

MINUTES OF A Special Planning Committee Meeting held on Monday 29th October 2012 at Crown Chambers, Melksham Market Place at 7.00 p.m to consider the new Wilts and Berks Canal planning application for the Melksham link.

Present: Cllr. Richard Wood (Chair of the Meeting); Cllrs. Alan Baines; Rolf Brindle; John Glover; Gregory Coombes and Don Millard
Cllr. Steve Petty also attended part of the Meeting as an observer.

Apologies: Cllr. Mike Mills; Cllr. Mike Sankey

262/12 Cllr Wood declared an interest as his house would be opposite the new canal and winding hole at Berryfield. Cllr. Brindle declared an interest as the parish council representative for the Wiltshire Swindon and Berkshire Canal Partnership.
Cllr. Glover reported he had once attended a Meeting organised by the Melksham Community Area Partnership on waterways.
The Clerk, Mary Jarvis declared an interest as the former Riverside Walk Co-ordinator.

It was agreed to suspend Standing Orders to allow for a period of public participation

263/12 **Public Participation (1)**
W12 01080 Wilts and Berks Canal Trust Creation of new waterway and towpath and associated footpath, cycleway, 10x bridges with new access roads to Berryfield.

Mr Tony Clifford raised the following issues:- a) The exact position of the access road was unclear from the maps b) What was happening to the land between Townsend Farm and the proposed new roads/ Residents were concerned about the mature tree line along the field boundary. Was the road coming to the north or south of the trees? It looked from the map as though it was going right through the tree line. c) The land south of the tree line had an adder habitat. Adders were protected species. He had seen two in the area recently. d) There were several entrances in the area of the proposed road junction and this would create a dangerous traffic situation.

The Chair informed the road junction was just south of 119 Semington Road

Mr Lewis Bell expressed concern that, as plans stood, the tree line together with the ditch and hedgerows could be lost. There did not seem to be enough concern about the wildlife in the area. The trees were well matured and had stood there for generations. Not enough thought had been given to the environmental effects of the planning application

Mrs Jill Arbery, on behalf of BASRAG reported that she had a comprehensive list of concerns as follows:

- a) The community used a small porta-cabin for the village hall adjacent to the Play Area where the canal was scheduled to be built. Initially the community had been assured that the Village Hall and Play Area would be relocated together. However the new plans showed that only the Play Area was being relocated; the Hall replacement had “fallen off the radar”. The Play Area complemented the Hall facility and both were used in conjunction with each other so they had to be considered together. There was no point the Hall staying where it was without the Play Area. The community needed to be assured that a proper site for both a decent Village Hall and Play area would be provided.

- b) She was also concerned about the proposal to install a foot/swing-bridge to replace the normal access to Berryfield Lane. This was impractical especially for less mobile persons.
- c) It appeared from the plans that the canal was being fenced off through Berryfield. How were local people supposed to access it? The community had been told about all the benefits but it was pointless having it through the village if local people could not get to it easily.
- d) The new access road to take farm traffic away from Berryfield Lane would be considered a plus point of the new application were it not for the fact that the proposed new road meant all traffic; to the farm and the estate would now converge on one junction near the present Green. This area with its beautiful hedgerows full of birds was very rural character and this could all be lost with a big road development.
- e) There was insufficient detail re how the new road would function and how traffic would circulate. There needed to be a lot more detail re access arrangements for Berryfield residents to reassure the community that access would be retained.

Town resident Dr. Ian Cardy referred to the Tree Survey carried out by Steve Russell which showed that 200 – 300 mature trees could be lost through the canal development. The whole application had not been sufficiently researched and did not address wildlife issues. The Survey had been done by students. The Economic Survey referred to the Kennet and Avon Canal rather than Melksham. The only survey done to test the benefits to Melksham had been carried out in 2006 by Black and Vetch. This had shown that at best, only 5 full time jobs would be created. The cost of the project was £18 million so that worked out at £4.5 million per job. Why had this information not been included in the latest plans.

Town resident Dr Jill Cardy emphasised canal water was extremely polluted and could not support insect life in the same way as the river did so it was inaccurate to claim the canal would create new wildlife. Experts Jeremy Biggs and Jonathan Briggs had proved canals could not support aquatic wildlife. Canal boats discharged “grey water”; the waste water from washing machines etc. and this would attract rats in the Berryfield area. Weils disease was most unpleasant. There was proof the River Avon water was clean through Melksham as it presently supported 26 species of vertebrae. Did the community really want to lose all this wild life? Dredging the river was a damaging process because it would remove all the water lilies, flowers and bank vegetation. The river banks supported a lot of wild flowers. There were 40 species of birds in the Conigre Wildlife Area and 80 species of birds along the river as a whole through Melksham. Joining the canal to the river would also destroy a lot of trees. Enough trees had been lost due to the Sainsburys development. The water ecology really mattered

The Council re-convened.

264/12

W12 01080 Wilts and Berks Canal Trust, Land North west of Semington Bridge, Canal Bridge, Melksham. Creation of new waterway and towpath for the Wilts and Berks Canal and the River Avon and associated footpath, cycleway and 10 x bridges along the new access roads to Berryfield: The Council noted a summary of comments received to date and letters received from individual residents.

The Chair thanked residents for attending the Meeting and explaining their concerns. He proposed that the Planning Committee consider the Canal planning application in four plan sections from south to north, using the large screen to view the plans, plus one extra heading to cover the overall impact of the canal:-

- a) From Kennet and Avon Canal to southern edge of Berryfield
- b) Section of new canal through Berryfield village
- c) From the northern edge of Berryfield up to Townsend Farm
- d) From Townsend Farm to junction of the canal with the River Avon
- e) Issues relating to the overall impact of the canal

A From Kennet and Avon Canal to southern edge of Berryfield: No issues were raised on this section of the canal application. It was noted that a marina was proposed and the cut was sufficiently wide to allow boats to manoeuvre. The pipeline was being diverted around the junction with the canal and a Bailey Bridge was proposed. **Comments:** *No objections to this section.*

B Section of new canal through Berryfield village: It was noted that the canal along this section was too close to housing and took away their front access. The canal was only 5m wide at the New Inn and this old building could be damaged if piles were drilled into the ground. Hand digging could be required in this section

Comments: *It was agreed to express the following concerns:-*

- 1. The Village Hall and Play Area complement each other and must be relocated together on the proposed new site. It is unacceptable just to provide a new Play Area without a new Village Hall.*
- 2. The Council OBJECTS to having a swing bridge for residents to access Berryfield Lane. A proper permanent fixed footbridge is needed with a ramped approach for disabled people together with steps up to the main bridge. There is sufficient space for the ramps to go down either side of the bridge with steps on the direct route. The footbridge should comply with any disability requirements and have a "cyclist dismount" sign.*
- 3. The section of canal next to houses is far too close to dwelling, making access for residents very difficult and resulting in the existing footway becoming part of the towpath. It is suggested that this section of the canal be realigned to the right to take up the area shown as green with trees and that the green area be moved to the side of the houses, to give them extra space.*
- 4. There is concern that concrete piles should not be used next to housing in construction as this will cause too much noise, vibration and disruption, especially for residents who work shifts. Hand-digging should be used if necessary to protect the foundations and structure of the old New Inn building.*
- 5. The Sycamore Tree has a TPO on it and the Council expect to see at least two mature trees to replace it, if it is removed.*
- 6. if Berryfield Lane is stopped up, a turning area will be required on the other side to enable residents to turn round.*
- 7. At present the canal appears to be fenced off from the Berryfield community. Please would the plans indicate where local people will be able to access the canal Will there be a gate?*

C From northern edge of Berryfield up to Townsend Farm: It was noted that this section was contentious due to the proposed new roads and loss of hedgerows, tree line and adder habitat along both the new roads.

As residents wished to speak again it was agreed to suspend Standing Orders to allow for a second period of public participation

265/12

Public Participation (2)

Jill Arbery, on behalf of BASRAG again emphasised that there was insufficient detail to explain how traffic issues would be addressed. She was very concerned that all traffic would converge near the Green area. A full Highway Appraisal was needed to explain a) how the junction on Berryfield Lane would be managed and b) to explain access arrangements for the whole village and c) to explain how the proposed junction near Townsend Farm would function d) to assess and take account of traffic flows.

Tony Clifford asked whether a safe access could be constructed instead on to Western Way.

Councillors felt this was unlikely as the present Berryfield Lane on to Western way was inadequate.

Tony Clifford emphasised that the north section of new road needed to be placed further south to avoid the trees and existing hedgerow and the second section of new road needed to go further east.

Residents questioned whether both roads were necessary. It was noted that roads had to be adequate for the normal uses e.g. house-moving lorries and emergency vehicles as well as access and farm vehicles.

Tony Clifford expressed concern that the area south of Townsend Farm could be used for future development to fund the application.

The Council re-convened

266/12

W12 01080 Wilts and Berks Canal Trust –Melksham link application cont.

C From northern edge of Berryfield up to Townsend Farm: **Comments:** 1. A full Highway Appraisal is needed to explain a) how the junction on Berryfield Lane would be managed and b) to explain access arrangements for Berryfield village and c) to explain how the proposed junction near Townsend Farm will function d) to assess and take account of traffic flows.

2. It is unclear whether housing development is proposed in the area between Townsend Farm and Berryfield. If so, the Parish Council would not support the loss of this rural buffer between the town and Berryfield village or the loss of the agricultural Grade 1 land.

2. The Parish Council strongly OBJECTS to the proposed loss of trees and hedgerows that would result if the proposed road alignments go ahead. The northern

road running from east to west needs to be further south to avoid the tree line and hedgerow and adder habitat. The second road running from north-east to south-west should be re-positioned

D From Townsend Farm to junction of the canal with the River Avon: It was noted that this contained refuge moorings and a swing-bridge. The canal at this point was just wide enough to take two narrowboats. Obviously there was contention re the proposed new weir and the meeting point of the canal with the river Avon with concerns re dirty water discharge affecting aquatic wildlife in the river. Not enough information had been supplied re the environmental effects

E Overall effects of the canal: It was noted that while there was an estimated number of trees that would be lost (100- 300) it was unclear exactly how many. Residents were very concerned about the environmental effects.

***Comments:** There needs to be a full Environmental Impact Assessment done as the existing environmental information is not detailed enough .It is difficult to ascertain from the Tree Survey exactly how many trees will be lost and where most losses will occur. This needs to be shown on one comprehensive map, not lots of little sections which are hard to join up. It is also unclear where replacement planting for these trees will be. How will the link between the canal and river be managed to ensure the river is not contaminated?*

My Council would expect to see revised plans that take on board the comments expressed to date. The revised plans should be accompanied by an Environmental Impact Study and a Full Highways Appraisal that addresses the highway concerns in a professional way. The planning application is incomplete without these extra documents.

The Parish Council would be pleased to discuss the local concerns in a round-the-table meeting with the Wiltshire Council Planning Officer and the Architect for the Canal Trust. A Joint discussion could also save a lot of time in the long run.

The Council suspended Standing orders again to enable a further period of public participation for Wiltshire Cllr. While to address the Meeting.

267/12

Public Participation (3)

- (i) **W12/ 01080 - Wilts and Berks Canal:** Cllr. While reported he had attended the Meeting to hear the debate on the Wilts and Berks Canal application for the Melksham link.
- (ii) **Planning Levy Consultation:** Cllr. While noted this was on the Agenda and reported that he would be receiving documentation on the Levy the following day. If there were any questions he would seek answers from Wiltshire Council if necessary.

The Clerk reported she was struggling to understand the purpose of the levy and how it related to future community benefits. It was unclear how this related to S 106 Agreements.

It was noted that Wiltshire Council had not initially consulted with the Parish Council. However there had been an item in the Wiltshire Council magazine about the Levy which had prompted staff to seek more information

- (iii) **Care of Elderly and Vulnerable in residential homes:** Cllr. Coombes asked in the light of the Winterbourne scandal, whether councillors were nominated to serve on the health Scrutiny Committee. He was very concerned that two residents had been placed *there* by Wiltshire Council. He hoped that, if such poor treatment occurred as a result of negligence by Wiltshire Council, then any Chief Officer concerned would be sacked.

Cllr. While replied that Wiltshire Council had its “finger on the pulse” as far as care for vulnerable people was concerned.

The Council re-convened

268/12

Other Planning Applications: *The following planning applications were considered and there were no objections:*

W12 01882 Appleton, 47 Westland’s Lane, Beanacre.SN12 7QE. Proposed removal of existing lean-to extension and erection of 2 storey side extension and single storey rear extension

W12 01837 Rumens, 136c Top Lane, Whitley. Proposed single storey side extension

***W12 01801** 29 Kingfisher Drive, Bowerhill SN12 6FH. Proposed side extensions
Revised plans to remove sun tube note.

** It was noted that an email had been received by the Planning Dept to inform the neighbour was now quite happy with these plans.*

269/12

Planning Correspondence

(i) **Joint neighbourhood Plan with Town Council:** Cllr. Glover expressed his concern at proposals to have a Joint Neighbourhood Plan because the joint electorate would eventually vote on the Plan and this could mean Town residents were determining parish issues. There followed discussion on the pros and cons of having a Joint Plan. It was noted that the first pilot Neighbourhood Plan Scheme for Dawlish had been rejected by the Government Inspector because the Core Strategy for that area was not finalised. Wiltshire Core Strategy too had not been adopted and no Plan could therefore be written until the adoption had taken place. Cllr Baines emphasised the Area Board Chair was keen to have one Neighbourhood Plan for the whole Melksham Community area where some villages were not related in any way to Melksham. Combining Melksham Town and Melksham Without in one Plan meant that the focus was on greater Melksham and both parishes would jointly have more influence on where development took place as well as strategic issues such as transport and the environment. The projected costs of at least £17,000 per Plan meant communities had to join together. The Core Strategy had made Bowerhill and Melksham into one area for development purposes. However the town parish as well as the rural

parish had their own distinct communities. The Clerk emphasised that from the beginning, communities would have a say in their future, through sub groups etc, and once these decisions formed part of the overall Plan, it was unlikely that another community would seek to overturn them in a vote. Cllr. Brindle was concerned about costs. He emphasised that the Plan had to be aligned to the Core Strategy so there was not much room for manoeuvre. It was noted the Council had challenged the draft Core Strategy re the inclusion of Bowerhill as part of the town for development and the Inspector would shortly be considering all submissions made.

(ii) Draft Terms of Reference for Neighbourhood Plan Steering Group: The Clerk reported that she had been working with the Town Clerk to produce draft Terms of Reference for the Steering Group which had taken up a lot of time. The Wiltshire Council Officer had then reviewed these terms and made major changes. From the changes made it was clear that Steering Group members were being expected to take on a lot of responsibility, including making decisions on the Council's behalf which was illegal. Cllr Baines was concerned that the Scoping Phase, which gave the community an opportunity to decide on whether to have a Neighbourhood Plan, should not be pre-determined by Wiltshire Council's stipulation in the Terms of Reference to call the project a Neighbourhood Plan right from the start. He emphasised that the Steering Group could only make recommendations and any decisions had to be referred back to the two councils. The Clerk emphasised that one objective of having a Neighbourhood Plan was to get additional development above the numbers recommended in the Core Strategy and this was reflected in Wiltshire Council's recommended Terms of Reference. Cllr. Coombes emphasised that it would be useful to ask a Planning Officer to attend the Council Meeting. It was noted that Wiltshire Council had assigned an individual Neighbourhood Planning Officer, Anna Jotcham to the Melksham Plan. The Clerk reported she would shortly be meeting with the Town Clerk again to review the Terms of Reference again, and would take on board concerns that had been expressed. The final draft Terms would then be reviewed by the Steering Group, prior to being presented formally to both Councils for approval.

Cllr Petty attended the Meeting as an observer for the following item.

(iii) Shaw Pre-School Fence: An email had been received from the Area Board Manager Alison Sullivan to inform that the Area Board was asking the Pre-School to return the difference in cost between the wooden and metal fence. A copy email was also received that indicated the Pre-School had offered to replace the wooden fence with a metal fence when it needed replacing. It was felt that the offer to replace the wooden fence when needed was too vague; the wooden fencing required more maintenance than metal fencing and there could be differing views as to when it needed replacement. Cllr. Baines reminded the Meeting that the Parish Council had requested the metal fence a) to match the planned metal fence along the front wall and b) in response to residents' concerns about the visual aspect. Cllr. Glover queried whether the Council needed to be directly involved in replacement of fences at Shaw Field. It was noted the Council owned the Hall and playing field.

Resolved: Cllr. Baines proposed, seconded by Cllr. Wood, that the Council require the Shaw Pre-School to replace the wooden fence with the metal fencing as indicated in the planning application, when the metal fence was installed along the front of the car park **or** when it needed replacement, whichever happened soonest. This was agreed. Cllrs Brindle, Glover and Millard abstained from this vote.

(iv) Community Infrastructure Levy Consultation Paper from Wiltshire

Council: It was noted that this levy would be placed on new homes and buildings to provide infrastructure such as roads and secondary schools. Cllr. Glover asked whether S106 Agreements would still remain.

It was agreed to suspend Standing Orders to enable to Wiltshire Cllr. While to address the Meeting.

270/12

Public Participation (3) Cllr. While reported he would be studying the Levy papers within the next few days and would find out more information re how it related to S. 106 Agreements and communities.

Cllr. Petty reported that he understood S 106 Agreements would continue. They were negotiable whereas the Levy would be fixed. The Community Infrastructure Levy (CIL) would be used for community benefits. In the past, developers had found loopholes in S106 Agreements whereas the Levy would be a fixed charge.

The Clerk asked how this money would be paid to the community. Who would decide how the Levy was spent?

It was agreed that these questions needed to be put direct to Wiltshire Council
The Council reconvened

271/12

Community Infrastructure Levy: Resolved: *The Council write to Wiltshire Council Director for Economy and Regeneration Alistair Cunningham to ask how the Community Levy would benefit local communities, how payment would be made and how this would relate to present S106 Agreements. Copy letters to be sent to Wiltshire Councillors for Melksham Without.*

272/12

Briansfield Allotments – Request for shed, fencing and chicken coop. It was noted that the Briansfield Allotment Agreement specified that a reasonable amount of chickens (not cockerels) could be kept over a maximum area of one third of plot. The Clerk advised, in view of the recent problems re livestock at Berryfield, that the Allotment Committee needed to determine the actual number of chickens within “ a reasonable” amount as tenants interpreted this in various ways. It was agreed to give permission for the shed but refer the other matters to the Allotment Committee

Recommended: *Permission be given for the new shed and the Council write to let the tenant know the other requests were being considered by the Allotment Committee*

273/12

Diversion Order for Footpath 22: Recommended: *This formal Right of Way Order be noted.*

Meeting closed at 9.15 p.m.

Chairman, 10th December 2012