger allocation involving land in Site 3 and the site in the flood risk zone would be left as greenfield." It is not clear whether the potential for mitigation through design / site layout was taken into account in the assessment of the rejected sites and it is imperative that the sites are assessed on a comparable basis.

5.36 Guidance from the European Commission[1] states that, "In requiring the likely significant environmental effects of reasonable alternatives to be identified, described and evaluated, the Directive makes no distinction between the assessment requirements for the drafted plan or programme and for the alternatives. " This requirement to assess all reasonable alternatives to the same level of detail was confirmed in the judgement on the Heard v Broadland District Council case:

"There is no express requirement in the directive...that alternatives be appraised to the same level as the preferred option...It seems to me that, although there is a case for the examination of a preferred option in greater detail, the aim of the directive, which may affect which alternatives it is reasonable to select, is more obviously met by, and it is best interpreted as requiring, an equal examination of
the alternatives which it is reasonable to select for examination alongside whatever, even at the outset, may be the preferred option."

The SA Report does not meet this requirement.

5.37 We have also highlighted the following areas where the assessment seems to be lacking in terms of its robustness and fairness in regard to the assessment of individual sites:

- Criterion 5 (flood risk). Sites 3a, b and c are not marked down in any way by their proximity to flood zones 2 and 3.
- Criterion 7 (climate change). Given site 3's proximity to the flood plain and areas of flood risk, it is surprising that the site scored higher than Whychurch Farm (22 a and b). In regard to reducing the need to travel, the assessment covers walking distances but does not consider whether public transport access would be achievable. As noted above, the access of site 3 to bus stops and the ability to deliver a new bus route through the site is uncertain, so we question the "significant positive effect" rating.
- Criterion 8 (historic environment). Sites 16 and 22 a, b and c, have been categorised as having a "significant negative effect" on views of the town and Abbey where mitigation is considered problematic. We completely disagree with this statement and assessment of these sites. As demonstrated in the Landscape and Visual Appraisal report development at site 3 a, b and c will have more impact on the Abbey and the AONB than sites 16 and 22 a, b and c, which integrate well into the landscape. The SA concludes that the "NP has a positive effect insofar as it seeks to avoid locations that are particularly sensitive in landscape terms" (paragraph 3.3.12). This statement is not accurate, as the SA has not assessed the impact on the setting of the AONB particularly in regard to the proposed allocation of site 3.
- Criterion 9 (landscape). This criterion makes no reference to the Cotswolds AONB and therefore does not assess the impact of development on the setting of the AONB. This is an important aspect of the landscape around the town and should be given proper consideration. As set out above, site 3 a, b and c, forms part of the setting of the AONB, and the impact on the AONB setting should be carefully considered in the SA.
- Criteria 13 and 15 (equal access and sustainable transport). As mentioned above, we disagree with the assessment for site 3a, which suggests a "significant positive effect" due to the inability to access the bus network from the site, leading to a negative impact on the aim of reducing the need to travel, as there will be an over reliance on the car as a form of transport.
- Criterion 14 (education). All the sites are assessed as having a neutral effect, which does not take account of the fact that site 16 is able to accommodate a new primary school, rather than needing to make a financial contribution, which would be a beneficial effect.
- Criterion 17 (employment opportunities). Site 3a scores well here due to the provision of 5 small business workshops in the proposals. All other sites are not scored, as they have no relationship to the objective; however, larger sites could provide some employment space and as such all these site should be treated equally.

5.38 The consideration of the 'do nothing' option is very limited. For example, paragraph 3.4.10 summarises the 'do nothing' option in terms of the alternative housing sites, but it is not included in the assessment matrix. It is therefore difficult to compare the implications of this option with the implications of the other alternatives.

5.39 The assessment of alternatives focused solely on the provision of housing in Malmesbury itself. No alternatives were assessed for rural housing provision, which relies on windfall sites to provide 141 dwellings. Given that the allocation of 295 dwellings on sites in Malmesbury was the subject of a detailed alternative sites assessment, it seems unrealistic to assume that there are no alternatives to the use of windfall sites for rural housing provision. The SA Report does not explain why no alternatives were considered, or why reliance on windfall sites was considered to be the preferred approach.

5.40 The assessment of potential employment sites has also not considered all reasonable alternatives and it is not clear why only the sites listed in table 6.1 of the main SA Report were assessed. For example, sites 16 and 22 were not included in the consideration of sites that could potentially accommodate employment, and no reason was given for their exclusion. Further, the NP makes provision for 10.9 ha of employment land, far in excess of the WCS. Whilst this represents a positive response to Dyson, a response that we would generally support, it does need to be justified and assessed in the NP SA, particularly given that there is no assessment of this level of provision in the SA for the WCS.
5.41 Appendix A of the NP draft SA report summaries responses and changes to the scoping report, and includes reference to our previous representations where flaws in the assessment of alternatives were highlighted. In the ‘response to comments’ column it states that:

“The site assessment criteria is not part of the Sustainability Appraisal but was developed before and has undergone consultation. The criteria were used to sieve out inappropriate sites. Those sites will now be subject to Sustainability Appraisal, which will use the previous assessment as evidence. The two assessments are completely separate but the SA draws on the baseline data used to sieve sites and overall conclusions, particularly in relation to proximity to facilities.”

5.42 The SA should assess all ‘reasonable alternatives’, as set out in the SEA Directive, the Environmental Report should include "an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken." The site selection process should therefore be clearly explained in the SA to enable an understanding of the process and where the alternatives assessed have been drawn from. Without the inclusion or clarification of this process in the SA, the report has not been undertaken adequately enough to meet the requirements of the UK or EU legislation in this regard.

The non-technical summary (NTS)

5.43 Schedule 2 of the SEA Regulations requires the preparation of a NTS of all the information required to be included in the environmental report. Our comments made previously in this report about insufficient information being provided in the SA Report therefore also apply to the NTS. The NTS accompanying the SA Report does not contain any information on the existing baseline environment, environmental problems or how environmental considerations were taken into account in the preparation of the plan. It is not even clear what area the NTS covers, as there is no plan of the NP area.

5.44 Furthermore, the NTS does not include a summary of the performance of all the alternatives, only the allocated options, so it is not possible to compare the options and it is not clear why some options were rejected. The lack of baseline data in the NTS means that it is not clear why the issues discussed in the summary of the selected options are important. In relation to the housing options, the NTS states that "Overall it can be concluded that the preferred options are in less sensitive locations than other options" and "Overall the results of the draft SA do not suggest that any of the options should be substituted for the proposed sites", but no information on the locations of the rejected options or their performance in the assessment is provided to support these statements. It is therefore impossible to gain a clear understanding of the reasoning behind the assessment of alternatives from the NTS.

The addendum to the SA Report

5.45 Some of the changes to the NDP identified in the addendum to the SA Report led to a reduction in proposed housing numbers of approximately 20% compared to the number of dwellings allocated in Malmesbury in the original NDP. However, the addendum does not explain why the number of new homes needed has been reduced. SEA Conclusions

5.46 As a result of the issues identified above, the main SA Report, the addendum and the NTS are inadequate and do not meet the requirements of the SEA Regulations and as such the plan has failed to meet the basic conditions and the requirements of EU legislation. The inadequacy of the SA has led to other NPs failing at examination, for instance in the case of the Slougham NP.

The development plan

5.47 The current adopted development plan for the area is the North Wiltshire Local Plan 2011, which was adopted in June 2006 and covered the period 1991 to 2011. This plan is time expired and out of date. The NP purports to align itself with the WCS, a plan that in it's submitted state and has been found unsound in several material respects.

Meeting the strategic objectives of the Core Strategy

5.48 The Spatial Vision for the eWCS states that:

"By 2026 Wiltshire will have stronger, more resilient communities based on a sustainable pattern of development, focused principally on Trowbridge, Chippenham and Salisbury. Market towns and service centres will have become more self-contained and supported by the necessary infrastructure, with a consequent reduction in the need to travel."
5.49 In addition, the WCS contains a set of strategic objectives, including "addressing climate change" in part by reducing the need to travel, and "providing everyone with access to a decent, affordable home" (objective 2 and 3).

5.50 Evidence provided by WC for the WCS (Topic Paper 3: Settlement Strategy) highlights that there are 4,656 people employed in the town but only 2,709 employed residents, identifying that Malmesbury has the highest level of in-commuting out of all of Wiltshire's market towns (table C2, page 87, Topic Paper 3). The NP scoping report, November 2012, acknowledges that traffic and parking congestion are "major issues in the town" (page 30), highlighting the need to reduce in-commuting. With Dyson's recent expansion announcement, the disparity between the number of people employed and the number of employed residents will inevitably increase.

5.51 The NP must respond positively by planning for more new homes, to meet the needs of the existing and future workforce, taking opportunities to improve self-containment, and thereby help deliver the WCS strategic objectives, enhancing Malmesbury's vibrancy and sustainability.

**Meeting the housing requirements of the Core Strategy (WCS CP2)**

5.52 Whilst we acknowledge the Government's desire to bring forward NPs at the earliest opportunity, this NP addresses housing growth and allocates sites for housing during the period 2006 to 2026. It cannot be made before the adoption of the WCS, for reasons explained above.

**Meeting Infrastructure requirements (WCS CP3)**

5.53 The increased housing requirement brings into question the NP strategy in relation to infrastructure provision, particularly primary education.

5.54 The existing Malmesbury Primary School is two-form entry, opened in 2008. The school was required to match expansion of the town in the 1980s / 1990s but within two years of opening it was at capacity. It was designed and built to operate only as a two-form entry school, with each form classrooms located next to each other to encourage interaction. The Education Provision Evidence, published by MNSG in December 2012, highlights that "for the September 2012 entry Malmesbury C of E Primary School has 90 applicants for just 60 places" and the other primary school in the town, St Joseph's RC Primary school "has likewise been oversubscribed for each of the last 3 years."

5.55 The NP acknowledges that the school has no room for expansion on site and is reliant on third party land for expansion. The NP does not clarify how much land is required or how many new classrooms needed.

5.56 We note that the MNSG Education review group has dismissed the idea of a new school, in part because no site had been identified and based on the need for 53 - 70 additional school places - linked to the NP housing growth level. However, this requirement does not take into account 30 pupils currently accommodated in temporary accommodation at Lee and Garsdon School, or the implications of increased housing requirements. The Education Review Group failed to take into account the potential school site identified in relation to the Filands application, providing land for a two-form entry school.

5.57 The proposed extension to the existing school will be inadequate. With more homes required, the opportunity to secure the provision of a new school should be considered. A new school could accommodate up to 210 pupils, which would meet the required capacity now and future proof for expansion needs in order to ensure that WC is able to continue to meet its statutory duty to secure sufficient school places in the area.

**Employment Provisions**

5.58 It is relevant that the WCS, in addressing sustainable growth for Malmesbury, identified a requirement to provide 5ha of employment land within the Community Area. The NP allocates approximately 10.9 hectares.

5.59 This is a significant departure from the WCS and whilst the NPs positive approach towards the delivery of employment land should be welcomed, this does highlight the need for this level of provision to be justified, including through the consideration of reasonable alternatives.

**Conclusion**

5.60 It is clear that the reasonable alternatives have not been treated on a fair and equitable basis, even looking at MNSG's own assessment which identifies that the allocated sites are not necessarily the best performers in terms of sustainable development (see the attached comparison table which
brings together MNSG’s assessment of a number of sites, appendix 6). The basic conditions are not met.


Officer Comment

Officer Comment
Comment

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Event Name Malmesbury Development Plan Proposal
Comment by Gleeson Development Ltd ( )
Comment ID 72
Response Date 3/12/14 1:26 PM
Status Processed
Submission Type Email
Version 0.4
Files Gleeson Appendicies.pdf

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? Implications

Comment:

6. IMPLICATIONS

6.1 As a consequence of the above, it cannot be concluded that the allocations are robust. Moving from the SA process, particular concerns with respect to site selection are described below.

Site 3a and 15 - Backbridge Farm

6.2 The NP proposes to allocate 170 dwellings at Backbridge Farm but has not demonstrated its sustainability, suitability or delivery. We object to the site allocation (Policy 1).

6.3 The NP indicates several potential access points to the site, yet it is not clear how any of these would work. The access from the north would require a major route around the boundaries of the Dyson Headquarters. This is likely to have significant abnormal cost implications for the development and environmental impacts that have not been assessed. The NP acknowledges at least that "road
access will need to be delivered in collaboration with the school and other land owners possibly in conjunction with the necessary school expansion” (page 17). However, there is no evidence of formal cooperation or equalisation and until the matter of landownerships is resolved it cannot be concluded that the access will be deliverable, feasible or viable and whether it will be sufficient to encourage sustainable transport choices to be made by, for example, by linking across third party land to the school and Tetbury Hill.

6.4 Public transport accessibility will be limited from this site. Due to the location of the main access points, it is unlikely that a bus service will be routed through the development. As such the western part of the site would be over 400m walking distance from the nearest bus stop. This would make public transport an unattractive option for many future residents.

6.5 In regard to the landscape impact, the NP recognises that “the character of the local landscape makes a considerable contribution to the setting of the town and its local distinctiveness” (paragraph 1.1.4) and that “ill-conceived development” could have significant impact on the AONB. Our Landscape and Visual Appraisal submitted to MNSG in November 2012, highlights concerns that the Backbridge site is indeed “ill-conceived.” The Appraisal concludes that the site forms part of the rural setting of the Cotswold AONB, sharing a strong visual and physical connection to it. The introduction of new homes there would be “incongruous with the prevailing land use” and the change in landscape character would have a “physical impact on the setting of the Cotswold AONB.” As such the development would result in the “potential erosion of tranquillity” and would have an adverse impact on the setting of the AONB.

6.6 In regard to the setting of the Abbey, the landscape appraisal concludes that the built form of housing development in this area would “detract in views towards the Abbey with the introduction of an incongruous ‘suburban edge’ along the river corridor and eroding the existing tranquil sense of place.”

Site 6, 10 and 11 - Burton Hill

6.7 Sites 6, 10 and 11 are identified to provide 100 homes. They must be delivered in a comprehensive manner, with sites 6 and 10 being necessary to access site 11. If agreement is not reached between the landowners fewer homes will be delivered.

6.8 Equally, for these three sites we note that there is a requirement to significantly improve pedestrian connectivity to the town, with new pedestrian crossings and measures to ensure pedestrian safety required as part of the proposals. With no certainty that the landowners are in agreement to develop the site comprehensively, we question the ability of the sites individually to deliver these policy requirements.

Filands / Whychurch Farm sites (sites 16, 22a, b and c)

6.9 This site is omitted from the NP yet it has been demonstrated to be sustainable.

6.10 The site is in a sustainable location, and is well related both to the settlement boundary and to the Dyson HQ. Development of the site can integrate well into the landscape, providing a natural edge to the town and there are no technical constraints to development. The site is deliverable as per the definition in the NPPF as it is available now, offers a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered on the site within five years, and the development of the site is viable. The development can also make provision for education expansion needs in Malmesbury, with the provision of land for a primary school that is equally well related to existing residential development.

6.11 The inclusion of this site in the NP would provide for the delivery of sustainable development to help meet objectively assessed housing needs and support economic growth.

6.12 Even the SA to the draft NP recognises, at paragraph 3.4.7, that “Site 16 performs well in relation to flood risk and proximity to existing facilities, this location could also accommodate a new Primary School.”

6.13 Extensive work has been undertaken on the Filands / Whychurch Farm site to demonstrate its suitability and sustainability. This is demonstrated by the Inspector's Decision for the Filands appeal, APP/Y3940/A/12/2183526, which supports the development of site 16 and part of site 22 to deliver 180 new homes and land for the new primary school (see appendix 5).
6.14 In terms of the landscape impact, development of these sites would be able to integrate well with the surrounding landscape, with the ability to benefit from the retention of mature trees and hedgerows. The Filands appeal Inspector commented that the "development would appear to me to be integrated well into the landscape" (60). In addition, a wide range of facilities and services are available within a reasonable walking distance of the site (2km is considered a reasonable walking distance for future residents), including:

- Dyson to the west (Malmesbury’s major employer who is set to expand)
- Gloucester Road and Park Road Industrial Estates to the south
- Malmesbury town centre to the south
- Malmesbury Church of England Primary School to the south and a site for a new primary school being offered as part of this proposal adjacent to the site
- Malmesbury School to the south west.

6.15 Further additional access points from the site to links such as Webbs Way would be able to provide convenient pedestrian and cycle links southwards, towards the town centre. 6.16 With the potential for a main vehicle access from Filands (the B4014), linking to the A429, the vast majority of vehicular traffic with an origin or destination outside of Malmesbury could route in such a way as to avoid the need to travel through the historic town centre.
Comment

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Comment by: Gleeson Development Ltd ( )
Comment ID: 73
Response Date: 3/12/14 1:30 PM
Status: Processed
Submission Type: Email
Version: 0.4

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Consultation and conclusion

Comment:

**7 CONSULTATION**

7.1 Whilst community involvement and consultation has taken place during the plan making process, the consultation statement is confusing, misrepresentative and with little substance. We have reviewed the 400 responses submitted on the NP and our analysis of these does not match the analysis presented by the Malmesbury Neighbourhood Steering Group (MNSG) in their report. For example:

- Our review suggests there were only 22 comments in support of sites 3a and 15, whereas the MNSG analysis suggests there were 55 responses in support of this site, a significant difference in this and other areas of analysis in the results.
- We, and others, raised concerns in regard to access to the Backbridge site. MNSG’s response suggests that this will be determined through a planning application to be made in the future. However, our concern is more fundamental than technical details, it relates to delivery and achievability of access to the site. It is not clear how access will be achieved. It would have been useful for the MNSG to undertake further work to explore the ability to access the site.
Concern has been expressed about the identification of sites and the site assessment work undertaken. For example, the Filands site was rejected partly as a consequence of landscape issues/topography, yet landscape work considered by the PINs Inspector led him to conclude that:

"the scheme's influence on its surroundings would be modest in scale and, in many ways complementary to the existing suburban edge of the market town. Indeed, on this latter point, it appears to me that the appeal scheme represents an appropriate rounding-off to existing housing estate development hereabouts. As the modified, November 2012, illustrative layout shows the scheme would provide a new defensible landscaped urban edge to the northern extent of Malmesbury which could be maintainable in the longer term" (paragraph IPS8).

8. CONCLUSION

8.1 The NP because it is aligned to the WCS cannot be adopted in advance.

8.2 The NP fails to meet the basic conditions and other requirements set out in the relevant legislation and regulations. In summary, the evidence presented in this report demonstrates that the draft NP has:

- Failed to respond to the requirements of the NPPF in terms of meeting the requirements for sustainable development, including ensuring that opportunities are taken to deliver sustainable sites for development (the Filands site having been confirmed as being sustainable by a PINs Inspector yet is omitted from the NP).

- Failed to contribute to the achievement of sustainable development as a consequence of the approach taken to the site selection process and failure to identify deliverable sites.

- Failed to provide a robust sustainability appraisal to support the site and growth alternatives selected. The Sustainability Appraisal Report, the addendum and the Non-Technical Summary are inadequate and do not meet the requirements of the SEA Regulations.

- Failed to conform with the WCS, including the objectives to reduce commuting and any revised requirements generated by the increased overall requirement. The NP should not be brought forward to examination or referendum in advance of the adoption of this document as the NP relies on policies in the emerging Core Strategy.

- Failed to respond positively to the consultation process and to consider thoroughly the concerns raised about the background to the plan and the site selection process.
**Comment**

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<th>Field</th>
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<tbody>
<tr>
<td>Consultee</td>
<td>Mrs Kim Power (549587)</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:kim@kimpower.co.uk">kim@kimpower.co.uk</a></td>
</tr>
</tbody>
</table>
| Address                | 3 Park Close  
Malmesbury  
SN16 0EB                                                 |
| Event Name             | Malmesbury Development Plan Proposal                      |
| Comment by             | Mrs Kim Power                                             |
| Comment ID             | 74                                                         |
| Response Date          | 3/12/14 10:35 AM                                          |
| Status                 | Processed                                                 |
| Submission Type        | Email                                                      |
| Version                | 0.2                                                        |

**Comment:**

Re the Wiltshire Council Consultation - Support for the Malmesbury Area Neighbourhood Plan

As the Malmesbury Town Council representative on the Malmesbury Neighbourhood Steering Group, I can endorse that this robust plan has huge local support, both from residents in our community and by the three parishes involved.

It has truly been a community led process, with public engagement and consultation as may be seen from the various reports on the MNSG website and in fact the plan has evolved through this into the final draft. All the sites mentioned are deliverable and also there are developers available to work with community led task groups to bring the new housing and other development forward.
Comment

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Event Name Malmesbury Development Plan Proposal
Comment by Natural England (Mr Charles Routh)
Comment ID 75
Response Date 3/12/14 10:48 AM
Status Processed
Submission Type Email
Version 0.3
Files NE response to Draft Malmesbury Neighbourhood Plan.pdf

Comment:

Thank you for the above your consultation. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

In our response to the Draft Malmesbury Neighbourhood Plan March 2013 (Version 1.0) we raised a number of concerns. We have enclosed a copy of our previously consultation.

Our primary concern related to the deliverability of site 3a/15 and the proposed technology park in the absence of evidence to show how the sites selected may affect the nearby AONB and whether the sites contain significant areas of priority habitat. We do not regard the MNSG's response in their document MNSG Consultation Statutory and Others Report adequately address the point being made. Whilst informal communication with members of the MNSG suggest that the impact on the AONB has been judged by the AONB planning officer to be acceptable, we have been unable to have this confirmed by him directly. Moreover, the matter relating to priority habitat on the sites remains outstanding. We would hope providing sufficient evidence is not a huge task. However, at this point in time we must advise that the plan runs the risk of being found unsound as per the Slaugham Parish Neighbourhood Plan1. We would, of course be glad to advise on how our concerns are best addressed.

We also made a number of additional points. The MNSG Consultation Statutory and Others Report concluded that many of these would be resolved through the planning application process. Whilst potentially true of some points raised, we maintain that many are best addressed at plan level. We thus request that the points raised in our earlier letter are reconsidered, and attach a copy of our previous correspondence.
Comment

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Comment by Ms Nicola Smethurst
Comment ID 76
Response Date 3/12/14 4:00 PM
Status Processed
Submission Type Email
Version 0.2

Comment:

I am extremely concerned that the Draft Plan which is supposed to be based upon consultation with local residents and should lead to community led development is based upon the views of a few local people and their allies rather than the people of Malmesbury. The consultation to date has been woefully inadequate such that the people of Malmesbury have no idea what is going on and what is likely to happen in the not too distant future.

This has been the case throughout the planning and consultation period and continues to be the case.

My family attended one of the main presentation days at the Town Hall last year when people were asked to fill in their views on the various sites that were proposed by the MNSG. The day before and on the day of the event I spoke with several friends and asked them if they were attending the presentation but they knew nothing about it. When I signed in I asked why so few people knew about the event and I was told that there had been an issue with flyers and the ones that were supposed to be delivered advertising the event had not been. What was done to rectify this situation? Nothing.

Instead the MNSG have based their figures of Malmesbury people supporting two of the proposed sites based upon 222 and 205 comments!! Apparently 78% of Malmesbury residents are in favour of the plan - this appears to be based upon around 500 votes. There are around 6000 residents in Malmesbury, I believe, how on earth can support be gauged upon such small numbers?

In respect of the consultation with the council which opened in January and closes today at 5pm the communication and consultation has fallen far short of what was required. I received a letter telling me of the consultation but upon checking with my neighbours only 2 out of 14 residences received a letter. I have spoken with people in and around Malmesbury and they have not been notified either. Apparently [name removed] has informed 1000 people of the consultation. What about the rest of the residents? Do their views not matter?

I have posted on Make Malmesbury Better on Facebook advising people of the consultation and giving them the link to comment - in a 24 hour period several people have commented that they knew nothing of the consultation.
The last time I checked the spatial planning portal there were 42 comments - is this really adequate to base views upon - if people really knew what was happening surely more people would want to have a say?

Several months ago [name removed] assured me and my husband that there would be consultation with the residents of Tetbury Hill Gardens as we are very close to one of the proposed sites and at one point our private lane was actually highlighted as access to the development. There has been no such "consultation" until a few weeks ago when I was invited to sit on an action group and to represent the Tetbury Hill Gardens residents. I attended and was shocked to hear that we were discussing how to get the best out of Persimmon when they built at Backbridge. I asked why we were discussing this when the Neighbourhood Plan had not yet been voted on and residents had not voted for their preferred development site and was told that we were past that stage and that Backbridge would be built upon by Persimmon. I was offered a meeting between MNSG and the residents so that they could be told "that nothing could be done". How on earth does this accord with community led development? Is this based upon the 222 comments from a meeting that was not publicised adequately? We are now looking at development on a site that has had planning permission refused on more than one occasion in the past, due to the work of a small group of people who think its a good idea and a small number of residents that agree with them.

I was also told that I either voted for MNSG and got their help in negotiating with Persimmon or Persimmon would have a free for all on the site. Not really the democratic approach that we were promised.

An attendee asked if Gleeson got planning would the Backbridge site still be built on and the answer was yes. This is not what Malmesbury people would want - most people want to stop large scale development. Persimmon's plans appear to have a very large area around Backbridge and seem to be planning far more than 170 houses as stipulated in the NP so who is going to tell the local people about this? Will it just go through and then everyone will get a shock.

MNSG fought against Gleeson developing and much has been made of fighting the big developer who will come and take over the town. There was discussion on Facebook pages about local builders getting work through the new developments. What has never been made clear is that Persimmon are buying land in the town to develop and if Backbridge is built upon it will be Persimmon that build there. If this had been in the public domain when people placed their comments would they have been so keen on the sites that have been promoted?

Another issues is that MNSG seem happy to support some developments before the referendum if they agree with the NP but not others if they dont agree with the NP. Surely until the people have voted nothing should be supported or fought? They fought Gleeson but supported Waitrose - how can this be right?

In respect of the proposed NP and particularly in respect of the Backbridge site I would say that this is a flawed plan. This site has been refused planning permission on previous occasions and it is still an inappropriate site for development.

Backbridge is a flood plain - what happens to flood water when the plain is built on? It will go elsewhere into neighbouring properties, businesses and the school.

The sprawl of the town will be across undeveloped countryside to Brokenborough when the Filands/Reeds farm site would fill in a gap where there is already housing.

There is a lack of infrastructure in and around the proposed site and initial plans seem to suggest that inadequate and private land may be used to access the site - this is unacceptable.

It seems that little regard has been given to the impact upon traffic and road safety that the proposed Backbridge site would have. Tetbury Hill is a very busy road with speeding and parking issues, particularly at school pick up and drop off times. It is an accident waiting to happen. If access is to be allowed towards the bottom of the proposed site and an increase in traffic will make this even more hazardous.

The proposed extension to the school will also lead to an increase in traffic and an increase in danger to the school children. The suggestion to extend the school is shortsighted when this will make it an extremely large school which may impact upon its outstanding status - other developers were suggesting building a whole new school which would better serve the community and if situated in a suitable location would not increase the traffic travelling past the current school.
Not enough note has been taken of the lack of infrastructure within Malmesbury as a whole - the town is not capable of dealing with a huge influx of traffic and whilst it will be argued that people will use the ring road many will use the town centre as a short cut making the already congested streets almost impassable.
I trust that my comments will be taken into consideration.
Comment

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Event Name
Malmesbury Development Plan Proposal

Comment by
Pegasus Planning Group (Mr Mervyn Dobson)

Comment ID
77

Response Date
3/12/14 4:40 PM

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To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

page 38, paragraph 4.1

Comment:

We welcome the progress that has been made on the Malmesbury Neighbourhood Plan (MNP) and our comments are submitted on behalf of our client in respect of the extant North Wiltshire District Local Plan Employment Allocation (BD1), referred to as ‘Land at Garden Centre’ Malmesbury. Paragraph 4.1.1 of the MNP recognises that business and economic vitality is of great importance to the community of Malmesbury and its surrounding villages. The delivery of employment and economic growth will help to address the imbalance between recently completed and planned housing delivery within the Community Area. We support the MNP in its objective to ensure that more employment opportunities come forward in order to ensure that the local economy is supported and continues to grow.

This Local Plan employment allocation is a saved policy which states that:

“Development shall be permitted for business development (Use Classes B1, B2, and B8)...”

As a saved policy the Garden Centre employment allocation is carried forward to the Wiltshire Core Strategy as part of Core Policy 13: Malmesbury Community Area which states:

5ha of employment land will be provided, including:

Land north of Tetbury Hill

Saved North Wiltshire District Plan Allocation

1ha

Land at Garden Centre Malmesbury

Saved North Wiltshire District Plan Allocation
The MNP retains the prescriptive approach to employment land uses on this site citing (at Page 38) that "although there is evidence that businesses in general are looking to move to the area or expand from their current premises, there is no specific trend and therefore the existing uses of the Land at Garden Centre are unchanged. (These are B1, B2, and B8 light industrial employment uses)."

We support the employment focus at this location and the retention of the Local Plan allocation as a saved policy, recognising the suitability of this location for employment generating development. However, we raise concern that the approach to specific employment uses is unduly restrictive and should be amended to encourage a range of employment generating uses outside of those defined with Class Uses B1, B2 and B8.

Providing greater flexibility to allow for a wider range of employment generating uses is also consistent with the National Planning Policy Framework (NPPF) March 2012.

The NPPF has a clear pro-growth agenda, Paragraph 19 confirms the Government's commitment to ensuring that

"the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth".

On this latter point economic development forms part of the definition of sustainable development and in this regard the planning system should contribute to building a strong, response and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

Moreover, it is a 'Core Planning Principle' as prescribed by paragraph 17 of the NPPF that Planning should "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs".

We draw attention to Wiltshire Core Strategy Core Policy 13 (Malmesbury Community Area) and Core Policy 35 (Existing Employment Sites). Core Policy 13 makes an important distinction between the Garden Centre site (as defined by Local Plan Policy BD1) and the Principal Employment Area which is defined as the Malmesbury Business Park, as designated on the Wiltshire Core Strategy Malmesbury Community Area Proposals Map.

This is an important difference as Principal Employment Areas are considered to be critical to the economic role of the locality and Wiltshire as a whole. As a consequence Core Policy 35 confirms that Principal Employment Areas will be retained for employment purposes within use classes B1, B2 and B8 "to safeguard their contribution to the Wiltshire economy and the role and function of individual towns".

The Garden Centre local plan employment allocation does not form part of the Principal Employment Area and as such its strategic role and associated restrictions on the land use is not, and should not be, as prescriptive as land within the Principal Employment Land designations. On this point it should be recognised that Core Policy 13 does not specify employment land uses at the Garden Centre site.

The Wiltshire Core Strategy Core Policy 13 (supporting text paragraph 5.70) identifies the specific issues to be addressed in planning for the Malmesbury Community Area, these include:

"diversification of the employment base which will help to strengthen the local economy and reduce out-commuting. A more flexible approach to allow economic development on the edge of the town will be considered, providing the scale of development is appropriate and sensitive to the historic environment . . ."

By virtue of the fact that the Garden Centre sites does not form part of the designated Principal Employment Area it is considered that the current approach to employment land uses at this site is overly prescriptive and does not correspond to the objectives for the Malmesbury Community area, nor the objectives of the NPPF to respond to opportunities for economic growth.

It should also be noted that neither the Wiltshire Workspace Strategy (2009) or the Wiltshire Workspace and Employment Land Review (December 2011) make any recommendations to support the continued restriction to specific employment land uses at the Garden Centre Site.

The MNP recognises the need to ensure that more employment opportunities come forward to support the local economy with the focus on the Principal Employment Area as defined on the Wiltshire Core
Strategy Proposals Map. We support the need to protect/retain traditional employment land uses on the Principal Areas but cannot support this approach being applied to land areas which do not perform this strategic employment function.

In order to deliver a greater range of employment generating opportunities to support the local economy we recommend that the MNP is amended to provide for greater flexibility to cater for a range of employment generating uses at the Garden Centre site.
Comment:

We went online to try and comment on the development plans for Malmesbury and have concluded that Wiltshire Council doesn't really want anyone to be able to put their thoughts into writing. Having gone through a long rigmarole to register online we were told to select a subject so that the council can provide a list of "consultation events" that match our interests. At this point we gave up - not on modern technology with which we are totally conversant but on Wiltshire Council which is clearly set on tokenism and gestures on consulting the public while making it hard for them to do so simply and easily online. Hence this letter.

It was bad enough that Wiltshire Council abetted the historic town of Malmesbury in inviting Waitrose to besmirch its appearance with a blot-on-the-landscape site at the historic entrance to the town.

The consequences - in increased traffic so close to the confluence of the major A class road (A 429 and B 4042) at the town's main roundabout - have yet to be experienced. Already, at this junction, traffic has significantly increased through patients accessing the Malmesbury Care Centre/ Old People's home. Now, it seems, there are plans for significant 'in filling' on pockets of land nearby including Burton Hill - or site 10 as it is prosaically entitled.

To add to congestion through further development at this particular pinch point by allowing dwellings has to be resisted vigorously, primarily on the grounds of safety. We write as pensioners who regularly drive along both the A429 and B4042 as well as walk from the town to the medical centre and the pharmacy. The numbers and speed of vehicles heading to and accelerating off the roundabout intersection is alarming and dangerous for the young, infirm or elderly using these facilities on foot and by car - a danger that can only increase as more vehicles head for town and the 'attraction' of Waitrose.

There is also an aesthetic objection to building on any available patch of green land in this locality if Malmesbury is to remain an attractive country town and not an urban sprawl. Planning permission already exists for residential development around less sensitive parts of the town where the infrastructure can cope.
There is also the topical issue of flooding. It seems little short of crazy to increase run off in an area where over recent years - not to mention this winter - the River Avon has flooded and severely damaged homes on this part of the old town.

The issue of the number of new homes actually being discussed and the number needed do not tally. How can additional decisions on where to build be taken rationally when housing developments that would be huge in Malmesbury terms are still undecided? I refer to the proposed Cowbridge estate, the Park Road and Gleeson (Filands) proposals. To the objective observer it appears that no one in Wiltshire Council let alone on the town council has sat down with a calculator and worked out exactly how many new homes are needed. It is ludicrous to hold a consultation before deciding on a figure. Perhaps someone in Wiltshire Council should take a lead.

Meanwhile, let's protect this historical, environmentally sensitive and vulnerable heart of Malmesbury and instead plan for dwellings where infrastructure can cope.
Comment:

Cricklade Town Council Neighbourhood Planning Working Party wishes to send its congratulations to Malmesbury Town Council and the parishes of St Paul Without and Brockenborough for the hard work that has gone into getting a plan to the stage of publication and hopes that the plan is well received by the electorate.
Comment

Consultee: Mrs Ruth Ritchie (824981)
Email Address: ruthnanrit@yahoo.co.uk
Address: 42 Baskerville
           Malmesbury
           SN16 9BS
Event Name: Malmesbury Development Plan Proposal
Comment by: Mrs Ruth Ritchie
Comment ID: 80
Response Date: 3/7/14 2:02 PM
Status: Processed
Submission Type: Letter
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
   page 44 paragraph 5.3.1

Comment:
   Excellent to improve these areas for more sport and recreational opportunities in Malmesbury
Comment

Consultee: Mrs Ruth Ritchie (824981)
Email Address: ruthnanrit@yahoo.co.uk
Address: 42 Baskerville
Malmesbury
SN16 9BS
Event Name: Malmesbury Development Plan Proposal
Comment by: Mrs Ruth Ritchie
Comment ID: 81
Response Date: 3/7/14 2:08 PM
Status: Processed
Submission Type: Letter
Version: 0.3

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Comment:

Vitally important to maximise opportunity for High Street to survive given the Waitrose Store dominance.
## Comment

<table>
<thead>
<tr>
<th>Consulitee</th>
<th>Mrs Ruth Ritchie (824981)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email Address</td>
<td><a href="mailto:ruthnanrit@yahoo.co.uk">ruthnanrit@yahoo.co.uk</a></td>
</tr>
</tbody>
</table>
| Address | 42 Baskerville  
Malmesbury  
SN16 9BS |
| Event Name | Malmesbury Development Plan Proposal |
| Comment by | Mrs Ruth Ritchie |
| Comment ID | 82 |
| Response Date | 3/7/14 2:12 PM |
| Status | Processed |
| Submission Type | Letter |
| Version | 0.2 |

**To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?**  
page 36/37 paragraph 3.2.5

**Comment:**

Definitely agree proposal for more bike spaces and covered spaces would be good and encourage cyclists to stay longer in town especially as we are on cycle routes.
Comment

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Event Name: Malmesbury Development Plan Proposal
Comment by: Mr Campbell Ritchie
Comment ID: 83
Response Date: 3/7/14 2:31 PM
Status: Processed
Submission Type: Letter
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
page 41 paragraph 5

Comment:

Future housing development approvals should be conditional on direct funding contributions to infrastructure development. The failure so far to implement cycleway to Cowbridge is a case in point. Developers must be held accountable.
Comment

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Event Name
Malmesbury Development Plan Proposal

Comment by
Persimmon Homes Wessex (Mr P Davis)

Comment ID
84

Response Date
3/12/14 4:59 PM

Status
Processed

Submission Type
Email

Version
0.3

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
covering letter

Comment:

Thank you for the opportunity to comment on Version 2 of the Draft Malmesbury Neighbourhood Plan. I enclose a copy of the response to the Neighbourhood Plan submitted on behalf of Persimmon Homes (Wessex) Ltd.

Persimmon Homes (Wessex) Ltd are based in Malmesbury and have interests in land at Backbridge Farm, North West of Malmesbury.

Persimmon strongly support, in principle, the emerging Neighbourhood Plan but note the changing policy context within which the Malmesbury Neighbourhood Plan is being prepared and the site specific matters which need to be addressed to ensure an effective plan.

Therefore, it is necessary for Persimmon Homes to submit duly made objections to Neighbourhood Plan Version Two and seek various changes to the document to address the latest policy context,
including the revised housing numbers, and to put forward what we consider to be beneficial changes to the allocation of development to the North West of Malmesbury.

Persimmon remain concerned that the Policy 1 requirements and land allocations appear as a series of unlinked land use parcels and need to be advanced as a comprehensive development area with community benefits that can be delivered with a larger housing allocation of up to 350 dwellings.

Our Client supports the principle of the Technology Park and the principle of the Employment land buffer for Dyson.

We draw attention to the existing planning consent for 10 No. small business units to the rear of the Persimmon office. These are small units with flexible floorspace that can be used for light industrial workshops should there be proven demand. This site should be incorporated into the comprehensive development proposals to the North West of Malmesbury.

In view of the above provision, we do not consider it necessary to require a further 5 Bl/B2 workshops within the proposed residential area, which would be less accessible and appropriate commercially.

Persimmon propose an enlargement of the residential allocation to create a more cohesive development with an effective pedestrian/cyclist link with the proposed Technology Park and vehicular access from the North (B4014).

The proposed additional housing would be at a more realistic density to meet design objectives set out within the Draft Neighbourhood Plan.

Furthermore, the larger development will support a number of benefits that could be deliverable to the benefit of the town and as part of a sustainable strategy for the future, including:

- Potential relocation of the flood hit facilities at Malmesbury Victoria Football Club, Athelston Players and Malmesbury Boxing Club, outside of the flood plain
- Potential extension of the adjacent Primary School
- Enhanced tennis club facility
- Potential pedestrian/cycle links to the town, including footbridge across the river to Park Road
- Provision of landscaped linear park along River Avon
- Creation of flood mitigation area to relieve flooding downstream in the town

Our client is actively pursuing the comprehensive development at Backbridge Farm, North West Malmesbury and associated land.

Finally, Persimmon have previously referred to the various studies already undertaken to demonstrate the sustainability of the Backbridge Farm development proposals. These include ecology, landscape impact, archaeology, heritage, flood risk and transport.

We trust that the submitted representations are self explanatory. However, please do not hesitate to contact me should you requires any clarification.

My clients are happy to participate at a public hearing into the emerging Neighbourhood Plan, if this is considered necessary.
Comment

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Event Name Malmesbury Development Plan Proposal
Comment by Persimmon Homes Wessex (Mr P Davis)
Comment ID 85
Response Date 3/12/14 4:59 PM
Status Processed
Submission Type Email
Version 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

general comments

Comment:

Persimmon Homes welcome and strongly supports, in principle, the preparation of the Malmesbury Neighbourhood Plan. Persimmon Homes recognise the extensive efforts of the Steering Group, to date, to progress the Malmesbury Neighbourhood Plan in the context of Localism and the evolving Wiltshire Core Strategy.

It is noted that the independent examiner will, amongst other things, assess the neighbourhood plan against national policy (NPPF) and whether the plan is in general conformity with policies in the Wiltshire Local Plan. In light of the proposed increase in housing numbers at the Malmesbury Community Area, further changes are required to the Neighbourhood Plan to reflect the latest position on housing set out in the Wiltshire Local Plan.

Persimmon Homes note that the housing requirement at Malmesbury for the period 2006 - 2026 as set out in the Wiltshire Core Strategy/Local Plan is expected to increase.
In response to the Wiltshire Core Strategy Examination in Public Inspector's 12th Procedural letter, Wiltshire Council has submitted an alternative higher housing figure for the Malmesbury Community Area. This is expected to be included in the final version of the Wiltshire Local Plan.

Therefore, the pre-submission draft Malmesbury Neighbourhood Plan should be amended to conform with the latest version of the Wiltshire Core Strategy, preferably the adopted Core Strategy once available.

**Change sought to the Plan**

A number of changes will be necessary to reflect the changes to the Wiltshire Local Plan context and the objections of Persimmon Homes.
The Malmesbury Neighbourhood Plan should be prepared in general conformity with the Wiltshire Core Strategy.

The Wiltshire Core Strategy was subject to independent examination between May and July 2013. The Inspector’s report is awaited. However, a number of procedural letters have been issued by the Inspector, post the hearing sessions.

The Council has recently responded to the Inspector suggesting that the overall level of housing to be provided in Wiltshire during the period 2006 - 2026 be increased to at least 42,000 dwellings, from at least 37,000 dwellings.

Furthermore it has suggested that the requirement for Malmesbury Community Area be increased from at least 1,200 dwellings to at least 1,395 dwellings (2006-2026).
Persimmon Homes consider that a series of consequential changes should be made to the Malmesbury Neighbourhood Plan to refer in the latest requirement figures set out in the Wiltshire Core Strategy.

**Change Sought to the Plan**

That the Malmesbury Neighbourhood Plan be revised to overcome the above objection.
Comment

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Event Name: Malmesbury Development Plan Proposal
Comment by: Persimmon Homes Wessex (Mr P Davis)
Comment ID: 87
Response Date: 3/12/14 4:59 PM
Status: Processed
Submission Type: Email
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
paragraph A.9.2

Comment:

Persimmon Homes object to Paragraph A.9.2, in particular the proposed figure of 270 new homes. It is considered that there is greater potential at the West Malmesbury urban extension. Given that some 100 dwellings are expected at Burton Hill and Burnham House, it is highly likely that much more than 170 dwellings could be achieved at the West Malmesbury urban extension at Backbridge Farm. This means that the total aggregate figure should be amended as a consequence of the overall provision being increased (See other objections of Persimmon).

The comprehensive scheme at West Malmesbury could accommodate at up to 350 dwellings, including affordable housing. Therefore the first paragraph would need to refer to 450 dwellings, if no other sites are included in the Neighbourhood Plan.
Change Sought to the Plan
That a consequential amendment is made to Paragraph A.9.2 indicating an increased level of housing at Malmesbury.
Comment

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Event Name: Malmesbury Development Plan Proposal
Comment by: Persimmon Homes Wessex (Mr P Davis)
Comment ID: 88
Response Date: 3/12/14 4:59 PM
Status: Processed
Submission Type: Email
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
paragraph 1.1.1

Comment:

Persimmon Homes object to Paragraph 1.1.1, in particular the proposed total number of dwellings for Malmesbury. (See other Objections of Persimmon)

It is considered that there is much greater potential at the West Malmesbury Urban extension to accommodate a higher level of development in a sustainable manner. It is estimated that the site could accommodate approximately 350 dwellings, at a reasonable average development density of 38dph.

Allowing for Burnham House, Burton Hill and Cowbridge, should the Backbridge site be enlarged, the text of this paragraph would need to be updated to refer to the increased housing numbers.

Change Sought to the Plan
That a consequential amendment is made to Paragraph 1.1.1, reflecting any amended housing numbers.
Comment: Persimmon Homes object to Paragraph 1.1.2, in particular the proposed total number of dwellings. The plan bases its proposal for new housing on the requirement for the Malmesbury Community Area set out in the Wiltshire Core Strategy Feb 2012. However, Wiltshire Council, in response to the Examination in Public Inspector’s 10th Procedural letter, has proposed that the requirement for Malmesbury Community Area now be increased to 1,395 dwellings. It is noted that the requirement for Malmesbury Town has been increased from 760 to 885 dwellings 2006 - 2026. Some 510 dwellings are required in the remainder of the Community Area.

This increased housing requirement should be included in the Neighbourhood Plan to ensure that the plan remains in general conformity with the higher level plan.

The additional units can be accommodated at the West Malmesbury Urban Extension.
Change Sought to the Plan

That a consequential amendment is made to Paragraph 1.1.2 reflecting the Core Strategy's amended housing numbers.
Comment

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Event Name
Malmesbury Development Plan Proposal

Comment by
Persimmon Homes Wessex (Mr P Davis)

Comment ID
90

Response Date
3/12/14 4:59 PM

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Submission Type
Email

Version
0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
delivery of housing 2006 - 2026 - Malmesbury Community Area

Comment:

Persimmon Homes object to the table, on Page 10, which sets out the proposed delivery of housing 2006 - 2026 - Malmesbury Community Area.

Wiltshire Council, in response to the Examination in Public Inspector's 10th procedural letter, has proposed that the requirement for Malmesbury Community Area be increased to 1,395 dwellings. Therefore, the table on page 10 would need amendment to reflect the latest position. It is noted the Core Strategy information has also been updated to April 2014.

The footnote to the table and associated text would also need amendment.

Change Sought to the Plan
That a revised table, footnote and text be included to reflect the latest position of Wiltshire Council regarding the housing requirement for the Malmesbury Community Area.
Comment:

Persimmon Homes support, in principle, the proposed comprehensive urban extension to the North West of Malmesbury, including land at Backbridge Farm.

However, objection is raised to the specific proposals, depicted on the diagram on page 18, and the supporting text.

An alternative comprehensive urban extension scheme for North West of Malmesbury is considered more realistic, achievable and deliverable and thus should be included in the Malmesbury Neighbourhood Plan. (See attached North West of Malmesbury Concept Plan - Plan No.P.0892-02C).
The first bullet point should be amended to refer to "up to 350 mixed dwellings" on approximately 9.2 hectares. The diagram should depict a much more integrated and comprehensive extension to the town. (See Alternative Concept Plan)

Notwithstanding the increased housing requirements for Malmesbury under the emerging Wiltshire Core Strategy (since the publication of the Consultation Draft Neighbourhood Plan), the proposed enlargement of the land allocated for residential up to 350 dwellings would enhance opportunity for sustainable growth at Malmesbury.

Draft Policy 1 appears to recognise that vehicular access to the development areas should be from the North (B4014) with pedestrian/cycle links to the town at Tetbury Hill and Park Road.

Persimmon's Highways Consultants have prepared a transport assessment for development of the area and in doing so engaged with the Highway Authority to assess the various options for access to the development area. The Highway Authority have indicated that the preferred option in terms of transport sustainability is for all vehicles to use the northern access from the B4014 (between Persimmon's office and the proposed Technology Park) with a loop road and pedestrian/cycle links only to Tetbury Hill to encourage residents to walk and cycle to the school, food store and town centre, the latter of which is a short walk up Gloucester Road.

In this case, the 6.9 hectares correctly proposed to be allocated for residential is somewhat isolated from the proposed Technology Park to the North and its vehicular access from the B4014. A significant length of access road with no frontages would result in an incoherent development with poor levels of security for pedestrians/cyclists using the road to access employment (as encouraged by Policy 1, bullet point 13).

The extension of the allocated residential land to the west (contained by existing hedgerow) would effectively link the Technology Park with the residential area, to provide a more comprehensive and coherent expansion to the town.

In addition, the additional housing to be achieved by the expanded residential area and more realistic density of 38dph would assist in the viability of the development in delivering a number of real benefits to the town, to enhance its sustainable growth.

The attached Concept Plan P.0892_02C indicates the following community benefits:

- Potential relocation of the existing ‘flood hit’ facilities at Malmesbury Victoria Football Club, Athelston Players and Malmesbury Boxing Club. This need is recognised by bullet point 11 of Policy 1, although there is no apparent solution offered. The Concept Plan indicates a location for these uses outside the existing floodplain on part of the land allocated for residential. This location would retain good pedestrian/cycle access to the facilities from within the town, whilst securing improved vehicular access from the North. The residential land displaced would form part of the area extended to the west.
- Potential extension to the primary school (see bullet point 5 of Policy 1).
- Support Malmesbury Tennis Club expansion (see bullet point 1C of Policy 1).
- Provision of a riverside linear park with a new footpath and bridge linking to Park Road (see bullet points 8 and 14 of Policy 1).
- The Strategic Flood Risk Assessment for North Wiltshire states that in rural areas upstream of Malmesbury, opportunities should be sought to increase flood storage areas. A FRA has been prepared for the development area at Backbridge Farm and identified the opportunity to create additional flood storage through the landscaping of the proposed linear open space adjacent to the River Avon to relieve flooding downstream in the town.

The proposal for up to 350 dwellings is not only a consequence of creating a more comprehensively planned mixed use area, but also the use of a more realistic average density. The Draft Policy 1 is based on a density 24dph, which does not reflect national policy (NPPF) to make effective use of land. Furthermore, it is not consistent with the state objective to create terraces of housing, which would indicate a higher density. The site is close to the town centre, whilst at the same time being on the rural fringe to the urban area. A mix of housing densities is likely to be required to provide a high quality design and meet a range of housing needs. In this case 38dph is likely to be a more appropriate density target.

As stated elsewhere, the requirement to provide 5 B1 B2 workshops within the 6.91 ha of residential land should be deleted. Full planning permission already exists for B1 units on land adjacent to Verona...
House (Persimmon's offices Tetbury Hill). These satisfy the expected demand for B1 units at Malmesbury. Therefore, the additional B1/B2 units sought are not likely to be required during the plan period.

Furthermore, B2 use is not an appropriate use to be located at the heart of the proposed residential area and is more appropriately located at the consented site, which is adjacent to existing employment with excellent access to the B4014.

Persimmon specifically objects to the seventh bullet point, second sentence. The reference to the 85 metre contour should be deleted in this instance as it is not considered a helpful guide in this part of Malmesbury. The proposed technology park and parts of the Dyson buffer/employment land already exceed the 85 metre contour and thus has less relevance to the comprehensive development in this area.

**Change Sought to the Plan**

That the Policy 1 requirements, on Page 18 be amended to overcome the above objection and the Site Allocations Plan amended in accordance with the attached Concept Plan P.0892_02C
Comment:

Persimmon Homes object to the proposed potential number of dwellings to be delivered at Backbridge Farm and Punters Farm.

It is considered that the comprehensive urban extension at North West Malmesbury could accommodate way in excess of 170 dwellings. The emerging Masterplan, prepared on behalf of Persimmon can accommodate up to up to 350 dwellings, including affordable housing.

It is essential that the allocation in the Neighbourhood Plan make efficient use of development land in accordance with the NPPF and that sufficient development is proposed to deliver the comprehensive scheme and its associated benefits for the town.

Change Sought to the Plan
That Paragraph 1.1.3 to be amended to show an increased level of housing at Sites 3A and 15, land at North West Malmesbury (350 dwellings).
Comment

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Comment:

Persimmon Homes object to the first and second bullet points in Para 1.1.4.
The text of these paragraphs should be updated to reflect the latest position set out in the Wiltshire Core Strategy.

Change Sought to the Plan

That consequential changes be made to Paragraph 1.1.4 to reflect the revised housing requirements set out in the Wiltshire Core Strategy. (Reference to the Pre-submission document February 2012 is no longer necessary).
Comment

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Event Name Malmesbury Development Plan Proposal
Comment by Persimmon Homes Wessex (Mr P Davis)
Comment ID 94
Response Date 3/12/14 4:59 PM
Status Processed
Submission Type Email
Version 0.3

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
para 1.1.6 objectives, policies and tasks

Comment:

Persimmon Homes object to Paragraph 1.1.6; Objectives, Policies and Tasks.
Firstly, the objective to allocate sites for a minimum of 195 new dwellings would need to be amended and updated in light of the higher housing levels proposed for inclusion in the Wiltshire Core Strategy.
Reference to Policy 1 should be amended to refer to a much higher level of development proposed for North West Malmesbury (see other objections of Persimmon). An alternative comprehensive urban extension of up to 350 dwellings is proposed.
The calculation regarding the pre-committed dwellings need not be included in the objectives and could easily be included as a footnote.

Change Sought to the Plan
That Paragraph 1.1.6 be revised to overcome the above objection.
Comment:

Persimmon Homes object to Paragraph 1.1.7, in particular the proposed size of the allocation in Policy 1. (see other objections of Persimmon).

Sites 3A (Backbridge Farm) and 15 (Punters Farm) can deliver approximately 350 dwellings at an average development density of circa 40 dwellings per hectare.

This average density reflects that achieved elsewhere, includes the affordable housing, which is usually provided at a slightly higher density.

Persimmon Homes object to the reference to the small workshops. That need is already met at the land adjacent to Verona House, also on the North West side of the town, which has full planning consent for B1 use.
Change Sought to the Plan

That Paragraph 1.1.7/Policy 1 is amended to refer to an allocation for approximately 350 dwellings. Reference to the small workshops should be deleted.
Comment

Agent: Mr Glenn Godwin (825048)
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Cirencester
GL7 1RT

Consultee: Mr P Davis (393647)
Email Address: paul.davis@persimmonhomes.com
Company / Organization: Persimmon Homes Wessex
Address: Verona House
Tetbury Hill
Malmesbury
SN16 9JR

Event Name: Malmesbury Development Plan Proposal
Comment by: Persimmon Homes Wessex (Mr P Davis)
Comment ID: 96
Response Date: 3/12/14 4:59 PM
Status: Processed
Submission Type: Email
Version: 0.2
Files: Concept plan - land north of Malmesbury.pdf

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Diagram Page 16 Sites 3a and 15

Comment:

Persimmon Homes object to the diagram, on page 16, depicting the proposed allocation at Sites 3a and 15.

It is considered that the comprehensive urban extension of land North West of Malmesbury should be shown on the drawing in accordance with the submitted Concept Plan P0892_02C with the residential elements highlighted, as necessary.

The drawing fails to reflect the comprehensive nature of the urban extension proposals at North West Malmesbury. Each element should not be seen in isolation as the comprehensive scheme is the most appropriate alternative for the town. (See Other Objections of Persimmon).
Change Sought to the Plan

That the diagram, on Page 16, be amended to overcome the above objection.
Comment

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Consultee Mr P Davis (393647)
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Address Verona House
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Malmesbury
SN16 9JR
Event Name Malmesbury Development Plan Proposal
Comment by Persimmon Homes Wessex (Mr P Davis)
Comment ID 97
Response Date 3/12/14 4:59 PM
Status Processed
Submission Type Email
Version 0.5

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Para 1.2 Housing in the Remainder of the Plan Area

Comment:

A consequential change is necessary to the first paragraph of 1.2. This should refer to the updated housing requirement in the Wiltshire Core Strategy.

Change Sought to the Plan
That Para 1.2 be updated as necessary, to overcome the above objection.
Comment

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Event Name: Malmesbury Development Plan Proposal
Comment by: Persimmon Homes Wessex (Mr P Davis)
Comment ID: 98
Response Date: 3/12/14 4:59 PM
Status: Processed
Submission Type: Email
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Para 2.1.3 Objective and Policies

Comment:

Persimmon Homes object to Policy 4.
Whilst it is important to have regard to the prevailing net provision of housing land supply at the time of determination of any planning application for housing, the NPPF seeks a significant boost in housing and for Wiltshire Council to maintain a 5 year land supply.
Therefore, Policy 4 appears inconsistent with the NPPF and should be deleted.

Change Sought to the Plan
That Policy 4 be deleted.
Comment

Agent: Mr Glenn Godwin (825048)
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Event Name: Malmesbury Development Plan Proposal
Comment by: Persimmon Homes Wessex (Mr P Davis)
Comment ID: 99
Response Date: 3/12/14 4:59 PM
Status: Processed
Submission Type: Email
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Para 4.1.1 Business Diversity and Site Allocation
Overview

Comment:
Persimmon Homes object to the final part of Para 4.1.1 relating to the five new workshops at Backbridge Farm. It is considered that this text should be omitted from the plan. (See Other Objections of Persimmon)

Planning permission has been granted on land adjacent to Persimmon's offices for small 'B' class units which will provide smaller premises at Malmesbury town to provide the diversification of employment sought.

The reference to additional workshop fails to acknowledge the extant planning permission for new workshops adjacent to Verona House.
Persimmon consider that there should no longer be a requirement to provide workshops at Backbridge Farm/North West Malmesbury Urban Extension. This would be unnecessary given the supply of new small business units already provided adjacent to Verona House, with a much better location for access to a primary road.

Change Sought to the Plan

That the final element of Para 4.1.1 be deleted.
**Comment**

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<td><strong>Agent</strong></td>
<td>Mr Glenn Godwin (825048)</td>
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<td><strong>Email Address</strong></td>
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**To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?**

4.1.3 Objectives, Policies and Tasks

**Comment:**

Persimmon Homes support the proposed technology park in Policy 6.

Persimmon Homes note that reference to "Feb 2012" could be omitted as it has been superseded.

Persimmon Homes object to Policy 7, the requirement to develop workshops at the Backbridge Farm development. (See other objections of Persimmon).

For the reasons, previously expressed, the workshops are not required at Backbridge Farm as there are some more appropriately located units, with planning permission, to address such a demand on land adjacent Verona House, Tetbury Hill. These appear to be recognised in Paragraph 4.1.3.

**Change Sought to the Plan**
That the Para 4.1.3 be amended to overcome the objection.
Comment:

Persimmon Homes, in principle, supports the proposed technology park near Dyson Ltd. This would be a key part of the comprehensive mixed use urban extension at land North West of Malmesbury.

Persimmon Homes object to the reference to five workshops within a housing development of Backbridge Farm. (See Other Objections of Persimmon) For the reasons set out elsewhere, it is considered that this proposal is unnecessary and should be deleted.

Persimmon note and welcome the acknowledgment that the proposed technology park would have excellent pedestrian access from the proposed Backbridge Farm housing site.

However, as currently allocated under Policy 1, the housing would be significantly divorced from the Technology Park, leaving a considerable length of highway with no frontages. This would have implications for 'secure by design'. The alternative Concept Plan presented by Persimmon in response
to Policy 1 would integrate the proposed housing and employment areas more effectively and provide for more secure pedestrian links.

The final part of the text should be omitted, if the point regarding the workshops is acceptable.

The diagram of employment sites and its key should be amended to delete the reference to the 5 new workshops at Backbridge Farm.

**Change Sought to the Plan**

That the Para 4.1.4 be revised to overcome the above objection.
To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Policy 7 Workshops at Backbridge Farm

Comment:

Persimmon Homes object to Policy 7, the requirement to develop five workshops as per Policy 1 (See other objections of Persimmon). Persimmon Homes seek the deletion of Policy 7 as it is considered that the additional workshops are not required as new workshops have been consented on land adjacent to Verona House (The Persimmon Offices at Tetbury Hill) with much better access to the Tetbury Road (B4014) and more appropriately located adjacent to existing and proposed employment.

The consented scheme is for a range and mix of Class B1 office/workshops (Ref N/11/01764/FUL) ranging from 173 to 355 sqm. The site was granted full planning consent on 7th November 2011.

Persimmon Homes consider that any demand for workshops at Malmesbury can be readily met by the Tetbury Hill consent and that there is no case for additional workshops as part of the comprehensive urban Extension.
Change Sought to the Plan

That Policy 7 be deleted.
Comment

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Para 5.1.2 Community Infrastructure Issues

Comment:
Persimmon Homes note that the Malmesbury Education Review Group has confirmed that a new primary school is not required at Malmesbury as a result of the delivery of a minimum of 242 homes. Persimmon note that educational contributions from new development will provide funds to expand Malmesbury CE Primary School, as required.
Persimmon Homes endorse this approach and note that an increased housing allocation at Backbridge Farm would increase the amount of education contributions available for the proposed new school extension.
Persimmon Homes note that Malmesbury CE Primary school can only expand to the West and that it would make sense to integrate with the Neighbourhood Plan's preferred site, 3a & 15, and conclude the land allocation together.
Change Sought to the Plan

That Plan 5.1.2 be amended if the number of units at Backbridge Farm is increased.
Comment

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Address Verona House
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Malmesbury
SN16 9JR
Event Name Malmesbury Development Plan Proposal
Comment by Persimmon Homes Wessex (Mr P Davis)
Comment ID 104
Response Date 3/12/14 4:59 PM
Status Processed
Submission Type Email
Version 0.3

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Policy 8 Malmesbury CE Primary School Extension

Comment:

Persimmon Homes support Policy 8. It is noted that the school extension can only be delivered in conjunction with land at Sites 3A and 15. Persimmon Homes will seek to facilitate the delivery of the Primary School Extension as part of the comprehensive North West of Malmesbury Urban Extension. (See Other Objections of Persimmon)

Change Sought to the Plan

None.
Comment

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              Tetbury Hill
              Malmesbury
              SN16 9JR

Event Name: Malmesbury Development Plan Proposal
Comment by: Persimmon Homes Wessex (Mr P Davis)
Comment ID: 105
Response Date: 3/12/14 4:59 PM
Status: Processed
Submission Type: Email
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Para 5.3.3 Objectives and Tasks

Comment:
Persimmon Homes note the objective to secure the future of flood hit facilities. Persimmon Homes shall engage with the Steering Group and others to help secure the future of flood hit facilities such as Malmesbury Victoria Football Club, Athelstan Players, Malmesbury Boxing Club and the Malmesbury Youth Centre, in association with the West Malmesbury Urban Extension. Land is indicated on the submitted Concept Plan, and would form part of ‘community hub’ area in the vicinity of the proposed extension to the Primary School and Tennis Club, with excellent pedestrian/cycle access to the town and vehicular access from the North.

Furthermore, Persimmon Homes note that the Neighbourhood Plan seeks to ensure the Malmesbury Tennis Club expansion is in harmony with development and the primary school extension. Persimmon Homes shall seek to engage with the Tennis Club regarding the expansion of the tennis club relative to the West Malmesbury Urban Extension at Backbridge Farm.
Change Sought to the Plan

None
Comment

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GL7 1RT

Consultee: Mr P Davis (393647)
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SN16 9JR

Event Name: Malmesbury Development Plan Proposal
Comment by: Persimmon Homes Wessex (Mr P Davis)
Comment ID: 106
Response Date: 3/12/14 4:59 PM
Status: Processed
Submission Type: Email
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Para 5.3.5 Flood hit Facilities

Comment:
Persimmon Homes note the comments set out in Para 5.3.5 and the associated Tasks.
Persimmon Homes shall engage with the Steering Group and others to help secure the future of the flood hit facilities, such as Malmesbury Victoria Football Club, Athelstan Players, Malmesbury Boxing Club and Malmesbury Youth Centre in association with the West Malmesbury Urban Extension.

Change Sought to the Plan
None
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<th>Agent</th>
<th>Mr Glenn Godwin (825048)</th>
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**To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?**

Para 5.3.5 Flood hit Facilities

**Comment:**

Persimmon Homes note the comments set out in Para 5.3.5 and the associated Tasks.

Persimmon Homes shall engage with the Steering Group and others to help secure the future of the flood hit facilities, such as Malmesbury Victoria Football Club, Athelstan Players, Malmesbury Boxing Club and Malmesbury Youth Centre in association with the West Malmesbury Urban Extension.

**Change Sought to the Plan**

None
Comment

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Consultee: Mr P Davis (393647)
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Event Name: Malmesbury Development Plan Proposal
Comment by: Persimmon Homes Wessex (Mr P Davis)
Comment ID: 108
Response Date: 3/12/14 4:59 PM
Status: Processed
Submission Type: Email
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
Para 5.3.6 Malmesbury Tennis Club

Comment:

Persimmon Homes note the task to expand the Malmesbury Tennis Club in harmony with the Backbridge development and the primary school extension.

Persimmon Homes note that the MNSG is keen to support the tennis club initiative.

Change Sought to the Plan
None
Comment:

Persimmon Homes note that the River Walk can be extended to Backbridge, if the development of the area to the West of the football field, primary school and tennis club goes ahead.

Persimmon confirm that the Backbridge/West Malmesbury Urban Extension, includes an extensive new County Park, which will incorporate an extension to the river walk as indicated on the Concept Plan.

Change Sought to the Plan
None
To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?

Volume II - Design Code

Comment:

In previous submissions, Persimmon have recognised the value of providing design guidance in order to protect the special qualities of Malmesbury.

It is important that Volume 2 is interpreted as guidance, rather than prescriptive policy to be followed at any costs and it is important that this is made clear in the document.

The NPPF attaches great importance to the design of the built environment. Local and Neighbourhood Plans should develop comprehensive policies that set out the quality of development that will be expected for the area. However, it states that design policies should avoid unnecessary prescription or detail.

Design for car parking is often an emotive issue with new developments. Whilst the Design Guide recognises the range of car parking options, there is a stated preference for the majority of car parking
within new developments to be accommodated within courtyards. However, it is Persimmon’s experience that such arrangements are often unpopular with purchasers (ie. future and existing residents of the town) who prefer to park within their curtilages for security and convenience. It is also often unpopular due to the level of on street parking that can result from cars parking closer to the houses than the courtyard arrangements allow.

Persimmon would welcome continued dialogue with MNSG in the preparation of a Design & Access Statement for the Backbridge Farm development.

There needs to be a recognition of the need for the design to reflect its context on the urban edge whilst complementing the character, form and qualities of Malmesbury.
Comment

Consultee: Mr Laurence Mussett (825191)
Email Address: laurence@mussett-consultancy.co.uk
Address: 30 Cross Hayes
Malmesbury
SN16 9BG
Event Name: Malmesbury Development Plan Proposal
Comment by: Mr Laurence Mussett
Comment ID: 111
Response Date: 3/12/14 10:25 AM
Status: Processed
Submission Type: Email
Version: 0.2

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?
retail/high street

Comment:

Whilst I am generally in approval of the latest draft document I do not agree with the policy of allowing failing shops to remain empty and prevent them from being converted into residential use. In order to survive the high street must contract itself naturally into a core of viable shops and restaurants and failed/empty shops/restaurants/offices must be allowed to be converted into residential use after a reasonable period of time (i.e. after being empty for more than 12 months despite demonstrable efforts to sell for its existing use). This approach will safeguard the built environment through sympathetic conversion and remove the blight of empty shops/buildings from the high street.
Comment:

Whilst I am generally in approval of the latest draft document I do not agree with the policy of allowing failing shops to remain empty and to prevent them from being converted into residential use in a timely manner. In order to survive the high street must contract itself naturally into a core of viable shops and restaurants and failed/empty shops/restaurants/offices must be allowed to be converted into residential use after a reasonable period of time (i.e. after being empty for more than 12 months despite demonstrable efforts to sell for its existing use). This approach will safeguard the built environment through sympathetic conversion and remove the blight of empty shops/buildings from the high street.
Comment:

I just wanted to put on the record that we are absolutely appalled to hear that we are supposed to be commenting on plans that affect our Road (Tetbury Hill Gardens, Malmesbury) and yet no one has sent us a letter or any correspondence to alert us to this?

By the time I realised it was 5.10pm last night and the portal had closed by the time I had registered so that i could comment?

This is not the way to make the residence of this small town feel they have a choice?
Comment:

To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate? All

Comment:

I have read the document displayed in Malmesbury Public Library from cover to cover and I fully support the Plan Proposal
Comment:

1. Sites 3a and 15 are proposed for land which drains into the Tetbury Avon. This rover already floods properties along Park Road. Allowing additional run off would be fool hardy.

2. Sites 10, 11 and 6 in Burton Hill - Rainwater run off from these sites would drain in to the Sherston Avon - forcing increased run off directly into the river at the Town Bridge and placing St Johns Street under the risk of more frequent flooding.

3. Sites 10 & 11 in Burton Hill propose dwellings for the elderly. These are currently green fields with a public foot path which is part of the popular and delightful Malmesbury 'Bridges Walk'. They provide a pleasant outlook for the properties on the B4042 and the Care Home. It must be remembered that many elderly in the Care Home come from the surrounding villages. Those are ‘country people’ and the large windows of the Care Home give them views of green fields, livestock grazing and walkers. To remove this view and fill it with convenient dwellings for more elderly people is inconsiderate to the mental wellbeing of the senior citizens in our community.

The neighbourhood plan fails to take into consideration the pressures of flooding of the 2 rivers that abound a hill top town. Properties in Malmesbury ie Park Road and St Johns Street have flooded in recent years:

- October 2000
- July 2007
- November 2012
- December 2013

The plan should only propose development in areas where the topography allows water to drain away from Malmesbury.

The Garden Centre site has a large area suitable for housing as well as continual use as a Garden Centre plus additional business development.
No consideration or discussion appears to have taken place with the Charlton Park Estate which controls vast areas of land (much larger than the town of Malmesbury) which could provide suitable areas for development along the A429 B4040 and Filands Road.
**Comment**

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<th>Consultee</th>
<th>Mrs Rosemary Hasley (825252)</th>
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**To which part of the Malmesbury Neighbourhood Plan Proposal does your comment relate?**

site 6 Burton Hill

**Comment:**

Site 6 Burton Hill

There are various very strong objections to this site being developed e.s. risk of flooding from ground water run off, increased road traffic.

Why not wait until the existing development thats in Burton Hill House has been made and we can see the results? What is the rush? We may learn valuable lessons?
Comment

The Cotswolds Conservation Board (‘the Board’) was established by Parliament in 2004. The Board has two statutory purposes [1]:

a) to conserve and enhance the natural beauty of the AONB; and
b) To increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board has a duty to seek to foster the economic and social well-being of people living in the AONB.

1. The Board notes that Natural England stated in its response dated 26th April 2013 to the Draft Malmesbury Neighbourhood Plan:

"No evidence appears to have been presented to show how the sites selected may affect the nearby AONB (which is less than 350m from site 3a/15, which allocates 170 dwellings and which is a similar distance from the proposed technology park), nor whether the sites being proposed contain significant areas of priority habitat. Consequently it is uncertain that the allocations can be delivered whilst having acceptable impacts on the natural environment, contrary to a range of policies within the NPPF (including 109, 115, 117, 118)."

"In terms of landscape impact, we advise that some form of Landscape and Visual Impact Assessment (LVIA) is required for sites capable of affecting the AONB (we advise the use of the Guidance on Landscape and Visual Impact Assessment version 3 methodology for such an assessment). If a brief site visit (or use of aerial photos) showed that the vast majority of the sites allocated are in intensive

---

Comment:

The Cotswolds Conservation Board (‘the Board’) was established by Parliament in 2004. The Board has two statutory purposes [1]:

a) to conserve and enhance the natural beauty of the AONB; and
b) To increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board has a duty to seek to foster the economic and social well-being of people living in the AONB.

1. The Board notes that Natural England stated in its response dated 26th April 2013 to the Draft Malmesbury Neighbourhood Plan:

"No evidence appears to have been presented to show how the sites selected may affect the nearby AONB (which is less than 350m from site 3a/15, which allocates 170 dwellings and which is a similar distance from the proposed technology park), nor whether the sites being proposed contain significant areas of priority habitat. Consequently it is uncertain that the allocations can be delivered whilst having acceptable impacts on the natural environment, contrary to a range of policies within the NPPF (including 109, 115, 117, 118)."

"In terms of landscape impact, we advise that some form of Landscape and Visual Impact Assessment (LVIA) is required for sites capable of affecting the AONB (we advise the use of the Guidance on Landscape and Visual Impact Assessment version 3 methodology for such an assessment). If a brief site visit (or use of aerial photos) showed that the vast majority of the sites allocated are in intensive
farming (arable or improved pasture) this would suffice to resolve our second concern. If it cannot other options will need to be explored."

"Resolution of this matter is of critical importance to the likely soundness of the plan." [Board's emboldening]

2. The Plan currently subject to consultation includes the allocation for residential, development sites 3a/15 noted in the Natural England response. However, there is still appears to be no formal assessment using an accepted methodology of the landscape and visual impact of these allocations, including impact on the landscape and scenic beauty of the Cotswolds AONB.

3. The Board notes that the Examiner of the Slaugham Parish Neighbourhood Plan [2] found that plan to be unsound on grounds including the lack of a proper assessment of the impact of site allocations, albeit in that case within the High Weald AONB.

4. It is noted that in Appendix A of the Sustainability Appraisal 'Summary of responses to the SA Scoping report' the response to a query raised by Natural England regarding the need for reference to a landscape assessment includes "The Princes Foundation for Building Community are now undertaking a more local area specific Landscape Assessment, which will inform the Neighbourhood Plan in due course."

It is not clear to the Board if this local assessment has been undertaken or been subject to consultation.

5. Appendix C of the Sustainability Appraisal 'Assessment of Housing Sites' includes for site 3a 'Development would result in changes to the landscape.' For site 15 the landscape impact is assessed as 'Negative impact associated with loss of existing site'. The impacts on the landscape for both sites are assessed to be negative or uncertain, but there is no indication of how this has been arrived at.

The Board would therefore urge that a formal assessment of the landscape and visual impact of the site allocations be undertaken prior to submission of the plan to examination.
