

Chippenham Town Council
For Attn: Andy Conroy – Head of Planning

Spatial Planning
Economic Development and Planning
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Via: email: [REDACTED]

03 April 2023

Dear Andy,

Consultation on the draft Chippenham Neighbourhood Plan (Regulation 14) - Wiltshire Council consultation response

Thank you for providing Wiltshire Council with the opportunity to comment upon the draft Chippenham Neighbourhood Development Plan (CNP). These comments are in addition to the comments made by the Council to the CNP Regulation 14 consultation in 2022.

We welcome the publication of the draft of the neighbourhood plan and the significant progress this represents. As you know, we have been working with you over a number of years to support the preparation of the draft Plan, but this consultation gives a formal opportunity for the Council to comment. At this formal stage of the neighbourhood planning process, our main focus is to ensure that the plan generally conforms to the Local Plan for Wiltshire and the proposed policies would be effective in achieving their stated objectives through the determination of individual planning applications within the neighbourhood area; and its policies are consistent with national policy and avoid duplication.

The representations received through this consultation will provide you with the opportunity to review the draft Plan and make any appropriate changes. At this stage in the process, it is also worthwhile reviewing the basic conditions that the Plan must comply with at the examination stage and take the opportunity to consider whether the Plan and supporting evidence could be improved to address these. We have made some initial comments against the basic conditions before providing more detailed comments on the draft plan.

The following comments take into consideration the views of specialist officers in the Council and are intended to help ensure conformity with the basic conditions and strengthen the draft CNP. Whilst the comments may appear to be extensive the Council wishes to provide as much feedback as possible to help inform a review of the draft plan and would be happy to discuss the issues raised.

The Basic Conditions

For context, the independent neighbourhood planning examiner must assess whether a draft neighbourhood plan meets the 'Basic Conditions', and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) as applied to

neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. In WC initial letter to you

Strategic Environmental Assessment (SEA), Habitats Regulation Assessment (HRA) and other EU obligations

Wiltshire Council has undertaken a HRA screening opinion, and this concluded that your draft neighbourhood plan will not result in a likely significant effect on any European site and therefore it is not necessary to subject the plan to an appropriate assessment under the Habitats Regulations 2019.

An SEA screening was carried out by Wiltshire Council in October 2021 and determined that your draft neighbourhood plan is likely to have significant environmental effects and SEA will be required. An SEA should accompany the plan when it is submitted.

The HRA decision may need to be reviewed if the draft neighbourhood plan changes significantly following this Regulation 14 consultation, before it is submitted at the Regulation 15 stage.

An SEA report has been prepared by you and the comments that follow identify areas that should be addressed following the consultation period. These comments take into consideration the views of specialist officers in the Council and are in addition to the comments made by the Council to the CNP Regulation 14 consultation in 2022.

SEA Scoping Report Reference	Wiltshire Council Comments
Paragraph 5.9 and 5.15	Reference to a standalone 'Chippenham Landscape Character Assessment' will cause confusion. The correct report to refer to is 'Chippenham Landscape Setting Assessment – Report 2014' prepared by 'The Environment Partnership (TEP) on behalf of Wiltshire Council. This report considered the landscape setting for the town itself along with its smaller outlying rural hinterland settlements and was produced to inform and evidence the site selection process during the preparation of the CSAP. It utilised and referenced the 'Wiltshire Landscape Character Assessment-2005' and the 'North Wiltshire Landscape Character Assessment – 2004.'
Paragraph 5.18	While reference is made to some outlying Chippenham rural settlements in the text, it is not clear why other rural settlements aren't included i.e. Allington, Kington Langley or Lacock.
Paragraph 5.19	Reference is made to important viewpoints. What are these 'important viewpoints'? How were they considered/derived to be important? How are they recorded or illustrated? Also, what are the 'Special Qualities' of the Chippenham Neighbourhood Plan Area? Outline or provide a link or reference to these.
Paragraph 6.3 Bullet Point 5	Reference to Core Policy 59 is made/listed. The full policy title should be referenced i.e., "The Stonehenge, Avebury and Associated Sites World Heritage Site and its setting."
Paragraph 6.19	Under 'Designated Heritage Assets' there is no mention of 'Rowden Conservation Area' (south of the town) which adjoins 'Chippenham

	Conservation Area'. This would logically follow after Para 6.19 (pg. 42) and subsection retitled 'Conservation Areas' under Heritage Designations
Paragraph 6.2	List the 'Chippenham Conservation Area Management Plan' (CAMP) rather than just referring to the CAMP further on in the chapter.
Paragraph 6.31	All references to a single Conservation Area should be changed to plural / both.
Paragraph 6.32 Bullet Point 2	Suggest wording change as follows to reflect Chippenham has 2 Conservation Areas. "Help to protect and enhance the significance of 'Chippenham' and 'Rowden' Conservation Areas and their settings and maintain their integrity"

SEA Report reference	Wiltshire Council comments
Paragraph 9.85	In the recommendations section it states that it is considered ' <i>that there is the potential for draft CNP Policy G11 to exceed national requirement...if it were to support new development where it delivered in excess of 10% net gain</i> '. This recommendation is welcomed and would not change the conclusion of the HRA undertaken in February 2022.
Paragraph 3.3	The Scoping Report uses a 16km zone of influence (Zol) around the Bath and Bradford on Avon Bats SAC in paragraph 3.3. It is not clear what the origin of the 16km Zol is and what the rationale is for using it as Wiltshire Council does not apply a 16km Zol around the Bath and Bradford on Avon Bats SAC.
Chapter 6	The text refers to non designated heritage assets but these are not shown on a map or table to enable further analysis of the data.
Paragraphs 9.43-9.47	Pleased to see that that the rich archaeological heritage of Chippenham is referenced in Section 3, the built heritage of the town is referenced in Section 8 when discussing development in Chippenham Conservation area and that Chippenham is acknowledged as a historic riverside market town in Section 4.2. of the draft Neighbourhood Plan. However, there should be specific mention of an objective or policy to protect and enhance the historic environment which is characterised in sections 9.43 to 9.57 of the Environmental Report of the Strategic Environmental Assessment (SEA).

I welcome the opportunity to discuss the contents of this letter when you are ready to do so.

Yours sincerely



Senior Planning Officer
Spatial Planning Team
Economic Development and Planning

Chippenham Town Council
The Town Hall
High Street
Chippenham
Wiltshire
SN15 3ER

Our ref: WX/2022/136266/SE-
01/DS1-L01

Date: 05 April 2023

Dear Sir/Madam

Draft Chippenham Neighbourhood Plan

Thank you for consulting the Environment Agency.

We have no further comments at this stage but would signpost our responses provided in September 2022.

Please consult the Environment Agency on future stages of your neighbourhood plan.

Yours sincerely,

[Redacted signature]

Sustainable Places - Planning Advisor

(On behalf of [Redacted] – Planning Specialist)

Direct dial [Redacted]

e-mail [Redacted]

From: [REDACTED]
Sent: Wed, 19 Apr 2023 14:27:25 +0000
To: Andrew Conroy
Subject: Chippenham Neighbourhood Plan - Repeat Regulation 14 Consultation

Dear Andy

In the end I was able to respond sooner than originally anticipated!

The focus of our interest continues to be on policies TC1 – TC3 and the need for these to substantiate their specific spatial parameters with evidence sufficient to demonstrate that the development proposed can be delivered without causing harm to heritage assets.

We note that the Plan itself has not changed since the February 2022 Pre-Submission version which formed the basis of the previous Regulation 14 consultation. The only additional information available now is the SEA Environmental Report and Scoping Report respectively, both of which have been prepared since the February 2022 Draft Plan.

The SEA Environmental Report draws upon the Draft Plan (inter alia) to inform its reasoning as to the effects and efficacy of its policies. However, the opportunity appears not to have been taken to use the findings of the SEA exercise to review and reaffirm the Plan in terms of its suitability relative to the potential for impact upon the town's significant historic environment which the SEA Report might identify.

We note too that Wiltshire Council's decision that a full SEA was required was predicated on the concern expressed by its conservation officers over policies TC1 – TC3.

We would therefore like to reiterate the advice in our previous Regulation 14 response and recommend that this expertise, to whom we are happy to defer, is used to reassure the Council on the submission of the Plan on the suitability of these policies relative to relevant heritage asset considerations.

Kind regards

[REDACTED]

[REDACTED] | Historic Places Adviser

Date: 12 April 2023
Our ref: 422434
Your ref: Chippenham Neighbourhood Plan



Chippenham Neighbourhood Plan Steering Group
Chippenham Town Council

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BY EMAIL ONLY

neighbourhoodplan@chippenham.gov.uk

Dear Sir/Madam

Chippenham Neighbourhood Plan - Repeat SEA Consultation

Thank you for your consultation on the above dated 21 February 2023.

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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on the Chippenham Neighbourhood Plan.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours faithfully

A black rectangular box redacting the signature of the person on behalf of the Consultations Team.

Consultations Team

From: The Coal Authority-Planning
Sent: Wed, 8 Mar 2023 09:52:39 +0000
To: Neighbourhood Plan
Subject: FW: [External] Repeat Consultation on Draft Neighbourhood Plan with SEA

Dear Neighbourhood Plan Steering Group

Thank you for your notification of 21 February 2023 regarding the Repeat Consultation on Draft Neighbourhood Plan with SEA.

The Coal Authority is only a statutory consultee for coalfield Local Authorities. As Wiltshire Council lies outside the coalfield, the Planning team at the Coal Authority has no specific comments to make.

Kind regards

The Coal Authority Planning Team

From: Chippenham Neighbourhood Plan <neighbourhoodplan@chippenham.gov.uk>
Sent: 21 February 2023 14:36
To: The Coal Authority-Planning <TheCoalAuthority-Planning@coal.gov.uk>
Subject: [External] Repeat Consultation on Draft Neighbourhood Plan with SEA

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From: [REDACTED]
Sent: Mon, 27 Mar 2023 12:22:51 +0000
To: Neighbourhood Plan
Subject: Chippenham Neighbourhood Plan consultation - National Highways comments

Dear Neighbourhood Plan Steering Group

Thank you for providing National Highways with the opportunity to comment as part of your re-consultation on the pre-submission version of the Chippenham Neighbourhood Plan. As you are aware, National Highways is responsible for operating, maintaining and improving the strategic road network (SRN) which in this case comprises the M4 which passes to the north of the Plan area, with a direct connection provided via the A350 to Junction 17.

Unfortunately I can find no record of receiving your February 2022 consultation and therefore we appear to have made no previous comments.

Having reviewed the draft plan and associated documents we have no specific comments on the plan's proposed policies, which in themselves are unlikely to result in a scale of development which will adversely impact the SRN. However, in general terms we are obviously supportive of those policies which seek to increase the self-sufficiency of the town and improve sustainable transport facilities to encourage the take up of alternative travel modes to the private car.

It is noted that the plan does not allocate sites for development or identify housing number requirements as these will be determined through Wiltshire Council's Local Plan Review. As you will be aware, M4 Junction 17 experiences congestion during peak periods and improvements have been identified as necessary to accommodate planned growth. Any large scale development coming forward in Chippenham will need to be supported by an appropriate assessment of traffic impacts which should consider the operation of the SRN in line with national planning practice guidance and DfT Circular 01/2022. Where proposals would result in a severe congestion or unacceptable safety impact, mitigation will be required in line with current policy. In the meantime, we are continuing to work with Wiltshire Council in the preparation of their transport evidence base for the Wiltshire Local Plan Review and in the development of improvement proposals at junction 17.

These comments do not prejudice any future responses National Highways may make on site specific applications as they come forward through the planning process, which will be considered by us on their merits under the prevailing policy at the time.

Regards

[REDACTED]
[REDACTED]
South West Operations – Assistant Planning Manager (Highways Development Management)

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By post and e-mail: neighbourhoodplan@chippenham.gov.uk

Our Ref: PDH/229350.0005
Date: 4 April 2023

Dear Sirs

Chippenham Neighbourhood Plan – Regulation 14 Consultation

We act on behalf of KBC Developments LLP. Our clients own land at Rawlings Farm, Chippenham. You will no doubt be aware that our clients have secured the grant of planning permission for the development of Rawlings Farm for a mixed use scheme including 650 dwellings. Our clients have also secured planning permission for the erection of a railway bridge linking Rawlings Green over the railway adjoining their site to Parsonage Way. This railway bridge and the road within the site will form part of the Chippenham Eastern Link Road.

Our clients therefore have material land interests in and around Chippenham and are directly affected by the proposals set out in the pre-submission draft Chippenham Neighbourhood Plan (Neighbourhood Plan).

Our clients object to the chapter included within Neighbourhood Plan headed “Green Buffers”. They believe that this chapter should be removed from the Neighbourhood Plan for the reasons set out below. If the plan is not modified to remove this chapter from the submission draft (and policy G15 contained within it) then our client’s will be making representations to Wiltshire Council and if necessary at the examination stage, both as to the lawfulness of the approach set out within the Green Buffers chapter and the justification for its inclusion within a neighbourhood plan.

Purpose of Neighbourhood Plans

Neighbourhood plans by their nature are meant to address local issues within the neighbourhood plan area. They should not seek to deal with strategic policies but be in conformity with them (one of the basic conditions). Strategic policies are clearly matters for Wiltshire Council as a local planning authority and it seems quite clear that the Green Buffers chapter goes beyond the scope of what is appropriate to

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incorporate within a neighbourhood plan. In support of the contention that the Green Buffer policies are strategic policies we would make the following points as part of our client's objections to this chapter:

1. The proposal is to identify potentially large areas of open countryside as Green Buffers in order to secure separation between settlements and avoid coalescence.
2. The Neighbourhood Plan is unable to designate any land let alone that of the scale required in order to establish Green Buffers.
3. The plan acknowledges that it cannot set policies beyond the neighbourhood plan boundary where such buffers would need be established.
4. Any policy relating to Green Buffers would have district wide implications in terms of the separation of settlements, not implications that are specific to Chippenham
5. Policy G15 itself makes it quite clear that it applies to strategic allocations which are to be made by Wiltshire Council as local planning authority.
6. As strategic planning authority Wiltshire Council will have to determine the criteria for developing strategic allocated sites, and this role should not be constrained by the Neighbourhood Plan as to how such criteria is to be set for land allocated within Chippenham.
7. It would be wholly inappropriate to place constraints on allocations through a neighbourhood plan that have not yet been formulated and to adopt such approach would create inconsistencies between allocations within Chippenham and allocations elsewhere within the administrative area of Wiltshire Council.

Role of Green Buffers

In so far as the Neighbourhood Plan seeks create Green Buffers in order to prevent coalescence of settlements and to protect the individual character of settlements, which is a district wide consideration. It is therefore the role of Wiltshire Council to consider whether to adopt a policy seeking to separate settlements whether described as Green Buffers, areas of separation, green wedges etc. Moreover, they would have to be supported and justified by an evidence base in order to create such designations. Consideration would have to be given to the role these Green Buffers, not only in terms of separation but justifying their wider function and how will they operate in practice in terms of development management functions. For example, are they intended to take on a similar or the same status as Green Belt?

It is not appropriate to simply adopt Green Buffers as a solution solely within Chippenham in order to separate Chippenham from the surrounding settlements. It is certainly not the role of the Neighbourhood Plan to seek to require either Wiltshire Council or indeed other neighbourhood plan areas to look to designate land in order to prevent further development surrounding Chippenham that may encroach into such areas. It is noted that the Chippenham Without Neighbourhood Plan which has reached regulation 16 stage has no policies within it that support the provision of Green Buffers despite it adjoining the Chippenham Neighbourhood Plan area.

It is clear that the policy is wholly inappropriate for a neighbourhood plan by reference to the fact that it cannot be delivered in land use terms within the limits of the neighbour plan area. The Neighbourhood Plan recognises this and acknowledges that this is little more than an aspiration for others to adopt through other neighbourhood plans but it is equally inappropriate for those plans to promote Green Buffers. This approach is expressly resisted in paragraph : 004 Reference ID: 41-004-20190509 of the NPPG. They should not form part of the Neighbourhood Plan itself which requires clarity and certainty given its status in the determination of planning applications.

In so far as the CNP cannot designate land within its boundaries for this purpose then the proposal for Green Buffers within this chapter is wholly inappropriate and serves no purpose. If it is not a land use policy then it should not be included in the plan.

Policy GD15

The policy itself has no purpose in a neighbourhood plan. The policy itself expressly refers to strategic allocations and thereby recognises the strategic nature of the proposals set out in the policy. The Neighbourhood Plan is meant to support the delivery of strategic policies not pre-judge and restrict the formulation of strategic allocations that may come forward as part of the Local Plan.

As stated, strategic allocations are matters for Wiltshire Council as local planning authority. They will determine what allocations to make and what criteria to set against each allocation. That will have to have regard to the specific circumstances of each site and what is appropriate in relation to that site.

It is wholly inappropriate for this policy to seek to prejudge individual sites that have not even come forward as proposed allocations and set limitations on their development and how they are to be constrained by reference to these so called Green Buffers. Furthermore, to adopt this policy would mean that only strategic allocations in around Chippenham would be subject to this constraint policy whereas other strategic allocations made through the local plan will not be subject to similar constraints. Wiltshire Council could not justify adopting an inconsistent approach to the treatment of strategic sites allocated through the local plan.

The wording of the policy effectively seeks to prevent further development of allocated sites beyond established boundaries. Reference is made to safeguarding their roles for biodiversity, flood management, recreation or connectivity. Until a strategic site is identified and allocated, one cannot determine whether land within that strategic site, intended as a Green Buffer, would serve any of those purposes. If they do not, then questions arise as to the basis the Green Buffer policy could be applied to those allocations.

Furthermore, it may be that allocations will not have any impact on the area of separation between settlements and cannot on that basis justify the incorporation of green buffers within the development proposals themselves.

Local Green Space

The limited scope for neighbourhood planning to deal with areas of local green space is highlighted clearly in paragraphs 101-103 to the NPPF. This deals with designation of local green space which are, by their nature, local areas of existing green space which have some special purpose or function within the community. The criteria for designating such local green space is clearly set out in the NPPF. It is important that their role and the justification for their designation is understood given the potential for them to be treated in a similar way to safeguarding Green Belt.

It is further clear from the advice within the NPPF that neighbourhood plans are not to designate large swathes of green space as is now suggested in the Green Buffers chapter of the Neighbourhood Plan.

The designation of local green spaces through neighbourhood plans and the quite specific limitations on them, demonstrates clearly the limits to which such plans can go in safeguarding green space and this does not extend to designating large swathes of countryside as buffers between settlements to prevent coalescence.

Conclusion

In summary the chapter relating to Green Buffers has no place in the Neighbourhood Plan or any other such plan. It is clear from both the narrative and the wording of the policy that this is a strategic policy which is properly to be addressed by the strategic planning authority, Wiltshire Council. Its application has wide implications throughout the district and must be considered in a district context. It would be wholly inappropriate to adopt these policies specific to Chippenham and not elsewhere. The chapter and policy goes beyond the remit of neighbourhood planning.

The policy itself achieves nothing in so far as it cannot amount to a land use policy in relation to the neighbourhood plan area. It merely constitutes an aspiration for others to deliver land use policies in a manner contrary to the advice in the NPPG. The policy itself seeks to control strategic allocations which have not yet even been identified. Only having been identified can the particular characteristics and constraints of the site be assessed and the criteria applicable to the development of such sites be determined. Such allocations may not have any impacts to be addressed via a Green Buffer policy and if they do that will be addressed via the strategic authority at the time. It is also inappropriate to set constraints on developments which are completely unknown at this point in time and which would not be mirrored in terms of strategic allocations coming forward elsewhere within Wiltshire outside of Chippenham.

The Neighbourhood Plan should be amended by deleting all reference to Green Buffers and policy G15.

Yours faithfully

[Redacted Signature]

Howes Percival LLP

Direct Dial
E-mail

: [Redacted]
: [Redacted]

The Planning Bureau Limited

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Chippenham Neighbourhood Plan Steering Group
Chippenham Town Council
The Town Hall
High Street
Chippenham
Wiltshire
SN15 3ER

Via email: neighbourhoodplan@chippenham.gov.uk

3rd April 2023

Dear Sirs / Madam

RESPONSE ON BEHALF OF MCCARTHY STONE TO THE CHIPPENHAM NEIGHBOURHOOD PLAN 2023-2026 REGULATION 14 CONSULTATION FEBURARY 2023

Thank you for the opportunity to comment on the Chippenham Neighbourhood Plan 2023-2026 Regulation 14 consultation. McCarthy Stone is the leading provider of specialist housing for older people including retirement housing and extra care housing. Please find below our comments on the consultation.

Policy TC5 – Buildings of Local Merit

Policy TC5 – Buildings of Local Merit - identifies, amongst other sites, at point b) the *'former Chippenham District County Technical and Secondary School, Cocklebury Road'* (the Technical School building) as an important non-designated heritage asset and requires that: *'The effect of a proposal on the significance of a Building of local merit will be taken into account to avoid or minimise conflict between the building's conservation and any aspect of the proposal'*.

The identification of the former Technical School building as a non-designated heritage asset within the draft Neighbourhood Plan is evidenced within Appendix 16 to the regulation 14 draft Neighbourhood Plan entitled *'Buildings of Local Merit Topic Paper'*. This Topic Paper at page 12 provides a brief description of the Technical School building and its historic interest. However, Appendix 16 fails to consider the planning history of the building and the wider regeneration objectives of the area.

Para 31 of the NPPF requires that: *'The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals'*.

Para 37 of NPPF identifies that *'Neighbourhood plans must meet certain 'basic conditions' and other legal requirements before they can come into force'*. In order to meet the basic conditions a plan must have *'regard to national policies'* amongst other elements.

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A key area of evidence and material consideration when determining whether the building should be identified as a non-designated heritage asset within the Neighbourhood Plan is the planning history of the building. A number of planning permission's have historically been approved for the demolition of the building in 2008, 2013 and 2017 as detailed below:

- 17/05828/FUL - Demolition of Existing Buildings and the Erection of a 140 Unit Extra Care Facility, storey recessed), Three Units for Uses within A1/A2/A3, 97 Car Parking Spaces Split Across the Basement (85 no. spaces) and Ground Floor Level (12 no. spaces) and Associated Access and Landscaping – Granted.
- 13/06704/FUL - Demolition of Existing College Campus Buildings and Erection of New College Building with Landscaping and Associated Works- Granted
- N/08/02130/FUL - Demolition Of Existing Buildings And Erection of a New College Building Of Circa 12,000sq m Gross Internal Floor Area With Landscaping And Associated Works – Granted
- N/08/02131/CAC - Demolition Of Existing Buildings In Conservation Area Following Redevelopment For New College Campus – Granted

The 2017 planning permission granted to demolish the Technical School building included a condition ('condition 22') requiring, prior to any demolition, for a full building survey to be undertaken. Condition 22 required the survey to include an analysis and photographic record of the building and *'any artefacts of historic value to be made available for preservation by local history and civic societies'*. This was to secure the proper recording of the undesignated heritage asset. The discharge of condition 22 has occurred with confirmation being received on 15th April 2019 (ref: 19/00230/DOC). Neither of the planning permissions granted in 2013 or 2017 respected the historic footprint of the Technical School building.

The Neighbourhood Plan Steering Group should also note the importance that the Local Planning Authority have attached to the regeneration of the central area of Chippenham, of which the Technical School building sits. This has been a priority for some time as detailed in para 5.53 and Core Policy 9 of the Wiltshire Core Strategy (adopted 2015). The Wiltshire Core Strategy made a commitment to prepare a Chippenham Central Area masterplan. Although only a draft was only ever published in 2014, the masterplan identified at page 33 that *'Wiltshire College is currently benefitting from part-refurbishment, part redevelopment to enhance the educational offer on the existing site. This should release developable area to cross subsidise reinvestment'*. This consolidation has occurred leaving the Technical School building site vacant, with the receipt of the sale having cross subsidised the regeneration of Wiltshire College.

In addition, The Steering Group should also note that Wiltshire Council's Local Plan review consultation document 'Planning for Chippenham', 2021 Para 26, page 5 discusses *'improving the resilience of the town centre'* and identifies that the future Local Plan should continue *'to make improvements to Chippenham Railway Station and Cocklebury Road area to attract inward investment to this area'*. This objective should not be hindered by the inclusion of the Technical School building in the Neighbourhood Plan as a *'Building of Local Merit'* when the principle of demolition has clearly been accepted by the Local Planning Authority.

Recommendation:

The evidence document at Appendix 16 page 12 should be amended to reflect the evidence detailed above and the Technical School building should correspondingly be deleted from policy TC5 point b) to ensure that:

1. The plan meets the basic conditions and has regard to para 31 of NPPF in relation to proportionate and relevant evidence.

2. As there has been no recent material change in planning circumstances, the plan and supporting evidence properly considers the planning history of the site, including the discharge of condition that *'has secured the proper recording of the undesignated heritage asset'* and notes that the Local Planning Authority have previously accepted that the Technical School building can be demolished.
3. The Neighbourhood Plan is in line with the Strategic policies of the Wiltshire Core Strategy and the Local Plan Review.

Yours faithfully

A black rectangular box redacting the signature of the Group Planning Associate.A black rectangular box redacting the name of the Group Planning Associate.

Group Planning Associate

NHS Property Services Ltd
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May 2023

Dear Chippenham Town Council,

Chippenham Neighbourhood Plan – Repeat Regulation 14 Consultation 2023

Thank you for the opportunity to comment on the above document. The following comments are submitted by NHS Property Services (NHSPS).

Foreword

NHSPS manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable, modern healthcare and working environments. NHSPS has a clear mandate to provide a quality service to its tenants and minimise the cost of the NHS estate to those organisations using it. Any savings made are passed back to the NHS.

Overview

In April 2013, the Primary Care Trust and Strategic Health Authority estate transferred to NHSPS, Community Health Partnerships and NHS community health and hospital trusts. All organisations are looking to make more effective use of the health estate and support strategies to reconfigure healthcare services, improve the quality of care and ensure that the estate is managed sustainably and effectively.

NHSPS support NHS commissioners to deliver a local health and public estate that can be put to better use. This includes identifying opportunities to reconfigure the estate to meet commissioning needs, as well as opportunities for delivering new homes (and other appropriate land uses) on surplus sites.

The ability to continually review the healthcare estate, optimise land use, and deliver health services from modern facilities is crucial. The health estate must be allowed to develop, modernise or be protected in line with integrated NHS strategies. Planning policies should support this and be prepared in consultation with the NHS to ensure they help deliver estate transformation.

Our comments on the policies set out within the Chippenham Neighbourhood Plan are as follows.

Policy CI1 - enabling the NHS to be able to promptly evolve its estate

Introduction

Policy **CI1** states that proposals that would result in the loss of existing community infrastructure will be expected to meet the tests in Core Policy 49 and take local considerations into account.

NHSPS supports the provision of sufficient, quality community facilities, but objects to specific wording within this policy. We would request that policy wording amendments are made to support the principle that where the NHS can demonstrate a health facility will be changed as part of NHS estate reorganisation programmes, this will be sufficient for the local planning authority to accept that a facility is neither needed nor viable for its current use, and therefore that the principle of alternative uses for NHS land and property will be fully supported.

Context

In order to enable the NHS to be able to promptly adapt its estate to changing healthcare requirements, it is essential that all planning policies enable flexibility within the NHS estate. On this basis, NHSPS would advise the Council that policies aimed at preventing the loss or change of use of community facilities and assets, where healthcare is included within this definition, can potentially have a harmful impact on the NHS's ability to ensure the delivery of facilities and services for the community. Where such policies are overly restrictive, the disposal of surplus and unsuitable healthcare facilities for best value can be prevented or delayed, which in turn delays vital re-investment in the NHS estate.

The NPPF is clear in stating that Local Plans should adopt policies that "take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community" (Paragraph 93b).

It is important that policies consider that some public service providers, such as the NHS, routinely undertake strategic reviews of their estates. Reviews of the NHS estate are aimed at improving the provision of healthcare services by increasing efficiencies, including through the disposal of unneeded and unsuitable properties. This means that capital receipts from disposals, as well as revenue spending that is saved, can be used to improve facilities and services.

Where it can be demonstrated that health facilities will be changed as part of a wider NHS estate reorganisation programme it should be accepted that a facility is neither needed nor viable for its current use.

With this in mind, we are keen to encourage that flexibility be granted to the NHS via the wording of any planning policy. This will ensure that the NHS can promptly and efficiently respond to the healthcare requirements of residents through the evolution of its estate.

Amended Wording

An additional paragraph should be added to clarify that:

Should a health site be declared surplus to requirements as part of a wider estate reorganisation programme to ensure the continued delivery of public services and related infrastructure, such as those being undertaken by the NHS then the loss or change of use of existing health facilities will be acceptable. Evidence of such a programme will be accepted as a clear demonstration that the facility under consideration is neither viable nor needed and that adequate facilities are or will be made available to meet the ongoing needs of the local population.

This change would directly address the issues outline above; and would ensure that the NHS is able to effectively manage its estate, disposing of unneeded and unsuitable properties where necessary, to enable healthcare needs to be met.

Policy CI1 - Health considerations in policy/design

Policy CI1 should be amended to include requirements that promote health developments.

Context

There is a well-established connection between planning and health, and the planning system has an important role in creating healthy communities. The planning system is critical not only to the provision of improved health services and infrastructure, enabling health providers to meet changing healthcare needs, but also to addressing the wider determinants of health.

The NPPF is clear in stating that “Planning policies and decisions should aim to achieve healthy, inclusive and safe places” (Paragraph 92).

Identifying and addressing the health requirements of existing and new development is a critical way of ensuring the delivery of healthy, safe, and inclusive communities. On this basis, we would welcome further consideration of healthy design requirements within the Neighbourhood Plan, and would encourage engagement with the NHS on this matter.

Specific policy requirements to promote healthy developments should include:

- Development proposals to consider local health outcomes
- Design schemes to encourage active travel, including through providing safe and attractive walking and cycling routes, and ensuring developments are connected by these routes to local services, employment, leisure, and existing walking and cycling routes.
- Provide access to healthy foods, including through access to shops and food growing opportunities (allotments and/or providing sufficient garden space)
- Design schemes in a way that encourages social interaction, including through providing front gardens, and informal meeting spaces including street benches and neighbourhood squares and green spaces.
- Design schemes to be resilient and adaptable to climate change, including through SUDs, rainwater collection, and efficient design.
- Consider the impacts of pollution and microclimates, and design schemes to reduce any potential negative outcomes.
- Ensure development embraces and respects the context and heritage of the surrounding area.
- Provide the necessary mix of housing types and affordable housing, reflecting local needs.
- Provide sufficient and high quality green and blue spaces within developments.

Policy CI1 - developer contributions

Policy CI1 states that applicants will be expected to fully meet the need for new community infrastructure generated by their schemes so that there is no additional pressure put onto existing community facilities. NHSPS supports the rhetoric of this policy.

Context

The NHS, Council and other partners must work together to forecast the infrastructure and costs required to support the projected growth and development across the borough. A vital part of this is ensuring the NHS continues to receive a commensurate share of S106 and Community Infrastructure Levy (CIL) developer contributions to mitigate the impacts of growth and help deliver transformation plans.

Paragraph 34 of The NPPF is clear that 'Plans should set out the contributions expected from development. This should include setting out... infrastructure (such as that needed for... health)'

The significant cumulative impacts of residential developments on healthcare requirements in the area should be recognised and, given their strategic importance, health facilities should be put on a level footing with affordable housing and public transport improvements when securing and allocating S106 and CIL funds, in order to enable the delivery of vital NHS projects. It is imperative that planning policies are positively prepared, in recognition of their statutory duty to help finance improved healthcare services and facilities through effective estate management.

We request that when setting planning obligation policies, the Town Council seek to address strategic as well as local priorities in planning obligations and engage the NHS in the process as early as possible.

Summary

Within the NHS property portfolio, a number of sites are, or may become outdated and no longer suitable for modern healthcare without significant investment. In those cases, and where NHS commissioners can demonstrate that healthcare facilities are no longer required for the provision of services in that particular location, a more flexible approach for public service providers should be applied when considering a change of use to non-community uses.

NHSPS thank Chippenham Town Council for the opportunity to comment on the Chippenham Neighbourhood Plan Repeat Regulation 14 Consultation and hope the proposed amendments are considered constructive and helpful. We look forward to reviewing future iterations of the plan and receiving confirmation that these representations have been received. Should you have any queries or require any further information on the enclosed, please don't hesitate to contact me.

Yours sincerely,



**Associate Town Planner
NHS Property Services Limited**

29 March 2023
chi290323ltdy



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The Town Hall
High Street
Chippenham
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Dear Sir / Madam,

Chippenham Neighbourhood Plan Repeat Regulation 14 Consultation

These representations have been prepared by Savills on behalf of Waddeton Park Limited in response to the Chippenham Neighbourhood Plan Repeat Regulation 14 consultation.

Our representations submitted to the Regulation 14 consultation in April 2022 covered a number of our previous concerns over the draft Neighbourhood Plan, and specifically how it currently contains some fundamental flaws which need addressing before work on the draft Neighbourhood Plan commences. These concerns remain.

However, in accordance with the scope of the consultation set out on the Neighbourhood Plan website, these representations respond only to the scope of the Strategic Environmental Assessment (SEA).

It is hoped that these representations are of assistance to the Steering Group in preparing the next stages of the draft Neighbourhood Plan.

Strategic Environmental Assessment

It is clear that the Steering Group have appointed Aecom to prepare a SEA to support the emerging Neighbourhood Plan, and that two separate SEA's are available as part of this consultation (versions published in August 2022 and February 2023). Our comments primarily focus on the most recent SEA, dated February 2023.

Firstly, our main observation is that the SEA covers and assesses the main policies of the draft Neighbourhood Plan and has therefore been prepared retrospectively rather than used as a tool to inform and guide the strategy and draft policies. It is clear that the SEA does not explore and assess reasonable alternatives to the small level of growth proposed as part of the draft Neighbourhood Plan.

For example, the only proposed site allocation is the Bath Road Car Park/Bridge Centre Site, and whilst the SEA explores alternative scenarios for this particular site, it does not explore alternative options for development by looking at alternative spatial strategies and site allocations.

In addition, there is no reference within the SEA to a proposed housing requirement (which is also absent from the draft Neighbourhood Plan) and assessment of alternative site allocations. This concern was raised as part of our comments on the Regulation 14 consultation, principally that the absence of a housing requirement based on up to date housing need evidence and the inclusion of a single site allocation to meet the need for housing locally, currently estimated by Wiltshire Council to be over 9,000 homes up to 2036, is a fundamental flaw of the Neighbourhood Plan and the supporting evidence base.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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Registered office: 33 Margaret Street, London, W1G 0JD



The Chippenham Housing Needs Assessment (HNA, May 2020), prepared by Aecom, confirms that there is a need for some 2,643 affordable homes over the period to 2036, but we note there is no reference or assessment of this contained within the SEA.

We therefore continue to have significant concerns that if the Steering Group proceed with the draft Neighbourhood Plan and supporting evidence base in its current form this will result in a plan for a settlement area of over 35,000 people, for a 13-year period (2023-2036), which only includes a single allocation, at a time when Wiltshire Council's own Local Plan Review identifies the housing requirement for Chippenham up to 2036 as over 9,000 dwellings.

Similarly, the draft Neighbourhood Plan and the SEA lack any assessment of potential site options for development and therefore lacks individual appraisals / assessments of those alternative sites.

One such site which we consider should be assessed and included within the SEA and Neighbourhood Plan is the land at Saltersford Lane, Chippenham for which there is a pending outline planning application being considered by Wiltshire Council (ref: PL/2022/06612). The outline planning application comprises residential development of up to 70 dwellings with associated access, landscaping and open space.

Importantly, whilst a decision is yet to be issued, there are no remaining technical matters to resolve given that the site is generally free from constraint, with the majority of consultees supportive of the proposals.

In our view this is a suitable and obvious site which should be assessed as part of the Neighbourhood Plan and should have been included in an assessment of alternatives in the SEA. The site is capable of contributing towards local housing need and has already scored well as part of Wiltshire Council's site assessment work informing the Local Plan Review, so it would be prudent for the Neighbourhood Plan to take a consistent approach.

Cumulatively, the above issues result in major flaws with both the draft Neighbourhood Plan and the supporting SEA.

In order for a Neighbourhood Plan to proceed to a referendum, the Examiner must consider whether it meets a set of 'basic conditions', including that of being in general conformity with the relevant Development Plan (criterion 'e'). This is echoed in the online Planning Practice Guidance. We therefore continue to have significant concerns over the draft NP and supporting SEA and consider that it currently contains some fundamental flaws which need addressing before work on the draft Neighbourhood Plan commences.

Finally, in relation to the conclusions set out in the SEA, we are concerned over the negative position set out in paragraph 9.79 which states *"the draft CNP does not allocate any sites for housing development; and is therefore unlikely to have any significant negative effects on SEA topics"*.

We are surprised to see such a negative conclusion and there appears to be no explanation as to why the delivery of additional housing would necessarily lead to 'significant negative effects'. This is quite clearly a broad assumption included without any reference or support. In our view, given the significant housing need (including local affordable housing need confirmed by Aecom's 2020 Report) the delivery of housing to address the need should be considered a significant benefit and the starting point should therefore be to assume a 'positive effect' if planning for additional housing.

This is a good example of the failure of the SEA to properly assess the important matters which go to the heart of the emerging Neighbourhood Plan, namely housing need and the need to plan more positively and proactively for future growth.

Conclusion

Having reviewed the SEA published as part of the Repeat Regulation 14 consultation, we continue to have significant concerns over the draft Neighbourhood Plan and the supporting evidence based. Our main comments on the supporting SEA are set out above.

The SEA for example includes no reference to a proposed housing requirement or alternative options for site allocations. The absence of a housing requirement based on up to date evidence and the inclusion of a single allocation for mixed use development (including housing), for a town the size of Chippenham, is not an appropriate basis in which to allow a 13-year plan to proceed.

As a result of the fundamental flaws, we consider that the draft Neighbourhood Plan should be put on hold until further information is published by Wiltshire Council on the planned housing requirement for Chippenham and proposed housing allocations. Only by waiting for this information from Wiltshire Council can the Steering Group ensure that the draft Neighbourhood Plan is aligned with the strategic policies of the emerging Wiltshire Local Plan and that future growth is properly planned for, ensuring that local housing need is addressed.

Waddeton Park Ltd is happy to work with the Chippenham Neighbourhood Plan Steering Group to resolve the issues with the plan and advance the preparation of sound policies in accordance with the basic conditions set out above.

I trust this is helpful, however if you have any queries please do not hesitate to contact me.

Yours sincerely

A solid black rectangular box used to redact the signature of the Director.A solid black rectangular box used to redact the name of the Director.
Director

From: [REDACTED]
Sent: Thu, 9 Mar 2023 15:37:39 +0000
To: Neighbourhood Plan
Subject: Repeat Consultation on Draft Chippenham Neighbourhood Plan with SEA

Hi

Corsham Town Council considered the Repeat Consultation on Draft Chippenham Neighbourhood Plan with SEA at its Planning Meeting last night. It was:

Resolved: To highlight the Corsham Batscape Strategy to the Chippenham Neighbourhood Plan Steering Group. Especially Page 31 (Phase 2 Batscape Maps – NE Section) which clearly shows strategic flyways going through the Chippenham NP area. These should be protected and enhanced or at least mitigated for should the areas be developed.

The Corsham Batscape Strategy can be found via -

<https://www.dropbox.com/s/tcjrobu5lowan8u/3.%20Corsham%20Batscape%20Strategy%20-%20Nov%2019.pdf?dl=0>

Kind regards

[REDACTED]

[REDACTED]

Finance and Planning Officer
Corsham Town Council



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