

## **P&E Agenda Item 8: To receive an update and consider the Gleeson's application at Filands**

### **1. Situation**

Against our strong objection and in contravention of our Neighbourhood Plan and numerous elements of Wiltshire Council's core planning strategies this application was passed by Wiltshire Council's Strategic Planning Committee on the 27<sup>th</sup> May.

The background information relating to this application is well known to this committee.

The submission made by Malmesbury Town Council to the SPC is attached.

It was confirmed by officers before the meeting that the only reason this application succeeded was the combination of recent NPPF changes and Wiltshire Council's failure to maintain a county wide 5 year of land for house building.

Malmesbury Town Council worked hard to influence the outcome of the SPC in the very limited time available to it before the hearing. This included letters to other councils in Wiltshire, to the North Wiltshire MP and Baroness Scott, and the Secretary of State for Housing, Communities and Local Government. Examples attached. We have received considerable positive support as a consequence which might be helpful as we move forward.

This whole situation raises a number of challenging questions:

Why and how Wiltshire Council lost control of its 5 year land supply.

Why there was no communication by Wiltshire Council to Parish and Town Councils with Neighbourhood Plans of the significance of this situation.

Why the decision was taken to the SPC with another Northern Area Planning Committee Application and not heard by the NAPC

Whether the SPC was properly conducted. Including why the verbal officer report contained material inaccuracies, why inaccuracies in the officers report on the status of the 5 year plan were not communicated to the committee as promised in our meeting with officers on the 21<sup>st</sup> May, what question asking was permitted after debate started, why reasons to defend an alternate decision were not explored, why a proposal to link the site to the Town Centre was not explored.

What is the future for Neighbourhood Planning in Malmesbury and Wiltshire

What actions can be taken as a consequence of this decision to protect the MNP from further predation? In this context we are aware of at least one current, one imminent and two likely future applications which may seek to take advantage of this permission.

### **2. Next steps:**

To protect the MNP either or both of the following need to occur:

(i) Wiltshire Council returns to and sustains a 5 year land supply

(ii) Recent amendments to the NPPF are reversed. Specifically the definition of planning areas, the definition of developments included in 5 year supply calculations and the 2 year knock out clause for made plans.

Our response to this decision needs to be directed at achieving either or both of the above.

### 3. Proposals

(1) We invite Cllr Phillip Whitehead, leader of Wiltshire Council, Cllr Tony Trotman, Chair of our regional planning committee and Alistair Cunningham, who is the senior officer in this area, to attend a virtual meeting with us and others involved in the NP to explain (i) exactly what is the point now for progressing the review of the MNP, (ii) exactly how they will help us in the review process, (iii) why no prior warning and mitigation advice was given to communities with Neighbourhood Plans when Wiltshire became aware of the failure in the 5 year land supply when this known in February 2020 or sooner (iv) exactly what Wiltshire is doing to address its 5 year land supply that does not rely on more applications being passed in the MNP area and when this will be achieved, and (v) exactly what Wiltshire Council is doing to ask national government to remove the recent changes to NPPF which have so damaged Wiltshire's NP programme. We can also reference the article reporting Wiltshire Councils press release on NP issued two working days before last Wednesday's hearing....<https://www.wiltshiretimes.co.uk/news/18473839.wiltshire-third-highest-number-neighbourhood-plans/>

(2) We discuss the situation with our MNP parish partners and agree a common course of action where possible on the next steps to be taken to review of the MNP and other steps to protect the MNP. Any recommendation not to proceed with the MNP review in a timely fashion must first be ratified by MTC.

(3) We request our Wiltshire Councillor colleague, Councillor Grant, to investigate whether a case can be made to Wiltshire Councils Oversight Committee review the conduct of the SPC meeting on the 27<sup>th</sup> May and to report accordingly.

(4) The Mayor may follow up the letters to other councils in Wiltshire to propose a virtual meeting to discuss the situation on 5 year land supply and the future for Neighbourhood Planning in Wiltshire, with a view to agreeing common questions and requests to be put to Wiltshire Council.

(5) The Mayor may follow up letters written to the Secretary of State, Lady Scott and others. Additional letters seeking to move our position forward may also be written, for example to Locality, and press enquiries may be responded to in keeping with our position as outlined above.

(6) Other reasonable steps to promote the position of MTC and the MNP may also be taken, including the receipt of pro bono legal advice if offered; such steps to be agreed with the Chair of P&E and P&R and reported to Council.