

Malmesbury Town Council

Application 19/11569/OUT Land south of Filands, Malmesbury

Malmesbury Town Council continues to strongly object to this application.

In the very limited time available to us we have read the officer's report and we would like to make the following points.

1. If this application is passed by this Committee today it will fundamentally undermine, not only our Malmesbury Neighbourhood Plan, but every other community's Neighbourhood Plan in Wiltshire.

2. We appreciate this application and decision is difficult in the current circumstances but its potential impact is huge.

Our specific points are as follows:

1. The development is considered to be contrary to Core Policies 1, 2, & 13 of the WCS and the policies of the MNP and has been rejected before.

2. The MNP has and continues to meet the requirements of the NPPF, PPG and Wiltshire Core Strategy.

3. Specifically Core Policy 13 requires 885 houses should be built at Malmesbury. The latest housing land statement shows that 758 homes had been completed and there were 331 homes committed and deliverable by 2026. As such, Malmesbury is set to exceed the requirement by circa 23%.

4. This application has reached a threshold where it may be suitable for approval only because Wiltshire Council could not, at the 13th February 2020 and based on its 2019 Housing Delivery Test, demonstrate a 5-year supply of land for housing. We believe the relatively small difference between the current supply and a 5-year supply can – and must - be defended in comparison to the profound negative effect on Malmesbury's and other neighbourhood plans across Wiltshire should this application be given permission.

5. We must question the reliance on a single date point for land supply in the context of this application and decision making generally. As far as we are aware when this application was made there was a five-year land supply. We would therefore argue that it is information at this point which is relevant. It might also be argued that a single point evaluation system of 5-year land supply could allow a developer or developers to 'game the system' by delaying already approved developments to create a shortfall in land supply and presumptions for planning approval.

6. An important point is that if Wiltshire can demonstrate a plan to regain the five-year supply figure this should be taken into account. Credit should also be given for the delivery of 149% of housing need in the last 3 years.

7. It is important to emphasise the officer's own statement that 'out of date' policies can have weight as determined by the decision maker. We would argue that in this case this weight must be significant.

8. In particular;

(i) Affordable housing: Malmesbury is delivering 123% of identified housing needs in the next 5 years.

(ii) Provision of housing to the open market to match demand: Malmesbury is delivering 123% of identified housing needs in the next 5 years.

(iii) Neighbourhood Plan Review: The Malmesbury Neighbourhood Plan was the first to be adopted in Wiltshire. It has commenced the formal process of periodic review with Wiltshire Council and is working under the guidance of Wiltshire Council in this process. It would be hugely unfair if, notwithstanding the very recent and particular provisions of Para 14 of the current NPPF, Malmesbury is penalised for being an early pioneer of neighbourhood planning and of operating within the rules and framework of the government led Neighbourhood Planning system.

(iv) The development of plans for future housing need: For the period until 2036 and the latest advice being received, albeit subject to confirmation by Wiltshire Council, is that potentially no additional houses will be required in the Malmesbury Neighbourhood Plan area.

(v) Impact on local infrastructure: We confirm that local nurseries and schools are full. Other local infrastructure is under huge pressure, for example the local leisure centre and health facilities.

(vi) Site characteristics:

(a) Heritage assessment: Malmesbury enjoys some of the most significant Saxon heritage in England, which includes this site.

(b) Climate Change and Transport Sustainability: The development is totally car dependent in respect of access to most services. There appears to be no link foot or cycle with the neighbouring Filands View development or to the centre of our town. There is no provision for bus access that we can see. There is no reference to the impact of increased Dyson traffic and the real difficulties now being encountered by residents of Filands View entering the B 4014 at peak times. Primary schooling will be in Lea, over 3 miles away. This all contradicts Wiltshire Councils policies on Climate Change.

In summary of these particular points, passing this application would not be effective bottom up policy shaping.

9. Conclusion:

(i) This committee has discretion to decide if any shortfall in the 5-year housing land supply is capable of being a material consideration.

(ii) The application is contrary to Core Policies 1, 2, & 13 of the WCS and the policies of the MNP, and Wiltshire Councils policies on Climate Change (CS 2 Section 6, Strategic Objective 2).

(iii) If this application is passed by this Committee today it will fundamentally undermine the principle of neighbourhood planning and bottom up shape placing not only in Malmesbury but in every other community in Wiltshire.

This application should be rejected.

Thank you for your consideration.

Campbell Ritchie

Mayor, Malmesbury Town Council
For and on behalf of Malmesbury Town Council