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## MELKSHAM WITHOUT PARISH COUNCIL

Clerk: Mrs Teresa Strange

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Monday, 3 June 2024

To all members of the Council Planning Committee: Councillors Richard Wood, Alan Baines, John Glover (Chair of Council) David Pafford (Vice Chair of Council), Terry Chivers, Mark Harris and Peter Richardson

You are summoned to attend the Planning Committee Meeting which will be held on **Monday 10 June at 7.00pm at Melksham Without Parish Council Offices (First Floor), Melksham Community Campus, Market Place, SN12 6ES** to consider the agenda below:

**TO ACCESS THE MEETING REMOTELY, PLEASE FOLLOW THE ZOOM LINK BELOW. THE LINK WILL ALSO BE POSTED ON THE PARISH COUNCIL WEBSITE WHEN IT GOES LIVE SHORTLY BEFORE 7PM.**

**Click link here:**

<https://us02web.zoom.us/j/2791815985?pwd=Y2x5T25DRIVWVU54UW1YWWE4NkNrZz09&omn=84576129286>

Or go to [www.zoom.us](http://www.zoom.us) or Phone 0131 4601196 and enter: **Meeting ID: 279 181 5985**  
**Passcode: 070920**. Instructions on how to access Zoom are on the parish council website [www.melkshamwithout.co.uk](http://www.melkshamwithout.co.uk). If you have difficulties accessing the meeting please call (do not text) the out of hours mobile: 07341 474234

**YOU CAN ACCESS THE AGENDA PACK HERE**

Yours sincerely,

Teresa Strange, Clerk



Serving rural communities around Melksham

## AGENDA

1. **Welcome, Announcements & Housekeeping**
  - a) Following the announcement of a General Election on 4 July, Councillors are reminded of a period of heightened sensitivity during the pre-election period.
2. **Chairman & Vice Chair of Planning Committee for 2024/25**
  - a) To elect **Chair** of Planning Committee for 2024/25.
  - b) To elect **Vice-Chair** of Planning Committee for 2024/25.
  - c) To note new delegated Terms of Reference for the Planning Committee.
3. **To receive Apologies and approval of reasons given**
4. **Declarations of Interest**
  - a) To receive Declarations of Interest.
  - b) To consider for approval any Dispensation Requests received by the Clerk and not previously considered.
  - c) To note standing Dispensations relating to planning applications.
5. **To consider holding items in Closed Session due to confidential nature**

*Under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during consideration of **agenda item 14(a)(i) & (ii)** as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.*
6. **Public Participation**
7. **To consider the following new Planning Applications:**
  - [PL/2024/04040](#):** 6 Beeches Green, Shaw. Change of use from agricultural to domestic land at the rear of numbers 5, 6 and 7 Beeches Green, Shaw. Applicant Mr James Milne-Smith (Comments by 7 June – extension on comments granted)
  - [PL/2024/04223](#):** 19 Lancaster Road, Bowerhill. Construction of new single storey building to the rear of the site with the removal of the existing conservatory. Work also includes the removal of the garage and associated raised platform. Applicants ABC Day Nursery (Comments by 13 June)
  - [PL/2024/04460](#):** Little Bowerhill Farm, 457 Bowerhill Lane, Bowerhill. Erection of a self-build rural workers dwelling and associated infrastructure. Applicants E & S Bodman (Comments by 26 June)
  - [PL/2024/04760](#):** 84 Corsham Road. Removal of existing conservatory to main house and garage in garden. New extension and internal alterations to main house. New annexe within garden to provide guest sleeping accommodation. Applicant Mr Jenkins (Comments by 27 June)

**PL/2024/04498:** **2a Valldata House, Valldata, Halifax Road, Bowerhill.** Enlargement of the office space to the North of the plot, with the addition of a first-floor extension and a new two-storey space to the West side. Adaptation of the land to the North of the plot to provide 23 new parking spaces, facilitated by new vehicular access to the adjacent road (Lancaster Road). Applicant Paul Darvill (Comments by 28 June)

**PL/2024/04061:** **Melksham Library, Lowbourne, Melksham.** Demolition of former Library, adjoining clinic building and the former education centre to the rear of the site at Lowbourne, Melksham. Applicant Wiltshire Council **(Comments by 14 June) NB in the town parish, but part of the revised Neighbourhood Plan as a site allocation**

- 8. Revised/Amended Plans/Additional Information:** To comment on any revised/amended plans/additional information on planning applications received within the required **timeframe (14 days)**.

**Tree Preservation Orders.** To consider a response to the following:

- a) **Land off Littleworth Lane, Whitley** (deadline for comments 24 May - extension on our comments granted)
- b) **Land off Beanace Road, Beanacre** (deadline for comments 18 June)

**9. Planning Decisions**

- a) **Land at Verbena Court (PL/2023/06976).** Construction of care home. To note the decision of Wiltshire's Council Strategic Planning Committee Meeting held on 4 June.

**10. Planning Appeals**

- a) **Land to the West of Semington Road, Melksham.** Outline permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved (PL/2022/08155). To note the applicant has appealed the decision of Wiltshire Council to refuse planning permission. **To consider attending and speaking at the appeal.**

**11. Lime Down Solar Farm Public Consultation:**

- a) To note invitation to online meeting on 12 June at 12pm to receive update on consultation and next stages and to consider any specific issues to raise at that meeting.
- b) To note response to consultation from other stakeholders.
- c) To note recent motions regarding "cumulative effect" at Wiltshire Council and Parliament in recent weeks and consider submitting request to Melksham Neighbourhood Plan for policy review covering cumulative effect, and underground cables and supporting infrastructure.

- 12. Current planning applications:** Standing item for issues/queries arising during period of applications awaiting decision.

- a) **Blackmore Farm (Planning Application PL/2023/11188):** Outline permission for demolition of agricultural outbuildings and development of up to 500 dwellings; up to 5,000m<sup>2</sup> of employment (class E(g)(i)) & class E(g)(ii)); land for primary school (class F1); land for mixed use hub (class E/class F); open space; provision of access infrastructure from Sandridge Common; and provision of all associated infrastructure necessary to facilitate the development of the site.
  - b) **Proposed Primary School, Land at Pathfinder Way, Bowerhill. Reserved Matters application (PL/2023/08046)** pursuant to outline permission 16/01123/OUT relating to the appearance, landscaping, layout and scale of the proposed primary school (including Nursery and SEN provision).
- 13. Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.
- a) **30 Grasmere, Bowerhill.** To note response from Planning Enforcement & Highways to building works currently taking place.
  - b) **489a Semington Road.**
    - i) To consider concerns of resident at breaches of planning conditions relating to recently built garage (PL/2021/06824) being used as a dwelling.
    - ii) To note update from Planning Enforcement Re Annex following Certificate of Lawfulness for its use as a dwelling being refused by the Planning Inspectorate.
  - c) **Lancaster House, Bowerhill.** Application for retrospective fencing (PL/2023/11068). To note the application has been withdrawn and to receive update from Planning Enforcement.
  - d) **214 Corsham Road, Whitley.** Change of use of garage to holiday let. To note response from Planning Enforcement (if received).
- 14. Planning Policy**
- a) **Neighbourhood Planning**
    - i) To note the draft Steering Group minutes & Confidential Notes of meetings held on 15 May & 5 June.
    - ii) To consider update on progress from the latest Steering Group meeting.
    - iii) To reflect on responses to planning applications for monitoring of the Neighbourhood Plan.
  - b) **Proposed changes to Licencing Act. To consider submitting a response to the consultation (deadline 11 July):**  
[www.slcc.co.uk/government-consultation-on-changes-to-licencing-act-2003/](http://www.slcc.co.uk/government-consultation-on-changes-to-licencing-act-2003/)
- 15. S106 Agreements and Developer meetings: (Standing Item)**
- a) **Updates on ongoing and new S106 Agreements**
    - i) **Pathfinder Place:**
      - To note any update on outstanding issues, including public open space adjacent to proposed new school on Pathfinder Way and consider a way forward.
    - ii) **Buckley Gardens, Semington Road (PL/2022/02749: 144 dwellings)**
      - To note any updates and consider a way forward.
    - iii) **Land to rear of Townsend Farm for 50 dwellings (PL/2023/00808)**
      - To note any updates and consider a way forward.
    - iv) **Land South of Western Way for 210 dwellings and 70 bed care home**

**(PL/2022/08504).**

- To note any updates and consider a way forward.

**b) To note any S106 decisions made under delegated powers**

**c) Contact with developers**

- i) To receive notes of meeting held on 21 May with Bloor Homes re New Road Farm site.
- ii) To receive notes of developer meeting held on 5 June.

**Copy to all Councillors**



# MELKSHAM WITHOUT PARISH COUNCIL

**3.2. Planning Committee:** The Planning Committee will meet every 3 weeks to review planning applications if necessary. It will function to:-

- a) Ensure all planning applications are properly considered within the legal time framework of three weeks, set by Wiltshire Council. The Planning Committee has delegated powers to submit comments on planning applications, licenced premises applications, street trading applications and pre-application consultations. Officers have delegated powers to automatically submit original comments made on the planning application, to the Planning Inspectorate for Appeals.
- b) Consider other planning matters and correspondence, including any queries and discussions relating to s106 legal agreements.
- c) Refer any planning item to Full Council as and when necessary.
- d) Nominate Committee members to attend planning inquiries, and Wiltshire Council Planning Committees (Strategic & Western Area) and to attend planning site meetings.
- e) To Review the minutes of the Neighbourhood Plan Steering Group Meetings.
- f) To meet with developers at pre-application stage and as projects progress, in line with the Pre-App Policy in the Neighbourhood Plan.
- g) **To give delegated powers to submit responses to informal and formal consultations** when the deadline means Full Council are unable to approve recommendations of the Planning committee:
  - **Government consultations on Planning issues**
  - **Wiltshire Council consultations on Planning issues Eg Design Code, Gypsy & Traveller Plan,**
  - **Pre-application consultations by developers**
  - **Neighbourhood Plan consultations from neighbouring parishes**





Comment

Melksham Without Parish Council's comment

Planning Application

[PL/2022/08544](#)

Stance

No Objection

**Details**

Files

∨ **Information**

**Comments**

Melksham Without Parish Council's comment

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**Comment Number**

WC-22-11-251183

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**Text**

No objection.

---

**Date Created**

29/11/2022

---



Comment

Melksham Without Parish Council's comment

Planning Application

[PL/2022/00550](#)

Stance

No Objection

**Details**

Files

▼ **Information**

Comments

Melksham Without Parish Council's comment

Comment Number

WC-22-02-225497

Text

No Objection.

Date Created

08/02/2022

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Melksham Without Parish Council  
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SN12 6ES

Development Services  
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Bythesea Road  
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[planningtrees@wiltshire.gov.uk](mailto:planningtrees@wiltshire.gov.uk)

26 April 2024

## IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

Dear Sir/Madam

### **Wiltshire Council – Land off LITTLEWORTH LANE, WHITLEY SN12 8RE Tree Preservation Order –TPO/2024/00011**

Under the terms of the Town & Country Planning (Trees) Regulations 2012, this is a formal notice to let you know that the Council made the above Tree Preservation Order which took effect, on a provisional basis, on **26 April 2024**.

I am writing to you because the requirement states that we must notify the owner and occupier of any land adjoining the land on which the trees are situated, or other interested party.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on Tree Preservation Orders is given in the leaflet, Protected Trees: A Guide to Tree Preservation Procedures, produced by the Department for Communities and Local Government, and is available on the Wiltshire Council website: <http://www.wiltshire.gov.uk/planning-trees-hedges>. If you would like a printed copy of the guidance notes please contact the planning office on 0300 456 0114.

The reason the Council has made this Order: **To Safeguard visual amenity and character of local area.**

The Council will consider whether the Order should be confirmed within 6 months from the date of being made, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by **24 May 2024**. Your comments must comply with Part 2, Section 6 of the Town and Country Planning (Tree Preservation Order) (England) Regulations 2012, a copy of which is printed overleaf. Send your comments to The Arboricultural Officer. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please do not hesitate to contact me.

Yours faithfully

*Kate Tate*

Arboricultural Officer  
Email: [kate.tate@wiltshire.gov.uk](mailto:kate.tate@wiltshire.gov.uk)  
Telephone: 01249 706670

**PART 2 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) (ENGLAND)  
REGULATIONS 2012**

Objections and representations

6(1) Subject to paragraph (2), objections and representations –

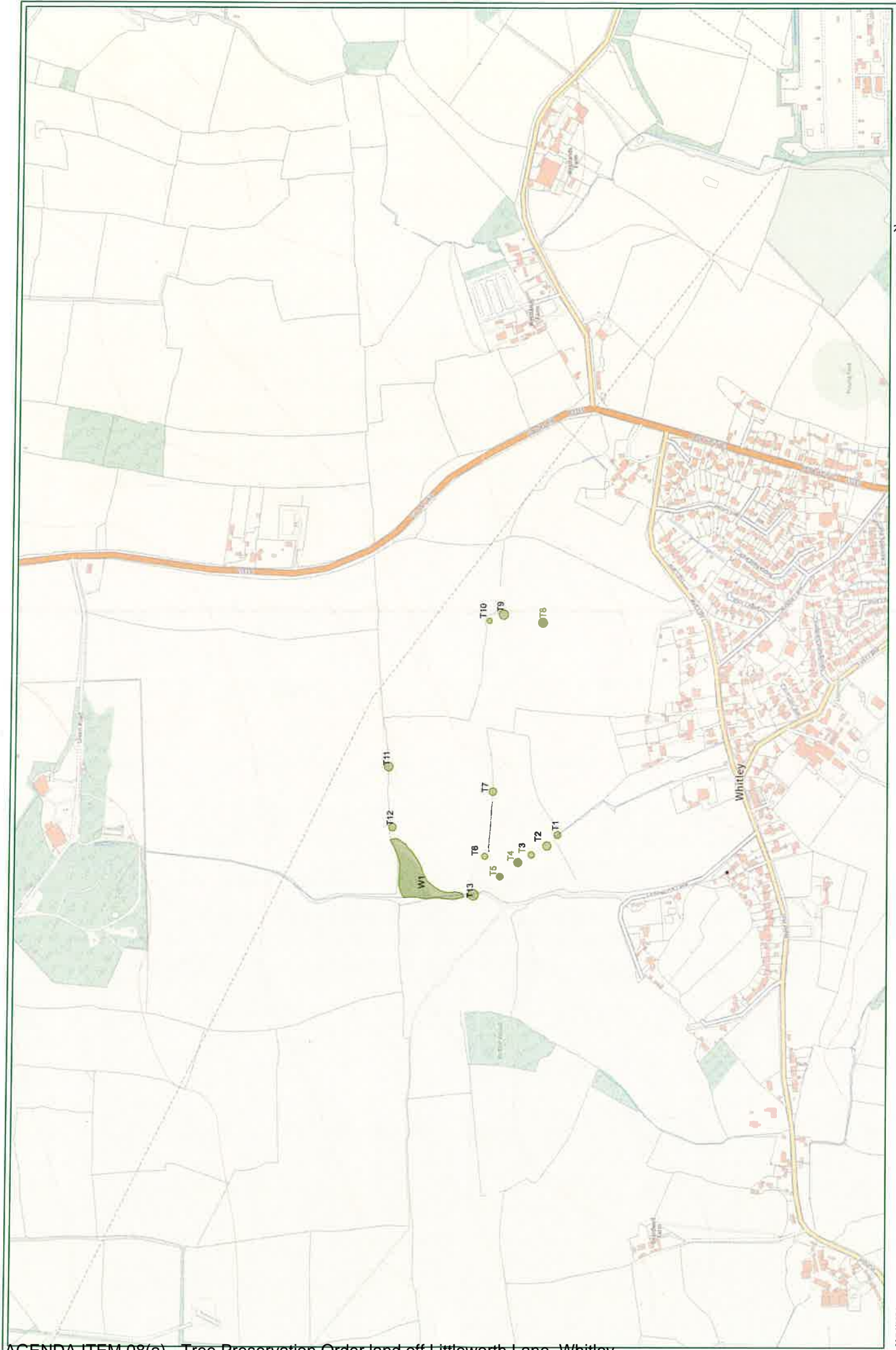
(a) shall be made in writing and -

- (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
- (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

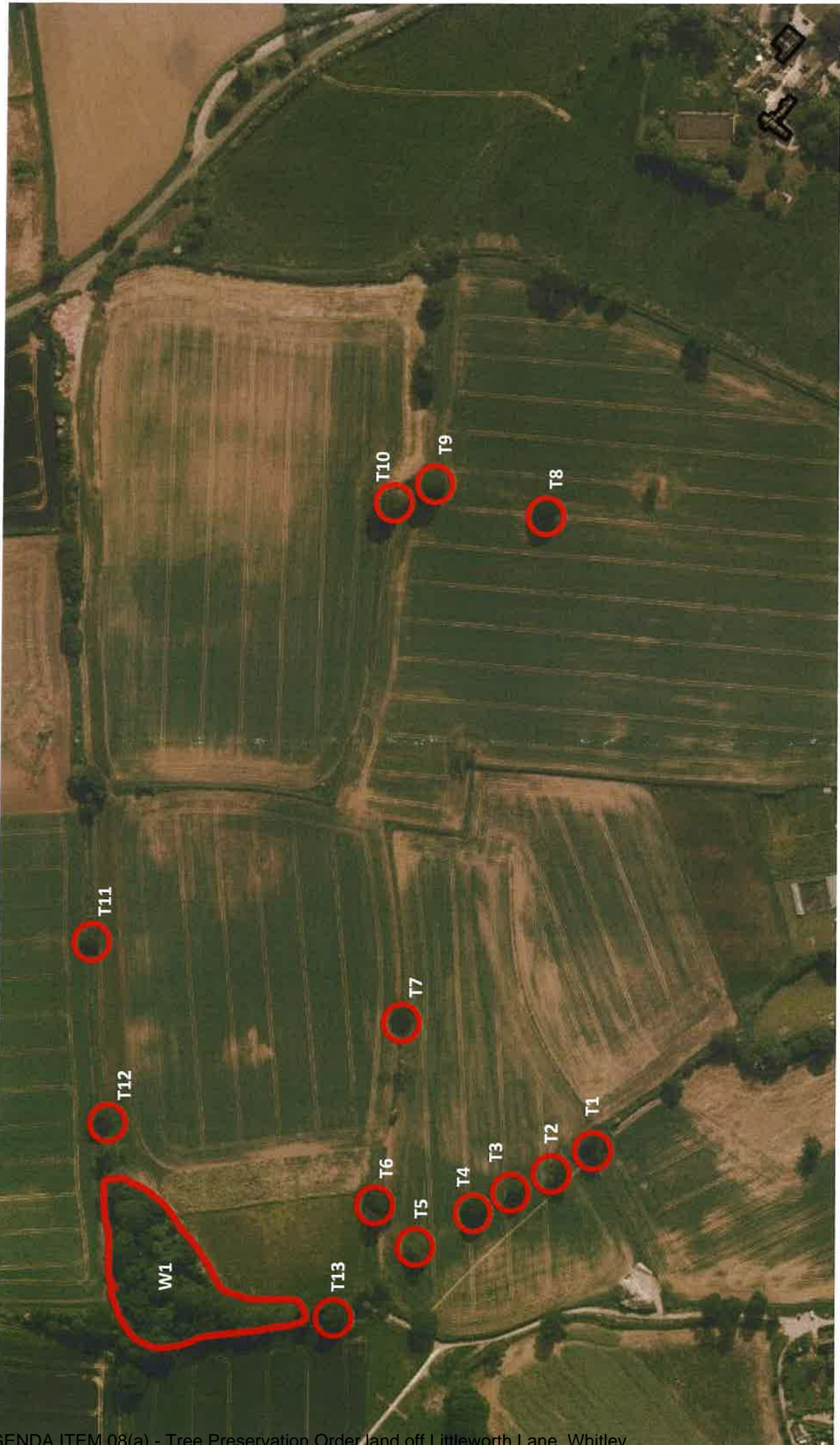
(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.







TPO Site Plan for Land Off Littleworth Lane, Whitley, SN12 8RE

13 Individual Oak trees

1 Woodland – to include all mixed species.





## TOWN AND COUNTRY PLANNING ACT 1990

**Wiltshire Council – Land off LITTLEWORTH LANE, WHITLEY SN12 8RE**

### **Provisional Tree Preservation Order TPO/2024/00011**

**Wiltshire Council**, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, as amended in the Town and Country Planning (Tree Preservation)(England) Regulations 2012, make the following Order:

#### Citation

This Order may be cited as **Land off LITTLEWORTH LANE, WHITLEY SN12 8RE**

(1) In this Order “the authority” means the Wiltshire Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and County Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

#### Effect

3. (1) Subject to article 4, this Order takes effect provision on the date on which it is made

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:-

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule of this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

#### Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter ‘C’ being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 26 day of April 2024

*Kate Tate*

Signed on behalf of the Wiltshire Council  
Authorised by the Council to sign in that behalf

**CONFIRMATION OF ORDER (without modifications)**

This Order was confirmed by the Wiltshire Council without modifications on the

..... day of .....

.....  
Authorised by the Council to sign in that behalf

**CONFIRMATION OF ORDER (with modifications)**

This Order was confirmed by the Wiltshire Council subject to the modifications indicated by (*state how indicated*),

on the ..... day of .....

.....  
Authorised by the Council to sign in that behalf

**DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by the Wiltshire Council on the

..... day of .....

.....  
Authorised by the Council to sign in that behalf

**VARIATION OF ORDER**

This Order was varied by the Wiltshire Council on the

..... day of .....

by a variation order under reference number (*insert reference number to the variation order*) a copy of which is attached

..

Authorised by the Council to sign in that behalf

**REVOCATION OF ORDER**

This Order was revoked by the Wiltshire Council on the

..... day of .....

.....  
Authorised by the Council to sign in that behalf

**SCHEDULE**  
**SPECIFICATION OF TREES**  
**Wiltshire Council – Land off LITTLEWORTH LANE, WHITLEY SN12 8RE**  
**Tree Preservation Order TPO/2024/00011**

**TREES SPECIFIED INDIVIDUALLY**

(encircled in green on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation*</i>
T1	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T2	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T3	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T4	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T5	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T6	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T7	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T8	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T9	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T10	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T11	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T12	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
T13	Oak	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE

**TREES SPECIFIED BY REFERENCE TO AN AREA**

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation*</i>
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**GROUP OF TREES**

(within a broken black line on the map)

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<i>Reference on map</i>	<i>Description</i>	<i>Situation*</i>

---

**WOODLANDS**

(within a continuous green line on the map)

---

<i>Reference on map</i>	<i>Description</i>	<i>Situation*</i>
W1	Mixed Species	Land off LITTLEWORTH LANE, WHITLEY SN12 8RE

---

\*complete if necessary to specify more precisely the position of the trees.



Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place  
Melksham  
Wiltshire SN12 6ES

Development Services  
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Tel: 0300 456 0114

21 May 2024

[planningtrees@wiltshire.gov.uk](mailto:planningtrees@wiltshire.gov.uk)

## IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

Dear Sir/Madam

### **Wiltshire Council – LAND OFF BEANACRE ROAD, BEANACRE, MELKSHAM, WILTSHIRE SN12 7PU Tree Preservation Order –TPO/2024/00015**

Under the terms of the Town & Country Planning (Trees) Regulations 2012, this is a formal notice to let you know that the Council made the above Tree Preservation Order which took effect, on a provisional basis, on **21 May 2024**.

I am writing to you because the requirement states that we must notify the owner and occupier of any land adjoining the land on which the trees are situated, or other interested party.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on Tree Preservation Orders is given in the leaflet, Protected Trees: A Guide to Tree Preservation Procedures, produced by the Department for Communities and Local Government, and is available on the Wiltshire Council website: <http://www.wiltshire.gov.uk/planning-trees-hedges> . If you would like a printed copy of the guidance notes please contact the planning office on 0300 456 0114.

The reason the Council has made this Order: **To safeguard the visual amenity, wildlife and character of the area.**

The Council will consider whether the Order should be confirmed within 6 months from the date of being made, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by **18 June 2024**. Your comments must comply with Part 2, Section 6 of the Town and Country Planning (Tree Preservation Order) (England) Regulations 2012, a copy of which is printed overleaf. Send your comments to The Arboricultural Officer. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please do not hesitate to contact me.

Yours faithfully

*Kate Tate*

Arboricultural Officer  
Email: [kate.tate@wiltshire.gov.uk](mailto:kate.tate@wiltshire.gov.uk)  
Telephone: 01249 706670

## TOWN AND COUNTRY PLANNING ACT 1990

**Wiltshire Council – LAND OFF BEANACRE ROAD, BEANACRE, MELKSHAM, WILTSHIRE SN12 7PU**

### **Provisional Tree Preservation Order TPO/2024/00015**

**Wiltshire Council**, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, as amended in the Town and Country Planning (Tree Preservation)(England) Regulations 2012, make the following Order:

#### Citation

This Order may be cited as TPO/2024/00015

Land off Beanacre Road, Beanacre, Melksham, Wiltshire SN12 7PU

Tree Preservation Order: TPO/2024/00015

#### Interpretation

2. (1) In this Order “the authority” means the Wiltshire Council.  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and County Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

#### Effect

3. (1) Subject to article 4, this Order takes effect provision on the date on which it is made  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:-
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule of this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

#### Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter ‘C’ being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 21 day of May 2024

*Kate Tate*

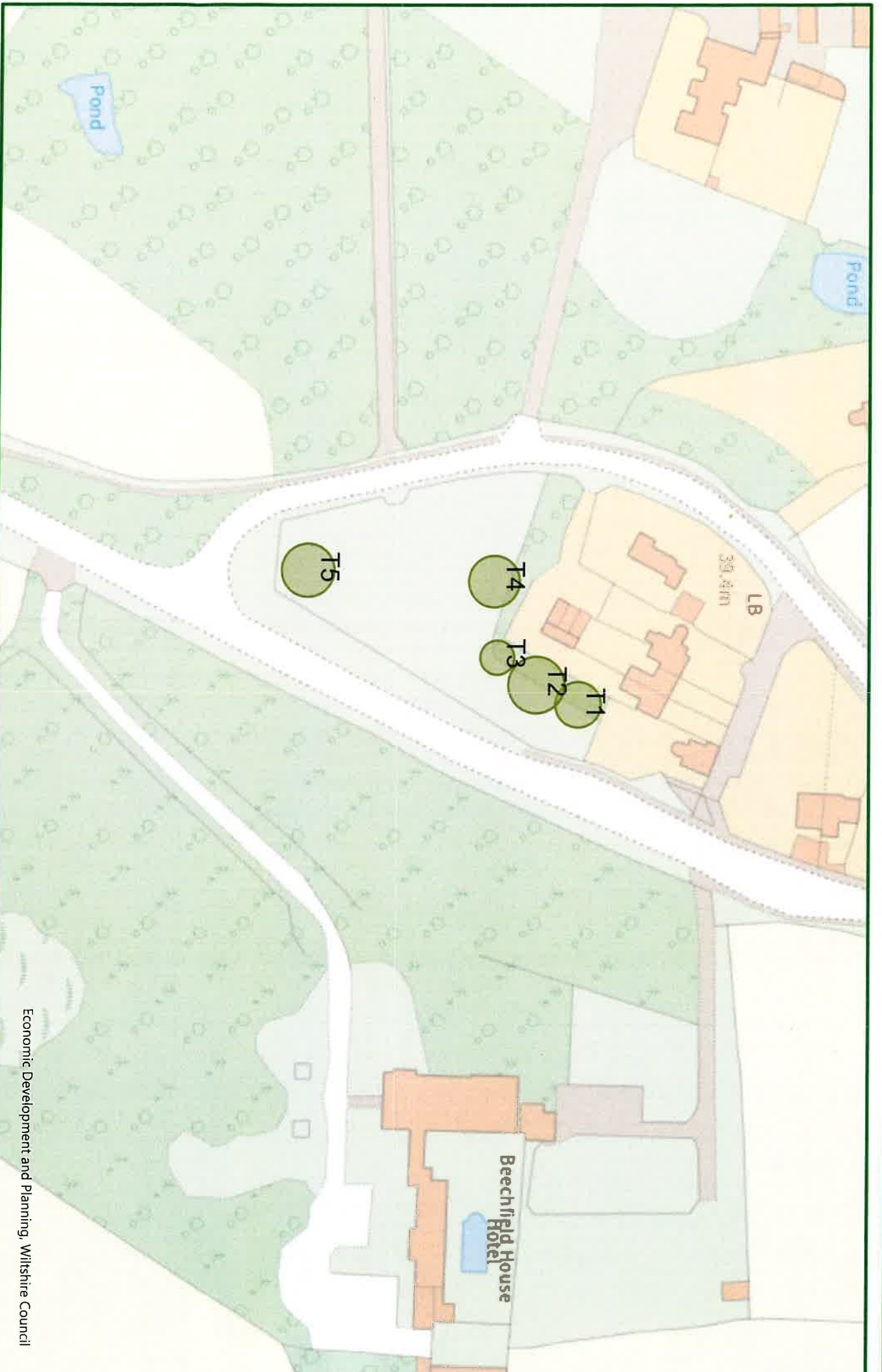
Signed on behalf of the Wiltshire Council  
Authorised by the Council to sign in that behalf



This Order was revoked by the Wiltshire Council on the

..... day of .....

.....  
Authorised by the Council to sign in that behalf



Economic Development and Planning, Wiltshire Council



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**Wiltshire Council**

20/05/2024  
Land off Beanacre Road Beanacre SN12 7PU

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	4 June 2024
<b>Application Number</b>	PL/2023/06976
<b>Site Address</b>	Land at Verbena Court, Melksham, SN12 7GG
<b>Proposal</b>	Construction of a care home (within Class C2), parking, access, hard and soft landscaping and other associated works.
<b>Applicant</b>	Frontier Estates (San) Ltd
<b>Town/Parish Council</b>	Melksham CP
<b>Electoral Division</b>	Melksham (Cllr Sankey)
<b>Grid Ref</b>	392150, 163692
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Gen Collins

### **Reason for the application being considered by Committee.**

The application is brought before the Strategic Planning Committee at the request of Councillor Sankey on the basis of the scale of development and that Melksham and Bradford on Avon Primary Care Network voicing concern over a drain on their resources.

### **1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

### **2. Report Summary**

The main issues to be considered are:

- Principle of development
- Design and Visual Amenity
- Residential Amenity
- Ecology
- Highway Matters – including road safety / parking provision.
- Drainage
- S.106

The application has generated an objection from Melksham Town Parish Council within whose area the application site sits and Melksham Without Parish Council whose boundary abuts the site. In addition, 4 representations objecting to the proposal have been received from third parties.

### 3. Site Description



The application site is approximately 0.4 ha in area and comprises a triangular area of vacant grassland outside the defined settlement limits for Melksham.

The land parcel however forms a part of an urban extension to Melksham to which outline application 04/01895/OUTES refers for the comprehensive mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities and distributor road. The above application was followed up by an approved reserved matters application W/09/03109/REM – which has largely been built out.

Latterly, application PL/2023/03797 was approved by the Council to modify a redundant obligation set out within the original s106 for the above outline application pursuant to removing a requirement (contained with Clauses 8.1.1-8.1.5) to provide a Primary Healthcare facility and a recycling facility on the site.

In full recognition that the modification application was subject to significant local interest, it is worth recording here that the modification was approved on the following basis:

***A formal written Statement was received from the Melksham and Bradford on Avon Primary Care Network confirming that there is no need for a Primary Healthcare facility on***

***this site, and this is the projected position within the next five years. The evidence indicates that the Spa and Gifford surgeries already make provision, and it has been argued that any future new primary healthcare facilities would be better provided on the other side of town.***

***The LPA has had no sight of any evidence to substantively contradict this position and there is nothing to suggest that this evidence cannot and should not be taken in good faith, therefore in the absence of any evidence to the contrary, it is considered reasonable to conclude that a Primary Healthcare facility is no longer required on this site.***

The matter is no longer open for Council determination, and it would be Ultra Vires and unreasonable to apply any material weight to the former s106 obligation and an on-site primary healthcare facility pursuant to this current planning proposal.



As clearly illustrated on the previous inserts and those that follow, the site is sandwiched between existing forms of development to the west of the Eastern Way bypass/Relied Road that was constructed as part of the 2008 consented outline application.

The following insert reveals the site location in relation to the bypass and existing development. In plan terms it sits outside the settlement framework, however it is not an isolated site in relation to the recent expansion of the town.



Melksham Town Centre is located 1.7km to the west and is defined as a Market Town for the purposes of CP1, CP2 and CP15 of the adopted Wiltshire Core Strategy.

Members are also advised that officers within the planning team have held discussions about the site having a strong case to be considered for future inclusion within the settlement development limits through the next settlement boundary review.



To the west of the site is the Cranesbill Road Local Centre (Verben Court). This comprises retail units with residential dwellings above and The Water Meadow public house. There is also a single storey substation and car parking.

To the north is an area of public open space which serves the wider residential area and an existing brook. Beyond this is established residential housing along Snarlton Lane.

As notated above, the Forest and Sandridge Primary School is located to the northwest resulting in the application site being surrounded by housing, shops, a public house, a school and highway infrastructure.

The site is predominantly located within Flood Zone 1 with flood zones 2 and 3 to the north of the site. The Council's Strategic Flood Risk Assessment shows evidence of surface water and ground water flood risk on the northern boundary of the site.

Vehicular access would be provided off Cranesbill Road through Verbena Court which serves the local centre and would lead to a car park of 24 spaces incorporating 1 electric vehicle charging space, 2 accessible spaces and 1 emergency bay.

There are no public rights of way through the application site – with the land having low agricultural land / soil quality. There are no sensitive landscape or ecological designations on the site; and there are no heritage assets on, or within close proximity of the site.



**The views from Cranesbill Road along Verbena Court. The site is beyond the carpark and shops**



**The view from the roundabout on Eastern Way with the pub and application site.**



**The site viewed from eastern Way from the southern corner.**



The site viewed from the east on Eastern Way



The view of the northern corner from Eastern Way with the pub and Local Centre in the background.

#### 4. Planning History

There is a lot of planning history for the site with numerous permissions granted for the major residential extension of Melksham. The key applications are set out below:

Reference	Description	Decision
04/01895/OUTES	Outline application for mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities including a local centre, primary school, recreation facilities and a distributor road.	Approved with conditions
W/10/01964/OUT	Outline application for 307 dwellings with all matters reserved	Approved with conditions
W/13/00489/REM	Construction of a new dual-use two form entry primary school with associated access and landscaping.	Approved with conditions
PL/2023/03797	Modification of planning obligations within the S106 agreement for 04/01895/OUTES relating to the local centre	Approved with conditions

Following the reserved matters approval for the school in 2013, a modification to the original s.106 removed the requirement for the local centre to provide a community facility at the local centre because it was agreed that the school as a dual use school could provide community facilities on the school site.



The 2023 referenced application is of particular interest to note because following consultations with the Primary Care Network and the Council's Waste and Recycling Team, the 2008 imposed obligations binding the urban extension housing scheme for the local centre to provide a healthcare facility and recycling centre were removed on the grounds that there was no longer a substantive need.

It is also worthwhile referencing a recently allowed appeal in Melksham on land at Western Way as cited below.

Reference	Description	Decision
PL/2022/08504	Outline application (with all matters reserved except for access) for the erection of up to 210 residential dwellings (Class C3) and a 70-bed care home (Class C2) with associated access, landscaping and open space	Approved at appeal with conditions 27.04.23

The following application on land at Long Leaze Lane is also a material consideration because the officer recommendation to grant permission subject to a s106 was endorsed by members of the Strategic Planning Committee at the meeting of 17 April 2024.

Reference	Description	Decision
PL/2023/06725	Construction of elderly care home (Use Class C2) with associated access works, landscaping and drainage. Improvements to site access and Long Leaze Lane/Snowberry Lane junction.	Approved by Committee; pending s.106

## 5. The Proposal

This is an application seeking full planning permission for the construction of a 71-bed care home for mixed levels of care (comprising residential, nursing and specialist dementia) and associated infrastructure with vehicular access being gained off Snowberry Lane with associated on-site parking, landscaping and drainage provision.

The proposed site plan, elevations, context plan and landscaping plans are shown below.



North-West Elevation



North-East Elevation



South-West Elevation



South-East Elevation





## 6. Planning Policy

### Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP15– Melksham Community Area
- CP41- Sustainable Construction Techniques and Low Carbon.
- CP43- Providing Affordable Homes.
- CP45 – Meeting Wiltshire’s Housing Needs
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people.
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport

- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

Wiltshire Waste Core Strategy WCS6 (Waste Audit)

Joint Melksham Neighbourhood Plan 2020 -2026 Made July 2021

Emerging Melksham Neighbourhood Plan 2 2020 -2038 (Draft)

Saved Policies for the West Wiltshire District Local Plan (1<sup>st</sup> Alteration)

U1a Foul Water Disposal

U2 Surface Water Disposal

Other WC Policy and guidance

The Wiltshire Waste Core Strategy (adopted 2009) Policy WCS6 - Waste Reduction and Auditing  
The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy

National Policy and Guidance

National Planning Policy Framework (NPPF) & Planning Practice Guidance (PPG)

In particular:

Chapter 8 – promoting healthy and safe communities.

Chapter 11- making effective use of land.

Chapter 12- achieving well-designed places.

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

National Design Guide (2021) and the Wiltshire Design Guide

Manual for Streets 2

## **7. Summary of consultation responses**

Melksham Parish Council – Objects as follows:

*The Town Council had concerns over the size and scale of the build compared to the size of the site, parking, access and transport links. The committee also noted the lack of comment on planting and the lack of green space. The committee felt that the issue of scale and size would negate any benefit of planting in any event. The committee acknowledged the need for care places but felt this was not an appropriate site.*

*Policy 6: Housing in Defined Settlements of our reviewed Draft Neighbourhood Plan (NHP#2), states as follows:*

*Proposals for age restricted housing, extra-care communities and nursing homes will be supported only in the most sustainable locations, closely linked to local services and public transport.*

Melksham Without Parish Council – Objection

*Principle objection – Lack of genuine need for 3 care homes in Melksham*

*Not enough information has been provided on net zero climate provision for the site.*

*This site has been previously earmarked for a community centre which is the parish council's preferred use of this land.*

*Concerns raised about Highway safety and parking, design and overdevelopment of the site, lack of amenity space for residents, impact on healthcare facilities.*

*Referred to Policy 6 Housing in Defined Settlements in Emerging Joint Melksham Neighbourhood Plan 2020-2038 which requires proposals for age restricted housing, extra-care communities and nursing homes will be supported only in the most sustainable locations, closely linked to local services and public transport. having to be in sustainable locations.*

Wiltshire Council Adult Social Care - No objection on the basis that the applicant's data could not be contested as it accurate for the whole market; any challenge from Wiltshire would be difficult as the focus from the provider and Wiltshire Council is different. There is a growing and definite need for residential and nursing care for people living with dementia. This is a growing demand and particularly for higher levels of support for those who present with complex needs. This demand would cover both those who are funded by Wiltshire Council and those who fund themselves.

Wiltshire Assistant County Archaeologist – no objection based on previous surveys.

Dorset & Wiltshire Fire and Rescue Service – no objection subject to building regulations

Climate Team – happy to see some inclusion of renewable energy technology and sustainable practice however would like to see more sustainability. A Sustainability Statement was produced following these comments and additional low carbon technology and sustainable features were included as part of the design evolution process.

Urban Design - no objection but would request further soft landscaping details of a more cottage garden style and would like bifold doors on day room not fixed glazing to prevent overheating.

WC Lead Local Flood Authority – support the application, subject to conditions requiring finished floor levels to be set, modelling of the ditch and calculations and over exceedance routes to be provided.

Wiltshire Council Affordable Housing – no objection and no requirement for AH because the proposal falls under C2 use and, from the information submitted by the applicant, that bedrooms with ensembles are being proposed rather than self-contained/independent apartments.

Wiltshire Council Highways – no objection, subject to conditions for visibility splay details prior to works commencing and motor vehicle and cycle parking spaces including an EV point to be provided prior to occupation.

Wiltshire Council Landscape Officer - No objection subject to a planting plan and maintenance plan be secured by condition prior to commencement of works.

Wiltshire Council Arboricultural Officer - No objection subject to condition requiring compliance with submitted documents.

Wiltshire Council Public Protection – no objection, subject to condition requiring CEMP, lighting plan and AQA prior to commencement.

Wiltshire Council Ecology – no objection, subject to conditions.

On review of all the relevant documentation, no ecological objections to the scheme subject to:

- conditions to cover the following:
- no external lighting without prior approval
- Submission of a Construction and Environmental Management Plan (CEMP)
- Submission of a Landscape and Ecology Management Plan (LEMP)
- Details of the number, design and locations of bird and bat boxes

The full response to all the matters considered by the WC Ecologist is available to view on the on-line application file.

NHS – No objection subject to contribution of £32,090 towards the capital cost of delivering additional primary care floorspace required to serve residents of the new development.

Salisbury & Wilton Swifts – No objection but request bird nesting bricks to be included.

Wessex Water – no objection

Waste and Recycling – Non-residential premises will require suitable storage space for waste containers that is accessible to an RCV. Applicants should estimate the type and quantity of waste generated by the commercial premises and plans should demonstrate that the space is suitable for the waste generated, preferably with containers drawn in situ. Any tracking provided should show that the RCV can access the storage point or a designated collection point.

The information in Table 5 & 6 of paragraph 6 in the guidance should allow developers to design adequate storage for waste containment; paragraph 5.7 covers care accommodation.

## **8. Publicity**

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press. There have been a series of amendments to the application which were advertised by way of neighbour notification letters and the application has been fully reconsulted on.

4 representations objecting to the proposal have been received from third parties over the course of both consultations. The concerns raised are summarised below –

- A community centre is needed not a care home when there are already plans for another one.
- Resident agreed to the original plans for a community space and doctors' surgery and is dismayed to hear of this removal. We need community spaces that can be used any time of day by all residents.
- The school is not a suitable alternative to a community centre.

- There is good access and car parking.
- Lack of parking leading to highway safety issues.
- The proposal at three storeys in height would impact on privacy of Snarlton Lane residents by overlooking private gardens, intervisibility and resulting in an overbearing impact.
- Noise and disturbance of people and vehicles coming and going.
- Everybody living on the East side of Melksham should be made aware that the plan for the community centre is being scrapped to make way for a care home.

## **9. Planning Considerations & Assessment**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### 9.1 Principle of Development

#### Wiltshire Core Strategy 'Spatial Strategy'

In terms of assessing the relative merits of the proposal, the starting point is the development plan and specifically the Wiltshire Core Strategy (WCS). The WCS sets out a 'Settlement Strategy' and 'Delivery Strategy' for development across the County. Following the relatively recent changes to the NPPF on 20 December 2023, Wiltshire Council considers that it can now demonstrate a sufficient 4-year housing land supply, and as a result the development plan is considered robust with the main delivery and settlement strategy policies carrying substantial weight.

WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Westbury is defined as a market town. Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development.

Melksham and Bowerhill, where this site is located, is defined in Core Policies 1 and 15 as a Market Town, based on an assessment of its role and function. Market towns are defined as settlements that have the ability to support sustainable patterns of development through their current levels of facilities, services and employment opportunities, and have the potential for significant development that can improve self-containment.

WCS Core Policy 15 sets out the Council's sustainable plan-led approach to delivering development that responds to and reflects economic, social and environmental needs for the Melksham Community Area. Paragraph 5.82 of the supporting text to policy CP15 of the WCS outlines that the strategy for Melksham will be to ensure an appropriate and balanced mix of housing and employment growth is managed to provide contributions to the town centre improvement and delivery of enhanced services in the town and service provision, along with residential development as part of sustainable growth.

WCS Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Melksham



– and further states that housing should not be permitted outside the limits except in the few circumstances explained at supporting paragraph 4.25.

Paragraph 4.25 confirms that one of these exception policies is specialist accommodation provision to meet the needs of Wiltshire’s vulnerable and older people to be assessed under Core Policy 46.

Core Policy 46 of the WCS specifically seeks to address the issue of an ageing population, which is particularly important in Wiltshire, by ensuring that there is adequate provision of specialist accommodation, including residential, nursing and extra-care accommodation and facilities.

Whilst it is fully recognised that the application site is located outside the currently established settlement limits, the site is surrounded by various forms of development and in no way appears as an open countryside location. The Eastern Way bypass/relief road serves as a very clear eastern edge to the expanded town and the site is considered a sustainable site for this type of development as a consequence. The determination of the application should be based on the established context, which deserves significant weight.

Notwithstanding the above, WCS Core Policy 46 supports the provision of new accommodation to meet the needs of Wiltshire’s older people outside, but adjacent to, Market Towns, in exceptional circumstances, subject to certain criteria being met.

These criteria include:

- a genuine, and evidenced, need is justified
- environmental and landscape considerations will not be compromised
- facilities and services are accessible from the site
- its scale and type are appropriate to the nature of the settlement and will respect the character and setting of that settlement.

*CP46 criteria 1. that a genuine and evidenced need is justified*

WCS CP15 does not identify requirements or priorities for the provision for accommodation for the elderly or those in need of care in this respect. Furthermore, the Melksham Neighbourhood Plan contains no evidence for / or details assessing local identified need for C2 care homes.

Detailed needs assessments have been provided in support of the application both at submission stage and in a more recent update dated December 2023 produced by Christie & Co. These contain data assessing the current need for a new care home. The catchment area for the assessment was set at 5km from Melksham and considers all endorsed/consented planning applications/appeals proposing other care homes within the same catchment area.

The submitted Addendum to the Desktop Market Analysis provides an updated care need position following the approval of the Land to the South of Western Way scheme at appeal in November 2023. Whilst this is an update, the original Desktop Market Analysis prepared by Christie & Co and dated June 2023 as previously submitted with this planning application remains relevant.

This Addendum indicates that there is sufficient need for the following schemes which would result in a total of 227 EMC (Effective Market Capacity) / market standard care beds being added to the supply within the 5km catchment area:

- Land at Verbena Court (pending determination) – 71 bedrooms.
- Land at Long Leaze Lane (pending determination) – 86 bedrooms.
- Land to the South of Western Way (allowed at appeal) – 70 bedrooms.

The needs assessment addendum states that there would continue to be a residual shortfall in the short to mid-term. Even if the above cited two other care homes are implemented, they may take several years to be ready for occupation, or they may not be implemented at all - noting here that an endorsement to approve or the grant of permission does not manifest as delivered accommodation.

The needs assessment indicates that with the full delivery of the three above listed care home schemes, there would be substantive future proofing of the care home market for the Melksham area going forward. Looking beyond 2026 and up to 2033 the supply figure as reported below reveals that supply is predicted to “remain below the optimum 50-bed mark either side of the bed demand figure”.

The table below is taken from Christie & Co’s December 2023 addendum report on market analysis which provides a breakdown of the care home bed demand and the balance of care home provision up to 2033 for the 5km catchment area for Melksham. The analysis shows that there is a current shortfall of EMC/Market Standard beds which will change to a market level/equilibrium level of supply by 2026 if/when this scheme is approved and built out (in the next year or so) along with the delivery of the two other care home schemes cited on the previous page.

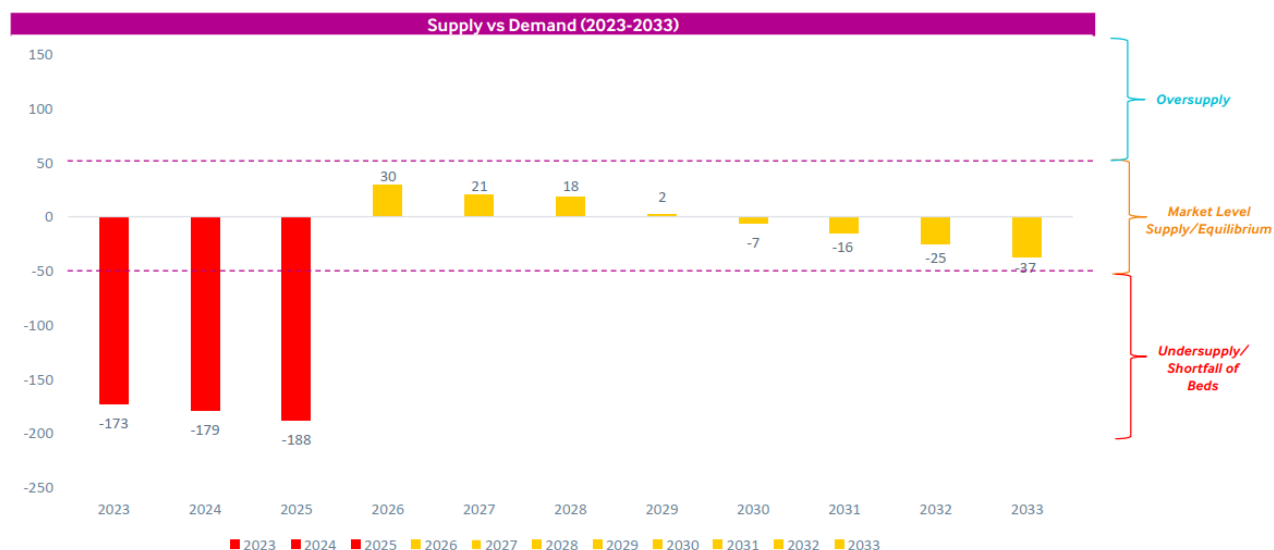
Year	Bed Demand	Existing EMC/Market Standard Beds	Incoming Supply	EMC/Market Standard Beds	
2023	258	85		-173	Oversupply
2024	264	85		-179	
2025	273	85		-188	
2026	282	312	227	30	Market Level/Equilibrium
2027	291	312		21	
2028	294	312		18	Undersupply
2029	310	312		2	
2030	319	312		-7	
2031	328	312		-16	
2032	337	312		-25	
2033	349	312		-37	

Incoming Supply*	
Development Name	Proposed Beds
Frontier Estates Development	71
Aspire Development	86
Hallam Land Development	70
<b>Total Beds</b>	<b>227</b>

\*Accounted for from 2026

## Supply vs Demand

Our analysis shows that accounting for three new developments in 2026, there will be an equilibrium of market standard beds within the catchment area, whereby there will be sufficient future proof care home beds to meet demand going forward



The Assessment indicates that there is a quantifiable need for a new high quality care home at this location.

The supply figures are accepted and are reasonably easy to check. The demand assessment has been based on the most recent Census data available and includes details regarding the basis and methodology of population growth estimates including where possible, information relating to in and out-migration.

It is accepted that the population in the surrounding area in the elderly age range is growing with more frequent dementia diagnoses, and there is clearly a limited amount of existing care home supply that meets the required needs for caring for elderly people with specialist care needs.

The needs assessment states that reaching the market level / equilibrium does not mean that there would be an oversupply, but instead that the market would be considered stable and that the care homes would be more comfortable to being able to satisfy demand. However given the sensitivities of providing the necessary care facilities, it is considered prudent to plan for the projected increased demand, adopt a forward planning approach to future proofing the local care home market and to plan now for the projected demand as well as being mindful that these establishments must satisfy the 2014 Care Act, to meet the needs and aspirations of our communities.

Based on the data available this proposal would not likely result in an oversupply, and indeed, as commercial operators, the applicants are very confident that there is a local need and if they were not convinced of the ability to fill such beds, they would not still be seeking planning permission.

The Councils Adult Social Care team were consulted on this application, and they have confirmed they agree with the data source and consider the assessments to be reliable and accurate. Indeed, it is worthwhile reporting that the data source used by the applicant's is the same as the Council.

The Adult Social Care team have furthermore confirmed that the Council's data shows:

*“Our 65+ population currently represents just over a fifth of Wiltshire’s population, but by 2040 this age group will make up nearly a third of the total population. The increases expected to be seen in Wiltshire in both the 65+ and 85+ age groups are higher than the expected increases in the South-West and England.*

*By 2040 in Wiltshire the 65+ population is expected to have increased by 43%. The 85+ population is expected to have increased by 87%. The ageing population in Wiltshire and particularly the 87% increase by 2040 in the size of the 85+ population will bring opportunities and challenges for the delivery of services in the county.”*

These figures are based on Wiltshire Council's own data in relation to OS Census figures. As such it is clear to see that the requirement for care home beds across Wiltshire is not going to reduce but is likely to increase quite significantly over the next 15 years.

As a result, Adult Social Care are robust in arguing that:

*“...the applicant’s data cannot be contested as it accurate for the whole market; any challenge from Wiltshire would be difficult as the focus from the provider and Wiltshire Council is different... There is a growing and definite need for residential and nursing care for people living with dementia.*

*This is a growing demand and particularly for higher levels of support for those who present with complex needs. This demand would cover both those who are funded by Wiltshire Council and those who fund themselves.”*

Officers therefore argue that the existing endorsed/permitted care homes in Melksham alone would not provide sufficient care home accommodation in the short-mid-term for both the local Melksham area and the wider County.

Accordingly, in the absence of any substantiated evidence to the contrary, it is accepted that the professional independent third-party data evidence provided by the applicant identifies a genuine need for the proposed care home and the Council’s own Adult Social Care team fully support this position.

*CP46 criteria 2. The environment and landscape will not be compromised.*

In terms of the above policy test, the Council’s landscape officer and ecology officers were consulted, and both raise no objection to the scheme. The detailed landscape and ecology assessments are set out within later parts of this report, but in terms of CP46, the above CP46 policy test has been fulfilled.

*CP46 criteria 3. The facilities and services will be accessible.*

The site's location is considered very sustainable from a planning perspective. The proximity to the Verbena Court Local Centre, to Eastern Way and the highway network and public transport options and to Melksham’s town centre with all its shopping options, services and amenities result in officers arguing the identified site and proposal fulfils the above CP46 test. The following insert reveals distances to various facilities.

Amenity	Name	Walking Distance (Metres)
ATM	Co-op Food	60m
Supermarket/Food Store	Co-op Food	60m
	Co-op Food	1600m
Restaurant/Café/Public House	Ocean's Traditional Fish and Chip	25m
	Water Meadow	120m
	Noble House Chinese Takeaway	30m
	The Pig and Whistle	2000m
Hospital	Melksham Community Hospital	1800m
Pharmacy	Gompels	1500m
Doctor's Surgery	St Damians	1900m
Place of Worship	St Andrew's Church	1800m

**Above: Local facilities in the vicinity of the site**

Bus Number	Operator	Bus Stop	Destination	First Bus (Weekday)	Last Bus (Weekday)	Weekday Peak Frequency	Saturday Frequency	Sunday Frequency
14	Frome Bus	Eastern Way (Cranesbill Road)	Melksham Asda	13:56	17:51	1 in PM Peak	1-2 per hour between 13:00 and 17:00	N/A
		Snowberry Lane	Melksham Asda	09:56	17:51	1 in PM Peak	0-2 per hour	N/A
15	Frome Bus	Eastern Way (Cranesbill Road)	Melksham Asda	10:19	12:19	2 per day	2 per day	N/A

**Above: Public transport services in the vicinity of the site**

Officers are also mindful that certain facilities and services would be provided on site, and it is important to appreciate that the Council's highways team raises no objection and considers the location to sustainable. Additional commentary on the highway considerations is set out later within this report.

*CP46 criteria 4. The scale and type are appropriate to the nature of the settlement and will respect the character of that settlement.*

The application site is located within an urban environment with various forms of development and building blocks with large footprints within relatively close proximity – namely the school, the local centre and public house. The local centre is 3 storeys, and the proposed development would be commensurate with the prevailing urban character. The following model was included within the applicant's Design and Access Statement, which is considered useful in terms of providing the local context and how the proposed development would assimilate well with its immediate surroundings in terms of massing and scale.



The proposal has been subject to negotiated amendments recommended by officers, and the finalised scheme is supported by officers in terms of the principle and the key tests set out within CP46. The development proposal still requires to be subject to a detailed assessment of the following technical considerations.

## 9.2 Landscape and Design

### Landscape

Core Policy 51 of the adopted Wiltshire Core Strategy states “great weight will be afforded to conserving and enhancing landscapes and scenic beauty”.

The site is in an area of established urban form with no specific landscape sensitivities or designations. This proposal would be visible from the immediate locality but would be read in the context of the existing local centre, public house and the school. It would be set back from the main road and in the context of the major urban residential development locally, the proposal would have limited impact on the rural landscape. The Council’s landscape officer raises no concern to the scheme, who also concluded that the development would not result in landscape harm.



The proposal would not remove any trees and the application is supported by a tree survey and landscaping proposals with additional tree planting being part of the submitted scheme as illustrated above – which would deliver enhanced biodiversity gains for the site, with the verdant boundary being maintained along Eastern Way.

There are features that would benefit the residential care home occupants. In particular a small, raised bed area compatible with wheelchairs and fruit tree planting would provide outdoor interest to future residents along with a wheelchair accessible greenhouse, activity table and timber arches with sensory planting. Outdoor seating is also proposed for the patio areas and pergolas.

Detailed features as to the hard and soft landscaping can be addressed by way of condition prior to commencement of works above ground slab level and such a condition is recommended.

## Design

Core Policy 57 requires 'a high standard of design in all new developments. Of particular relevance is paragraph (iii) which requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting'.

The NPPF states at paragraph 131 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 states Planning ... decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

WCS Core Policy 41 seeks to ensure that sustainable construction techniques and renewable energy are employed to enhance energy efficiencies and represent low carbon use in line with, and where possible, exceeding Building Regulations requirements.

Since the original submission the site plan and proposed plans have gone through various design iterations to address concerns regarding energy efficiency, sufficient parking, design and landscaping. The proposal would be 3-storeys with materials consisting of brick, render and grey concrete roof tiles.

The building is well articulated with a varied roof line. The position and good elevational design of the proposed building will have no unacceptable adverse impacts. The height of the building is considered to acceptable having regard to its context – as illustrated earlier on in this report.

The proposed building would sit comfortably within the plot with generous separation being maintained to the neighbouring dwellings with sufficient landscaped outdoor space.

The proposed care home would be set across 3-storeys internally with a 'T' shaped footprint. The proposed scale would accord with the scale of neighbouring 3-storey buildings within the local centre. Accommodation at second floor level is proposed partially within the roof space with dormer windows.

It would have an uncomplicated ridge with the roofscape articulated through the use of pitched



roof elements, dormer windows, gable features and projecting bays. The design avoids blank elevations, and an interesting and varied palette of materials is proposed including multi brickwork, white brickwork, grey cladding and natural slate reflecting the architectural proportions and materials of the immediate locality. The proposed care home is set on a masonry base with lighter render above. Gables comprise brick and render and vertical timber bays are proposed at the entrance providing visual interest.

The design approach is considered to respond to the residential character of the wider urban extension and would integrate well into the locality and townscape of the location.

In terms of functional design, the building has been designed specifically with dementia patients in mind following a dementia friendly approach so it will allow for easy navigation both inside and outside ensuring a safe environment.



① South-West Elevation  
1:100



② South-East Elevation  
1:100



① North-West Elevation  
1:100



② North-East Elevation  
1:100

**Proposed Elevations**



**Schedule of Accommodation**

Ground Floor	
Office	1
Bedrooms	71
Day	172
Day	154
Wash & Dress	120
Wash & Dress	120
W.C.	120
<b>Total Bedrooms = 71</b>	
<b>Total GFA = 2142sqf</b>	(30.2sqf per resident)

**Proposed Floor Plan**



**Indicative CGI of how the proposal would look**

The proposal would, through careful use of materials and architectural proportions, reflect the character of the locality and remain of a scale consistent with its use, function and location. It would integrate well into the locality and streetscene.

The Councils Urban Design Officer supports the proposal and raises no objection. A planning condition requiring details of high-quality materials prior to commencement of works for the care home extending beyond ground slab level is recommended.

Following discussions with the Councils climate team the application is now supported by a sustainability statement which confirms that the proposal has considered sustainability including:

- Solar Panels
- Air Source heat pumps
- Provision of cycle storage
- EV charging (1 provided with the ability to install up to 20 more if required in the future)
- Water efficiency
- Specific recycling and waste provision
- Travel Plan

Use of Passivhaus style design measures and low carbon renewable energy systems are now proposed, and the building has been designed to exceed Building Regulations requirements for energy efficient and preventing overheating.

Conditions requiring the provision of the solar panels, EV point, air source heat pump and cycle storage prior to first occupation are recommended.

On the basis of the above and subject to conditions, the proposed development is considered acceptable in terms of CP41 and CP57 of the WCS as well as provisions of the NPPF.

### Heritage Impacts:

Chapter 16 of the NPPF titled 'Conserving and enhancing the historic environment' sets out policies concerning heritage and sustainable development and requires a balanced approach to decision making with harm weighed against the public benefits resulting from proposals.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 titled 'Ensuring the conservation of the historic environment' requires that "*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.*"

The site is not in a conservation area and has no heritage assets on site or in close proximity. In terms of archaeology, this site formed part of a larger area that was first investigated via a geophysical survey and an archaeological trial trench evaluation in 2004, which identified some areas of post-medieval industrial activity, areas that were further investigated via a series of open area excavations in 2010.

In recognition of the previous archaeology assessment, officers are satisfied that the scheme can advance without any further archaeological analysis, and in terms of heritage impacts, the proposed development satisfies CP58 of the WCS and the NPPF.

### Residential Amenity

WCS Core Policy 57 states that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

Having regard to neighbour amenity, matters relating to overlooking, privacy, light and overbearing have been carefully considered. Generous separation distances would be maintained which coupled with retained landscaping to the site boundaries would ensure that there would be no unacceptable loss of amenity to other residents.

The closest residential dwellings to the application site would be located above the retail units within the local centre to the west of the application site. No windows however face the proposed application site and there would be no loss of privacy, overlooking or overbearing impact on these occupiers.

Save for these flats, the nearest residential dwelling (394a Snarlton Lane) is located 63m away and sited at an oblique angle. As such it is considered at this distance and with the site context, there would be little to no inter-visibility or harmful overlooking /loss of amenity issues.

The proposal would be three storeys and would be some 13m to ridge level. The Council have reviewed the site using the online sun calculation and shadowing application which is a useful tool to test the path of the sun and the likely sun cast shadowing affects at different days and times of the year.

This indicates that at this height in the winter months, there would be some shadow cast over the school playing pitch in the early morning and that some shadows would be cast briefly over the local centre in the early morning in the summer months. This sun cast shadowing effects would

however be brief and limited to approximately an hour period early to mid-morning – which would manifest as a limited temporary affect that would not be substantive reason to refuse the application.

The checks carried out by officers also indicate that there would be no overshadowing of any residential dwelling on Snarlton Lane, and it is considered that given the separation distance between the proposal and the properties on Snarlton Lane, there would be no overbearing impacts.

Whilst the local concerns of residents from Snarlton Lane are acknowledged, from the analysis undertaken by officers, the proposal would not result in significant material harm or detrimental impacts on the existing levels of residential amenity to warrant the refusal of the application.

The proposal provides generous internal living accommodation for the future occupants of the care home and provides ample outdoor amenity space.

The Councils public protection team were consulted, and their main concern related to construction noise / dust and its impact on the residences in the vicinity. A noise assessment, prepared by Hawkins Environmental was undertaken and submitted – which was found to be acceptable by the public protection team.

The study demonstrates that based on the surrounding environment, the site is considered a 'low risk' site under the Planning and Noise Professional Practice Guidance. The report concludes that suitable noise levels can be achieved in gardens meaning that all residents would have access to quiet external amenity space.

Furthermore, the recommended maximum internal noise levels for each room can be achieved through the provision of suitable glazing and ventilation and conditions requiring these details are recommended to be secured via a planning condition.

In terms of ventilation and air quality, alongside details of the ventilation equipment, given the location adjacent to the busy road of Eastern Way, it is considered necessary to condition an Air Quality Assessment prior to any occupation to demonstrate that the proposed ventilation equipment would provide a sufficient level of air quality for the future residents.

Additionally, a Construction Management Plan is recommended to be conditioned and to include a commitment to standard hours of construction. The location of noisy plant on the site during the development is also an issue of concern, especially generators. The LPA would seek to control site deliveries to hours through a CEMP such as not to impact on local amenity.

A lighting plan is also required to be conditioned to ensure that no obtrusive lighting is installed on site.

Subject to these conditions, the proposed development is considered not to result in loss of light, loss of privacy or an overbearing impact on existing neighbouring and future occupiers. It would not result in significant harm to or a detrimental impact on the existing levels of residential amenity currently afforded to adjacent occupiers and would meet requirements of CP57 of the WCS.

#### Highways / Rights of Way

Paragraph 114 (b) of the NPPF requires that *in assessing... specific applications for development, it should be ensured that...safe and suitable access to the site can be achieved for all users.*

Paragraph 115 of the NPPF states that *'development should only be prevented or refused on*

highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

Paragraph 116 (c) of the NPPF also states that *...applications for development should create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles.... and respond to local character and design standards.*

CP57 (ix) of the WCS requires new development to ensure *"that the public realm including new roads and other rights of way are designed to create places of character which are legible, safe and accessible..."* and CP57 (xiv) requires development to meet *"the requirements of CP61 (Transport and New Development)"*.

CP61(ii) of the Wiltshire Core Strategy requires new development to be *"capable of being served by safe access to the highway network"* and within the supporting text for CP61, the Council recognises that it is critically important for good planning and safe highway interests for new development to benefit from a suitable connection to the highway *"that is safe for all road users"*.

CP62 of the Wiltshire Core Strategy states that *'Outside of built-up areas, proposals that involve a new direct access onto the national primary route network will not be permitted in order to assist with traffic flow and reduce risk'*.

CP64 requires sufficient parking to be provided in new development in line with residential parking standards and requires a reduction in reliance on the use of the private car where possible.

A Transport Statement was submitted in support of the planning application with vehicular access being afforded via Verbena Court. An existing access is in place in the form of a dropped kerb, and the proposed care home would be accessed via a 5.5m wide carriageway and this is considered suitable subject to sufficient visibility splays being conditioned.



It is anticipated that the care home would employ 70 members of staff once fully operational, equivalent to 53 full time positions. However, as these will operate on shift patterns, it is expected that about 24 members of staff would be required on site at any one time except for changeovers when the numbers are likely to be slightly more.

Based on the anticipated trip rates, the maximum car parking demand would be between 13:00 and 14:00 where 15 spaces would be occupied. This represents 65% of the car parking capacity and allows for a buffer to accommodate staff changeover.

The site also benefits from good access to public transport services which could be used by staff and visitors alike.

24 car parking spaces are proposed on the site incorporating 1 electric vehicle charging space, 2 accessible spaces and 1 emergency bay in addition to 10 cycle parking spaces.

A parking accumulation assessment was undertaken that confirms that the proposed number of spaces are sufficient to meet the needs of the proposed care home. This would be a slight under provision when compared to the 30 spaces required by Wiltshire's Car Parking Standards, however, officers are satisfied that it would be adequate for the proposed use and that no overspill parking would occur along the public highway. The parking provision and layout is thus accepted.

Deliveries and servicing would take place on site. The accompanying Transport Statement includes swept path analysis to show that this is feasible. A refuse store is provided on site in a position that is easily accessible to refuse collection vehicles from the refuse collection area. It is anticipated that there would be no more than 1 service delivery vehicle arrival and 1 departure occurring during any hour of a typical day and these are not considered to have a material impact on the highway network.

It is anticipated that the proposed care home will generate 11 two-way trips in the AM peak travel period and 5 two-way trips in the PM peak travel period. This equates to 1 vehicle movement on average approximately every 5 to 12 minutes during the AM and PM peak hours. Over the course of a 12-hour day, a two-way total of 119 vehicle movements to / from the site are predicted, incorporating 57 arrivals and 62 departures. These represent an acceptable number of trips which are not considered to give rise to harm the local highway network. A Travel Plan has been submitted and it is recommended that this be conditioned.

Subject to conditions requiring details of visibility splays to be agreed, the provision of parking and access and the implementation of the travel plan, officers are satisfied that the overall proposal is unlikely to cause unacceptable harm in highway safety terms, and so the proposal cannot be considered to have a severe impact in terms of the NPPF. No objections are raised by the Council's highway team, subject to the conditions set out above.

The proposal is therefore considered to meet requirements of CP60, CP61 and CP64 of the WCS and provisions of the NPPF.

#### Flood Risk and Drainage

WCS Policy CP67 (Flood Risk) states that all new development should include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The application is supported by an FRA and a detailed Drainage Strategy. The majority of the site is located within Flood Zone 1. Along the North-West edge of the site there is an area of elevated

surface water flood risk which in some places crosses the site boundary line. Based on site visit analysis and the current site levels, the mapped areas at risk are in dispute. It is noted that since the flood map was drawn up, additional drainage works have been completed as part of the wider urban extension housing scheme with attenuation basins being provided as part of the housing delivery and school development.

On site infiltration testing has also been undertaken which indicates that the underlying soils are unsuitable for infiltration. The discharge of surface water via an infiltration-based SuDS would therefore not be feasible. As a result, surface water would be temporarily stored on site using geocellular tanks and permeable paving. A planning condition requiring detailed surface water drainage details is necessary to be conditioned.

In terms of foul drainage, Wessex Water have confirmed that they can accommodate the associated foul flows within the public foul sewer with connections made on a size for size basis. The developer would fund the cost of connecting to the nearest 'size for size' sewer. Capacity is available to accommodate domestic type foul flows from the proposed development. The point of connection to the public network is by application and agreement with Wessex Water. An informative should be included on any grant of permission advising the applicant to contact Wessex Water independently to secure the relevant license.

The Lead Local Flood Authority (LLFA), having reviewed all the relevant information supports the application and recommends a number of planning conditions relating to finished floor levels to be set, the modelling of the ditch and calculations and over exceedance routes to be provided.

The additional technical supporting information requested by the LLFA is considered reasonable and necessary to make the development acceptable in planning terms i.e., to ensure the scheme does not lead to increased flood risks elsewhere during both the construction and occupation phases of the development, and planning conditions are recommended as a consequence.

Accordingly, the proposed development, subject to conditions, would accord with CP67 of the WCS and the NPPF.

### Ecological Impact

WCS Policy CP50 (Biodiversity and Geodiversity) states that development proposals must demonstrate how they protect the features of nature conservation and geological value as part of the design rationale. These features are expected to be retained and managed favourably in order to sustain their ecological value, connectivity and functionality long-term.

A full Ecological Impact Assessment (EclA) has been submitted as part of the application and extensive detailed discussions with the Council's senior ecologist have been undertaken.

Ecological surveys of the site were carried out by The Landscape Partnership at a suitable time of year and following industry guidelines. Officers consider that the level of survey has been thorough and appropriate to both the nature of the site and the scale of the development. Officers are therefore satisfied that there is sufficient information to be able to make a judgement as to whether protected habitats and/or species are likely to be adversely impacted by the proposed development and that no further survey is required in relation to the current application.

The ecological survey found that the habitats within the site are of generally low importance for conservation, although the boundary woodland and hedges outside of the site do contribute to primary connectivity within the wider landscape area for a range of wildlife species including common and widespread bat species, other small mammals and nesting birds. The ecology report



makes a series of recommendations in Section 5 for precautionary measures to be implemented as part of the development, to ensure that protected species are not adversely impacted by the works. These include measures to protect trees and shrubs, reptiles, terrestrial mammals and bats. This is recommended to be conditioned.

#### *Biodiversity Net Gain*

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and encourages developments to seek opportunities to enhance biodiversity.

The submitted Biodiversity Metric 4.0 and supporting report Calculation of Biodiversity Net Gain using Defra Metric 4.0 0 (The Landscape Partnership, August 2023) indicate that the proposals will result in a loss of 0.23 habitat units and an increase of 0.64 hedgerow units. The habitats identified during the survey with the highest ecological value comprised hedgerow, wooded belt and a ditch, all located outside of the site. All site boundary features will be retained and protected. Habitats within the site which are due to be lost are considered to be of lower value.

The provision of new native hedgerows and other native planting would contribute to the ecological value and functionality of the site and immediate area, and it is therefore accepted that the proposals secure the integrity of the local ecological networks and are therefore compliant with Core Policy 50.

The production of a Landscape and Ecology Management Plan is recommended to be secured via condition to ensure the long-term management of landscape and ecological features retained and created by the development. This document should be proportional to the size and scale of the development.

The ecology report makes recommendations in Section 6 for the provision of alternative features and habitat areas to ensure that wildlife continues to be accommodated within the development.

These recommendations comprise:

- Habitat enhancements to include native wildflower planting, native trees and shrubs, infilling of boundary vegetation with native species of known value to wildlife, management of hedgerows for wildlife, planting designed to enhance connectivity of the landscape.
- Four built-in bat boxes
- Two built-in sparrow terraces
- Two built-in swift boxes
- One habitat pile
- Three bee hotels
- Provision of hedgehog highways in close board fencing, if proposed.

The Landscape Proposals (Drawing no: 101A) show the incorporation of native trees and hedgerow into the design, as well as one hibernaculum and three bee hotels, this is welcomed and recommended to be conditioned.

Accordingly, the proposed development is considered acceptable in terms of CP50 of the WCS and provisions of the NPPF and is acceptable subject to the conditions set out above.

## **10. CIL and S106 contributions**

### *CIL*

The proposed development as a care home would be liable for CIL and as it is within Charging

Zone 2 would be liable to pay £55persqm (plus indexation). The applicant is advised to contact the CIL officer for further information.

#### *S.106*

Core Policy 3 states that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development'. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed to provide the following:

#### Contributions towards NHS facilities

Concern has been raised in the representations and by local ward member Councillor Sankey that there is significant pressure on the local GP and health services and as such, contributions towards these facilities should be requested and provided for by the developer.

National policy and guidance set an expectation for development proposals that impact on local infrastructure to mitigate their impact to be considered sustainable.

Residential developments often have very significant impacts in terms of the need for additional healthcare provision for future residents, meaning that a planning obligation requiring that the development contributes to, or delivers, a new healthcare facility is often necessary.

Policy 3: Infrastructure Requirements of the Wiltshire Core Strategy states that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Healthcare facilities are identified as essential infrastructure, and as such afforded the highest priority. The cost of providing necessary infrastructure will be met through the appropriate use of planning obligations.

The Joint Melksham Neighbourhood Plan Policy 8 sets out similar provisions. The Wiltshire Infrastructure Delivery Plan 3/Appendix 1: Melksham Community Area notes that local primary healthcare facilities are already undersized for the number of current patients.

#### *Existing Primary Care Capacity in the Local Area*

The proposed development is located on the eastern edge of Melksham. The ICB has identified that Bradford on Avon and Melksham Primary Care Network (PCN) Spa Medical Centre and Giffords Surgery are the most likely to be impacted by the proposed development.

Given that the practices currently operate with an overall deficit, to properly mitigate the impact of the proposed development a planning obligation is necessary to support the increased demand on the local primary care service.

It is noted that the site was under the original outline, identified to accommodate a healthcare facility. Whilst the obligation as found to be no longer necessary, the associated infrastructural demands this new proposal would have on local GP practices, a developer contribution is

necessary.

The NHS has responded to a formal consultation on this application and have set out the case for the developer to pay the sum of £32,090 towards the capital cost of delivering the additional primary care floorspace required to serve residents from the new development. A detailed cost breakdown is set out in the public NHS consultation response.

Whilst the Primary Care Network and NHS have no plans or apparent need to deliver an entirely new healthcare premises (as the previous outline envisaged), this application proposal when tested against WCS CP3 requires a developer contribution to enhance the existing service provision and to support the additional medical care needs for the future residents.

**To this end, the developer has agreed to pay this sum of £32,090 which would require the developer to enter into a s.106 legal agreement.**

Subject to this s.106 being agreed the proposal is considered acceptable.

### **Conclusion (The Planning Balance)**

At the heart of the NPPF there is a presumption in favour of sustainable development, this requiring local planning authorities to approve development proposals that accord with the development plan without delay.

Whilst the proposed development lies outside of Melksham's settlement boundary it is to all intents and purposes part of the new urban extension and is read as such. It does not have the character of open countryside. Notwithstanding this despite the location being outside the settlement boundary in terms of the adopted WCS, the site is adjacent to the settlement boundary and the application meets all the required criteria set out within policy CP46 as an exception to the restriction of development outside settlements as set out within CP1 and CP2.

This report shows that there would be no adverse impacts arising from the proposal on the wider landscape, archaeology, drainage, ecology, highways, and/or amenity. There are, however, benefits which include the provision of proper care for the elderly in the community, the provision of short term and long-term local jobs, the releasing of family homes to boost housing supply, the inclusion of additional tree planting and make contributions to off-site infrastructure through S106 contributions and CIL.

The proposal would relate well to the spatial form of Melksham and the Eastern urban extension using existing road infrastructure and would offer accessible walking and/or cycling routes into the town and its services and facilities. The application site would also make s106 contributions to the local healthcare services and CIL payments.

### **RECOMMENDATION:**

**That the Head of Development Management be authorised to grant planning permission, subject to the first completion of a planning obligation/Section 106 legal agreement covering the matters set out in this report, and subject to the planning conditions listed below.**

### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from

the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan ref: 2782-HIA-01-ZZ-DR-A-0100 rev. P3  
Proposed Ground Floor Plan ref: 2782-HIA-01-00-DR-A-0201 rev. P3  
Proposed First Floor Plan ref: 2782-HIA-01-01-DR-A-0211 rev. P3  
Proposed Second Floor Plan ref: 2782-HIA-01-02-DR-A-0221 rev. P3  
Proposed Refuse and Cycle Enclosure Elevations and Plan ref: 2782-HIA-01-00-DR-A-9010 rev.-P2  
Transport Statement ref: PC5019-RHD-ZZ-XX- RP-R-0001  
Travel Plan ref: PC5019-RHD-ZZ-XX- RP-R-0002  
Noise Assessment H3917 – NV - v2  
Ground Condition Assessment ref. 5017068-RDG-XX-ST-DOC-C-00-GCA01-B

All received by the Council 31 August 2023

Proposed Southwest and South East Elevations ref. 2782-HIA-01- 00-DR-A-0301 rev. P4.  
Proposed Northwest and North East Elevations ref. 2782-HIA-01-00-DR-A-0302 rev. P3.  
Proposed Roof Plan ref. 2782-HIA-01-ZZ-DR-A-2701 rev. P3.  
Proposed Site Plan ref. 2782-HIA-01-XX-DR-A-0101 rev. P9.  
Proposed Wider Site Plan ref. 2782 HIA 01 XX DR A 0104 rev. P1.  
Landscape Proposals ref. 101B.  
Sustainable Energy Strategy  
Ecological Impact Assessment. The Landscape Partnership. September 2023.  
Biodiversity Net Gain Report. The Landscape Partnership. August 2023.  
Biodiversity Metric 4.0 – Calculation Tool  
Landscape Proposals. Drawing no: 101B A. The Landscape Partnership. June December 2023  
Tree Survey and Arboricultural Impact Assessment. The Landscape Partnership. June July 2023

All received 22 December 2023

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location.
- ii. A description of management responsibilities.
- iii. A description of the construction programme.
- iv. Site working hours and a named person for residents to contact.
- v. Detailed Site logistics arrangements.
- vi. Details regarding parking, deliveries, and storage.
- vii. Details regarding noise and dust mitigation.

viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network including a construction lighting plan and details.

ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

x. Details of how surface water quantity and quality will be managed throughout construction.

xi. Details of the safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes

xii. Details of safeguarding measures to highway safety to include:

- A Traffic Management Plan (including signage drawing(s))
- Routing Plan
- Details of temporary/permanent Traffic Regulation Orders
- pre-condition photo survey - Highway dilapidation survey
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- Working method statements and mitigation strategies for protected/priority species, such as nesting birds, reptiles, bats and other small mammals.
- Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site in relation to species and/or habitats.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

- 4 No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The

LEMP will include:

- a) Long term objectives and targets in accordance with the Calculation of Biodiversity Net Gain using Defra Metric 4.0 report (The Landscape Partnership, August 2023).
- b) Management responsibilities and maintenance schedules for each ecological feature within the development as identified in the Ecological Impact Assessment (The Landscape Partnership, September 2023) and the Landscape Proposals (Drawing no: 101B).
- c) The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
- d) A procedure for review and necessary adaptive management in order to attain targets.
- e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 5 No development shall commence beyond ground floor slab level until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 6 No external lighting shall be installed until details of the proposed new lighting have been submitted to and agreed in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations agreed with the local planning authority, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: In the interests of conserving biodiversity, protecting residential amenity and highway safety

- 7 No development shall commence pursuant to the construction of the care home, including vegetation removal, until details of the number, design and locations of features for bats and birds in accordance with the Ecological Impact Assessment (The Landscape Partnership, September 2023) has been submitted to the local authority for approval and agreed in writing by the LPA. The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

- 8 No development shall commence above ground slab level on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning

Authority, the details of which shall include: -

- location and current canopy spread of all existing trees and hedgerows on the land.
- full details of any to be retained, together with measures for their protection in the course of development.
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities.
- finished levels and contours.
- means of enclosure.
- car park layouts.
- other vehicle and pedestrian access and circulation areas.
- all hard and soft surfacing materials.
- minor artefacts and structures (e.g. furniture, shaded resting areas, refuse and other storage units, signs, lighting etc).
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

- 9 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 10 No development shall commence pursuant to the construction of the care home until the applicant has demonstrated that the finished floor levels above the maximum predicted 100-year flood level or if no flooding is predicted, at a sufficient height above the SW drainage cover levels.

REASON: To ensure that there is no risk to persons or properties during extreme events.

- 11 No development shall commence pursuant to the construction of the care home until a surface water drainage strategy has been submitted and agreed in writing with the LPA. The surface water drainage strategy shall include:

- i) if the proposed surface water drainage strategy is to discharge surface water into the ditch, details of hydraulic modelling into the ditch and culvert have been undertaken to demonstrate that they both have capacity to take existing flows and flows from the development. This modelling should inform any changes to flood extents around the ditch due to the development.
- ii) calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events. To demonstrate compliance, the applicant must

provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100-year, 6-hour rainfall event. This takes account of national policy, as outlined in the SuDS Technical Standards.

- iii) overland exceedance routes on the drainage plan for flows in excess of the 1 in 100 years plus climate change (40%) rainfall event.
- iv) evidence that urban creep been accounted for the hydraulic calculations in line with LASOO guidance.
- v) cross-section and long-section drawings through the proposed attenuation features.

The development shall be undertaken in accordance with the approved details and shall be implemented prior to first occupation of the development and shall remain as such for the lifetime of the development.

REASON: To ensure that there is no risk to persons or properties during extreme events and that the development can be adequately drained with no runoff on to the highway or increase flooding elsewhere. Wiltshire Council requires post development discharges to provide 20% betterment over predevelopment (greenfield) discharges for both peak flow and volume.

- 12 No development shall commence above ground slab level until final details of solar PV panels and air source heat pump(s) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

- 13 No development shall commence above ground slab level until a scheme for the provision of at least one electric vehicle charging point in an accessible parking area or bay shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging point shall be installed and be ready for use prior to the first occupation of the approved development. The electric vehicle charging point shall thereafter be retained and shall always remain operational (other than when under-going reasonable maintenance).

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 14 No development shall commence above ground slab level until an Air Quality Assessment of the proposed development has been undertaken and details of the proposed extraction and ventilation equipment to be used in the scheme hereby approved has been submitted to and approved in writing by the LPA.

REASON: In the interests of the amenity of the future occupiers of the development

- 15 No development shall commence on site until scaled plans showing the visibility splays out the entrance to the proposed care home access have been submitted to the LPA and have been agreed in writing. These details shall show the visibility splays between the edge of



the carriageway and a line extending from a point 2.4metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 25 metres in both directions from the centre of the proposed care home access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 16 The development hereby permitted shall not be first brought into use, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 17 No part of the development hereby permitted shall be first brought into use until the turning area & 24 parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

- 18 The development hereby permitted shall not be first brought into use until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied. The Travel Plan Coordinator shall be appointed (within a month of occupation) and carry out the identified duties to implement the Residential Travel Plan for a period from first occupation until at least 2 years following occupation of the development.

REASON: In the interests of reducing the amount of private car movements to and from the development.

INFORMATIVES:

#### Highway works

The developer/applicant may be required to enter into a S278 Highways Legal Agreement with the Highway Authority before commencement of the highway/access works hereby approved. Submissions should be made to [highwaysdevelopment@wiltshire.gov.uk](mailto:highwaysdevelopment@wiltshire.gov.uk) with an anticipated approval time of 6-12 weeks.

#### SW Drain

It is noted that the proposed surface water management would discharge to a private surface water drain – the applicant would need to confirm this is within their ownership or provide evidence of the written permission from the respective landowner(s).

#### Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any

structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August, but some species are known to breed outside these limits.



28 May 2024

Development Services  
Wiltshire Council  
Tel: 0300 456 0114  
www.wiltshire.gov.uk  
[PlanningAppeals@wiltshire.gov.uk](mailto:PlanningAppeals@wiltshire.gov.uk)

Dear Sir/Madam,

## **TOWN AND COUNTRY PLANNING ACT 1990**

APPELLANTS NAME: Mrs Tamsin Almeida  
APPEAL SITE: Land to the West of Semington Road, Melksham, Wilts  
PLANNING APPLICATION REF: PL/2022/08155  
PROPOSED DEVELOPMENT: Outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved  
INSPECTORATE REFERENCE: APP/Y3940/W/24/3343787  
APPEAL START DATE: 24 May 2024

I am writing to let you know that an appeal has been made to the Planning Inspectorate in respect of the above site.

The appeal is to be decided on the basis of Inquiry procedure.

The Planning Inspectorate have introduced an online appeals service which you can use to comment on this appeal. You can find the service through the Appeals area of the Planning Portal – see <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol BS1 6PN, quoting the Inspectorate reference. Comments should be received by **28 June 2024**

The Inspectorate may publish details of your comments, on the internet (on the appeals area of the planning portal). Your comments may include your name, address, email address or phone number, please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Any representations received after the deadline will not normally be seen by the Inspector and will be returned.

Any comments you may have already made following the original application will also be forwarded to the Inspectorate (unless they are expressly confidential) but you may withdraw, modify or amplify them now if you wish. All comments received will be copied to the appellant and will be taken into account by the Inspector in deciding the appeal.

If you wish to receive a copy of the appeal Decision Letter, you should write to the Planning Inspectorate specifically requesting one.

The Planning Inspectorate will not acknowledge your letter unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the Inspector dealing with the appeal.

Finally, you can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>.

Appeal documents can be viewed at [Planning Application: PL/2022/08155 \(wiltshire.gov.uk\)](https://www.wiltshire.gov.uk/planning-application/PL/2022/08155). When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>.

Yours faithfully,  
*Head of Development Management*

**EXTRACT FROM PLANNING COMMITTEE MINUTES OF MELKSHAM WITHOUT  
PARISH COUNCIL MEETING, MONDAY 28 NOVEMBER 2022**

**PLANNING APPLICATION: PL/2022/08155: Land to the West of Semington Road, Melksham. Outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved.**

Members noted and supported the useful comments from the Wiltshire Council Spatial Planning Officer on proposals for the site.

Councillor Wood informed the meeting the Neighbourhood Plan Steering Group were looking at including an additional policy to protect landscape gaps and hopefully this would add some protection against future development.

The Clerk explained if the application was for 103 dwellings, rather than two separate applications, several things would be triggered, such as providing a contribution towards education and other infrastructure and therefore it felt wrong that the two applications would not have to contribute towards these, particularly as both applications had been submitted by Terra Strategic and were described as Phase 1 (20/07334/OUT) and Phase 2 for this application.

**Comments:** To fully support the comments made by the Spatial Planning Officer and to object to this application for the following reasons:

- The site is outside the settlement boundary and is in the village of Berryfield, which is classed as a “Small Village” in the Core Strategy. Please also refer to Policy 6: Housing in Defined Settlements of the made Melksham Neighbourhood Plan regarding development in the small villages of Beanacre and Berryfield.
- This site was previously turned down in May 2017 for 160 dwellings, and the reasons for that refusal still stand. Precedent is also set within the assessment of the principle of development for 16/11901/OUT on applications in the Semington Road area that do not fall under the existing built area of Berryfield or within the settlement boundary of Melksham Town. The site therefore conflicts with Core Policy 2 of the Wiltshire Council Core Strategy as it is outside the defined limits of development and has not been brought forward through the Site Allocations DPD or the Melksham Neighbourhood Plan.
- Whilst there currently is a lack of 5-year land supply, the Melksham area has exceeded the number of dwellings required by the Core Strategy by 2026 and the protection of paragraph 14 in the NPPF is valid with a current adopted Melksham Neighbourhood Plan less than 2 years old. This was confirmed by the Planning Inspector for the appeal at the adjacent site 20/07334/OUT; AP-36412.
- The development proposed is for 100% affordable housing, which conflicts with Wiltshire Council’s Core Strategy Policy 43 ie ‘the need for developing mixed, balanced and inclusive communities, affordable housing units to be dispersed throughout a development and designed to be high quality, so as to

be indistinguishable from other developments.’ On recently meeting Sovereign Housing at pre-app stage for the adjacent site (20/07334/OUT) they mentioned that the 50 dwelling site was about the right size for a wholly affordable housing site for themselves. On their proposed pre-app drawing for that development, it is shown as Phase 1, and this proposal is described as Phase 2 with a connecting road shown between them. The applicant is the same for both sites at outline stage.

- If Wiltshire Council are minded to approve this application, please refer to the published Housing Needs Assessment undertaken for the review of the Melksham Neighbourhood Plan to give a steer on the mix of type and tenure that are needed in the Neighbourhood Plan area, and in fact broken down into smaller settlement areas within the NHP area  
[https://www.melkshamneighbourhoodplan.org/files/ugd/c4c117\\_4c8411b64439472fbfcf8e856799e2c9.pdf](https://www.melkshamneighbourhoodplan.org/files/ugd/c4c117_4c8411b64439472fbfcf8e856799e2c9.pdf)
- The loss of Grade 2 agricultural land (Best Most Versatile land). It is noted that it suggested within one of the developer’s submission documents that this particular parcel of land was unsuitable for agricultural use and was fallow. The parish council do not want to see the loss of good quality land from agricultural use. Residents from the neighbouring Townsend Farm development confirm that this year rapeseed had been grown and cultivated in the field and for the last 15+ years there had always been either crops or animals on the land.
- Highway safety concerns with regard to access to the site as Semington Road is quite narrow where the access is proposed. In addition, the highway safety for residents in terms of accessing facilities in the town with them having to cross the busy A350. Whilst the light controlled crossing to the east had recently been upgraded as part of the Active Travel project by Wiltshire Council, there was still an informal, desire line across the east of the A350 roundabout to access the town centre and Aloeric school. The proposed site entrance is very close to the entrance to the Mobile Home Park and in addition to the road calming measures already in place this could lead to congestion and traffic issues, especially on the Semington Road roundabout at the A350. The A350 is a primary route, with some 20,000 vehicles using it per day.
- Access to schools and lack of school places. Whilst Aloeric School may be the nearest, this requires people having to cross the busy A350. The proposed primary school at Pathfinder Place, Bowerhill is not yet built and there is no footpath proposed from Berryfield to Pathfinder Place for those wishing to access the school on foot. St George’s Primary School in Semington is some distance away and for access by vehicle would require a circuitous route via the A350 due to the Bus Gate at the entrance to Semington Village from the Semington Road. It was noted that there is no pre-school provision at Aloeric school and this needed to be borne in mind for any potential walking route being assessed for early years children. The parish council raised concerns about the recent Road Safety Report for 20/01938 of which children would be using the same route to school. This contradicted itself by saying that the route was safe as children would be accompanied by an adult, and elsewhere reported that the assessor

witnessed an unaccompanied child on a scooter en route to school. In addition, children may be accessing other primary schools at Bowerhill and the proposed school at Pathfinder Place

- The application makes no reference to a contribution to the proposed Melksham Link canal restoration by the Wilts & Berks Canal Trust (12/01080).
- The erosion of the rural buffer and visual green gap between the town of Melksham and the small village of Berryfield.

Should Wiltshire Council be minded to approve this application the Parish Council would like to see the following conditions included in the Heads of Terms for the S106 Agreement:

- There are practical art contributions.
- A LEAP (Local Equipped Area of Play) is provided which includes bins and benches as well as public open space and the regular emptying of bins to be reflected in any future maintenance contribution.
- The Parish Council wish to enter into discussions on being the nominated party for any equipped play area for the site, and the associated maintenance contribution.
- Bus shelters to be provided in Semington Road with WiFi connectivity to provide Real Time Information.
- The road layout is such that there are no dead ends in order that residents and refuse lorries do not need to reverse out of roads.
- There is a visible delineation between the pavement and the road.
- As no community facility is being provided from this application, that a contribution is made towards the running costs of the new village hall being provided as part of planning application 16/00497/OUT on Semington Road.
- A contribution is made to public transport.
- A contribution towards the canal scheme.
- Equipment is provided for teenagers, such as a teen shelter with WiFi connectivity.
- The provision of circular walking routes with the provision of benches and bins
- The provision of bird, bat and bee bricks, reptile refugia and hibernacula in order to increase biodiversity and wildlife in the development

To request Councillor Seed call in the application (highlighting comments by the Spatial Planning Officer) for discussion at a Wiltshire Council Planning meeting.

**ADDITIONAL COMMENTS RELATING TO PLANNING APPLICATION PL/2022/08155:  
DEVELOPMENT WEST OF SEMINGTON ROAD FOR 53 DWELLINGS.**

Having met with the developers, Terra Strategic since submitting our comments, the Parish Council wished to submit additional comments:

During discussions with the developer, it was noted there are proposals for a footpath from the development to Berryfield Lane at the South Western Corner.

Members are concerned this may become an informal route for those wishing to access the town via the A350, which raises safety concerns for residents, given the volume and speed of traffic where Berryfield Lane joins the A350.

Members also ask for some form of fencing to be installed on the Northern side of the development to stop people trying to access the A350 from this part of the development, with additional hedging in order to make it impermeable and discourage people trying to cut through to the A350.

If Wiltshire Council are minded to approve this application, then the parish council would like to request the following additional things:

Children from this development will presumably be walking to the new proposed primary school at Pathfinder Place and Melksham Oak Secondary School, the Parish Council are very keen to improve the pedestrian access from this and other new development in Semington Road to the school and therefore request a new footpath along the Southern side of Western Way.

There is a £200,000 highway contribution attached to planning application PL/2022/02749 for 144 houses on Semington Road that is no longer required to improve the crossing on the A350, because it has been completed as part of improvements to the Melksham to Hilperton cycle route via Government Active Travel funding. We have today written to Steven Sims and Mark Wiltshire, Major Projects, Wiltshire Highways regarding this funding with a request it be used to help fund a footpath along Western Way.

Therefore, there is an opportunity from this development and Phase 1 (planning application 20/07334 and PL/2022/02749) to really improve the access for children to be able to walk safely to school from Semington Road, including those at Bowood View (16/00497/OUT & 17/12514/REM).

Informal discussions have since taken place with the Rights of Way Officer and potential improvements to the rights of way network as a result of this proposed development. As there will be a direct access from the development to Berryfield Lane, which leads to Rights of Way to the river and the Kennet & Avon Canal, there will likely be an increase in the number of residents using MELW05. As MELW05 is directly through an active farm, the Rights of Way Officer suggested that a diversion around the farm might be appropriate, due to the increase of potential walkers.

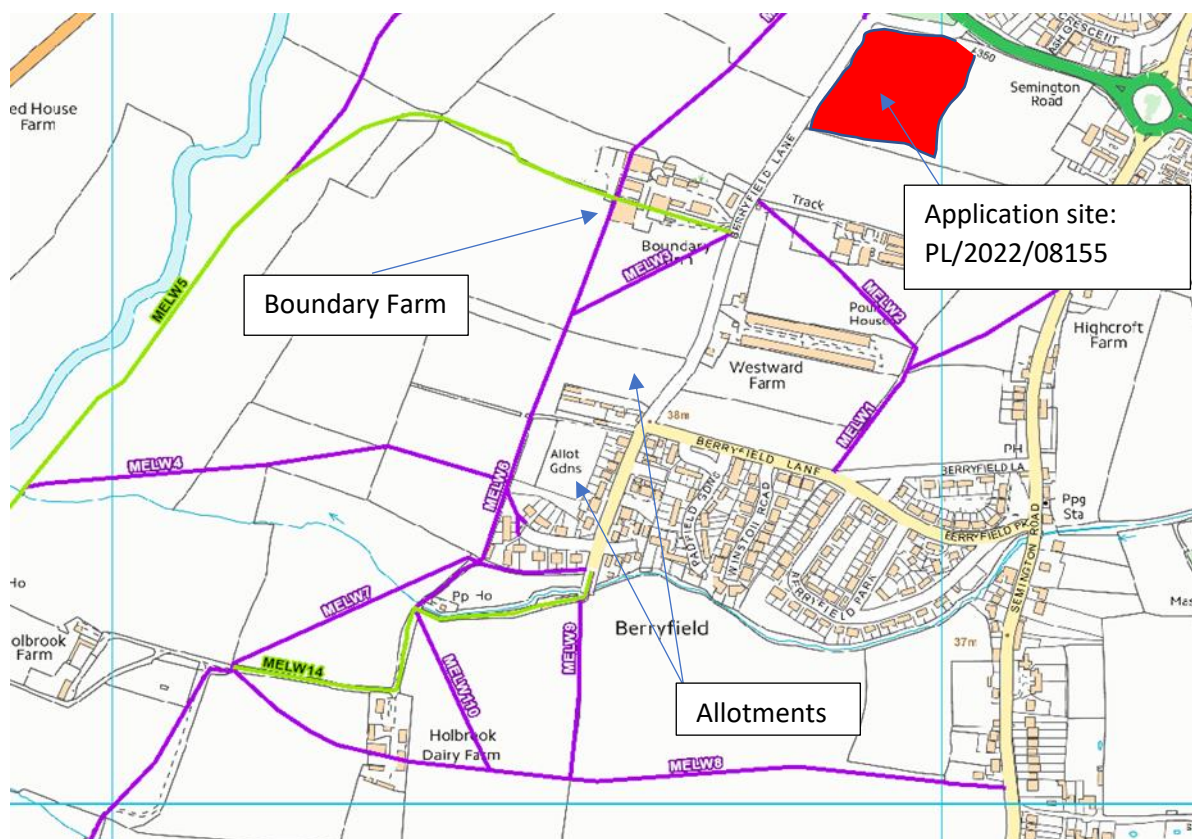


We believe in the close vicinity of the development site, all of the stiles have already been replaced with kissing gates but would like the Rights of Way Officer to confirm.

There are other planning applications in the close vicinity, such as PL/2022/02749 for 144 houses, where we have already been looking at improving the PROW network from this area and the Rights of Way Officer has already been in discussion with a landowner regarding a better route down to the river, as requested by residents and to legitimise a desire line which is already being used. This would require a diversion of MELW07 which has an indicative cost of between £12,000-£15,000, for the diversion and associated infrastructure as indicated by Paul Millard, Rights of Way Officer.

Therefore, the Parish Council ask that a contribution to improve rights of way in the vicinity of this development be included in the Section 106 Agreement.

Berryfield Lane is also the access point to the Parish Council's two allotment sites, with some 75 allotment plots, these are all full and have a waiting list. As they are in such close proximity to this proposed development, with such easy walking access, the Parish Council also seek a contribution towards purchasing additional land to provide allotments in the Berryfield area, in the Section 106 Agreement.



**From:** Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Sent:** 29 March 2023 12:13  
**To:** O'Donoghue, Ruaridh <[Ruaridh.O'Donoghue@wiltshire.gov.uk](mailto:Ruaridh.O'Donoghue@wiltshire.gov.uk)>  
**Subject:** PL/2022/08155: Land West of Semington Road: Outline plans for 53 dwellings

Dear Ruaridh

As additional evidence to support comments previously made by Melksham Without Parish Council relating to this application, please see attached a Green Gap and Wedge Study Report.

This independent report from AECOM was undertaken as supporting evidence as part of the review of the current Melksham Neighbourhood Plan.

Within the report it provides evidence to support a gap between Melksham and Berryfield:

**Section 4.8: Local 6: Melksham and Berryfield.**

Best regards

Lorraine McRandle  
Parish Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
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Want to keep in touch?

Follow us on facebook: Melksham Without Parish Council or Teresa Strange (Clerk) for additional community news On twitter: @melkshamwithout On Instagram: melkshamwithoutpc

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# Technical Facilitation Joint Melksham Neighbourhood Plan

Green Gap and Green Wedge Assessment

Final Report  
March 2023

## Joint Melksham Neighbourhood Plan- Technical Facilitation

### Quality information

<u>Prepared by</u>	<u>Checked by</u>	<u>Verified by</u>	<u>Approved by</u>
Jesse Honey, Associate Director, AECOM	Stephanie Brewer Associate Director, AECOM	Jesse Honey, Associate Director, AECOM	Stephanie Brewer Associate Director, AECOM
Sam Griffiths, Iceni Projects			

### Revision History

<u>Revision</u>	<u>Revision date</u>	<u>Details</u>	<u>Authorized</u>	<u>Name</u>	<u>Position</u>
1.0	08 Feb 2023	Draft For Internal Review	JH	Jesse Honey	Associate Director
2.0	10 Feb 2023	Draft for Qualifying Body Review	SB	Stephanie Brewer	Associate Director
3.0	27 Feb 2023	Qualifying Body Review	TS	Teresa Strange	Melksham Without Parish Council
4.0	20 Mar 2023	Draft final for Locality Check	JH	Jesse Honey	Associate Director
5.0	28 Mar 2023	Final Report	JH	Jesse Honey	Associate Director

## Joint Melksham Neighbourhood Plan- Technical Facilitation

Prepared for:

Melksham Town Council and Melksham Without Parish Council (Qualifying Body)

Prepared by:

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AECOM

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### **Disclaimer**

This Technical Facilitation report is an evidence base report rather than a Neighbourhood Plan policy document. It reports the situation as of February-March 2023 and may be superseded by events and developments after this time.



## Abbreviations used in the report

### Abbreviation

AONB	Area of Outstanding Natural Beauty
JMNP	Joint Melksham Neighbourhood Plan
LCA	Landscape Character Assessment
LGS	Local Green Space
LVIA	Landscape and Visual Impact Assessment
NCA	National Character Area
NPPF	National Planning Policy Framework
OS	Ordnance Survey
PPG	Planning Practice Guidance
PRoW(s)	Public Right(s) of Way
SHELAA	Strategic Housing and Economic Land Availability Assessment
WC	Wiltshire Council
WCS	Wiltshire Core Strategy

# Executive Summary

## About this Report

This report is the output of a Technical Facilitation study carried out by AECOM and Icen Projects, to support the emerging replacement Joint Melksham Neighbourhood Plan (JMNP). The replacement Neighbourhood Plan constitutes a review of the JMNP 'made' or adopted in 2021 (referred to as JMNP 2021 in our report). AECOM and Icen Projects' support is carried on behalf of Melksham Town Council and Melksham Without Parish Council, (the 'Qualifying Body'), who together form the Joint Melksham Neighbourhood Plan Steering Group. The work undertaken was agreed with the Qualifying Body and the Department for Levelling Up, Housing and Communities (DLUHC) as part of the national neighbourhood planning Technical Support Programme led by Locality.

The study comprises an assessment of the potential and most appropriate locations for green gaps and green wedges proposed within the replacement JMNP. It was carried out in January, February and March 2023 by planning policy specialists from AECOM and a landscape specialist from Icen Projects.

The report is one element of the evidence base for the replacement JMNP. Its study area comprises the two parishes that make up the neighbourhood area: Melksham (which is governed by a Town Council) and Melksham Without (governed by a Parish Council).

Other elements of the evidence base for the replacement JMNP, covering related but separate issues such as suitability of land for housing allocations or Local Green Space (LGS) designation, will be developed by others alongside this report. The findings of all evidence base studies can be drawn on collectively to develop new Neighbourhood Plan policies directing future development to the most appropriate, sustainable locations.

AECOM and Icen Projects' approach to the study has at all times aimed for impartiality and objectivity, and been guided by technical best practice, in terms of planning advice and landscape assessment. The conclusions of this study, including the suggested policy and supporting text in the Conclusions chapter, are non-binding and are based on technical and physical evidence. Views of stakeholders, such as local residents, councillors, or developers, are not taken into account as part of this study. However, stakeholders may express their views at the replacement JMNP's forthcoming Regulation 14 consultation stage.

## Definition of Green Gaps and Green Wedges

A significant challenge faced by a study of this nature is that there is no statutory or Government definition of 'green gap' or 'green wedge' within the planning system in England. However, green gap and green wedge designations feature regularly in adopted Local Plans and made Neighbourhood Plans. As such, there is no in-principle barrier to their designation in a Neighbourhood Plan. The key considerations at past Neighbourhood Plan Examinations appear to centre on the designation policy not being overly restrictive, and on the designation area not being disproportionately extensive in area. The extent to which either of these criteria are met is a matter of judgement on the part of the Neighbourhood Plan Examiner, having regard to national and local policy, guidance, and evidence.

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Given that there is no official definition of green gaps or wedges but that they can be included within a Neighbourhood Plan if they are considered to align with national policy and guidance, plan-makers must take a proportionate, evidence based approach.

It is for this reason that, for the purposes of this study, AECOM and Icen Projects have reviewed in detail examples of adopted Neighbourhood Plans from across England that designate green gaps and wedges (as well as some such designations that failed at Examination) in order to maximise the chances that any such designations in the emerging JMNP pass Examination. The results of this exercise are set out in Chapter 3 below.

Because there is no official designation of green gaps or green wedges, the difference between the two terms is not always clear. However, as Chapter 3 will demonstrate, both terms are regularly used, do not differ in policy terms, and can be considered interchangeable for Neighbourhood Plan purposes. However, the term 'green wedge' tends to be more commonly used than 'green gap' (although we cannot determine the reason for this); for example, the former term is defined in the Planning Portal glossary whereas the latter is not.

For maximum effectiveness and clarity, it is recommended that just one term be used in the replacement JMNP, and that this term should be 'green wedge'. This is because this term reflects the apparent majority preference and, most importantly, allows for use of the Planning Portal glossary definition.

### **Examples from elsewhere- summary of key points**

Based on examples of Neighbourhood Plans made elsewhere, it is considered that any green wedges policy in the emerging JMNP should be informed by the following key points:

- Many Neighbourhood Plans that designate green wedges do so in a context where there are already restrictive policies at a higher level, such as Green Belt, AONBs, or green gaps / wedges in the Local Plan.
- Examiners attach significant weight to evidence of community support for green wedge policies.
- Land within green wedges should specifically exclude existing built-up areas (particularly if within settlement boundaries) or land with permission for residential/commercial development.
- Justification text supporting the case for the green wedges should reference evidence of development pressure within them.
- The precise boundaries of green wedges designated by the policy could be supported by evidence of important views.
- The term coalescence can and should be used in the policy and/or supporting text but needs careful definition.
- The evidence supporting the policy should consider the physical characteristics of each green wedge, explaining key landscape features (and existing development such as farm buildings, if relevant) and how those features contribute to preventing coalescence.

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- The policy should be positively worded and support development to a greater extent than would AONB or Green Belt policy.
- The supporting text, and potentially the policy, should use the language of national policy on local character and identity.
- Clear mapping should be provided alongside the policy.
- The topic of green wedges and avoiding coalescence should be kept separate from any other related policy areas
- The policy should be proportionate in the number and extent of wedges to be defined.
- Attempts to designate green wedges that extend across parish boundaries should be avoided.

### Key conclusions and recommendations

On the basis of the evidence considered in this report, the emerging JMNP **can and should include a policy protecting land within designated green wedges** from development that would result in coalescence and loss of settlement identity, and this report could form key evidence supporting that policy. Of the eight potential green wedges considered in this report, six were found to meet the criteria of green wedge designation at Neighbourhood Plan level.

The green wedge policy **should appear in the Regulation 14 consultation draft of the emerging JMNP**. This will enable feedback on the draft policy by relevant stakeholders, including the local community, landowners, developers, and WC.

After Regulation 14 consultation, the policy **should be amended if necessary, based on the representations received by consultees** (or for any other reason deemed appropriate). It can then be carried forward into the submission version of the replacement JMNP, to be reviewed by an independent Examiner against the Basic Conditions of neighbourhood planning.

Section 5.3 of this report presents **one possible suggestion for the wording of a green wedge policy and supporting text which could be included in the replacement JMNP, based on the evidence reviewed**. While there is never any guarantee that such a policy or wording would pass Examination, it is considered that the wording presented would maximise the chances of doing so. It is at any rate deemed appropriate for testing at Regulation 14 stage, to be amended as appropriate following any representations received or for any other reason the Qualifying Body deem appropriate.

The policy should only be included within the neighbourhood plan if **accompanied by a good-quality map clearly showing the boundaries of the green wedge designations**. Figure 17 in Chapter 5 uses Google Earth imagery as a base to indicate what such a map might look like, although for the neighbourhood plan itself, a map with Ordnance Survey (OS) 1:25,000 scale base mapping, relying on an OS mapping license, would be preferable. It is understood that both the Qualifying Bodies hold such licenses.

# 1. Introduction and Context

## 1.1 About this Report

- 1.1 This report is the output of a Technical Facilitation study carried out by AECOM and Icen Projects, to support the emerging replacement Joint Melksham Neighbourhood Plan (JMNP). The replacement Neighbourhood Plan constitutes a review of the JMNP 'made' or adopted in 2021 (referred to as JMNP 2021 in our report). AECOM and Icen Projects' support is carried on behalf of Melksham Town Council and Melksham Without Parish Council, (the 'Qualifying Body'), who together form the Joint Melksham Neighbourhood Plan Steering Group. The work undertaken was agreed with the Qualifying Body and the Department for Levelling Up, Housing and Communities (DLUHC) as part of the national neighbourhood planning Technical Support Programme led by Locality.
- 1.2 The study comprises an assessment of the potential and most appropriate locations for green gaps and green wedges (defined below) proposed within the replacement JMNP. It was carried out in January, February and March 2023 by planning policy specialists from AECOM and a landscape specialist from Icen Projects.
- 1.3 The report is one element of the evidence base for the replacement JMNP. Its study area comprises the two parishes that make up the neighbourhood area: Melksham (which is governed by a Town Council) and Melksham Without (governed by a Parish Council).
- 1.4 Other elements of the evidence base for the replacement JMNP, covering related but separate issues such as suitability of land for housing allocations or Local Green Space (LGS) designation, will be developed by others alongside this report. The findings of all evidence base studies can be drawn on collectively to develop new Neighbourhood Plan policies directing future development to the most appropriate, sustainable locations.
- 1.5 AECOM and Icen Projects' approach to the study has at all times aimed for impartiality and objectivity, and been guided by technical best practice, in terms of planning advice and landscape assessment. The conclusions of this study, including the suggested policy and supporting text in the Conclusions chapter, are non-binding and are based on technical and physical evidence. Views of stakeholders, such as local residents, councillors, or developers, are not taken into account as part of this study. However, stakeholders may express their views at the replacement JMNP's forthcoming Regulation 14 consultation stage.

## 1.2 Definition of Green Gaps and Green Wedges

- 1.6 A significant challenge faced by a study of this nature is that there is no statutory or Government definition of 'green gap' or 'green wedge' within the planning system in England. However, green gap and green wedge designations feature regularly in adopted Local Plans and made Neighbourhood Plans. As such, there is no in-principle barrier to their designation in a Neighbourhood Plan. The key considerations at past Neighbourhood Plan Examinations appear to centre on the designation policy not being overly restrictive, and on the designation area not being disproportionately extensive in area. The extent to which either of these

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criteria are met is a matter of judgement on the part of the Neighbourhood Plan Examiner, having regard to national and local policy, guidance, and evidence.

- 1.7 For this reason, there are examples of both green gaps and green wedges that have been deleted at Neighbourhood Plan Examination, where the Examiner considered their definition too restrictive and/or their extent too large. In such cases, the Examiner concluded the policy would fail one or more of the Basic Conditions<sup>1</sup> of neighbourhood planning. In many cases, the failure is against Basic Condition 'a', which requires Neighbourhood Plans to have regard to national policies and advice contained in guidance issued by the Secretary of State (see Chapter 2 below for a review of relevant policy, guidance, and evidence).
- 1.8 Given that there is no official definition of green gaps or wedges but that they can be included within a Neighbourhood Plan if they are considered to align with national policy and guidance, plan-makers must take a proportionate, evidence based approach.
- 1.9 It is for this reason that, for the purposes of this study, AECOM and Icen Projects have reviewed in detail examples of adopted Neighbourhood Plans from across England that designate green gaps and wedges (as well as some such designations that failed at Examination) in order to maximise the chances that any such designations in the emerging JMNP pass Examination. The results of this exercise are set out in Chapter 3 below.
- 1.10 Because there is no official designation of green gaps or green wedges, the difference between the two terms is not always clear. However, as Chapter 3 will demonstrate, both terms are regularly used, do not differ in policy terms, and can be considered interchangeable for Neighbourhood Plan purposes. However, the term 'green wedge' tends to be more commonly used than 'green gap' (although we cannot determine the reason for this); for example, the former term is defined in the Planning Portal glossary<sup>2</sup> whereas the latter is not.
- 1.11 For maximum effectiveness and clarity, it is recommended that just one term be used in the replacement JMNP, and that this term should be 'green wedge'. This is because this term reflects the apparent majority preference and, most importantly, allows for use of the Planning Portal glossary definition. This definition is as follows: *'the open areas around and between parts of settlements, which maintain the distinction between the countryside and built up areas, prevent the coalescence (merging) of adjacent places and can also provide recreational opportunities.'* Coalescence, in turn, is defined in the Planning Portal glossary as: *'The merging or coming together of separate towns or villages to form a single entity.'*
- 1.12 On this basis, the term 'green wedge' is used instead of 'green gap' in the remainder of this report, with the exception of the review of other Neighbourhood Plans that have chosen the term 'green gap' instead.

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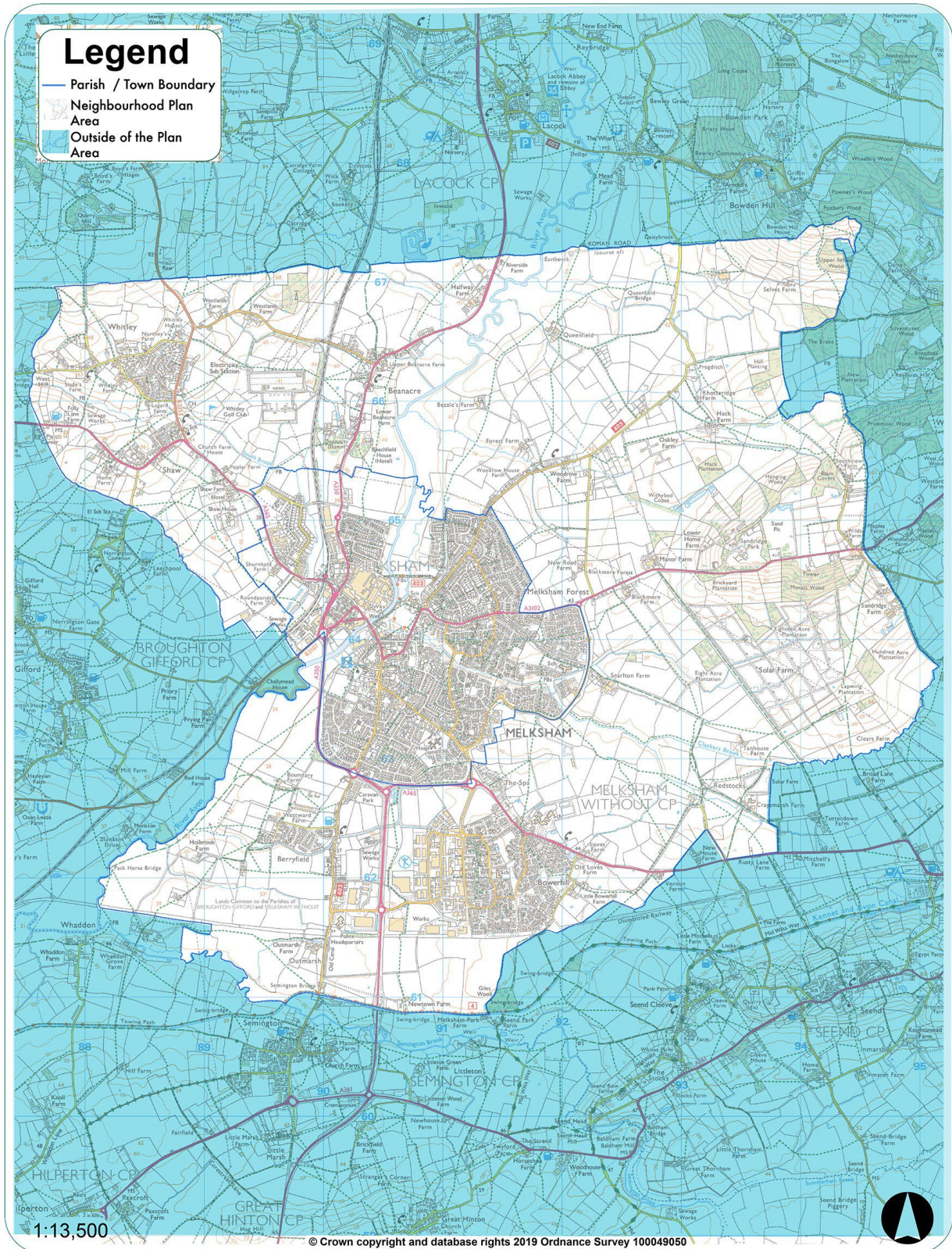
<sup>1</sup> Available at <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

<sup>2</sup> Available at <https://www.planningportal.co.uk/services/help/glossary/g#green-wedges>

## 1.3 Overview of Study Area

- 1.13 The study area is the JMNP area comprising the parishes of Melksham and Melksham Without. This is illustrated in Figure 1 below. Figure 2 then overlays the base map with the broad locations identified by the Qualifying Body that have potential to be defined as green wedges, for AECOM and Icen Projects to review in detail.

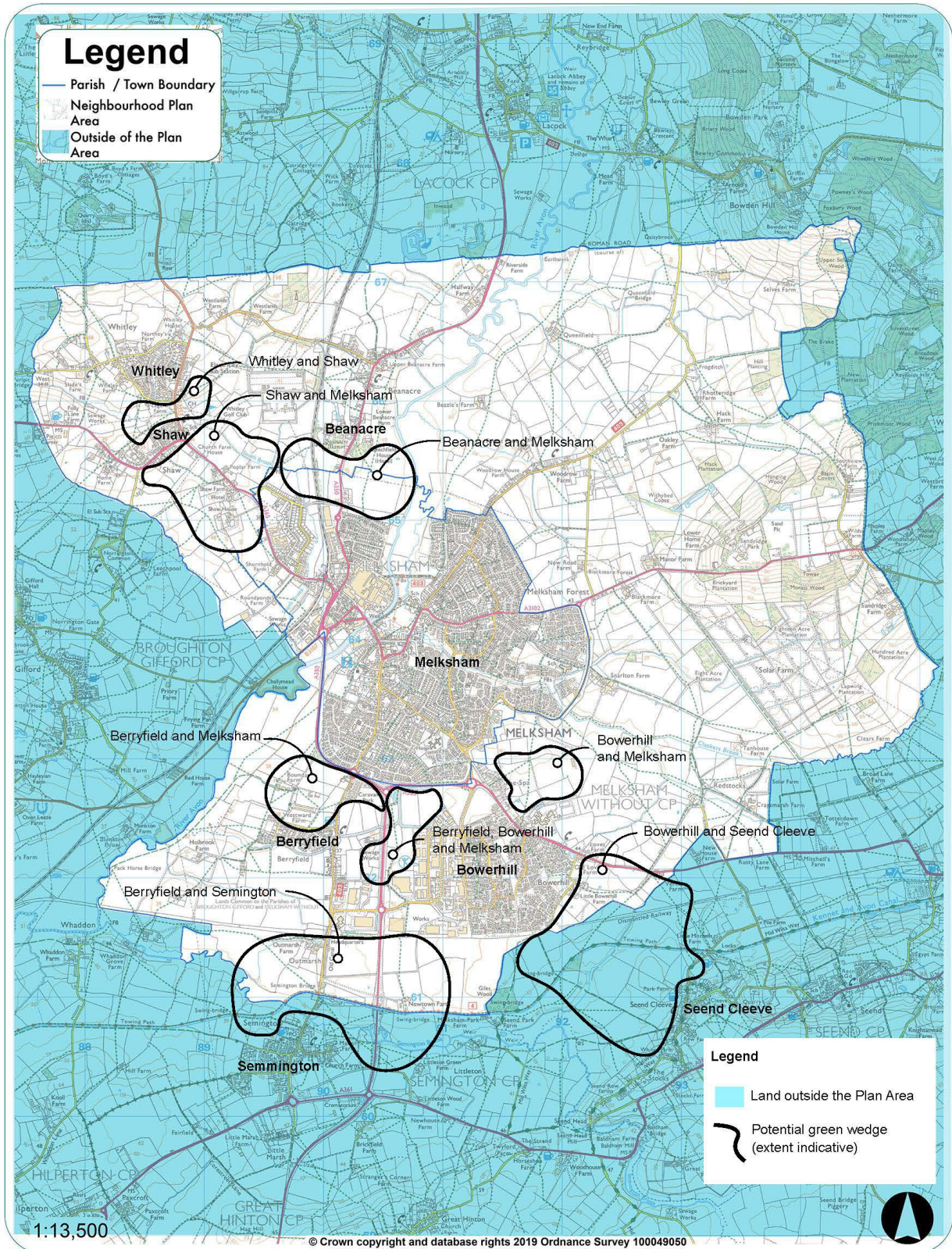
Figure 1: Joint Melksham Neighbourhood Plan Area



Source: Joint Melksham Neighbourhood Plan Steering Group



**Figure 2: Broad locations for potential green wedge designation in replacement JMNP**



Source: Joint Melksham Neighbourhood Plan Steering Group

## 2. Policy and Evidence Review

- 2.1 All Neighbourhood Plan policies, including designations and allocations, must be in general conformity with the strategic policies of the adopted Local Plan and should have appropriate regard to emerging Local Plan policies. A number of sources therefore have to be taken into account in order to understand the context for the replacement JMNP and its proposed green wedge designations.
- 2.2 This section sets out relevant national policy, designations, guidance, and evidence, followed by relevant adopted and emerging local development plan policy and evidence. Finally, it sets out some relevant examples of past planning application and appeal decisions.

### 2.1 National Planning Policy Framework (NPPF)

- 2.3 The NPPF (last revised in July 2021 at the time of writing)<sup>3</sup> is the primary document setting out the Government's national policies on planning for England. The NPPF is a high-level document which sets the overall framework for the more detailed policies contained in Local and Neighbourhood Plans. Guidance on how national policies are to be applied is contained in national Planning Practice Guidance (PPG) and other guidance, including that published by bodies such as Natural England.
- 2.4 The terms 'green gap', 'green wedge', or 'coalescence' are not included in the NPPF 2021. However, indirectly, the NPPF offers a sound policy basis for the designation of green wedges in Neighbourhood Plans.
- 2.5 The key paragraphs are as follows:
  - NPPF paragraph 9, which states that:  
*'.... planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*; and
  - paragraph 130, which states that:  
*'Planning policies and decisions should ensure that developments:*  
...  
*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and*  
*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit'.*

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<sup>3</sup> Available at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

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- 2.6 The key words in these paragraphs are '(local) character', 'history' (including built environment and landscape setting) and 'strong sense of place'. This is because cities, towns and villages each have their own unique character, history and sense of place, which derive in many cases from their built environment and landscape setting, including their status as built-up areas distinguishable from other neighbouring settlements by intervening countryside.
- 2.7 Furthermore, there are a number of planning designations, at both strategic and local level (all outside the JMNP area), which can significantly restrict development and its extent in much of this countryside between settlements. Such designations are typically introduced through Acts of Government, such as the Countryside and Rights of Way Act or the Town and Country Planning Act, and their protection is now enshrined in the NPPF.
- 2.8 The main examples at a strategic level are Natural England designations such as National Parks and Areas of Outstanding Natural Beauty (AONBs)<sup>4</sup>, as well as the (Norfolk) Broads and Green Belts. These designations are mentioned here because there are cases where green gap or wedge policies seeking to restrict development to the same extent or in the same way as in these strategic designations have failed at Examination.
- 2.9 As such, the approach to development in National Parks, the Broads, AONBs and Green Belts (set out in NPPF paragraphs 176, 177 and 137-151 respectively) can be taken as a benchmark when formulating green wedge policy of what to avoid. In other words, the development restrictions set for green wedges should not match or exceed those for these strategic designations. If they did, they would be at high risk of either deletion by the Examiner, challenge from developers and landowners, or both.
- 2.10 At the same time, restrictions greater than those already applying to undesignated open countryside (see NPPF paragraphs 80 and 84c) need to apply, otherwise a green wedge designation would have no effect over and above existing planning policy.
- 2.11 Another type of restrictive designation in the planning system is Local Green Space (LGS). Policy on LGSs is set out in NPPF paragraphs 101-103 and is as restrictive as Green Belts.
- 2.12 While there is no reason why an LGS could not be designated within or instead of a green wedge, the three criteria for LGS designation set out in NPPF paragraph 102<sup>5</sup> indicate that not every location suitable or appropriate for the designation of a green wedge will also be suitable for the designation of an LGS. LGSs are not the same in policy terms as green wedges because they have differing objectives.

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<sup>4</sup> [Natural England designations programme for areas, sites and trails - GOV.UK \(www.gov.uk\)](https://www.gov.uk/natural-england-designations-programme-for-areas-sites-and-trails)

<sup>5</sup> Specifically: that the Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.

- 2.13 As such, LGSs should not be used as tools to achieve green wedge designation, meaning the potential for any land (whether within or outside the boundaries of a green wedge) to be designated as an LGS in the replacement JMNP is outside the scope of this study.

## 2.2 National Character Area Profile 117

- 2.14 National Character Areas (NCAs) are defined as follows by Natural England: '[ areas with] a unique combination of landscape, biodiversity, geodiversity, history, and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries'<sup>6</sup>. There are 159 NCAs across England, and each has an NCA Profile, which is a guidance document, developed for it.<sup>7</sup>
- 2.15 The whole of the study area falls within NCA Profile 117, Avon Vales<sup>8</sup>. NCA Profiles are relevant to the study of green wedges because, in the words of Natural England, they '*can help communities to inform their decision-making about the places that they live in and care for....the profiles will also help to inform choices about how land is managed and can change.*'
- 2.16 Under its 'Sense of Place' heading, NCA Profile 117 states '*The NCA has in large part a clear riparian character, which although now influenced by modern development, retains characteristic features such as wetland pastures and wet woodland which are of biodiversity and landscape importance.*'

## 2.3 Adopted Wiltshire Core Strategy, 2015

- 1.1 The statutory local plan-making authority for the study area is Wiltshire Council (WC). WC's relevant statutory development plan documents include:
- Wiltshire Core Strategy (WCS), incorporating saved policies from District Local Plans (adopted January 2015)<sup>9</sup>;
  - Housing Site Allocations Plan (adopted February 2020)<sup>10</sup>;
  - Minerals and Waste policies<sup>11</sup>; and
  - Made Neighbourhood Plans like the JMNP 2021.
- 2.17 Development plan documents, including local and neighbourhood plans, are able to define green wedges. In Local Plans, unlike in Neighbourhood Plans, such designations can be strategic rather than local in their scale or importance,

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<sup>6</sup> [National Character Area profiles: data for local decision making - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles)

<sup>7</sup> A full list of NCA profiles appears at <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles>

<sup>8</sup> Avon Vales NCA Profile is available at <http://publications.naturalengland.org.uk/publication/4822288767647744?category=587130>

<sup>9</sup> [Wiltshire Core Strategy - Wiltshire Council](#)

<sup>10</sup> [Wiltshire Housing Site Allocations Plan - Wiltshire Council](#)

<sup>11</sup> [Minerals and Waste - Wiltshire Council](#)

although Local Plans can also designate local gaps. The WCS 2015<sup>12</sup> designates two strategic gaps, between Salisbury and Wilton and between Salisbury and Ford, which are far from the JMNP area and thus have no relevance for the purposes of this study.

2.18 While there is no specific WCS policy on strategic or local green gaps or wedges, the closest policies, in terms of supporting the same objectives, are Core Policies CP51 (Landscape) and CP57 (Ensuring High Quality Design and Place Shaping).

2.19 CP51 states that: *'proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:*

*ii. The locally distinctive character of settlements and their landscape settings.*

*iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.'*

2.20 CP57 states that: *'Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:*

*i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced*

*ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development*

*vi.....taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area'.*

2.21 Furthermore, in supporting text to CP15 (Spatial Strategy for the Melksham Community Area), the WCS notes in its paragraph 5.83 that the identity of Melksham and Bowerhill as separate communities will need to be preserved through the planning process. Similarly, Berryfield is identified as a small village, and while both Berryfield and Bowerhill have strong functional links to Melksham, they *'have important individual characteristics which should be protected where practicable'*. The policy itself requires development *'to demonstrate how the relevant issues and considerations listed in paragraph 5.83 will be addressed.'*

2.22 Collectively, therefore, these policies and supporting text make the WCS theoretically strong in resisting coalescence between settlements in the study area, even while not designating specific strategic or local gaps or wedges.

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<sup>12</sup> Available at <https://www.wiltshire.gov.uk/planning-policy-core-strategy>

- 2.23 However, the ‘presumption in favour of sustainable development’ in NPPF paragraph 11 (sometimes also referred to as the ‘tilted balance’) means that the Core Strategy policies carry less weight in planning decisions in cases where WC cannot demonstrate a five-year supply of deliverable housing sites.<sup>13</sup>
- 2.24 As WC has been unable to demonstrate a five-year supply of housing sites in recent years, WCS policies limiting development in the countryside have carried less weight than they otherwise would (as is clear from a recent appeal decision within the green wedge between Melksham and Berryfield discussed in detail below). The situation is unlikely to be remedied until a new Wiltshire Local Plan allocating sites for over five years’ worth of housing is adopted.

## 2.4 West Wiltshire Landscape Character Assessment (2006)

- 2.25 The West Wiltshire Landscape Character Assessment (LCA) (Chris Blandford Associates, 2006)<sup>14</sup> is an evidence base document<sup>15</sup> which sets out a number of ‘forces for change’ affecting the study area landscape. It notes that *‘the pace of change today is far greater than ever before. Development and other environmental changes are having increasingly visible, cumulative and far-reaching effects on landscape character. These include increasing demands for road transport, new infrastructure and high rates of residential and commercial development.’*
- 2.26 The most relevant of the ‘forces for change’ identified is ‘built development’. This part of the LCA notes that:
- ‘As elsewhere in the country, housing development represents a significant pressure for change in West Wiltshire District<sup>16</sup>. Continued urban development around the towns have all had impacts on local landscape character. The challenge for the future is to accommodate housing development without eroding local character and distinctiveness.’*

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<sup>13</sup> The Qualifying Body will not be surprised to hear that paragraph 11 has become politically unpopular and, as such, changes to the NPPF that would dilute its effect are being consulted on at the time of writing by the Government through the Levelling-up and Regeneration Bill. These changes, if made, could have significant positive implications for policies seeking the designation and retention of green gaps and wedges in any Neighbourhood Plan and the Qualifying Body should monitor progress carefully. For further details, see

<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

<sup>14</sup> Available at [https://www.wiltshire.gov.uk/media/9710/West-Wiltshire-Landscape-Character-Assessment/pdf/11102101\\_Draft\\_Final\\_LCA\\_12-06.pdf?m=637962467303870000](https://www.wiltshire.gov.uk/media/9710/West-Wiltshire-Landscape-Character-Assessment/pdf/11102101_Draft_Final_LCA_12-06.pdf?m=637962467303870000)

<sup>15</sup> This evidence supported the West Wiltshire Core Strategy and was commissioned by the former West Wiltshire District Council, which has since been replaced by WC. The Wiltshire Core Strategy, adopted in 2015, incorporated and replaced policies from the West Wiltshire District Plan.

<sup>16</sup> The evidence remains relevant for planning purposes despite West Wiltshire District Council no longer existing.

*Key forces for change are:*

- *Development pressures, particularly for new housing which will affect the character of the existing small settlements - villages may appear to coalesce and suburbanisation may occur.*
- *Isolated development such as new single dwellings that might compromise rural character.*
- *Loss of vernacular architectural features such as old barns and industrial heritage features such as mills.*
- *Modern residential developments in more open locations, some close to the floodplain, have weakened the pattern of tight knit villages in the past.*
- *Pressure for development on main road corridors such as services which are highly visible in more open landscape types.*
- *Pressure for further expansion of settlement and new development along rural lanes threatening the character of the small villages and scattered farmsteads.*

2.27 The West Wiltshire LCA identifies forty Landscape Character Areas within the former district. Those within the study area comprise:

- A3: Broughton Gifford Limestone Lowland, which encompasses the villages of Shaw and Whitley;
- B1: Avon Floodplain, covering land west and north-east of Melksham;
- C1: Melksham Open Clay Vale, covering land east and south-east of Melksham and Bowerhill;
- C2: Semington Open Clay Vale, covering land south and south-west of Melksham and Bowerhill, including Berryfield, and land north of Melksham including Beanacre.

2.28 Table 1 overleaf sets out, in more detail, the LCA conclusions for each of the four Landscape Character Areas found across the study area. For ease of reference, it also includes the broad locations for potential green wedges within each.

**Table 1: West Wiltshire LCA conclusions by Landscape Character Area within the study area**

Landscape Character Area	Broad location(s) for green wedges within it	Key relevant LCA conclusions
<b>A3 Broughton Gifford Limestone Lowland</b>	Location 1: Whitley and Shaw  Location 2: Shaw and Melksham  Location 3: Melksham and Beanacre (western half)	<p><i>Summary of Visual Character:</i></p> <p><i>The area has a strong rural character with a mixture of pasture and arable farmland. The small sized, mainly irregular fields are enclosed by generally mature and intact but in places gappy, hedgerows with trees. Views tend to be open with the main notable vertical elements being pylons and hedgerow trees.</i></p> <p><i>Inherent landscape sensitivities:</i></p> <ul style="list-style-type: none"> <li>• <i>Peaceful, rural nature of the area.</i></li> <li>• <i>The extensive views.</i></li> <li>• <i>Landscape setting, vernacular character and small scale of the villages</i></li> <li>• <i>The remaining traditional field pattern.</i></li> </ul> <p><i>Key Landscape Changes</i></p> <ul style="list-style-type: none"> <li>• <i>Pressure for new – linear - developments in and around villages could cause the villages to lose their distinctiveness</i></li> </ul> <p><i>Management Strategy and Objectives</i></p> <p><i>The management strategy for this area is to maintain and conserve the peaceful rural nature of the area with the small villages set in their surroundings of arable and pastoral farmland</i></p>



Landscape Character Area	Broad location(s) for green wedges within it	Key relevant LCA conclusions
<b>B1: Avon Floodplain</b>	Location 6: Melksham and Berryfield (western half)	<p><i>Summary of Visual Character</i></p> <p><i>There is a general sense of openness across the floodplain, however views are often channelled along the river corridor as a result of tall vegetation along the banks. Sense of tranquillity is relatively strong throughout the character area, at distance from the main settlements.</i></p> <p><i>Inherent Landscape Sensitivities:</i></p> <ul style="list-style-type: none"> <li>• <i>Generally peaceful, rural nature of the area, coupled with a relatively strong sense of tranquillity at distance from major settlements.</i></li> <li>• <i>Overall, rural, generally undeveloped character of the river corridor.</i></li> </ul> <p><i>Management Strategy and Objectives</i></p> <p><i>The overall strategy for the area is to conserve the overall peaceful rural character of the area, including the.....scattered/ isolated settlement pattern. There are also opportunities to enhance the landscape setting of Melksham.</i></p> <p><i>Specific management objectives are to:</i></p> <ul style="list-style-type: none"> <li>• <i>Seek to conserve and maintain the overall rural character of the area and generally strong sense of tranquillity away from major settlements.</i></li> <li>• <i>Conserve the relatively isolated settlement pattern along the river corridor.</i></li> </ul>
<b>C1: Melksham Open Clay Vale</b>	Location 8: Bowerhill and Melksham (north of A365)	<p><i>Summary of Visual Character</i></p> <p><i>Relatively open and predominantly flat expanse of Open Clay Vale. Occasional drainage ditches are visible at field boundaries. Medium-sized, relatively regular field pattern apparent. Field boundaries are delineated with a mixture of mature hedgerows and deciduous hedgerow trees. However, although predominantly</i></p>

**Landscape  
Character Area**

**Broad location(s) for green  
wedges within it**

**Key relevant LCA conclusions**

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*intact, the hedgerow network is gappy in places. Occasional deciduous copses are scattered throughout the landscape, although these are not a dominant characteristic. Pylons are also visible as dominant vertical elements in certain parts of the character area. The landscape has a strong settled and urbanised feel in proximity to Melksham and Bowerhill (where views to the urban edge are apparent),*

*Inherent Landscape Sensitivities:*

- *Predominantly intact, mature field boundaries and overall intact, coherent landscape pattern.*
- *Open and glimpsed views across the floodplain of the River Avon (adjacent and to the west).*
- *Wide, open skies, with distant views to higher downland.*

*Management Strategy and Objectives*

*The overall strategy for the area is to conserve the intact and recognisable existing landscape pattern and enhance the landscape settings of adjacent urban areas and features that have been lost (e.g. hedgerows). Specific management objectives are to*

- *Conserve and enhance the landscape setting of existing settlements/ urban areas (such as Melksham and Bowerhill).*
- *Conserve open views across the clay vale to distant downland ridges.*
- *Seek ways to mitigate the visual impact of the A365 main road corridors.*
- *Conserve and enhance the existing hedgerow network.*

Landscape Character Area	Broad location(s) for green wedges within it	Key relevant LCA conclusions
		<ul style="list-style-type: none"> <li>• <i>Introduce arable field margins as an important nature conservation feature.</i></li> <li>• <i>Screen visually intrusive urban edges of Melksham and Bowerhill</i></li> </ul>
<b>C2: Semington Open Clay Vale</b>	<p>Location 3: Melksham and Beanacre (eastern half)</p> <p>Location 4: Bowerhill and Seend</p> <p>Location 5: Berryfield, Bowerhill and Semington</p> <p>Location 6: Melksham and Berryfield (eastern half)</p> <p>Location 7: Berryfield, Bowerhill and Melksham (south of A365)</p>	<p><i>Summary of Visual Character:</i></p> <p><i>Overall, there is a strong sense of openness throughout the area, with characteristically extensive views across the vales from certain locations. Sense of tranquillity is, however, disturbed due to proximity to main settlements and major interconnecting road corridors.</i></p> <p><i>Inherent Landscape Sensitivities:</i></p> <ul style="list-style-type: none"> <li>• <i>Open and glimpsed views across open clay vales.</i></li> <li>• <i>Wide, open skies, with distant views to higher downland.</i></li> <li>• <i>Mature single trees at field boundaries and within fields.</i></li> </ul> <p><i>Key Landscape Changes</i></p> <ul style="list-style-type: none"> <li>• <i>Visually harsh residential development at the.....edges of Melksham and Bowerhill</i></li> <li>• <i>Expanding influence of urban areas (urban fringe characteristics)</i></li> </ul> <p><i>Management Strategy and Objectives:</i></p> <p><i>The overall strategy for the area is to enhance the landscape setting of... Melksham and Bowerhill.</i></p> <ul style="list-style-type: none"> <li>• <i>Enhance visually intrusive harsh urban edges of...Melksham and Bowerhill.</i></li> </ul>

**Landscape  
Character Area**

**Broad location(s) for green  
wedges within it**

**Key relevant LCA conclusions**

- 
- *Conserve open views across the clay vale to distant downland ridges.*

## 2.5 Made Joint Melksham Neighbourhood Plan (JMNP 2021)<sup>17</sup>

2.29 In 2021, the first JMNP (JMNP 2021) was ‘made’ or adopted. It now forms part of the development plan for the study area and guides planning decisions in the study area, together with the Wiltshire Local Plan and national policy. Its Figure 9 shows designations/features of relevance for the purposes of this study, namely:

- Two green stars between Melksham and Bowerhill (either side of Pathfinder Way) designating Illustrative Important Green Gaps;
- A number of Illustrative Green Infrastructure Corridors (MGI-1-7), of which M GI5 (Kennet and Avon Canal Way) runs between Berryfield to its west and Bowerhill to its east;
- Illustrative Setting of the Kennet and Avon Canal in the gap between Berryfield, Bowerhill and Semington; and
- Shurnhold Fields Country Park in the gap between Melksham and Shaw.

2.30 The conclusions of the JMNP 2021’s Examiner on some of the above designations (as set out in the Examiner’s Report<sup>18</sup>), are of relevance to this study. It was the Examiner who recommended that the Important Green Gaps be made ‘*indicative, with a star or similar rather than a size-suggestive blob*’. He also required that what had been called ‘Strategic Green Infrastructure Corridors’ be renamed ‘Indicative Green Infrastructure Corridors’<sup>19</sup> and that each corridor should be ‘*appropriately to their indicative status, exactly the same width across each of their lengths*’.

2.31 Just as for the WCS, although the JMNP 2021 contains a number of policies limiting development outside settlement boundaries (i.e. in the countryside) (specifically Policies 1, 6 and 17), the ‘presumption in favour of sustainable development’ in NPPF 2021 paragraph 11 means that these policies carry less weight in planning decisions for as long as WC is unable to demonstrate a five-year supply of deliverable housing sites.

2.32 Therefore, for the purposes of this report, the JMNP 2021’s policies that limit development in the countryside are likely to carry less weight (as is clear from the recent appeal decision within the green wedge between Melksham and

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<sup>17</sup> Available at

[https://www.melkshamneighbourhoodplan.org/files/ugd/da341b\\_a77fec5a6e68413d80560425e1368f24.pdf](https://www.melkshamneighbourhoodplan.org/files/ugd/da341b_a77fec5a6e68413d80560425e1368f24.pdf)

<sup>18</sup> Available at

[https://www.melkshamneighbourhoodplan.org/files/ugd/da341b\\_dc0b15857b2349bea392d301e54b1e1b.pdf](https://www.melkshamneighbourhoodplan.org/files/ugd/da341b_dc0b15857b2349bea392d301e54b1e1b.pdf)

<sup>19</sup> In the ‘made’ plan the word ‘Indicative’ has been replaced by the word ‘Illustrative’. For the purposes of this assessment, this change makes little or no difference. Also note the Examiner’s deletion of the word ‘strategic’. This is because planning designations and policies described as ‘strategic’ can only be adopted at Local Plan rather than Neighbourhood Plan level.

Berryfield discussed in detail below). For this reason, they are not reviewed in depth here.

## 2.6 Local Landscape Character Neighbourhood Plan Evidence Base Report (2020)

2.33 The made JMNP 2021 was supported by an extensive evidence base, which includes a Local Landscape Character Neighbourhood Plan Evidence Base Report.<sup>20</sup> The Report is referenced here because its Map 1 is at a much larger scale and therefore provides a far clearer picture of the Landscape Character Areas across the study area originally set out in the West Wiltshire LCA referenced previously. For this reason, Map 1 was a source informing Table 1 of this report.

## 2.7 Emerging Wiltshire Local Plan

2.34 The emerging Wiltshire Local Plan, which provides the strategy for development in Wiltshire up to 2038, underwent public consultation in January – March 2021<sup>21</sup>. The consultation was on Issues and Options only, rather than on a Preferred Options Draft Plan. Therefore, it did not yet contain any draft policy proposals. Officers are currently reviewing consultation responses.

2.35 WC recently announced, in December 2022, that they intend to update their Local Development Scheme, to include revised timelines for their Gypsies and Travellers Plan and the Wiltshire Local Plan Review, and to reflect an updated plan period to 2038 in response to the consultation and further work being undertaken on housing need and employment evidence. This is signalling a delay of the Local Plan Review, with adoption unlikely in 2023. This is relevant to our study as it means that it is unlikely that WC will be able to demonstrate a five year housing land supply in the near future.

## 2.8 Planning for Melksham (2021) and emerging Wiltshire Strategic Housing and Economic Land Availability Assessment

2.36 Although the emerging Wiltshire Local Plan will not be adopted until 2024 at the earliest, WC has already produced a range of evidence documents to inform the new Local Plan. The most relevant for the purposes of this study is the 'Planning for Melksham'<sup>22</sup> document, which was part of the consultation material for the 2021 Issues and Options consultation.

2.37 The document highlights a number of sites submitted by developers and landowners through a Call for Sites to inform the emerging Wiltshire Strategic

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<sup>20</sup> Available at

[https://www.melkshamneighbourhoodplan.org/files/ugd/2303f3\\_b229af92e4e14b07a8b3065b1ebe67a1.pdf](https://www.melkshamneighbourhoodplan.org/files/ugd/2303f3_b229af92e4e14b07a8b3065b1ebe67a1.pdf)

<sup>21</sup> [Local Plan Review consultation - Wiltshire Council](#)

<sup>22</sup> Available at [https://www.wiltshire.gov.uk/media/5638/Planning-for-Melksham/pdf/WLP\\_Market\\_Town\\_Planning\\_for\\_Melksham\\_FINAL.pdf?m=637938114955330000](https://www.wiltshire.gov.uk/media/5638/Planning-for-Melksham/pdf/WLP_Market_Town_Planning_for_Melksham_FINAL.pdf?m=637938114955330000)

Housing and Economic Land Availability Assessment (SHELAA), some of which have implications for potential green wedges across the study area.

2.38 There are so many SHELAA sites that it would be disproportionate to assess them individually here. In any case, their numbers have been boosted by more recent Calls for Sites at the neighbourhood level. However, the locations and extents of both the SHELAA and the Call for Sites returns informed the analysis of broad locations for green wedges. Figure 1 of the Planning for Melksham document provides a high-level overview of broad growth locations across the neighbourhood area, while red-line boundary maps of each individual SHELAA site appear in the document's Melksham Community Area Appendix.<sup>23</sup>

## 2.9 Relevant Planning Appeal Decisions

2.39 This section and the following section set out, for contextual purposes, examples of relevant past planning application and appeal decisions. However, it is important to note that there are, legally speaking, no 'precedents' in planning. In other words, approval of one development cannot be cited as 'precedent' for the approval of another development. This is due to the unique circumstances of each scheme and site, as well as of every plan and plan area, and due to national and local planning documents and planning legislation regularly changing.

2.40 As such, all planning decisions must be considered on their own merits, facts, and circumstances. Nevertheless, past decisions are material considerations for the purposes of planning policy and can contain important information and lessons to be learnt.

2.41 One recent planning appeal decision, within Location 1: Melksham and Berryfield, has particular relevance for this study. The decision dated 30<sup>th</sup> May 2022 (appeal reference: APP/Y3940/W/21/3285428)<sup>24</sup>, allowed the development of fifty new dwellings immediately south of Melksham. This has the effect of reducing the extent of separation between Berryfield and Melksham.

2.42 It should also be noted that the application site comprises the eastern half of SHELAA site 728. The site is illustrated in Figure 3 below.

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<sup>23</sup> Available at

<https://cms.wiltshire.gov.uk/documents/s149110/SHELAA10SHELAAAppendix59MelksHamCommunityArea.pdf>

<sup>24</sup> Available at <https://acp.planninginspectorate.gov.uk/>

**Figure 3: Site location of planning appeal decision reference APP/Y3940/W/21/3285428**



Source: *Planning Inspectorate, Google Earth*

2.43 In the Inspector's Report, as is standard practice, a wide range of planning matters, including, for example the need for affordable housing, were considered. However, only those conclusions relevant for the purposes of this study are considered here.

2.44 The Inspector considered that coalescence between Melksham, Berryfield, and Bowerhill has already taken place. He noted (paragraph 27) that *'Semington Road includes ribbon development which, on its eastern side extends south from the roundabout with the A350. This appears as an extension to Melksham. Development includes a mobile home park, the recently completed development by Bellway Homes and the recent permission for residential development (20/01938/OUT)<sup>25</sup> on a site further south. The net effect of this development is to link with the eastern edge of Berryfields [sic] and in turn to the industrial and commercial estates in Bower Hill [sic] further east.*

2.45 Paragraph 29 continues: *'I do not accept [Wiltshire Council's] argument that the appeal site requires protection from development because it forms a continuous area of land, characteristic of LCA B1. The appeal site is bounded to its west by a strong boundary hedge with mature trees which cut the site of [sic] from wide open views, west to the River Avon. Furthermore, the appeal scheme would retain existing hedgerows which could be strengthened through appropriate*

<sup>25</sup> Available at <https://development.wiltshire.gov.uk/pr/s/>. This planning decision is reviewed in more detail below.



*landscaping. This is in contrast with the views from the fields further south which are open on their boundary to Berryfield Lane affording long distance views west.'*

- 2.46 Later in the report, the Inspector turned to the specific issue of the gap between Melksham and Berryfield, with conclusions as follows (paragraphs 41): *'The Development Plan does not include reference to a strategic gap between Melksham and Berryfield but instead relies on Policy CS51 which seeks to protect landscape character.*
- 2.47 Paragraph 42 states: *'Berryfield is a settlement consisting primarily of post war housing surrounded on 3 sides by open fields. Its eastern side forms part of a continuous area of commercial and residential development which extends along both the A350 and the A365 from the Bowerhill Industrial estate. The Council's recent decision to allow further development on the east side of Semington Road south of Bowood View further undermines Berryfields [sic] identity distinct from Melksham.*
- 2.48 Paragraph 45 continues: *'A clear gap along the west side of Semington Road Westwards [sic] would be retained between the appeal site and the northern edge of the ribbon development which extends from Berryfield. This would be sufficient to maintain the visual links to land to the west, retain separation between the 2 settlements, and allow some degree of transition between man-made and natural landscapes as required by Policy CP51.'*
- 2.49 The Inspector concludes (paragraph 48): *'there are no specific Development Plan policies which seek to protect the Gap between Melksham and Berryfield and the proposed development would not significantly erode it.'*
- 2.50 The Inspector's Report comprises important evidence and can be cited as a material consideration for planning purposes. The key relevant conclusions are as follows: Firstly (paragraph 27), in his judgement, coalescence has already occurred to some extent between Melksham and Berryfield and between Berryfield and Bowerhill. The second key conclusion (paragraph 29) is supportive evidence for the purposes of designating a green wedge between Melksham and Berryfield, where the Inspector concludes that the undeveloped fields south of the appeal site, which would be the most likely location for any designated green wedge, are *'open on their boundary to Berryfield Lane affording long distance views west'* and for this reason are considered less suitable for development than the appeal site.

## 2.10 Other Relevant Planning Applications

- 2.51 The map-based planning application search site hosted by WC shows a large number of planning applications over the years within the areas that could potentially be designated for green wedges.
- 2.52 Among these, the Qualifying Body and AECOM consider that there are five recent planning applications of particular relevance for this study. Three of these were granted permission, one was refused, and one is still being determined at the time of writing. Furthermore, it is understood that at the time of writing a new application is being prepared for the site where a past application was refused.

2.53 Two of the three applications granted permission were referenced by the Inspector in the appeal decision cited above. The five relevant applications are reviewed below in date order, oldest to most recent.

### 2.10.1 Application 16/00497/OUT

2.54 As indicated by the first two numbers of its reference code, this application was received by WC in 2016.<sup>26</sup> Its site address is 'Land East of Semington Road, Melksham' and the proposal was described as an outline application for the erection of up to 150 dwellings with access, new village hall and areas of open space.

**Figure 4: Site location of Application 16/00497/OUT**



Source: Wiltshire Council, Google Earth

2.55 The key document setting out WC's response to the application (other than the Decision Notice granting approval for the development) is the Officer's Report to the Strategic Planning Committee, dated 11<sup>th</sup> May 2016. This sets out the reasons why approval should be granted. Like the Inspector's report for the appeal site reviewed above, Officer's Reports and the Decision Notices they

<sup>26</sup> Available at

<https://wiltscouncil.maps.arcgis.com/apps/webappviewer/index.html?id=74a353612a934bd48fee1f2bc564cdd8>

## Joint Melksham Neighbourhood Plan- Technical Facilitation

inform are also material considerations for planning purposes and hence can be used as evidence for the purposes of this study.

2.56 The elements of the Officer's Report relevant to this study are as follows:

- The site had been the subject of a previous application in 2014 which had been refused for reasons including the need to avoid coalescence between Melksham and Berryfield.
- However, for this application, WC's landscape officer had no objection, stating that 'the Landscape and Visual Impact (LVIA) report has demonstrated that the visibility of the site within the wider landscape is very restricted and contained by the existing houses along Semington Road and the A350 corridor/ embankment and field boundaries. There are only immediate and occasional views of the site from Semington Road and partial views from Berryfield and PRowS [Public Rights of Way] to the west. As such the landscape and visual impacts are limited to the immediate surroundings and there would be no perceived coalescence between Melksham and Berryfield.'
- The Officer's Report concludes that it has been satisfactorily demonstrated that the proposed development would not result in the visual coalescence of Melksham and Berryfield and that the two settlements would retain their separate identities as required by Core Policies 15 and 51. Therefore the applicants were considered to have overcome the second reason for refusal given in the previous application, and for this and other reasons, the application was granted.

2.57 It is interesting to note the above conclusions in the light of the Inspector's comments on the appeal site, made six years later after the development had been completed. He wholly disagreed in terms of coalescence, specifically pointing to the site<sup>27</sup> not only as an example of coalescence between Berryfield and Melksham but also between Berryfield and Bowerhill.

2.58 This shows just how subjective and inconsistent judgements on the issues of gaps and coalescence can be even between planning professionals, emphasising further the value of a policy designating wedges to help promote consistent decision-making.

### 2.10.2 Application 16/01223/OUT

2.59 This application was also received by WC in 2016.<sup>28</sup> Its site address is 'land south of Western Way, Bowerhill' and the proposal was described as 'outline application for residential development of up to 235 dwellings, primary school with early years nursery and open space provision'.

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<sup>27</sup> Referring to it as 'the recently completed development by Bellway Homes'.

<sup>28</sup> Available at <https://wiltcouncil.force.com/pr/s/planning-application/a0i3z000014eieZAAQ/1601123out>

**Figure 5: Site location of Application 16/01223/OUT**



Source: Wiltshire Council, Google Earth

2.60 The elements of the Officer's Report dated 21<sup>st</sup> September 2016 relevant to this study are as follows:

- The officer noted that the proposal would jeopardise the individual identity of Melksham and Bowerhill.
- However, the officer concluded that the fact that all public space and drainage provision lies to the north of the proposed housing can be taken as a strategic approach to try and address the policy requirement to retain the separate identities of Melksham and Bowerhill.
- The WC landscape officer stated that while perceived coalescence with Melksham would result, likely landscape and visual effects are not significantly adverse to warrant an objection.
- Part of any landscaping, public art or design strategy should include a 'gateway feature' to reinforce the separate identity of Bowerhill and the northern green buffer should be entirely contained within areas of public open space to ensure longevity.
- Whilst bringing the built form of Bowerhill towards Melksham would erode the sense of openness and physical separation, this also presents an urban design opportunity, through a sensitive approach to design and landscaping, to retain

the separate identities of the two settlements and enhance the identity of Bowerhill in particular; and

- At the time, the JMNP 2021 (which identifies the location as an Important Green Gap) was not yet adopted and therefore significant weight could not be afforded to it.

### 2.10.3 Application 20/01938/OUT

2.61 This application was received by WC in 2020.<sup>29</sup> Its site address is 'land at Semington Road, Melksham' and the proposal was described as 'outline planning permission for up to 144 dwellings with informal and formal open space, associated landscaping and vehicular and pedestrian accesses off Semington Road.' It should also be noted that the application site overlaps wholly with SHELAA site 699.

**Figure 6: Site location of Application 20/01938/OUT**



Source: Wiltshire Council, Google Earth

2.62 The Officer's Report is dated 27<sup>th</sup> January 2021. It does not mention coalescence, settlement gaps or wedges in its recommendation to approve the development, despite the fact that the resulting development increases the degree of physical and perceptual coalescence between Berryfield and Bowerhill

<sup>29</sup> Available at <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000014evHV/2001938out>

(as was subsequently noted by the Inspector for the appeal decision reviewed above).

2.63 The Officer's Report again accords the then-emerging JMNP 2021 very limited weight, albeit even if it had been adopted at this point, it does not designate the site as an Important Green Gap between Berryfield and Bowerhill.

#### 2.10.4 Application 20/08400/OUT

2.64 This application was also received by WC in 2020.<sup>30</sup> Its site address is 'Land south of Western Way, Melksham' and the proposal was an outline application for the erection of up to 231 residential dwellings and a 70-bed care home with associated access, landscaping and open space. It should also be noted that the application site is the same as SHELAA site 1025.<sup>31</sup>

**Figure 7: Site location of Application 20/08400/OUT**



<sup>30</sup> Available at <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000014ex1U/2008400out>

<sup>31</sup> At the time of writing, a new application has emerged for the same site, namely PL/2022/08504 but this was still being determined at the time this report was completed. Like all applications, it will have to be considered by WC on the basis of its own merits, facts and circumstances. Details are available at <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z0000199C49AAE/pl202208504>

Source: *Wiltshire Council, Google Earth*

2.65 The application was refused. The officer's report, dated 7<sup>th</sup> December 2021, notes the following relevant points:

- The proposal would further erode the remaining buffer between Bowerhill village to the south and Melksham to the north;
- The JMNP 2021 was given full weight in the decision-making process because by the time of the Officer's Report it had been 'made'. The fact that the JMNP 2021 allocated a site for development elsewhere but did not support development here counted in its favour in terms of planning weight attached to it; and
- NPPF paragraph 14 was considered to have been engaged, which unlike for the other three sites, requires WC to demonstrate only a three-year rather than five-year supply of deliverable housing sites, due to the recent adoption of a Neighbourhood Plan.

2.66 It is clear, therefore, that the making of the JMNP 2021 is already having an effect in resisting further speculative housing developments within the study area that have the potential to erode green wedges.

2.67 It is, however, worth noting that the application site is identified as an Important Green Gap in the JMNP 2021 but that this fact was not noted in the officer's report. The only specific policy of the JMNP 2021 cited was Policy 6- Housing In Defined Settlements which (ironically, in the circumstances) specifically resists development at Beanacre and Berryfield but does not mention Bowerhill.

2.68 This highlights the importance of including a specific evidence-based policy (rather than map designation alone) for green wedges in the replacement JMNP, with this report as a key element in that evidence base.

### **2.10.5 Application PL/2022/08155**

2.69 At the time of writing, application PL/2022/08155 has not yet been determined. Its address is given as 'land to the west of Semington Road and the development description is 'outline planning permission for up to 53 dwellings including formation of access and associated works'. It sits to the immediate west of the appeal site reviewed above. It should also be noted that the site covers the western half of SHELAA site 728.

**Figure 8: Site location of Application PL/2022/08155**



*Source: Wiltshire Council, Google Earth*

2.70 As an Officer's Report has not yet been drafted by WC in response to the application, there is little of relevance for the purposes of this study and it is not possible to determine if the application will be refused or permitted at this point in time. While the fact of the initial refusal for the appeal site (and for 20/08400/OUT) is a material consideration supporting refusal, the fact of the appeal being allowed is a material consideration supporting permission being granted. However, in the round, the application, like all applications, will have to be considered by WC on the basis of its own merits, facts and circumstances.



## 3. Examples from other Neighbourhood Plans

### 3.1 Introduction

- 3.1 The detailed review of the policy and evidence relating to green gaps, wedges and/or coalescence in Chapter 2 above strongly supports the case for a policy designating green wedges in the replacement JMNP. In recent years, much development has been allowed to erode the green wedges separating individual settlements in the study area, through a combination of the presumption in favour of sustainable development in the NPPF applying, the technical approach of WC to those applications, and the lack of a made Neighbourhood Plan to resist them at the time.
- 3.2 This chapter next considers how any policy in the replacement JMNP might best be worded and illustrated to maximise the ability to continue resisting speculative development, and what the features or characteristics of the evidence supporting that policy should be. Thirdly the study considers how that policy can be worded in a sufficiently effective way without being so restrictive that it fails Examination.
- 3.3 For this reason, a desktop review of relevant Neighbourhood Plans elsewhere in England was undertaken, including:
  - made Neighbourhood Plans, alongside their relevant Examiner's Report and evidence base, that have defined and designated green gaps or wedges; and
  - Neighbourhood Plans and their relevant evidence, usually but not necessarily made, whose policy or policies for designating green gaps or wedges were deleted or amended at Examination, and the Examiner's Report giving the reason(s) for that deletion.
- 3.4 A detailed online search highlighted eight relevant examples of Neighbourhood Plans meeting the first bullet point criterion above and three examples for the second. While no case studies within Wiltshire were found for either (which would have been particularly helpful in terms of determining the WC approach to such cases), the relevant policy principles nevertheless hold elsewhere.
- 3.5 It should be noted that some Neighbourhood Plans that included or referenced green gaps or wedges did so only to reflect strategic or local gaps or wedges already designated in the relevant Local Plan. While this may not be the case in the study area, because there is no current indication that WC will designate green gaps or wedges of its own, there are still useful points that can be gleaned from these examples.
- 3.6 Detailed reviews of all eleven case-study Neighbourhood Plans are set out below. Where relevant policies or aims were found, their supporting text was also quoted if relevant. The chapter then concludes with a 'lessons learned' section.

## 3.2 Green Gaps or Wedges in Made Neighbourhood Plans

### 3.2.1 Battle (Rother)<sup>32</sup>

3.7 Objective 3 of the Battle Neighbourhood Plan (made June 2021) is to maintain a green gap between the three settlements of Netherfield, Telham and Battle. Policy HD7: Protection of Green Gap states that the Plan designates the area identified in Appendix D as a Green Gap where development will only be supported if it maintains the openness of the area.

3.8 The Policy Intent section for HD7 states that: *‘although the land outside the settlement boundaries is already designated as High Weald AONB, which offers policy protection from development and is also protected by being within an area of the highest level of landscape protection, evidence gained through the Parish wide Survey indicates that it is important to protect the strategic gaps to maintain the separate identities of surrounding villages and Battle.*

3.9 It continues: *‘the Rother District Council definition of Strategic Gap (SG) is ‘an area of land which helps determine the separation of settlements and protect their individual character’. This Green Gap Policy will afford extra protection from risk of coalescence between Battle and the surrounding villages.’*

3.10 Appendix D of the Battle Neighbourhood Plan comprises a Green Gap Analysis. It states that *‘the particular objectives of [a Green] Gap are:*

- a. To maintain the separate identity and distinctiveness between settlements*
- b. To maintain the strategic settlement pattern*
- c. To prevent the coalescence of settlements’.*

3.11 It continues: *‘The Steering Group analysed and considered the following potential Green Gaps:*

- GG01 Battle north, east of A2100*
- GG02 Battle north-east, Whatlington Road*
- GG03 Battle east, Marley Lane*
- GG04 Telham, A2100 and Telham Lane*

*However, in view of the Examiner’s advice and in discussion with RDC it has been decided to only designate GG03 Battle east, Marley Lane, which fulfils the objective criteria. (The other potential Green Gaps do not fulfil the above objectives, nevertheless the areas covered have extensive protection by virtue of several other RDC and Neighbourhood Plan Policies.)’*

3.12 The Examiner’s Report<sup>33</sup> explains that he recommended three of the green gaps be removed because *‘three of these areas could be characterised as almost*

<sup>32</sup> Available at <https://rdcpublish.blob.core.windows.net/website-uploads/2021/11/Battle-CP-Neighbourhood-Plan-2019-2028-Referendum-Version.pdf>

<sup>33</sup> Available at <https://rdcpublish.blob.core.windows.net/website-uploads/2021/06/Battle-NP-Examiners-Report-FINAL.pdf>

*transitional areas between the built-up areas of the town and the countryside beyond'. He continued: 'the policy refers to the gaps preventing the coalescence of settlements, but in the three cases which I am questioning, I do not consider that development within the proposed green gaps would individually or cumulatively, lead to effective coalescence of the settlements, as there are significant tracts of open land beyond the gaps to protect the separate identity of Battle from Crowhurst and/or Whatlington.'*

3.13 The Examiner also noted that:

- *'many of the proposals quoted as examples of pressure for development within the gaps, did not actually support the case for having these gaps. For example, in some cases the site which was being quoted actually lay within the development boundary and was not within the green gap.'*
- *'a gap policy can only protect open undeveloped land.....between two settlements, which if developed would lead to the coalescence of the settlements. It could not be used if the boundary of the gap were to be defined by an administrative boundary, such as a parish council boundary.'*
- *'part of the justification for designation of the green gaps is to protect important views, particularly of the town from the countryside. That objective could have been achieved by the Neighbourhood Plan identifying what are deemed to be important views and establishing a policy framework to protect such views. Such a policy would deliver a similar outcome...'*

### 3.2.2 Hurstpierpoint and Sayers Common (Mid Sussex)<sup>34</sup>

3.14 This Neighbourhood Plan was made in March 2015. It uses the term Local Gaps rather than Green Gaps. Some of the parish lies within the South Downs National Park, but none of the Local Gaps it seeks to protect lie within the National Park.

3.15 Its policy Countryside HurstC3 Local Gaps and Preventing Coalescence states: *'Development will be permitted in the countryside provided that it does not individually or cumulatively result in coalescence and loss of separate identity of neighbouring settlements, and provided that it does not conflict with other Countryside policies in this Plan. Local Gaps between the following settlements define those areas covered by this policy:*

- *Hurstpierpoint and Hassocks;*
- *Sayers Common and Albourne;*
- *Hurstpierpoint and Albourne;*
- *Hurstpierpoint and Burgess Hill.'*

3.16 The supporting text to this policy notes that it reflects relevant Local Plan policies. In his Report<sup>35</sup>, the relevant Examiner noted that *'Mid Sussex Local Plan Policy*

<sup>34</sup> Available at <https://www.midsussex.gov.uk/media/2817/hurstpierpoint-and-sayers-common-neighbourhood-plan.pdf>

<sup>35</sup> Available at [https://www.midsussex.gov.uk/media/3181/hurstpierpoint\\_and\\_sayers\\_common\\_np\\_eamination\\_report.pdf](https://www.midsussex.gov.uk/media/3181/hurstpierpoint_and_sayers_common_np_eamination_report.pdf)

*C3 identifies areas of countryside that are particularly vulnerable to development pressure, but which have an important function with regards [sic] protecting local character.*

3.17 It continues: *'Neighbourhood Plan Policy C3 permits development in the countryside, subject to it not resulting in coalescence or the loss of identity of neighbouring settlements. This approach is in general conformity with Mid Sussex Local Plan Policy C3. Further to testing and robust consultation, it reflects the local community's strong support for the vision for the Neighbourhood Area, which seeks to retain a "village feel" and sense of place. This has regard to the Framework, which gives communities direct power to develop a shared vision for their neighbourhood.*

3.18 The Examiner concludes: *'The policy contributes to the achievement of sustainable development by protecting local character and supporting appropriate development. No modifications are proposed.'*

### 3.2.3 Slinfold (Horsham)<sup>36</sup>

3.19 Slinfold Neighbourhood Plan was made in June 2018. It contains an anti-coalescence Aim 1, worded as follows: *'Protecting the separate identity of Slinfold is a key community aim of the [Neighbourhood Plan]. It is considered important to ensure the spacing, openness and rural character of the Parish between the Village and the adjoining urban areas are retained and protected. This will be achieved by offering full support to Horsham [District Council] in implementing HDPF Policy 27.*

3.20 The supporting text for the policy states: *'The primary settlement of the Parish is Slinfold Village....the eastern approach to the Village along Lyons Road retains a rural character, bordered by farmland and the River Arun valley to the north, with fields and woodland leading to the Downs Link to the south. One of the distinctive features of the Village is its setting, and visual connectivity with the surrounding countryside. The landscape forms an intrinsic part of the character and setting of the Village and provides informal and formal recreational opportunities for the community. To the east of the Parish is Broadbridge Heath, and beyond this, Horsham. The recent expansion of these areas has involved the housing development and associated infrastructure of Wickhurst Green. This has a substantial urbanising character which has the potential to undermine the rural character of Slinfold Parish, and the rural setting of the Village.'*

3.21 The Aim is supported by an Anti-Coalescence Gap Background Paper<sup>37</sup> fulfilling a very similar function to this report. The Background Paper notes the difficulty of defining coalescence when it states *'It is recognised that coalescence does not occur with one single development. It is not the final infill development that joins two settlements that can be attributed with their coalescence, but rather the insidious creep of settlement expansion that occurs over generations.'*

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<sup>36</sup> Available at [https://www.horsham.gov.uk/data/assets/pdf\\_file/0019/65215/Slinfold-Neighbourhood-Plan.pdf](https://www.horsham.gov.uk/data/assets/pdf_file/0019/65215/Slinfold-Neighbourhood-Plan.pdf)

<sup>37</sup> Available at [http://www.slinfold-pc.gov.uk/Updates\\_29715.aspx](http://www.slinfold-pc.gov.uk/Updates_29715.aspx)

- 3.22 The Examiner's Report into the Slinfold Neighbourhood Plan<sup>38</sup> called the Background Paper helpful and stated that he supported the maintenance of the gap in principle, noting that this aim was supported by Local Plan policy.
- 3.23 The Examiner stated that the Neighbourhood Plan could have gone even further, noting the potential for it to mention *'the avoidance of urbanising effects within the settlement gap, including artificial lighting; development along key corridors and traffic movements; and the support which would be given to the redevelopment of existing sites which seek to reduce the existing urbanised character and appearance of the area between settlements, particularly along road corridors'*.
- 3.24 However, he noted that because the proposed Neighbourhood Plan policy did not mention these additional points, it overlapped with, but did not restate, the relevant Local Plan policy. As such, it was not in conformity with it, but if it were to be made in conformity, it would simply restate it. He therefore recommended that it be changed into an Aim rather than a Policy.
- 3.25 The Examiner also criticised the boundaries selected for the gap in the Neighbourhood Plan as follows: *'Whereas the eastern and western boundaries shown.....extend along the edge of the respective built-up areas, those to the north and south appear as arbitrary lines across the countryside with little recognition of physical features such as roads or field boundaries. Therefore, in my opinion, in its present form, [it] would be an unworkable tool for development management purposes'*.

### 3.2.4 Wisborough Green (Chichester)<sup>39</sup>

- 3.26 Wisborough Green Neighbourhood Plan was made in March 2016. Its policy OA2: Spatial Strategy states that *'The Parish welcomes appropriate sustainable development, which will be permitted providing it complies with the following criteria:.....does not consolidate the local gaps, as these must be kept open (shown in Figure 8) to protect the village form; they mark the gateways to the village and ensure that the settlement does not sprawl along radial routes and impact on the wider countryside.'*
- 3.27 A further policy, OA5 Local Gaps, covers the issue in more detail. Accompanied by the Figure 8 referred to in policy OA2 above, which comprises a clear map of the areas to be designated as Local Gaps, it states:
- 'Development proposed within the local gaps identified in Figure 8 must comply with the following criteria to be acceptable:*
- a. The proposal must not consolidate the local gap by visually and physically reducing the break between the central core and outlying areas.*

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<sup>38</sup> Available at [http://www.slinfold-pc.gov.uk/UserFiles/Files/NP/slinfold\\_np\\_final\\_29\\_1\\_18.pdf](http://www.slinfold-pc.gov.uk/UserFiles/Files/NP/slinfold_np_final_29_1_18.pdf)

<sup>39</sup> Available at [https://www.chichester.gov.uk/media/26030/Wisborough-Green-Neighbourhood-Plan-for-referendum-March-2016/pdf/Post\\_Examination\\_Version\\_NP\\_March\\_2016\\_final\\_to\\_print.pdf](https://www.chichester.gov.uk/media/26030/Wisborough-Green-Neighbourhood-Plan-for-referendum-March-2016/pdf/Post_Examination_Version_NP_March_2016_final_to_print.pdf)

*b. The proposal should be accompanied by a landscape and visual impact assessment to demonstrate no diminution in openness and views in the local gap.*

*c. Proposals should be accompanied by a mitigation plan showing how the local gap can be enhanced by planting and other amelioration.*

*d. Important trees and hedgerows within the local gaps should be retained as part of any development proposal.*

*e. Positive community uses of the open areas in the local gaps will be supported where these can enhance visual impact and biodiversity and enhance the range of facilities available.'*

3.28 The supporting text to OA5 states: *'Wisborough Green is characterised by green spaces and a feeling of spaciousness; both in the central core and within green gaps which separate the settlement boundary from the peripheral sporadic ribbon development along the main village approach roads. These green gaps (local gaps) are an important feature of the village character. In order to reinforce this local distinctive feature, the....policy applies to those areas shown as local gaps that form a distinct physical and visual break between the village centre and outlying development. The local gaps.....have been included where there is an appreciable feeling of separation between the central village core and the ribbon development.'*

3.29 In his Report<sup>40</sup>, the relevant Examiner has required Figure 8 to be made clearer, as he felt that some of the Local Gaps defined on it had encroached into areas allocated for housing. Otherwise, he had no comment to make on either of policies OA2 or OA5.

### 3.2.5 Armthorpe (Doncaster)<sup>41</sup>

3.30 Policy ANP28 of this Neighbourhood Plan reads as follows: *'Armthorpe's green infrastructure network will be protected, maintained, and where possible enhanced, including Green Wedges, to the north and south of the village as delineated on the Proposals Maps'.*

3.31 The supporting text to the policy reads: *'to reinforce the protection of the countryside, Green Wedges are identified, particularly where development allocations need to be sensitive to strategic rural gaps between settlements. Proposals will be supported which make an overall contribution to the green infrastructure network and the Green Wedge by:*

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<sup>40</sup> Available at [https://www.chichester.gov.uk/media/25436/Wisborough-Green-Neighbourhood-Plan-Examiners-Report/pdf/Wisborough Green Neighbourhood Plan - Chichester District Council 23 11 15.pdf](https://www.chichester.gov.uk/media/25436/Wisborough-Green-Neighbourhood-Plan-Examiners-Report/pdf/Wisborough%20Green%20Neighbourhood%20Plan%20Chichester%20District%20Council%2023%2011%2015.pdf)

<sup>41</sup> Available at <https://dmbcwebstolive01.blob.core.windows.net/media/Default/Planning/Documents/Neighbourhood%20Plans/Armthorpe%20NP/Armthorpe%20Neighbourhood%20Plan%20%E2%80%93%20Adopted%20Version.pdf>

1. including measures, either on or off site, that are of an appropriate size, shape, scale and type and that have regard to the nature of the proposal and its potential impact;
2. contributing to the delivery of identified opportunities and priorities;
3. providing for appropriate long term maintenance and management; and
4. avoiding damage to or loss of green infrastructure assets or, where loss is unavoidable and the benefits of the development outweigh the loss, including appropriate compensation measures.

....The identification of areas as being within a Green Wedge would not in itself exempt it from development....Where, however, the Green Wedges overlay development allocations, there will be a requirement that the development must deliver an extensive buffer with an exceptionally high standard of landscaping (to prevent the complete merging of settlements and enhance the amenity and visual appearance of settlement edges), as well as improving access to the countryside, etc. They will thus function as a type of green infrastructure corridor with a focus on landscape and amenity.'

- 3.32 The Examiner's Report for the Neighbourhood Plan<sup>42</sup> reveals that developers had objected to the scale of the green wedges. Nevertheless, the Examiner considered that the policy could be retained, largely due to its consistency with relevant Local Plan policy, with amended wording. The most significant change he recommended was deletion of the text '*No development shall be permitted within the Green Wedge except as may be allowed by the ....Core Strategy*' because this was too restrictive.

### 3.2.6 Cheddar (Sedgemoor)<sup>43</sup>

- 3.33 Policies BE5 and LEH2 of this made Neighbourhood Plan both resist development on the Green Wedge between Cheddar and the adjacent settlement of Axbridge, whose purpose is defined in the latter policy as being to 'maintain the separation' of the settlements.
- 3.34 Supporting text indicates that the boundaries of the Green Wedge were specifically defined to avoid committed and approved development sites. It also reflects, again, a commitment at Local Plan level to green wedges and strategic gaps.
- 3.35 In his Report into the Neighbourhood Plan<sup>44</sup>, the Examiner noted the purpose of the green wedge was described as '*for leisure, recreation and maintenance of the countryside and preventing built up sprawl*' and protection of the '*western boundary of the village*'.

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<sup>42</sup> Available at

<https://dmbcwebstolive01.blob.core.windows.net/media/Default/Council%20and%20Democracy/Elections/2018/Examiners%20Report.pdf>

<sup>43</sup> Available at [https://cheddarplan.co.uk/wp-content/uploads/2018/07/Neighbourhood\\_Plan\\_2011\\_-\\_2027\\_REFERENDUM\\_VERSION.pdf](https://cheddarplan.co.uk/wp-content/uploads/2018/07/Neighbourhood_Plan_2011_-_2027_REFERENDUM_VERSION.pdf)

<sup>44</sup> Available at [https://cheddarplan.co.uk/wp-content/uploads/2018/07/Final\\_Examiners\\_Report\\_June\\_18\\_Cheddar.pdf](https://cheddarplan.co.uk/wp-content/uploads/2018/07/Final_Examiners_Report_June_18_Cheddar.pdf)

- 3.36 The Examiner further stated: *'Green wedges are not the same as either Green Belts or LGSs, (for example there is no requirement that they should be capable of enduring beyond the end of the plan period) and it is important to remember that different types of designations are intended to achieve different purposes. It is nonetheless also important to ensure that a Green Wedge does not approximate to the creation of a Green Belt (which NDPs cannot do) by another name [or] approximate to the creation of an LGS that departs significantly from government advice and guidance. Particular care should be taken to ensure that designation of an extensive tract of land does not prevent the achievement of sustainable development.'*
- 3.37 He continued: *'The point that the PPG [Planning Practice Guidance] makes about LGSs must also apply to a proposed green wedge: "plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making'.*
- 3.38 For this reason, the Examiner required the boundaries of the green wedge to be reduced, which would also have the effect of excluding an emerging Local Plan allocation.
- 3.39 In doing so, he also noted reasons why other green wedges would be inappropriate: *'As far as the gap between Cheddar and Axbridge is concerned, for the reasons given above, I consider that there should be Green Wedge (reduced from its original size) to prevent the merger of the two settlements. Draycott, Wedmore and Shipham are more distant and I can see no risk of Cheddar merging with them.'*

### 3.2.7 Creech St Michael (Somerset West and Taunton)<sup>45</sup>

- 3.40 Again, this Neighbourhood Plan was developed in the context of strategic green wedge designations made in the relevant Local Plan. Its policy CSM10 states that *'Development proposals in the Local Green Wedge identified on Plan 14 (Appendix E) will be resisted where they conflict with its purposes, which are to:*
- Prevent the coalescence of settlements and maintain a sense of place and identity for neighbourhoods;*
  - Maintain the open character of a green lung contributing to health and wellbeing for residents;*
  - Provide accessible formal and informal recreation, sport and play;*
  - Provide valuable wildlife corridors and habitat*
  - Protect areas of landscape importance and visual amenity.'*
- 3.41 The supporting text notes that the key evidence justifying the designation of the green wedge was a Green Wedge Assessment published in 2018. It continues: *'The....Neighbourhood Plan 2016 Survey report confirms significant local support for the protection of this land from development. The Local Green Wedge complements the green wedge extension opportunity established by the Core*

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<sup>45</sup> Available at <https://www.somersetwestandtaunton.gov.uk/media/2017/re01-creech-st-michael-ndp.pdf>



*Strategy....Policy CSM 10 seeks to bolster this existing development plan policy.....regard has been had to both national and local policies within the specific Green Wedge Assessment to support this policy.'*

3.42 The Green Wedge Assessment<sup>46</sup> sets out that it examined a range of opportunities across the study area through desk-based assessment and site visits. It notes: *'In considering potential land to be designated as Green Wedge, consideration was given to the following:*

- Existing land use and its compatibility with a potential Green Wedge use*
- Comments and suggestions on potential locations taken from consultation on the draft NDP*
- Consideration of areas of current or future development pressure, taking into account settlement limits and site allocations in the statutory development plan.'*

3.43 The Assessment benefitted from having been able to test each area of search against emerging policy criteria, because policy text had been drafted before assessment started. This differs from the Melksham context. However, given that those criteria covered topics outside the scope of the issue of coalescence or settlement separation, such as wildlife value, the assessment scope may have been disproportionate in any case.

3.44 The Examiner's Report for the Neighbourhood Plan<sup>47</sup> refers to the green wedge policy as being 'clearly worded'. However, she considered that *'there has been some confusion around the concept and its relationship to green infrastructure or biodiversity issues or whether it is a mechanism for preventing coalescence'*.

3.45 The Examiner continued: *'Coalescence is a recognised planning issue. It is important to prevent neighbouring settlements merging into one another and for local identity and distinctiveness to be reinforced and promoted..... The policy is carefully worded so as not to exclude development per se...as there is not a blanket ban on development, the wording of the policy has sufficient flexibility....In my view, the proposed designation is made validly and logically. Whilst it can always be argued that more or different evidence could be available, the designation takes account of national policy and guidance insofar as reinforcing local identity and distinctiveness are recurring aims of the NPPF, it is in general conformity with the Core Strategy and will help to achieve sustainable development.'*

### 3.2.8 Rockbeare (East Devon)

3.46 Policy Rock06 of this Neighbourhood Plan states: *'Development proposals in the designated Green Wedge area within the neighbourhood area (shown on map 5) will not be supported unless it can be demonstrated that no harm to the character or purpose of this area will occur and development is:*

- i) for the purposes of agriculture, horticulture or forestry; or*

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<sup>46</sup> Available at <https://www.somersetwestandtaunton.gov.uk/media/1184/7-green-wedge-assessment.pdf>

<sup>47</sup> Available at <https://www.somersetwestandtaunton.gov.uk/media/2018/re02-independent-examiners-report.pdf>

- ii) development that supports the objectives of the Clyst Valley Regional Park; or*
- iii) within an existing residential or employment site curtilage and iv) proportionate to its location in scale and type.*

3.47 The policy supporting text states that the Local Plan has designated the northern part of the parish as a green wedge, whose purpose is to prevent “*creeping development*” that could lead to “*the coalescence of adjacent or neighbouring settlements, villages or towns.....it is important that open land between settlements is retained thus helping them maintain their separate identities, their landscape settings and to avoid the creation of unrelieved development*”.

3.48 The Local Plan policy appears to be a strong and popular foundation for the Neighbourhood Plan policy, with up to 98% support in community surveys. Support from neighbouring Aylesbeare, Cranbrook and Whimple Parish Councils is also referenced. The supporting text also ensures a positive approach to development, stating that ‘*whilst isolated new development or incursions into the green wedge area will be resisted, we recognise there may be a need and justification for minor development in the interests of ensuring that existing properties and business within the green wedge can continue to function properly.*’

3.49 The Examiner’s Report for the Neighbourhood Plan<sup>48</sup> examined in depth whether policy Rock06 was more or less restrictive than the Local Plan policy it reflected. The Examiner concluded that it was not, indeed in some regards being more positively worded. He voiced support for the fact that it was not as restrictive as Green Belt policy would be.

3.50 He also noted that while the policy had potential to be in conflict with a then-emerging separate Local Plan policy, this did not affect the fact that the policy could meet the Basic Conditions, which require it only to be in general conformity with adopted strategic policy. He also concluded that because the policy did not seek a blanket ban on development within the green wedge, it was in conformity with relevant national policy. The only relevant amendment he made to the policy for Melksham purposes was to ensure it covered only land within the neighbourhood area boundary.

## 3.3 Green Gaps or Wedges deleted from Neighbourhood Plans

### 3.3.1 Bray (Royal Borough of Windsor and Maidenhead)

3.51 A proposed green gap policy in the submission Bray Neighbourhood Plan<sup>49</sup> was deleted by the Examiner in his Report, dated October 2017.<sup>50</sup> The key reasons why the Examiner rejected the designation in principle were as follows:

- The proposed green gap was already entirely Green Belt land;

<sup>48</sup> Available at <https://eastdevon.gov.uk/media/2538844/rockbeare-report-final.pdf>

<sup>49</sup> Available at <https://www.brayparishcouncil.gov.uk/wp-content/uploads/2012/04/Bray-Parish-Council-Appendix-A-Bray-Parish-Neighbourhood-Plan.pdf>

<sup>50</sup> Available at <https://www.rbwm.gov.uk/media/1057/download>

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- The policy suggested that development would be supported where it would protect the landscape and environmental qualities of the gap, but the Examiner queried how this could occur and that those qualities had not been set out in detailed, up-to-date evidence;
- The policy was ambiguous because the gap was illustrated on a map as an arrow rather than a specific area with clear, defined boundaries;
- The policy supporting text indicated that the green gap might cover some existing built-up land which would be inappropriate; and
- The policy resisted ‘inappropriate development’ without defining that term.

### 3.3.2 Ringmer (Lewes)

3.52 Ringmer’s Neighbourhood Plan<sup>51</sup> was examined by the same Examiner as at Bray. His Report<sup>52</sup> is dated December 2014.

3.53 Policy 5.4 of the submission Neighbourhood Plan sought to designate a green gap where no such policy already existed at Local Plan level. However, the Examiner objected to its restrictive wording, which only allowed development ‘that would preserve the openness, separation and character of the countryside.’

3.54 The Examiner found the wording to be ‘*significantly more onerous than Green Belt policy*’ and that it ‘*would fail to have regard to the national policy presumption in favour of sustainable development.*’ He deleted the policy without suggesting a replacement.

### 3.3.3 West Clandon (Guildford)

3.55 The Examiner’s Report for West Clandon<sup>53</sup> states that Policy 4 of the submission Neighbourhood Plan designates a green gap, but the Examiner did not approve of the policy for two main reasons. Firstly, the land covered by the Gap is already Green Belt. Secondly, in the words of the Examiner, ‘*the Green Gap delineation is so extensive and the development management implications are so great that it is a strategic policy which is inappropriate for the Neighbourhood Plan*’.

3.56 With regard to the development management implications, the Examiner went on to note ‘*the description of the development management criteria....are more restrictive than those normally applicable to the Green Belt and so do not have regard to national guidance and do not generally conform with [the Local Plan]. Therefore, I recommend that clauses (i) and (ii) are deleted*’.

3.57 The Examiner concluded by recommending that the deleted clauses be replaced by the following new text: ‘*Subject to the exceptions provided by [Local Plan policy], development proposed which would result in significant or cumulative*

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<sup>51</sup> Unfortunately, the submission version of the Neighbourhood Plan is not available online.

<sup>52</sup> Available at <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/258936.pdf>

<sup>53</sup> Available at [https://www.guildford.gov.uk/media/33874/West-Clandon-NDP-Examiner-Report-201021/pdf/West\\_Clandon\\_NDP\\_Examiner\\_Report\\_201021.pdf?m=637717024618000000](https://www.guildford.gov.uk/media/33874/West-Clandon-NDP-Examiner-Report-201021/pdf/West_Clandon_NDP_Examiner_Report_201021.pdf?m=637717024618000000)

*erosion of the separation of West Clandon and other settlements and the protected views in Appendix 2 will not be supported*.

3.58 Map 4 in the submission version of the Neighbourhood Plan<sup>54</sup> is of interest in showing the size of the proposed green gap that the Examiner considered was of a strategic scale and thus not appropriate for a Neighbourhood Plan. Cross-referencing Map 4 with Google Earth indicates that the proposed gap was approximately 423 hectares in size.

### 3.4 Summary of lessons learned from example Neighbourhood Plans

3.59 As this chapter makes clear, there is an extensive amount that can be learnt and applied from Neighbourhood Plans across the rest of England when considering parameters and approach in policy terms to potential green wedges in the JMNP area.

3.60 This section comprises a bullet-point summary of what AECOM considers, based on knowledge and experience of neighbourhood planning, to be the most important lessons learnt from example Neighbourhood Plans. These are aimed at informing effective policies on green wedges in the emerging JMNP that can meet the Basic Conditions and thus pass Examination.

3.61 This summary was drafted ahead of the site visits undertaken as part of the study. Therefore, assessors in the field already had a broad idea of what might be possible or desirable in evidence and policy terms before surveying the land to which the policy might apply. This was helpful in informing, guiding, and focussing the site visits and the conclusions of post-visit analysis.

3.62 Based on examples of Neighbourhood Plans made elsewhere, it is considered that any green wedges policy in the emerging JMNP should be informed by the following key points:

- **Many Neighbourhood Plans that designate green gaps or wedges do so in a context where there are already restrictive policies at a higher level, such as Green Belt, AONBs, or green gaps / wedges in the Local Plan.** Logically, green gaps and wedges appear most necessary at Neighbourhood Plan level where no higher-level policy protection already exists, as is the case at Melksham. However, this point does indicate that at Melksham, detailed reference to relevant WCS policy and supporting text (see our Chapter 2) is important to include in supporting text, because it provides a key justification supporting the JMNP policy, informing policy aims as well as demonstrating conformity with the adopted development plan.
- **Examiners attach significant weight to evidence of community support for green wedge policies.** If evidence of such support does not already exist for the emerging JMNP, it should be very easy to produce, given the likely popularity of the policy among local residents. That evidence should be clearly referenced (alongside technical evidence, such as this report) in the supporting text as justification for the policy.

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<sup>54</sup> Available at <https://guildford.inconsult.uk/WCNP21/consultationHome>

- **Land within green wedges should specifically exclude existing built-up areas** (particularly if within settlement boundaries) **or land with permission for residential/commercial development** even if not yet developed or still under construction. Any built development within the wedge should comprise only uses permissible in the countryside, i.e. agricultural buildings such as farms and their barns.
- **Justification text supporting the case for the green wedges should reference evidence of development pressure within them.** Alongside this, it would also be appropriate to provide more general evidence of development pressure across the study area as a whole (indicating that the green wedges are not being designated with the general objective of hindering development, given that the majority of the land being promoted for development across the JMNP area is outside their boundaries). In this context, it would also be relevant to mention the sites developed in recent years contrary to WCS policy because WC was unable to demonstrate a deliverable five-year supply of housing sites.
- **The precise boundaries of green wedges designated by the policy could be supported by evidence of important views** (from publicly accessible locations), of towns/villages from countryside and vice versa. Such views could be identified through a site visit exercise. Boundaries should seek to follow features on the ground, such as roads or field boundaries, rather than straight lines. This will make the policy easier to understand and apply.
- **The term coalescence can and should be used in the policy and/or supporting text but needs careful definition.** Developments can contribute to coalescence both individually and cumulatively, so both adverbs should appear, to ensure the definition is sufficiently clear and hence make the policy effective and clear to use and apply.
- **The evidence supporting the policy<sup>55</sup> should consider the physical characteristics of each green wedge, explaining key landscape features** (and existing development such as farm buildings, if relevant) **and how those features contribute to preventing coalescence.** Such evidence can help support correspondingly stronger and broader policy text seeking to resist 'urbanising influences' (such as artificial lighting, new kerbs or roadside development like petrol stations) or built development itself in the green wedges.
- **The policy should be positively worded and support development to a greater extent than would AONB or Green Belt policy.** In both cases this helps to minimise the chances of the policy being challenged for being overly restrictive or amounting to a blanket ban on development. It should therefore include positive phrasing such as 'Development will be supported where it....'. Restrictions on development will also have to be significantly less onerous than Green Belt/LGS policy (which effectively allows no development that would compromise the openness of land) or National Park/AONB policy (which effectively prohibits 'major development' in most circumstances). Terms whose meaning is not clear but not defined (such as 'inappropriate development') should

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<sup>55</sup> In the case of the JMNP, the evidence is this report itself.

be avoided. Whatever the restrictions imposed<sup>56</sup>, the easiest and clearest way to do so is likely through a criteria-based policy (i.e. lettered clauses, each with one criterion that the development must meet in order to be supported). A further way to ensure positivity is through the highlighting of opportunities within the gaps or wedges (e.g. for leisure).

- **The supporting text, and potentially the policy, should use the language of national policy on local character and identity.** This will make the policy stronger in a context where green wedges and coalescence are not clearly defined nationally.
- **Clear mapping should be provided alongside the policy.** This will allow all plan users to easily understand the locations and extents of the green wedges designated. The boundaries of each wedge should not be blurred or indicative; to do so would be to weaken the policy. Any attempts, like that of the Examiner at the first JMNP, to introduce deliberate ambiguity to the mapping by substituting indicative symbols like green stars for specific boundaries can be more easily resisted once there is a firm technical and consultation evidence base supporting the boundaries selected. Figure 8 of the Wisborough Green Neighbourhood Plan is a helpful benchmark for clear mapping.
- **The topic of green wedges and avoiding coalescence should be kept separate from any other related policy areas<sup>57</sup>.** This will promote clarity, and hence effectiveness. Overlaps should be avoided with policies on related topics such as green infrastructure, biodiversity, housing design or general landscape policies. This should maintain the focus purely on avoiding coalescence and respecting the setting, local character, and identity of free-standing settlements. The only existing planning designation directly related to the issue is (Local Plan-level) settlement boundaries<sup>58</sup>.
- **The policy should be proportionate in the number and extent of wedges to be defined,** recognising this approach in the review of other example Neighbourhood Plan policies. Most other policies designate only one location as a green wedge. Even where many are designated (such as at Wisborough Green) their extents are proportionate to the scale of the settlements they separate. In terms of extent, West Clandon was an example of where a proposed gap was considered disproportionately large relative to the size of the village. The relatively larger size of settlements in the study area, particularly Melksham

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<sup>56</sup> The specific restrictions should reflect the JMNP context as determined through site visits and desktop policy/evidence review alongside the consultation and other technical evidence (including comparable other Neighbourhood Plan policies and their success or otherwise at Examination).

<sup>57</sup> With the exception of the point on opportunities for activities within them (e.g. leisure, landscaping, biodiversity) made previously.

<sup>58</sup> For those applying within the JMNP area, see Wiltshire Housing Site Allocations Plan Appendix A: North and West HMA Part 2 Amended Settlement Boundaries (February 2020) at [https://www.wiltshire.gov.uk/media/4550/Wiltshire-Housing-Site-Allocations-Plan-Appendix-A-North-West-HMA-Part-2/pdf/Wiltshire\\_Housing\\_Site\\_Allocations\\_Plan\\_Appendix\\_A\\_North\\_West\\_HMA\\_Part\\_2.pdf?m=637347432799270000](https://www.wiltshire.gov.uk/media/4550/Wiltshire-Housing-Site-Allocations-Plan-Appendix-A-North-West-HMA-Part-2/pdf/Wiltshire_Housing_Site_Allocations_Plan_Appendix_A_North_West_HMA_Part_2.pdf?m=637347432799270000)

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and Bowerhill, should, however, allow for proportionately larger areas to be designated as gaps or wedges.

- **Attempts to designate green wedges that extend across parish boundaries should be avoided**, as this would not be possible at neighbourhood level. In the case of JMNP, this applies to Locations 4 and 5, because Seend and Semington are outside its area. There are no examples of cross-boundary gaps or wedges in other made Neighbourhood Plans except for where they reflect the extents of gaps or wedges already designated at Local Plan level that lie within their area. As such, such locations could only be designated as either local or strategic wedges at Local Plan level.

## 4. Assessment of individual locations

### 4.1 Introduction

- 4.1 Green wedges preserve the physical and visual separation of settlements. As such, their designation is based on the spatial function that land between settlements provides, rather than a recognition of landscape quality or value that might arise from the condition, beauty, or services (such as ecological or recreational) provided by the landscape.
- 4.2 Eight potential green wedges were identified, in consultation with Melksham Town Council and Melksham Without Parish Councils, based on their perceived role in providing separation between settlements which is considered to be threatened by development pressure. Table 2 lists the areas identified for consideration in this report. The location of the areas is shown on Figure 2.

**Table 2: Potential locations for Green Wedge designation**

Potential location for Green Wedge	Locational context
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Whitley and Shaw	Whitley and Shaw are, in physical terms, two separate villages. The potential green wedge would act to retain the rural setting of each village and their respective identities. Three SHELAA sites (1023, 3246 and 3459) are located between the two settlement boundaries.
Shaw and Melksham	Shaw is a small village beyond the edge of Melksham. The potential green wedge would act to retain the rural setting of Shaw, preventing its coalescence with Melksham; particularly important here as there is significant intervening countryside development between the two settlements. Four SHELAA sites (187, 2089, 3177 and 3651) are located between the two settlement boundaries.
Melksham and Beanacre	Beanacre is a small village beyond the edge of Melksham. The potential green wedge would retain its rural setting and help preserve the setting of the village. Three SHELAA sites (3243, 3405 and 3746) are located between the two settlements and outside the Melksham settlement boundary.
Bowerhill and Seend Cleeve	The potential green wedge would protect the settings of Bowerhill and Seend Cleeve, retaining their identity as separate settlements, but would cross the parish boundary between Melksham Without and Seend. Four SHELAA sites (1035, 1036, 3331 and 3345) are located outside the Bowerhill settlement boundary but within the JMNP Neighbourhood Area, all south of the A365.
Bowerhill and Semington	The potential green wedge would protect the settings of Bowerhill and Semington, retaining their identity as separate settlements, but would cross the parish boundary between



Melksham Without and Semington. Six SHELAA sites (1003, 1004, 1005, 1006, 1019 and 1024) are located within this area outside the Bowerhill settlement boundary but within the JMNP Neighbourhood Area, on both sides of the A350.

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Melksham and Berryfield	A degree of coalescence between Melksham and Berryfield has already occurred along the eastern side of Semington Road. The potential green wedge would prevent further coalescence by protecting land west of Semington Road, within which there are six SHELAA sites outside the Melksham settlement boundary (728, 3105a, 3105b, 3105c, 3105d and 3645).
Between Berryfield, Bowerhill and Melksham (south of A365)	Some coalescence has occurred between Bowerhill and Berryfield, along Semington Road. Similarly, coalescence is beginning to be perceptible between Melksham and Bowerhill around the A365 Western Way roundabout. However, the settlement boundaries for Bowerhill and Melksham indicate that separate identities for all three settlements remain. The potential green wedge would act to safeguard the remaining open land between the settlements, preventing further coalescence. One SHELAA site (1025) and two Call for Sites submission sites (MEL04 and MEL06), all outside the Bowerhill and Melksham settlement boundaries, are found here.
Bowerhill and Melksham (north of A365)	Bowerhill and Melksham retain separate settlement boundaries, but the countryside between them to the north of the A365 has been reduced in extent by recent housing developments. The potential green wedge would retain a sense of separation between the two areas. Three SHELAA sites outside the Bowerhill and Melksham settlement boundaries (1034, 3219, 3249) are found here.

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## 4.2 Methodology

- 4.3 Each potential green wedge was assessed against the following three criteria to determine its suitability for designation.

### 4.2.1 Criterion 1: Settlement character

- 4.4 A green wedge defines land between settlements of distinct character. As such it is necessary to analyse each of the two (or more) settlements adjoining each potential green wedge to determine its key characteristics relative to the one or more settlements on the other side of the potential green wedge.
- 4.5 The following list identifies considerations to be used in this process:
- Do the settlements have distinct origins/history?
  - Do land uses differ by settlement?
  - Are building typologies distinctive by settlement- for example, prevailing building heights, massing, scales or materials?

- Is the perceptual quality of the townscape different by settlement, e.g. the level of tranquillity or activity?
- Does each settlement hold distinctive cultural associations?

4.6 The review of settlement character is based on desktop research, including review of historic maps, OS maps, aerial imagery and published character assessments, including the Melksham Neighbourhood Plan Rapid Community Character and Distinctiveness Statement, 2020<sup>59</sup> prepared as part of the evidence base for the first Neighbourhood Plan.

### 4.2.2 Criterion 2: Green wedge character

4.7 Green wedges provide a physical separation between built-up settlements; in other words, they are recognisable as open countryside, largely free from development. As such, each potential green wedge was analysed against the following criteria:

- Is there a clear edge between the countryside and its adjacent settlements?
- To what degree is there intervisibility between the countryside and the adjacent settlement?
- To what extent is there existing development within the countryside, other than for uses permissible in planning terms here (i.e. agriculture, forestry and horticulture)?
- Is the countryside generally open, thus allowing perception of separation between settlements?
- Do people travelling between the settlements (on road, foot or rail) have a sense of leaving one settlement, traversing countryside, and then arriving in the second settlement?
- Can the boundary of the potential green wedge be drawn using physical features identifiable on the ground (e.g. hedgerows, roads, rail lines)?

### 4.2.3 Criterion 3: Planning considerations

4.8 The review of national and local policy in Chapter 2 and of green gaps and wedges from elsewhere in Chapter 3 demonstrated the characteristics of green wedges that might meet the Basic Conditions of neighbourhood planning. A number of those characteristics are already included in criteria 1 and 2. Those remaining are listed below, and thus should be considered through criterion 3:

- Are there sites with planning permission for residential or commercial development, whether or not construction has started? Such sites should be considered existing settlements for planning purposes<sup>60</sup> and thus not included in the potential green wedge.

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<sup>59</sup> Available at:

[https://www.melkshamneighbourhoodplan.org/files/ugd/da341b\\_e73a84f04c544e28b803b1844af13825.pdf](https://www.melkshamneighbourhoodplan.org/files/ugd/da341b_e73a84f04c544e28b803b1844af13825.pdf)

<sup>60</sup> Even if the settlement boundary has not yet been updated to include them within the settlement of which they form a part.

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- Is the potential green wedge entirely within the Neighbourhood Area? If not, it cannot be designated at neighbourhood plan level, only at Local Plan level (assuming the potential green wedge does not also extend beyond Local Plan area boundaries)
  - Is there known intention to develop outside current settlement boundaries within the potential green wedge? This may be evidenced by recent planning applications and/or the presence of SHELAA and Call for Sites submission sites. Where such intention can be demonstrated, it increases the justification for wedge designation.
- 4.9 The remainder of this chapter comprises a location-by-location assessment of the potential for designating green wedges based on consistent application of the three criteria set out above.

## 4.3 Location 1: Whitley and Shaw

Table 3 Evaluation of green wedge between Whitley and Shaw

Criterion	Evaluation	Conclusion
1: Settlement Character	<p>Whitley and Shaw are both within LCA A3 which notes the “<i>Landscape setting, vernacular character and small scale of the villages as a key characteristic</i>”, and notes that “<i>pressure for new – linear - developments in and around villages could cause the villages to lose their distinctiveness</i>”.</p> <p>Both the northern edge of Shaw and the southern edge of Whitley comprise 20<sup>th</sup> century residential buildings. However, the two settlements exhibit different characters, as set out below. The settlements are also perceived to be distinct from one another by the local community, as set out in the Rapid Community Character and Distinctiveness Statement<sup>61</sup>.</p> <p>Whitley comprises a nucleated settlement, mostly set between the B3353 to the east, First Lane to the west, and Top Lane to the north. Building typology varies across the village, including historic farm houses, two storey houses and chalet bungalows. Houses typically comprise natural stone facades and red tile roofs. Mature vegetation borders the roads on the boundary of Whitley, typically limiting intervisibility with the wider landscape.</p> <p>Shaw is a linear settlement, focussed on the northern side of Shaw Hill, typically affording open views of the surrounding landscape to the south. Natural stone characterises the local material palette used for boundary walls and houses, which are typically detached and set back from the road behind boundary walls and hedgerows, interspersed by mature deciduous trees. Christ Church, located east of Corsham Road, comprises a prominent feature and local landmark.</p>	<p>The character of each settlement is considered sufficiently distinct to identify as two separate settlements.</p>

<sup>61</sup> [https://www.melkshamneighbourhoodplan.org/files/ugd/da341b\\_e73a84f04c544e28b803b1844af13825.pdf](https://www.melkshamneighbourhoodplan.org/files/ugd/da341b_e73a84f04c544e28b803b1844af13825.pdf)

Criterion	Evaluation	Conclusion
2: Green wedge character	<p>The green wedge is bisected from east to west by South Brook. An overhead line extends along the same orientation. (Photograph 1)</p> <p>Both settlements exhibit a clear boundary fronting onto the green wedge. The southern edge of Whitley is contained by First Lane. Vegetation south of First Lane softens the appearance of houses from the green wedge (Photograph 2). Lagard Farm extends south of the road, but this is not incongruous with the green wedge, given the farm’s agricultural use and character. Shaw’s northern boundary is formed by the rear of properties on Beeches Green and the rear of Mavern House, accessed off Corsham Road.</p> <p>The gap between the two settlements measures c. 160m at its narrowest point. Mature trees flanking the brook and hedgerows on the edge of each settlement substantially limit intervisibility between the two settlements.</p> <p>The green wedge is free from buildings. The perception of the green wedge is strengthened by the open landscape to the east and west, accessible via local footpaths. As such, the green wedge reads as part of the wider countryside, thereby providing a rural setting and separation to each village.</p> <p>The clear edge to each village and intervening field boundaries provide physical features along which the boundary of the green wedge can be drawn.</p>	<p>The character of the green wedge is sufficiently open to separate the two settlements.</p>
3: Planning considerations	<p>No sites within the green wedge are known to have received planning permission.</p> <p>The green wedge is entirely within the Neighbourhood Area.</p> <p>SHELAA sites are located between the two settlements (see Table 2 for details), indicating likely development pressure.</p>	<p>The green wedge is appropriate to be defined as such in terms of this criterion.</p>

4.10 The green wedge is found to provide physical and perceptual separation between the two villages and is therefore recommended for designation in the Neighbourhood Plan .

**Figure 9: Recommended green wedge between Whitley and Shaw**



*Source: Google Earth*

4.11 Figure 9 shows the extent of the recommended green wedge. The northern boundary is defined by the southern edge of Whitley, comprising First Lane and the southern boundary of Lagard Farm. The eastern boundary follows the western boundary of Whitley Golf Club, thereby including open land immediately east of Corsham Road which contributes to the perception of openness from the highway. The southern boundary follows the northern edge of Shaw. The western edge follows field boundaries between the two settlements. Fields further west are in agricultural use, perceived as part of the wider rural landscape, and therefore beyond the extent of the green wedge.

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Northern edge of Shaw

Approximate alignment of footpath

Overhead lines extending through green wedge

Glimpses of southern edge of Whitley

South Brook



Photograph 1: View of green wedge looking west from Corsham Road



Photograph 2: View north to southern edge of Whitley

## 4.4 Location 2: Shaw and Melksham

Table 4 Evaluation of green wedge between Shaw and Melksham

Criterion	Evaluation	Conclusion
1: Settlement character	<p>Shaw is within LCA A3 which notes the “<i>Landscape setting, vernacular character and small scale of the villages as a key characteristic</i>”, and notes that “<i>pressure for new – linear - developments in and around villages could cause the villages to lose their distinctiveness</i>”. Being a large settlement, Melksham is not included within a landscape character area.</p> <p>Shaw is a linear settlement, focussed on the northern side of Shaw Hill, typically affording open views of the surrounding landscape to the south (Photograph 3). Natural stone characterises the local material palette used for boundary walls and houses, which are typically detached and set back from the road behind boundary walls and hedgerows, interspersed by mature deciduous trees. The village’s southern boundary is well defined, extending along the rear of properties located on Shaw Hill (Photograph 4). The spire of Christ Church is visible on the edge of the settlement, enhancing its historic character and identity.</p> <p>The town of Melksham comprises a varied building typology and vernacular, and a wide range of land uses, including industrial and commercial uses. This results in a high degree of activity, compared to the settled character of Shaw. The north-western edge of Melksham comprises a modern estate built on land east of Bath Road.</p> <p>The settlement boundaries identified by WC identify Melksham as a Market Town, separate to the Large Village of Shaw and Whitley.</p>	<p>The character of each settlement is considered sufficiently distinct to identify as two separate settlements.</p>
2: Green wedge character	<p>Bath Road (A365) bisects the green wedge, broadly running from north to south. The road is typically busy with traffic and flanked by buildings. However, the materials (natural stone), form and layout of these buildings reflect their historic and agricultural character, and therefore the perception that they are part of the wider rural landscape, rather than part of either Shaw or Melksham (in landscape character terms).</p>	<p>The character of the green wedge is sufficiently open to separate the two settlements.</p>



Criterion	Evaluation	Conclusion
3: Planning considerations	<p>West of Bath Road, the green wedge comprises agricultural land with little visibility of the surrounding settlements or perception of Bath Road itself due to strong field boundaries, comprising hedgerows interspersed with trees. Similarly, the northern part of land east of Bath Road comprises agricultural land, whilst the southern part comprises Shurnhold Fields Country Park (Photograph 5), exhibiting a rural and open character. The perception of the green wedge is strengthened by the open landscape to the east and west, accessible via local footpaths. As such, the green wedge reads as part of the wider countryside, thereby providing a rural setting and separation for each village.</p> <p>The boundaries can be clearly identified by physical features, namely development boundaries and field boundaries.</p> <p>No sites within the green wedge are known to have received planning permission.</p> <p>The green wedge is entirely within the Neighbourhood Area.</p> <p>SHELAA sites are located between the two settlements (see Table 2 for details), indicating likely development pressure.</p>	<p>The green wedge is appropriate to be defined as such in terms of this criterion.</p>

4.12 The green wedge is found to provide physical and perceptual separation between Shaw and Melksham and is therefore recommended for designation in the Neighbourhood Plan.

**Figure 10: Recommended Green Wedge between Shaw and Melksham**



*Source: Google Earth*

4.13 Figure 10 shows the extent of the recommended green wedge between Shaw and Melksham. The northern boundary is defined by the southern edge of Shaw, comprising the rear of properties located south of Shaw Hill. The eastern boundary includes all of Shurnhold Fields, a public open space. The southern boundary follows the northern edge of Dunch Lane and the northern boundary of Shaw Grange. The western boundary follows field boundaries extending between the two settlements, broadly in line with the western extent of the southern boundary of Shaw to the north and Shaw Grange to the south.

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**Photograph 3: View south from edge of Shaw**

Properties on southern edge of Shaw

Christ Church



**Photograph 4: View north towards edge of Shaw**

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Bath Road (behind  
vegetation)

Christ Church

Shurnhold Fields Country  
Park



Photograph 5: View north from edge of Melksham

## 4.5 Location 3: Melksham and Beanacre

Table 5 Evaluation of green wedge between Beanacre and Melksham

Criterion	Evaluation	Conclusion
1: Settlement Character	<p>Beanacre is within LCA C2: Semington Open Clay Vale. Being a large settlement, Melksham is not within a landscape character area of its own.</p> <p>Beanacre comprises a ribbon settlement along the A350 and Westlands Lane and includes several listed buildings, contributing to the settlement’s historic character. Located on low-lying land close to the River Avon, the built development is typically enclosed by mature woodland, substantially screening views of the settlement from the south. (Photograph 7)</p> <p>The northern edge of Melksham comprises a line of post war housing located on Avon Road and Trent Crescent, as well as commercial buildings including Leekes Department Store and a car garage (Photograph 6). This edge is representative of the wider character of Melksham, comprising a varied vernacular and a range of land uses.</p> <p>The settlement boundaries identified in the Wiltshire Core Strategy identify Melksham as a Market Town. Beanacre is identified as a ‘small village’ so has no settlement boundary.</p>	<p>The character of each settlement is considered sufficiently distinct to identify as two separate settlements.</p>
2: Green Gap Character	<p>The A350 bisects the green wedge. The landform is relatively flat, forming part of the floodplain of the River Avon, promoting a sense of openness. Vegetation east of the A350 is sparse, limited to field boundary hedgerows, emphasising the openness of the landscape.</p> <p>Clumps and belts of woodland occupy land west of the A350, creating a localised sense of enclosure. However, the vegetation flanking the A350 is relatively thin and therefore intervisibility across the road remains. The green wedge is free from built development other than Burnt Cottages, a terrace of four red brick houses fronting onto the A350. Given their small footprint, they are not considered to detract from the function of the green wedge. The southern edge of Beanacre, comprising Beechfield House and Beanacre Manor, is enclosed by woodland (Photograph 7). However, the northern edge of Melksham is relatively open,</p>	<p>The character of the green wedge is sufficiently open to separate the two settlements.</p>

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affording visibility of residential and commercial buildings. As a result, the green wedge exhibits an urban fringe character in the south, becoming increasingly rural to the north.

The boundaries can be clearly identified by physical features, namely development boundaries and field boundaries.

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3: Planning considerations

No sites within the green wedge are known to have received planning permission.

The green wedge is entirely within the Neighbourhood Area.

SHELAA sites are located between the two settlements indicating likely development pressure (for details, see Table 2). Land west of the A350 was subject to a residential application that was subsequently withdrawn.

The green wedge is appropriate to be defined as such in terms of this criterion.

4.14 The green wedge is found to provide physical and perceptual separation between Beanacre and Melksham and is therefore recommended for designation in the Neighbourhood Plan .

**Figure 11: Recommended Green Wedge between Beanacre and Melksham**



*Source: Google Earth*

4.15 Figure 11 shows the extent of the recommended green wedge between Beanacre and Melksham. The northern boundary is defined by the southern edge of Beechfield House's curtilage in the east, and that of Beanacre Manor to the west. The eastern edge is marked by the River Avon. The southern edge is offset from the northern boundary of Melksham, following a field boundary and the edge of commercial development. The western boundary follows the railway line that runs between Melksham and Chippenham.

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Properties on northern  
edge of Melksham

Nortree Motor  
Company



Photograph 6: View south towards Melksham

Woodland surrounding  
Beechfield House



Photograph 7: View north towards Beanacre



## 4.6 Location 4: Bowerhill and Seend Cleeve

Figure 12: Bowerhill to Seend Cleeve - dashed line indicates area fails to meet criteria for green wedge designation at neighbourhood plan level



Source: Google Earth

- 4.16 Figure 12 shows the extent within the JMNP area of the potential green wedge between Bowerhill and Seend Cleeve. The northern boundary follows Bath Road (A365). The eastern and southern boundaries follow the parish boundary, which comprises field boundaries. The western edge is marked by the easternmost extent of Bowerhill.
- 4.17 Desk based review and field survey found that the two settlements exhibited a distinct character and that the intervening landscape, centred on the Kennet and Avon Canal, was open and provided a rural setting to each settlement, preventing their coalescence. These findings indicated that the green wedge would satisfy criteria 1 and 2. However, the southern extent is forced to follow an administrative boundary rather than the full extent of the functional green wedge, extending into Seend parish. As such, the area does not satisfy criterion 3 and therefore cannot be recommended for designation in the Neighbourhood Plan.
- 4.18 It should, however, be noted that because the land between Bowerhill and Seend Cleeve is considered to provide the function of a green wedge, and because all land is within WC's planning area, the land could be considered for green wedge designation through the emerging Wiltshire Local Plan.

## 4.7 Location 5: Bowerhill and Semington

Figure 13: Bowerhill and Semington - dashed line indicates area fails to meet criteria for green wedge designation at neighbourhood plan level



Source: Google Earth

- 4.19 Figure 13 shows the extent within the JMNP area of the potential green wedge between Bowerhill and Semington. The northern boundary follows the line of a dismantled railway south of Melksham Police Station. The eastern boundary follows the Semington Bypass (A350). The Kennet and Avon Canal, which is also the parish boundary, marks the area's southern boundary, whilst the western boundary is defined by a field boundary, part of Outmarsh Farm.
- 4.20 This review found that Bowerhill and Semington exhibit distinct characters, and that the existing land between them is open and prevents their coalescence. However, the southern extent is forced to follow an administrative boundary rather than the full extent of the functional green wedge, which extends into Semington parish. As such, the area does not satisfy criterion 3 and therefore cannot be recommended for designation in the Neighbourhood Plan.
- 4.21 It should, however, be noted that because the land between Bowerhill and Semington is considered to provide the function of a green wedge, and because all land is within WC's planning area, the land could be considered for green wedge designation through the emerging Wiltshire Local Plan.
- 4.22 After the draft final stage of this report was completed, Melksham Town Council and Melksham Without Parish Council contacted AECOM with information on the

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proposed next steps for Location 5. These are summarised in Appendix A: Next Steps for Location 5.

## 4.8 Location 6: Melksham and Berryfield

Table 6 Evaluation of green wedge between Berryfield and Melksham

Criterion	Evaluation	Conclusion
1: Settlement Character	<p>Berryfield is within LCA C2: Semington Open Clay Vale. Being a large settlement, Melksham is not within a landscape character area.</p> <p>Berryfield comprises a number of developments that have been built between 1800 and the present day. There is a wide variety of materials and form, resulting in a diverse architectural vernacular. The core of Berryfield comprises the estates of Berryfield Park, Winston Road and Padfield Gardens, located west of Semington Road and extending at a perpendicular angle towards the River Avon. More recent estates extend along the eastern side of Semington Road. Bowood View, the most recent development east of Semington Road, extends the settlement eastwards, towards the A350. Views from Berryfield to the surrounding landscape, particularly westerly views towards the River Avon and southerly views from the edge of Berryfield Park and Berryfield Lane, provide a green setting and semi-rural character to the settlement.</p> <p>The southern edge of Melksham is defined by the A350, which forms a line of severance in the landscape, dividing Melksham from the wider rural landscape to the south. As a result, the houses on the southern edge of the town relate principally to the wider townscape to the north.</p> <p>The settlement boundaries identified in the Wiltshire Core Strategy identify Melksham as a Market Town. Berryfield is identified as a 'small village', so has no settlement boundary.</p>	<p>The character of each settlement is considered sufficiently distinct to identify as two separate settlements.</p>
2: Green Wedge Character	<p>The green wedge comprises flat agricultural fields defined by hedgerows interspersed with trees.</p> <p>The green wedge is free from residential development. Agricultural buildings associated with Westward Farm, accessed off Berryfield Lane, occupy the centre of the area. The area promotes a sense of openness, resulting from the limited built form and relatively low field</p>	<p>The character of the wedge is sufficiently open to separate the two settlements.</p>

Criterion	Evaluation	Conclusion
	<p>boundaries, and marks a transition from the surrounding settlements to the wider rural landscape. Similarly, the absence of access roads leading into the green wedge, other than the agricultural tracks identified above, contributes to its rural character.</p> <p>The more recent developments located on Semington Road are visible from within the green wedge. The edge appears relatively uniform, following the alignment of Semington Road. The older estates, extending west from Semington Road, are mostly screened by a mature hedgerow on Berryfield Lane. There is almost no intervisibility with Melksham, given the screening effect of intervening field boundaries.</p> <p>The boundaries can be clearly identified by physical features, namely development boundaries and field boundaries.</p>	
<p>3: Planning considerations</p>	<p>No sites within the green wedge are known to have received planning permission. The northern boundary follows the edge of the development site west of Semington Road which was allowed on appeal in 2022.</p> <p>The green wedge is entirely within the Neighbourhood Area.</p> <p>The green wedge would protect land west of Semington Road, within which there are five SHELAA sites. An application for 53 dwellings has also been submitted (PL/2022/08155), but as this had not been determined at the time of writing, it is for the moment appropriate to include within the wedge. If the development is consented before the green wedge is designated in a made replacement JMNP, then the boundaries of the wedge would have to change to exclude it.</p>	<p>The green wedge is appropriate to be defined as such in terms of this criterion.</p>

4.23 The green wedge is found to provide physical and perceptual separation between Berryfield and Melksham and is therefore recommended for designation in the Neighbourhood Plan .

**Figure 14: Recommended Green Wedge between Melksham and Berryfield**



Source: Google Earth

4.24 Figure 14 shows the extent of the green wedge between Melksham and Berryfield. The northern boundary follows the A350 and the boundary of a forthcoming residential development west of Semington Road which was allowed on appeal in 2022. The eastern boundary broadly follows Semington Road and the boundaries of development lining the road. The northern extent of Berryfield forms the southern boundary, whilst the western boundary is formed by field boundaries.

Joint Melksham Neighbourhood Plan- Technical Facilitation

Agricultural buildings      Visual connection to the wider rural landscape



Photograph 8: View west from Semington Road

Houses on western side of Semington Road

Houses on Berryfield Lane



Photograph 9: View east towards Berryfield

## 4.9 Location 7: Berryfield, Bowerhill and Melksham

Table 7 Evaluation of green wedge between Berryfield, Bowerhill and Melksham

Criterion	Evaluation	Conclusion
1: Settlement Character	<p>Berryfield is within LCA C2: Semington Open Clay Vale. Melksham and Bowerhill are not within an LCA.</p> <p>The eastern edge of Berryfield comprises agricultural fields and recent residential development; however, this edge is separated from the green wedge by the A350 which forms a line of severance in the landscape, preventing any physical or visual connection.</p> <p>The southern edge of Melksham comprises post-war housing estates, bounded by Western Way (A365). The western edge of Bowerhill mostly comprises an industrial estate, characterised by eight large sheds which are converted from former RAF hangars. Each of the three settlements exhibit different land uses and/or building typologies, leading to distinct townscape characters.</p> <p>The settlement boundaries identified in the Wiltshire Core Strategy identify Melksham and Bowerhill as separate settlements. Berryfield is identified as a ‘small village’, so has no settlement boundary.</p>	<p>The character of each settlement is considered sufficiently distinct to identify as two separate settlements.</p>
2: Green wedge character	<p>The green wedge comprises flat fields defined by hedgerows interspersed with hedgerow trees.</p> <p>There is little to no intervisibility between the green wedge and the surrounding settlements. The green wedge acts as an open corridor of undeveloped land extending from the southern edge of Melksham to the wider rural landscape south of Bowerhill, experienced as people move along the public right of way network. As such, the area contributes to the character of the settlements at a local level, maintaining their connection to the wider landscape.</p> <p>Whilst motorists driving on the A350 and A365 experience very few direct views of the green wedge, the lack of development is evident by the absence of road accesses connecting to the highway and fleeting glimpses of the land at field accesses.</p>	<p>The character of the wedge is sufficiently open to separate the three settlements.</p>



Criterion	Evaluation	Conclusion
3: Planning considerations	<p>The green wedge boundary can be clearly identified by physical features, namely the edge of settlements and field boundaries.</p> <p>No sites within the green wedge are known to have received planning permission.</p> <p>The green wedge is entirely within the Neighbourhood Area.</p> <p>SHELAA and Call for Sites submissions are located in this area (for details, see Table 2). A recently refused residential application (20/08400/OUT) is also located within the area; all demonstrate development pressure here.</p>	<p>The green wedge is appropriate to be defined as such in terms of this criterion.</p>

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4.25 The green wedge is found to provide physical and perceptual separation between Berryfield, Bowerhill and Melksham and is therefore recommended for designation in the Neighbourhood Plan .

**Figure 15: Recommended Green Wedge between Berryfield, Bowerhill and Melksham**



Source: Google Earth

4.26 Figure 15 shows the extent of the green wedge between Berryfield, Bowerhill and Melksham. The northern boundary follows A365 Western Way. The eastern and southern boundaries follow the residential and industrial edge of Bowerhill. The A350 forms its western edge.

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Vegetation flanking A350



Photograph 10 View north from southern extent of green wedge

Vehicles on A365

Houses south of Western Way roundabout



Photograph 11 View east from green wedge

## 4.10 Location 8: Bowerhill and Melksham

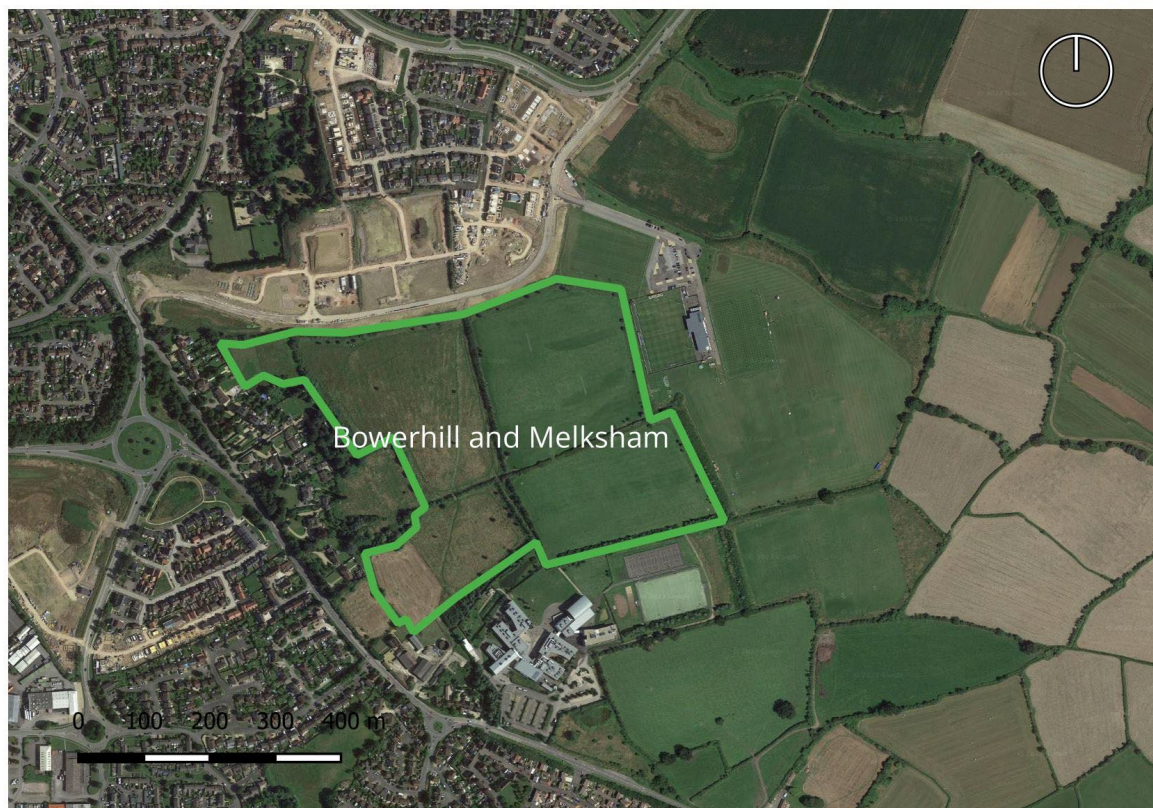
Table 8 Evaluation of green wedge between Bowerhill and Melksham

Criterion	Evaluation	Conclusion
1: Settlement Character	<p>The green wedge is within LCA C1: Melksham Open Clay Vale. Neither Melksham nor Bowerhill are located within a landscape character area.</p> <p>Both the southern edge of Melksham and the northern edge of Bowerhill include similar building typologies, typically comprising two storey red brick houses. Melksham is categorised as a Market Town in the Wiltshire Core Strategy and Bowerhill as a Large Village.</p> <p>The Spa, located between Melksham and Bowerhill, comprises distinctive detached Georgian houses, three of which are of four storeys, with ashlar facades, set within large gardens which provide a leafy setting.</p> <p>The rural landscape and the distinctive built form of The Spa, both located between Bowerhill and Melksham, provide a degree of separation between the two settlements, contributing to a semi-rural setting and preventing their physical coalescence.</p>	<p>Whilst the settlements exhibit similar building typologies, their physical separation is considered to protect their individual character.</p>
2: Green wedge character	<p>The 'Key Landscape Changes' identified for LCA C1 include "<i>Potential visually intrusive urban extensions to Melksham and Bowerhill</i>". The 'Management Strategy and Objectives' include "<i>Conserve and enhance the landscape setting of existing settlements/urban areas (such as Melksham and Bowerhill)</i>".</p> <p>The green wedge comprises flat fields of rough grassland to the west, and sports fields to the east. Tall, vegetated field boundaries limit intervisibility with the wider landscape, although glimpses of the settlement edges are apparent (Photograph 12).</p> <p>There are no buildings within the green wedge, promoting a rural and open character, creating a clear gap and transition between the two settlements, as experienced by people walking on the public right of way network.</p>	<p>The character of the wedge is sufficiently open to separate the two settlements.</p>

Criterion	Evaluation	Conclusion
3: Planning considerations	<p>The boundaries can be clearly identified by physical features, namely development boundaries and field boundaries.</p> <p>No sites within the green wedge are known to have received planning permission.</p> <p>The green wedge is entirely within the Neighbourhood Area.</p> <p>SHELAA sites are located in this area (for details, see Table 2), demonstrating development pressure here.</p>	<p>The green wedge is appropriate to be defined as such in terms of this criterion.</p>

4.27 The green wedge is considered to provide physical and perceptual separation between Bowerhill and Melksham and is therefore recommended for designation in the Neighbourhood Plan.

**Figure 16: Recommended Green Wedge between Bowerhill and Melksham**



Source: Google Earth

4.28 Figure 16 shows the extent of the green wedge between Bowerhill and Melksham. The northern boundary follows the southern edge of Melksham, as defined by a major new housing site under construction. The eastern boundary follows field boundaries between agricultural fields and Melksham Rugby and Football Club. The southern boundary follows the northern edge of Melksham Oak community School, whilst the edge of The Spa forms the western boundary.

Houses on southern edge of Melksham



Photograph 12: View north towards Melksham

Houses fronting onto Bath Road



Photograph 13: View south towards Bowerhill

## 5. Conclusion, Recommendations and Next Steps

### 5.1 Introduction

- 5.1 This is an independent, impartial technical report which has assessed the potential and most appropriate locations for green wedges within the replacement JMNP, based on a comprehensive review of relevant evidence, including:
- National policy and guidance;
  - Desktop review of relevant evidence and policy in the study area;
  - Examples of Neighbourhood Plans from elsewhere;
  - Technical best practice in policy advice and landscape assessment; and
  - A site visit by landscape and policy planning specialists.
- 5.2 The report was progressed at the same time as a separate AECOM Site Assessment, whose conclusions are relevant for but independent of this report's conclusions. Likewise, any work being carried out by the Joint Melksham Neighbourhood Plan Steering Group on the potential for LGSs is also independent of this report, even if its conclusions have some relevance.
- 5.3 While there is no specific definition of green wedges and no explicit statement of the need to avoid coalescence in national policy and guidance, this does not mean that national policy is not supportive in principle of such designations, as evidenced by the many made Neighbourhood Plans across England that designate them.

### 5.2 Key conclusions and recommendations

- 5.4 It is considered that the emerging JMNP **can and should include a policy protecting land within designated green wedges** from development that would result in coalescence and loss of settlement identity, and that this report could form key evidence supporting that policy. Of the eight potential green wedges considered in this report, six were found to meet the criteria of green wedge designation at Neighbourhood Plan level.
- 5.5 The green wedge policy **should appear in the Regulation 14 consultation draft of the emerging JMNP**. This will enable feedback on the draft policy by relevant stakeholders, including the local community, landowners, developers, and WC.
- 5.6 After Regulation 14 consultation, the policy **should be amended if necessary, based on the representations received by consultees** (or for any other reason deemed appropriate). It can then be carried forward into the submission version of the replacement JMNP, to be reviewed by an independent Examiner against the Basic Conditions of neighbourhood planning.



- 5.7 Section 5.3 presents **one possible suggestion for the wording of a green wedge policy and supporting text which could be included in the replacement JMNP, based on the evidence reviewed**. While there is never any guarantee that such a policy or wording would pass Examination, it is considered that the wording below would maximise the chances of doing so. It is at any rate deemed appropriate for testing at Regulation 14 stage, to be amended as appropriate following any representations received or for any other reason the Qualifying Body deem appropriate.
- 5.8 The policy should only be included within the neighbourhood plan if **accompanied by a good-quality map clearly showing the boundaries of the green wedge designations**. Figure 17 below uses Google Earth imagery as a base to indicate what such a map might look like, although for the neighbourhood plan itself, a map with Ordnance Survey (OS) 1:25,000 scale base mapping, relying on an OS mapping license, would be preferable. It is understood that both the Qualifying Bodies hold such licenses.

**Figure 17: Locations and extents of all recommended Green Wedge designations**



Source: Google Earth

## 5.3 Suggestion for wording of policy and supporting text

### **Policy XXX: Green Wedges**

*Within designated Green Wedges (mapped in Figure XXX), development will only be supported where it:*

- a) does not individually or cumulatively result in coalescence or loss of separate identity or character of individual settlements;*
- b) maintains the generally open character of the countryside;*
- c) minimises urbanising effects, such as artificial lighting and traffic movements;*
- d) retains important elements of the rural landscape such as trees and hedgerows; and*
- e) does not adversely impact the existing landscape and recreational value of the countryside.*

### **Justification**

*In recent years, extensive new housing development has been approved across the Neighbourhood Area. Some of this development has had the effect of increasing the perceived or actual coalescence between formerly free-standing settlements, each with their own history, character, and identity. Such development was in some cases permitted contrary to relevant policy in the Wiltshire Core Strategy because the Council was unable to demonstrate a five-year supply of deliverable housing sites, meaning the Core Strategy policies carried less weight, in line with the presumption in favour of sustainable development in NPPF paragraph 11).*

*The new Wiltshire SHELAA and separate town and parish Call for Sites carried out alongside the drafting of this Neighbourhood Plan clearly indicate that land continues to be promoted for development in locations where coalescence could result if an application were consented.*

*Shaw, Whitley, Beanacre, Bowerhill, Berryfield and Melksham itself each retain a unique character, history and sense of place derived from their landscape settings as recognisably distinct built-up areas distinguishable from other neighbouring settlements by intervening countryside.*

*The proportionate designation of certain areas of countryside outside settlement boundaries as green wedges can help prevent further erosion of local character and identity arising from coalescence, noting that developments can contribute to coalescence both individually and cumulatively. Further details on green wedges are set out in the AECOM/Iceni Projects Green Gap and Wedge study<sup>62</sup> that forms part of the evidence underpinning this policy.*

*The areas designated as green wedges are proportionate in scale to the settlements they separate and have clearly-defined boundaries based on*

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<sup>62</sup> Joint Melksham Neighbourhood Plan Steering Group to insert here link to where this report is saved on the JMNP website.

*physical features. The restrictions on development are looser than for policy designations defined at a strategic level, including for example Green Belts, Areas of Outstanding Natural Beauty (AONBs) or National Parks. However, the restrictions are greater than those already applying to undesignated countryside (NPPF paragraphs 80 and 84c), to ensure the policy is effective. Relevant national policy supporting Green Wedge designation includes*

*-NPPF paragraph 9, which aims for planning policies to reflect the character of each area;*

*-NPPF paragraphs 130 c) and d), which respectively require planning policies to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, and to ensure that developments maintain a strong sense of place.*

*The policy wording also reflects the adopted strategic development plan (Wiltshire Core Strategy) and the West Wiltshire Landscape Character Assessment (LCA) upon which it is based. While the Core Strategy does not have a specific green wedges policy of its own, policy CP51: Landscape requires proposals to conserve and enhance the locally distinctive character of settlements and their landscape settings, and the separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.*

*Similarly, Core Strategy Policy CP57: Ensuring High Quality Design and Place Shaping states that development is expected to create a strong sense of place through drawing on the local context and that applications should enhance local distinctiveness by responding to the value of the natural and historic environment, relate positively to its landscape setting and the existing pattern of development and take account of the characteristics of the site and the local context.*

*The Core Strategy further notes (paragraph 5.83) that the identity of Melksham and Bowerhill as separate communities will need to be preserved through the planning process. It also notes that both Berryfield and Bowerhill ‘have important individual characteristics which should be protected where practicable’.*

*The policy has also taken into account recent relevant planning application and appeal decisions on coalescence and landscape impact of development, which are material considerations for planning purposes. These are reviewed in detail in the AECOM/Iceni Projects study referenced previously.*

*Consultation carried out by the Joint Melksham Neighbourhood Plan Steering Group indicates that this policy has strong support among local residents and communities.<sup>63</sup>*

*In developing this policy, the Joint Melksham Neighbourhood Plan Steering Group have noted potential for further green wedges extending outside the neighbourhood area (specifically, between Bowerhill and Seend/Seend Cleeve and between Bowerhill, Berryfield and Semington). However, it is recognised that these would not be appropriate to designate through a Neighbourhood Plan. As such, the Joint Melksham Neighbourhood Plan Steering Group support their*

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<sup>63</sup> Joint Melksham Neighbourhood Plan Steering Group to insert here link to where such evidence is saved on the JMNP website.

Joint Melksham Neighbourhood Plan- Technical Facilitation

*designation as strategic or local green wedges within the emerging Wiltshire Local Plan.*

## Appendix A-Next Steps for Location 5: Bowerhill and Semington

On 10<sup>th</sup> March 2023, following completion of the draft final text of this report, Melksham Town Council and Melksham Without Parish Council informed AECOM of their proposed next steps for Location 5: Bowerhill and Semington.

Following receipt of this information, it was agreed between the Town and Parish Councils, AECOM and Locality that while the conclusions of the original report would stand, this appendix would be added to indicate the proposed next steps for a candidate green wedge in this location.

The Town and Parish Councils firstly contacted Wiltshire Council to determine if there was any prospect of a strategic green wedge (i.e. one that can cut across parish boundaries) being designated in this location within the emerging Wiltshire Local Plan, a possibility mentioned in the main body of this report.

David Way, Neighbourhood Planning Officer at Wiltshire Council, indicated in response that the emerging Local Plan will not contain such a strategic designation. On the basis of this information, the Town and Parish councils have commenced joint working with Semington Parish Council to seek to co-ordinate a non-strategic green wedge in this location across the two separate emerging neighbourhood plans.

The objective is the designation of a green wedge crossing the parish boundary of Melksham Without and Semington; as such, data and evidence similar to that presented in this report would need to be gathered on the Semington side of the boundary. In their e-mail, the Town and Parish Councils indicate that this process has already started. The ultimate aim is to ensure that both the Examiner for the replacement JMNP and the Examiner for the emerging Semington Neighbourhood Plan come to the same conclusion, i.e. that a cross-boundary (but non-strategic) green wedge is justified in this location based on relevant evidence.

Potentially relevant evidence mentioned by the Town and Parish Councils that could inform the neighbourhood plan processes on both sides of the border is the as yet undetermined planning application for the restoration of the Wiltshire and Berkshire Canal<sup>64</sup> by the Wilts and Berks Canal Trust as part of their Melksham Link project.<sup>65</sup>

This project/planning application was not mentioned in the main body of the report because it was superseded by the overall conclusion that it would not be possible to designate a strategic green wedge in this location; this has now been confirmed by Wiltshire Council. However, it could indeed be relevant in the context of planning a co-ordinated non-strategic green wedge across the two neighbourhood plans.

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<sup>64</sup> Available at <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000014ebeJAAQ/w1201080ful>

<sup>65</sup> See <https://www.wbct.org.uk/mcc-projects/melksham-link>



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20 May 2024

### Lime Down Solar Park Update: Close of Stage One and Meeting Offer.

I am writing to let you know that our Stage One consultation for Lime Down Solar Park has now ended, having run for six weeks between 14 March and 26 April 2024.

We would like to thank all those who participated in our Stage One community consultation and engaged with us during this period, including the 1,000+ people who dropped by across the eight information events we held online and in the local area. We will now be taking the time to consider the more than 1,300 comments received in response to this consultation so we can use the feedback, together with findings from ongoing technical assessments, to further refine our plans ahead of a further stage of consultation later this year.

**We would welcome the opportunity to meet and brief you about the Stage One community consultation** to offer an overview of the engagement that took place and a high-level summary of the main issues raised. The briefing would also give us the opportunity to address any questions and comments you might have regarding the ongoing project development process and consultation process moving forward.

If you would be interested in joining a meeting soon, please could you respond with your availability to our community relations team at **0808 175 6656** or [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk). The meeting will be held virtually, via MS Teams.

We are committed to providing updates to members of the public and community representatives. In addition to writing to key stakeholders such as yourself, we are also contacting the 250+ people who registered their details with us to receive direct updates on Lime Down Solar Park, providing the information set out below on next steps following the close of Stage One.

Further, we will also continue our engagement with Wiltshire Council, community groups and technical consultees in the lead-up to Stage Two and remain available during this time to answer any queries members of the local community may have on the process and proposals at this stage.

### Next steps

We are now reviewing all of the comments submitted to us during the Stage One consultation to shape a strong set of proposals that are sensitive to and respect concerns of local communities. Our focus is on providing accurate and honest information to build an understanding of how Lime Down Solar Park can generate cheap, low carbon energy, bring benefits while minimising adverse impacts on the local environment and surrounding communities.

We will soon produce a Stage One Consultation Summary Report which will include a summary of the feedback submitted to this consultation along with an overview of how we've taken these views into account as we continue to develop our proposals. People who have registered their details with us to be kept up to date will be directly notified by email when the Consultation Summary Report is made available. As a key stakeholder, we will also make sure to notify you directly at this time to provide you with a PDF copy of the document to view, download and print.

Page 1 of 3



### Stage Two Consultation

Later this year, we plan to carry out a second stage of community consultation ('Stage Two') on more detailed proposals for Lime Down Solar Park. This will be a statutory stage of consultation and give local communities another opportunity to comment on more refined plans for the project and see how they have evolved since this initial consultation.

The Stage Two consultation will include a Preliminary Environmental Information Report, a document which will set out the initial findings of the Environmental Impact Assessment we are undertaking. This will also include the measures we have identified to reduce, enhance, and improve the effects our proposed development may have on the local environment, which we will invite further feedback on.

### Overview of the project

Our proposals for Lime Down Solar Park would comprise the installation of solar photovoltaic panels (PV) and an onsite battery energy storage system, plus infrastructure to connect the scheme into the national grid at the existing Melksham substation. The project is expected to provide around 500 megawatts (MW) AC of solar energy, which is enough clean affordable electricity to power approximately 115,000 homes.

Lime Down Solar Park will provide a significant amount of clean electricity for business and homes in the region, supporting national and regional aims to decarbonise our electricity systems and bolster our energy security. The project will contribute towards Government targets to reach net zero by 2050 and decarbonisation of the energy sector by 2035, and its intention to achieve a fivefold increase in solar power by 2035.

It is our ambition to design Lime Down Solar Park in a way that boosts and enhances local wildlife by delivering a net gain in biodiversity. This would result in more wildlife and biodiversity across the site area during the lifetime of project than there is currently. As well as providing clean electricity that helps us move away from polluting fossil fuels – solar energy generation can go hand-in-hand in delivering major benefits to the local environment.

We also want to deliver community benefits alongside our proposals and believe those in the local community are best placed to inform what benefits may be best suited. We look forward to reviewing the feedback local stakeholders submitted to us on this during the Stage One community consultation.

### The developer

Lime Down Solar Park is being proposed by Island Green Power, a leading developer of renewable energy projects. Established in 2013, we specialise in the development of utility-scale solar projects and battery energy storage systems and have successfully delivered 34 projects worldwide totalling more than 1 gigawatt of capacity.

Island Green Power is committed to help the UK meet net zero goals. Our mission is to help the UK increase its solar energy generation, making more renewable energy possible whilst drastically

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reducing carbon emissions. We are equally committed to responsible land use, developing projects that work in harmony with the local community and environment and delivering bespoke benefits and enhancements best suited to the surroundings.

### The development process

Lime Down Solar Park is classified as a Nationally Significant Infrastructure Project (NSIP) because the amount of electricity it could generate exceeds 50 megawatts.

The consenting regime for an NSIP comes under the Planning Act 2008. This means we need to submit an application for a Development Consent Order (DCO) to the Planning Inspectorate (PINS) rather than the local planning authority.

In energy-related developments PINS, acting on behalf of the Secretary of State for the Department of Energy Security and Net Zero (DESNZ), carry out examinations of proposals and then make a recommendation to the Secretary of State on whether to grant consent for developments. Consent is then determined by the Secretary of State.

We anticipate that the development process through DCO submission and examination will take between two and three years. We intend to submit our DCO application to PINS in mid-2025. Subject to achieving consent, construction would start no earlier than 2027.

### Contact us

Throughout the development of Lime Down Solar Park, we will ensure you receive copies of our consultee information and notices of our events. In the meantime, if you have any questions or queries about our proposals, please do not hesitate to contact me or a member of our community relations team at **0808 175 6656** or [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk).

Yours faithfully,

A handwritten signature in black ink that reads "Will Threlfall".

Will Threlfall

**Project Development Manager**  
**On behalf of Lime Down Solar Park Limited**

## Teresa Strange

---

**From:** info@limedownsolar.co.uk  
**Sent:** 04 June 2024 16:07  
**To:** Teresa Strange  
**Cc:** Lorraine McRandle  
**Subject:** Re: Lime Down Solar Park Update: Close of Stage One and Meeting Offer.

Dear Teresa,

Thanks for getting back to me, no apologies necessary.

Thank you very much for the feedback attached.

We look forward to hearing what the Council would like to discuss. From our side, our aim for the meeting is to offer an overview of the engagement that took place during our Stage 1 consultation and a high-level summary of the main issues raised.

Kind regards,

Kate

Community Relations Team

**Lime Down Solar Park**

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**From:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>  
**Sent:** Tuesday, June 4, 2024 10:31 AM  
**To:** info@limedownsolar.co.uk <info@limedownsolar.co.uk>  
**Cc:** Lorraine McRandle <office@melkshamwithout-pc.gov.uk>  
**Subject:** RE: Lime Down Solar Park Update: Close of Stage One and Meeting Offer.

Dear Kate

Sorry, yes, I confirm the meeting at midday on 12<sup>th</sup> June.

Attached is our response to you, and that of our local Community Action Group, CAWS.

For us, its all about the Whitley battery storage and how everything connects into the Beanacre substation – as both villages and the surrounding area are in our parish.

We have a Planning Committee meeting on Monday, and on the agenda is for the councillors to agree what they want to discuss with you in terms of specific points, and we will let you know that first thing Tuesday morning.

Kind regards, Teresa

Teresa Strange  
Clerk & Responsible Financial Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

**Wellbeing Statement** I may send emails outside office hours but never with any expectation of response. Please just get back to me when you can within your own working hours. Thank you.

Want to keep in touch?

Follow us on facebook: [Melksham Without Parish Council](#) or [Teresa Strange \(Clerk\)](#) for additional community news

On twitter: [@melkshamwithout](#)

On Instagram: [melkshamwithoutpc](#)

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**From:** [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk) <[info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk)>  
**Sent:** 04 June 2024 10:16  
**To:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Subject:** Re: Lime Down Solar Park Update: Close of Stage One and Meeting Offer.

Hi Teresa,

Hope you are well.

Just following up to check that 12:00 12<sup>th</sup> June is still suitable, and if the Council have any specific points that they would like to discuss and we can add them to the meeting agenda. Many thanks in advance.

Kind regards,  
Kate

Community Relations Team

**Lime Down Solar Park**

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**From:** [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk) <[info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk)>  
**Sent:** Friday, May 24, 2024 5:45 PM  
**To:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Subject:** Re: Lime Down Solar Park Update: Close of Stage One and Meeting Offer.

Hi Teresa,

Great, thank you very much. Could we book the meeting for midday on the 12<sup>th</sup> of June then please? We expect the meeting to last around an hour.

If the parish has any specific points they would like to discuss, please could you let us know beforehand and we can add it to the meeting agenda?

Many thanks again.

Kind regards,

Kate

Community Relations Team

**Lime Down Solar Park**

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**From:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Sent:** Thursday, May 23, 2024 11:48 AM  
**To:** [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk) <[info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk)>  
**Subject:** RE: Lime Down Solar Park Update: Close of Stage One and Meeting Offer.

Hi Kate  
Yes we can do then.  
Kind regards, Teresa

---

**From:** [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk) <[info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk)>  
**Sent:** 22 May 2024 16:52  
**To:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Subject:** Re: Lime Down Solar Park Update: Close of Stage One and Meeting Offer.

Hi Teresa,

Thank you for these additional dates - could I please check if you have availability for the 12<sup>th</sup> June between 11:30am and 4pm?

Kind regards,  
Kate

Community Relations Team

**Lime Down Solar Park**

- T: 0808 175 6656
- E: [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk)
- FREEPOST Lime Down Solar



---

**From:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Sent:** Wednesday, May 22, 2024 1:56 PM  
**To:** [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk) <[info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk)>  
**Subject:** RE: Lime Down Solar Park Update: Close of Stage One and Meeting Offer.

Thank you  
Can you have a look for Tues 4<sup>th</sup> and Weds 5<sup>th</sup> June too please – trying to arrange a couple of meetings for the councillors back to back (as they are volunteers) so trying to tie up with others as well.  
Thanks, Teresa

Teresa Strange  
Clerk & Responsible Financial Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES

01225 705700

[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

**Wellbeing Statement** I may send emails outside office hours but never with any expectation of response. Please just get back to me when you can within your own working hours. Thank you.

Want to keep in touch?

Follow us on facebook: Melksham Without Parish Council or Teresa Strange (Clerk) for additional community news

On twitter: @melkshamwithout

On Instagram: melkshamwithoutpc

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**From:** [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk) <[info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk)>

**Sent:** 22 May 2024 13:26

**To:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>

**Subject:** Re: Lime Down Solar Park Update: Close of Stage One and Meeting Offer.

Hi Teresa,

Thanks for getting in touch.

Apologies, we had some technical issues with our inbox sending these letters out and it appears to have been sent twice by mistake.

Thank you very much for the offer of the 29<sup>th</sup> as a date to meet with the parish council, I've taken this to the project team for their availability and we will get back to you shortly on this.

Kind regards,

Kate

Community Relations Team

**Lime Down Solar Park**

- T: 0808 175 6656
- E: [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk)
- FREEPOST Lime Down Solar



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**From:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Sent:** Wednesday, May 22, 2024 1:20 PM  
**To:** [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk) <[info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk)>  
**Subject:** FW: Lime Down Solar Park Update: Close of Stage One and Meeting Offer.

Hi Will

We already have this letter and have replied to offer a date for a feedback session.

Did you mean to send to us again, or was this meant for Melksham Town Council who have also recently commented?

Kind regards, Teresa

Teresa Strange  
Clerk & Responsible Financial Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
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On twitter: [@melkshamwithout](#)

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**From:** [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk) <[info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk)>

**Sent:** 20 May 2024 17:01

**Subject:** Lime Down Solar Park Update: Close of Stage One and Meeting Offer.

Dear Parish Council,

Please find attached a letter for your attention on behalf of Lime Down Solar Park.

Thank you, and please do not hesitate to contact us at the details provided below should you have any questions or queries.

Kind regards,

Will Threlfall

Project Development Manager

**Lime Down Solar Park**

- T: 0808 175 6656
- E: [info@limedownsolar.co.uk](mailto:info@limedownsolar.co.uk)
- FREEPOST Lime Down Solar





Martin Kyte

Clerk to Atworth Parish Council

Date: 7th May 2024

To: Lime Down Solar

**RE: Whitley Battery Storage Site**

Atworth Parish borders on the Whitley and Shaw villages and currently has approximately 1300 parishioners living in approximately 500 residential dwellings. As a rural Parish you will not be surprised to learn that the local community value the beauty, tranquillity and bio diversity that the countryside brings.

As a close neighbour we are shocked and saddened by the proposals to develop a huge battery storage site in Whitley with no apparent benefit or business need to the local community. It would appear the location decision is bereft from any sound reasoning and is driven by financial benefit for both land owner and developer. Members of the Atworth Parish Council and other parishioners have attended community meetings as well as a site visit also attended by local MP Michelle Donelan and the Council would like to make the following observations and objections

**Proportionality**

The proposed battery storage site is huge. This area of Wiltshire has already delivered more than its fair share and 8 of the top 10 solar sites in the UK are in Wiltshire. Atworth itself will have one new solar farm at Studley Farm in the near future as well as plans being developed for a further site but if the Whitley Battery storage site comes to fruition it will dwarf these sites and could be the largest Battery Storage facility in Europe. The level and complexity of landscaping to develop this and provide flood attenuation will cover many acres.

**Planning policy and planning decision precedent.**

The precedent set by the recently refused planning application (21/3/24) for a battery storage facility at Land at Somerford Farm, Brinkworth (Planning application PL/2022/02824) by Wiltshire Council should apply here. The criteria and factors for refusal are identical in that objections as to size, scale, design, appearance as it would have a harmful impact on the landscape character and appearance of the area in conflict with Core Policy 51 ii, iv, vi v11 and Core Policy 57 I, iii of the Wiltshire Core Strategy and Paragraphs 135 and 180 of the NPPF should all be recorded. The parish council also considers that this proposal conflicts with Policy 86 in the Wiltshire Council draft Local Plan (Reg 19 version, Sept 2023) as well as Policy 2: Renewable Energy in both the adopted Melksham Neighbourhood Plan and the emerging draft Melksham Neighbourhood Plan 2 (Regulation 14 version October 2023).

### **Noise pollution**

AS the crow flies many Atworth Parish residents are very close to the proposed site and many residents also 'ramble' or walk their dogs close to Whitley village. There will no doubt be a degree of noise inflicted on parishioners that will be very different in character to the noise of the natural environment currently experienced.

### **Operation/Future Use**

More clarity is required on the future use and operation of the battery storage site. What security measure will it have? Will it be storing energy created from solar farms some 12 miles away, with what seems to be inefficient ways of transferring/transforming the energy before it finally reaches the Beanacre substation? Can you explain the potential need for a substation in Whitley, please? And if there will still be a requirement for one if the battery storage is to be located elsewhere in Wiltshire? There are concerns that the site will be used to download cheaper electricity during off-peak times to feed into the grid during busier times. This means that there would be noise in the middle of the night and not during the daylight hours – can you confirm that is not the case? Can you confirm the details of the planned longevity of the site, and that a bond will be put in place to remove all signs of the battery storage at the end of its operation? What safeguards are in place if the ownership changes during the lifetime of the project? Pretty much all of the solar farms in the parish have changed ownership, and some more than once, so this seems to be a common occurrence.

### **Biodiversity & Wildlife**

The area is abundant and rich in biodiversity and such a development will have an inevitable impact on the wildlife and biodiversity of the site. Whilst the site itself will remove natural habitats the impacts of construction, laying of miles of cable and landscaping will impact and change numerous areas of rich natural habitat. There is concern that the abundance of security fencing and associated lighting will impact the behaviours and safety of wildlife particularly at night.

### **Wellbeing**

The well-being of parishioners in Atworth and the surrounding villages has already been impacted. The prospect of this proposed battery storage site is already making residents feel anxious and spoiling their quiet enjoyment of where they live. The thoughts of the impact of the delivery and construction period; the impact of any final installation on the daily life of residents – on their daily dog walk, the view out the window, the feel of the village - are already being keenly felt.

### **Detailed plans**

The community and parish council are keen to understand more of the detailed plans. Information being given via a number of media is very scant, contradictory and ill prepared. Local residents are not getting the information and answers to questions they deserve.

### **Loss of greenfield**

Why has a more appropriate 'brownfield' site not been considered that is closer to the location of the solar panel sites? There are concerns that the industrial feel of the installation will mean that it will always be treated as such, with the potential for more industrial use either during or at the end of life of the battery site, and not a return to agricultural land. There has been no industrial history on this site.

### **Agricultural land**

The land is currently farmed and is in active use for food production with new protections being brought in for food production with the recent Levelling Up & Regeneration legislation. Promoting a solar energy

project as a green solution whilst increasing food miles in the locality seems counterproductive. This land has been farmed for generations and for many years by the current tenant farmer.

### **National Infrastructure & Process of Application**

More information is sought on the whole process of a national infrastructure project with a decision by the Secretary of State. Can you please provide more details of the process, how the community and local stakeholders can engage with the process etc? An explanation of how this proposed national infrastructure project is provided and funded by a private overseas investment company is something that residents have raised as a query. Is the landscape being altered forever for national infrastructure needs or the benefit of overseas shareholders?

### **Landscape**

The proposed raised elevation of this site brings a very harmful impact on the natural landscape and will be very prominent in the surrounding area transforming the natural, rural outlook and view to a semi-industrialised landscape. Atworth Parish is already being subjected to two other possible developments and the prospect of being surrounded by an unusually high level of industrialisation does not make sense and is highly inappropriate.

### **Cumulative effect**

Concerns are raised about the cumulative effect of the sheer amount of battery storage facility installations in the surrounding area. Residents feel that at every turn on walks on Rights of Way, they see a sea of solar panels or battery storage already.

### **Summary**

Atworth Parish Council strongly objects to the proposed scheme as there are no local benefits to be gained either by residents or to the economy. The nature and sheer size of the development is so inappropriate for a number of reasons as explained above. In addition, there are major concerns about the engagement process and the lack of granularity and openness in any exchanges with the developer, the community meetings did not offer any reassurance or deeper understanding of the proposals to date. The strength of feeling within the Parish against this huge development is growing on a daily basis.

Emma Roberts

Chair Atworth Parish Council

Martin Kyte

Atworth Parish Clerk

## **Melksham Town Council's comments on the proposed battery storage site at Whitley.**

The proposed battery storage site north of Whitley was discussed by the Melksham Town Councils Economic Development and Planning Committee on Tuesday 14<sup>th</sup> May 2024. Melksham Town Council responds to this consultation as a neighbour to the affected parish and as a partner in the Joint Melksham Neighbourhood Plan.

Members have read the responses of Melksham Without Parish Council and Community Action Whitley and Shaw, and they endorse the comments made in those responses. Melksham Town Council, whilst acknowledging the need for renewable energy, has serious concerns about this project and strongly objects to the proposals.

### **Local Plans**

The proposal conflict with the Joint Melksham Neighbourhood Plan, The Wiltshire Local Plan and the Wiltshire Core Strategy. The Town Council notes and endorses the comments relating to these plans and strategies made by Melksham Without Parish Council and Community Action Whitley and Shaw.

### **Location**

The Town Council considers the proposed location to be totally inappropriate. There are houses located very close to the proposed site and it will have a massively detrimental effect on the quality of life for these residents and indeed for the whole of Whitley.

Whitley is some 12 miles from the proposed solar site. Connecting the two would involve an excavation site approximately 30 metres wide and a huge amount of construction work. Infrastructure and equipment such as transformers and inverters would be needed to convert current from DC to AC.

### **Size**

The footprint of the proposed site is broadly the same as the village of Whitley itself. Given the footprint and the size of each individual battery, the installation would be visible for some miles outside of the village. For example, it would be clearly visible from Bowden Hill which is on the other side of Melksham.

### **Biodiversity & Wildlife**

There is a diverse eco-structure on and around the proposed site. There are Lesser Horseshoe Bats nesting in a nearby quarry, Great Crested Newts, otters and at least one badger sett. There are various nesting birds and Bath Asparagus grows in this area.

### **Heritage**

A roman road runs along the northern boundary of the site. Local Plan Policy 91 Conserving and Enhancing Wiltshire's Landscape would apply.

## **Agriculture**

This would be a big loss of agricultural land. It is noted that the area is currently planted with rapeseed which tends to grow on the best and most versatile land. The loss of this would conflict with the National Planning Policy Framework.

## **Flooding**

Flooding is a major issue in Whitley. Goods Hill is clay and water seeps through the soil, hits the clay, travels downhill and settles in the village. The proposed installation would exacerbate this process.

## **Emergency Services**

If a battery unit was to catch fire it would take about two days of constant water flow to put it out. Once put out, there is still a great risk that the unit could re-ignite. Waste chemical products, especially Lithium Hydroxide would pollute the water course and poison a great quantity of water. Dealing with a fire would compound the flooding issues mentioned above.

The proposed access to the site for emergency services is Littlewood Lane. This is an unclassified road/farm track and is wholly inappropriate as a designated route for fire engines.

## **Technology**

The Town Council acknowledges and supports green energy. However, the battery technology is aging and is a high fire risk. The production of the batteries involves the mining of diverse, rare and dangerous raw materials. As such, it could not in any way be considered to be green.

## **Noise**

The installation will generate noise noticeably and considerably in excess of the levels that would be reasonably found and accepted in a residential area such as Whitley. Each battery will have its own fan producing about 65 decibels of noise. The overall effect will be similar to living next door to a motorway. Unlike a motorway, there will be no variation in frequency and pitch to break up the noise. At certain times of the year atmospheric conditions and lack of foliage will cause the sound to travel further.

## **Traffic**

Should this proposal proceed there would be a considerable increase in traffic caused by construction vehicles. The process of excavation and construction itself would cause considerable congestion leading to long increases in journey time.

*Councillor John Buckley BSc (Environmental Sciences)  
Luckington & Alderton Parish Council*



# *Lime Down Solar Park*

- **Industrial scale solar generation on Grade 3 productive farmland.**
- **500 MW, not the usual 50MW – believed to be 10 times bigger than anything previously seen in Wiltshire.**
- **2,100 acres of PV solar panels, (either 3.5m, 4.0m or 4.5m high).**
- **Battery storage facilities nearby and/or at Melksham.**
- **19 miles of underground/overhead cables to link to Melksham sub-station.**
- **Astride the headwaters of the Sherston Avon and Gauze Brook, both subject to Level 3 Flood Risk).**
- **2 years to construct.**



# *Lime Down Solar Park*

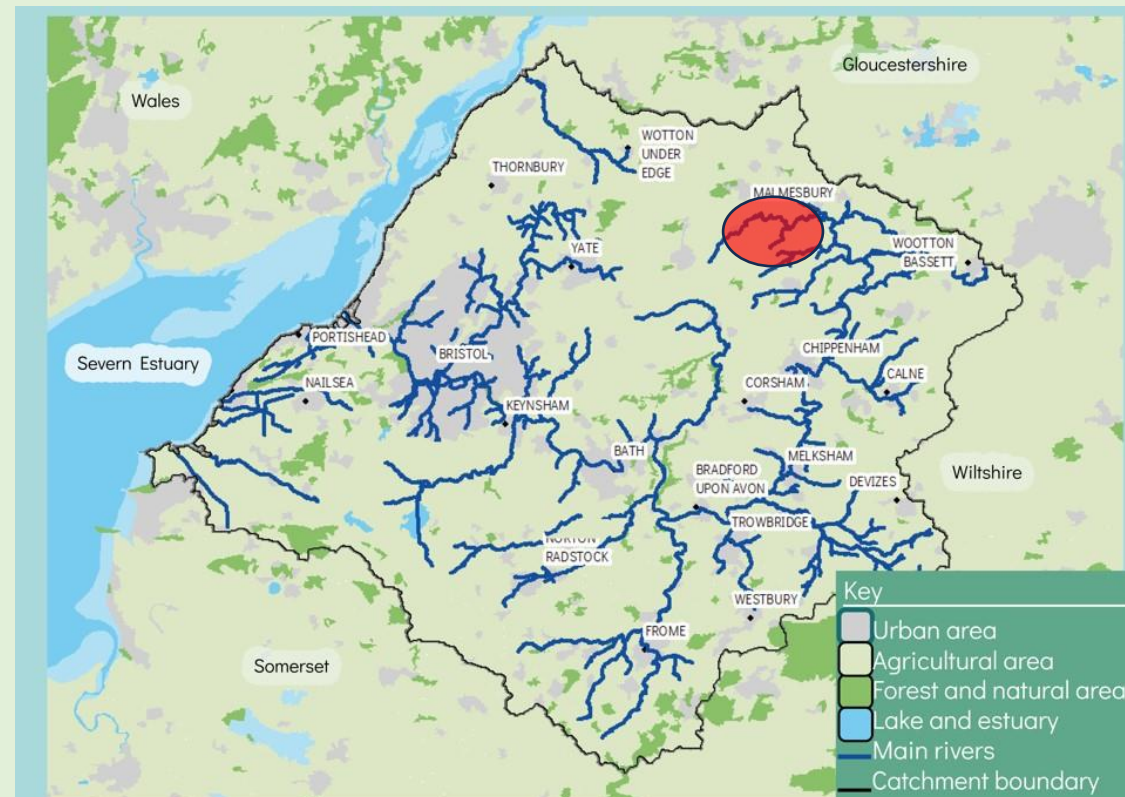
- This is designated as a ‘Nationally Significant Infrastructure Project’, as such it is subject to a different planning application regime to apply for a **Development Consent Order** to allow construction.
- Local Authority is a Consultee and does not manage the planning process.
- The Planning Inspectorate manages the planning process and makes a recommendation to the Secretary of State who makes the final decision as to granting a DSO or not.
- Developer undertakes a Non-Statutory Consultation (April 2024), then Statutory Consultation (Autumn 2024), application is then submitted to the Planning Inspectorate for consideration of DCO.

# *Lime Down Solar Park*

## **Potential Threats**

- **Loss of productive farmland.**
- **Visual amenity loss.**
- **Road disruption & damage during construction.**
- **Changes to wildlife and habitats.**
- **Land contamination/changes to soil structure.**
- **Noise from battery storage & potential light pollution.**
- **Flood Risk & effect on 'runoff' and 'groundwater'.**
- **No benefit to local community.**

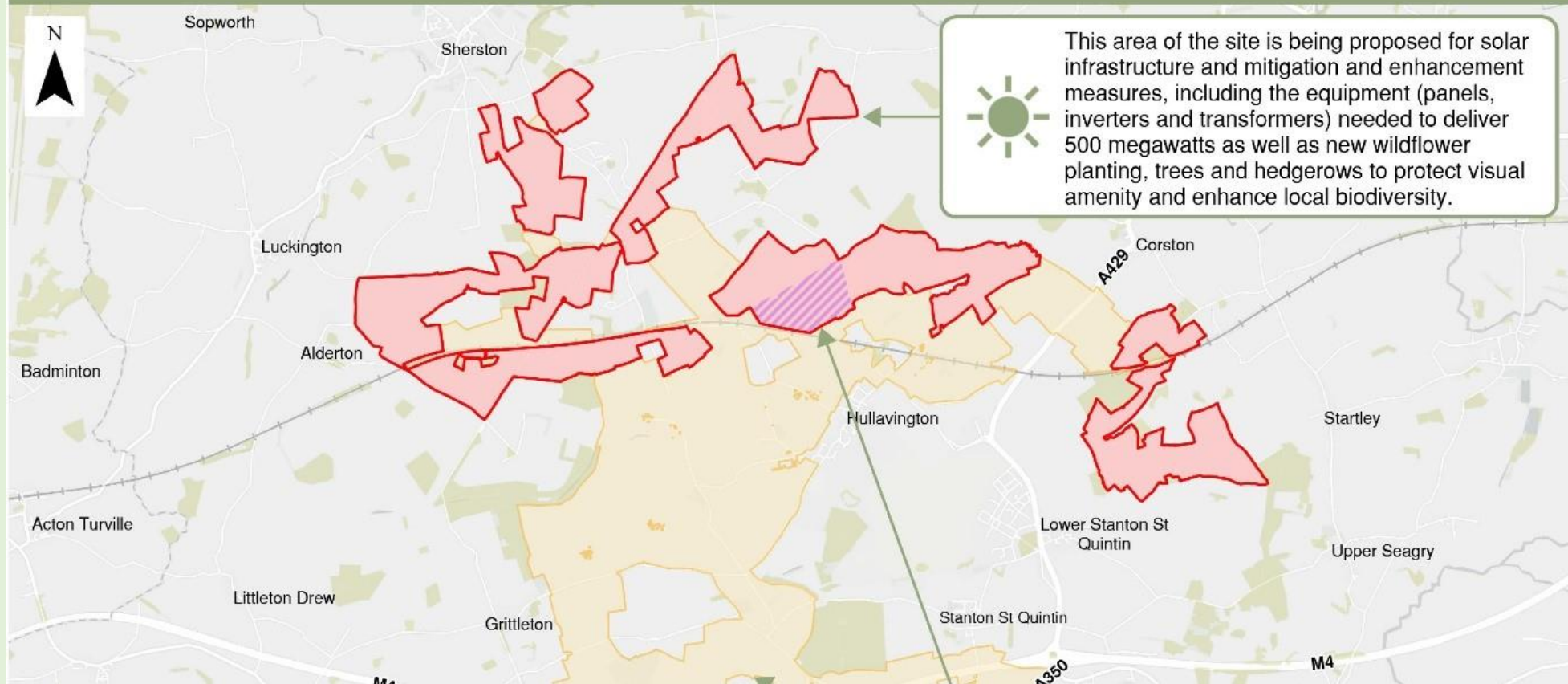
Lime Down Solar Park sits astride the headwaters of the Sherston Avon, water entering the River Avon catchment area here, will flow through Malmesbury, Chippenham, Melksham, Trowbridge, Bradford-on-Avon, Bath and Bristol. These areas all have significant Flood Risk levels. If this LDSP development increases the volume and/or speed of water reaching the River Avon, it could result in higher water volumes and increased Flood Risk downstream

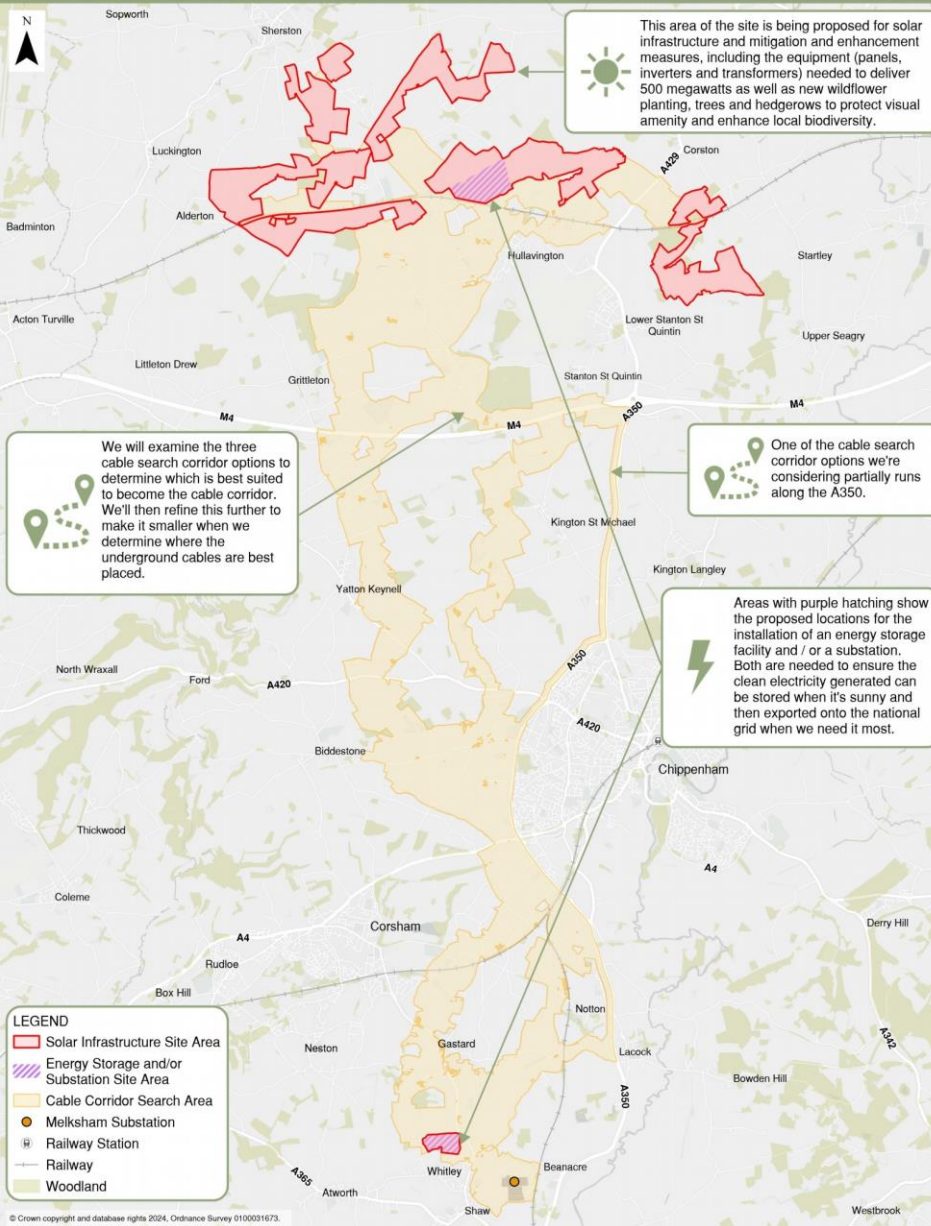


# The scale of the Lime Down Solar Park proposal:

Stage One Consultation - Indicative Masterplan

Lime Down  
Solar Park





- **2,100 acres of solar panels.**
- **19 mile underground or overground connection to Whitley sub-station at Melksham.**
- **Battery storage shown at both LDSP near Hullavington and at Whitley (Melksham)**
- **If a DCO is approved, Lime Down Solar Park will get Compulsory Purchase Order powers to acquire land for development and cable access routes.**

- **Solar park planned to be in service for 40 years.**
- **Developer states intention to return land to farmland at the end of this project, will this actually happen?**
- **Estimated 2 years to construct with site traffic accessing area from J17 M5 (Chippenham) and A46, B4040, B4039 via Burton to The Gibb.**
- **Potentially 40 LGV movements to and from the construction site each day.**



# The aftermath



# The first uncertainty Soil degradation











AGENDA ITEM 11(b) Lime Down - Presentation from Northern Area Flood Ops Meeting







AGENDA ITEM 11(b) Lime Down - Presentation from Northern Area Flood Ops Meeting

# Runoff & soil condition

## Runoff from maize stubble (IGER 2000)

Winter - Feb / April 2000, North Wyke Devon

Compacted stubble		Chisel ploughed stubble	
Runoff		Runoff	
m3/ha	% of rainfall	M3/ha	% of rainfall
433.5 m3/ha	<b>20%</b>	5.8 m3/ha	<b>0.5%</b>

## Runoff from grassland (NSRI Cranfield 2007)

Grass – poor soil structure		Grass – good soil structure	
Runoff		Runoff	
m3/ha	% of rainfall	m3/ha	% of rainfall
	<b>~60%</b>		<b>~2%</b>

**Is this the reality of solar development?**





# Kinetic compaction & rivulets forming







- **The Statutory Consultation documentation for the proposed Lime Down Solar Park will appear in about September 2024:**
- **The timescales for us to respond will be short, and we may need to undertake preparatory work to be ready to respond to the detailed proposals, when they are publicised..**
- **We cannot truly assess the impact on our local communities and the local environment until we see the specific proposals from the developers.**
- **We need to be ready, and we will be more effective if we work together to respond to these proposals.**

*Councillor John Buckley BSc (Environmental Sciences)  
Luckington & Alderton Parish Council*





**Wiltshire Council**

**Full Council**

**21 May 2024**

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**Notice of Motion No. 2024-03 - Solar Farms**

**From Cllr Phil Alford and Cllr Nick Botterill**

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**To consider the following motion submitted in accordance with the constitution:**

Whilst not opposed to the principle of the development of solar farms in line with the National Planning Policy Framework this Council is increasingly concerned at the concentration of solar farms, battery storage and associated infrastructure in Wiltshire. Some villages are now completely surrounded by solar farms and their continued concentration represents a significant cumulative impact and industrialisation of the countryside.

Wiltshire Council therefore calls on the Secretary of State for the Department of Levelling Up, Housing and Communities to define more closely what is meant by 'cumulative impact' regarding solar farms and to take clear steps to ensure that solar developments are more evenly spread across the UK and not concentrated in specific areas effectively industrialising the countryside.

We would also ask for clarity of the priority given to ensuring that food production and farming are not destroyed as industries in specific areas through an excessive concentration of solar farms given the massive impact that would have on the rural way of life in villages that have been farmed for time immemorial.

**WILTSHIRE COUNCIL****Council Meeting Tuesday, 21 May 2024 at 10.30am****Council Chamber – County Hall, Bythesea Road, Trowbridge, BA14  
8JN****Agenda item 33****Notice of Motion No.2024-03 - Solar Farms**

- [Meeting of Council, Tuesday 21 May 2024 10.30 am \(Item 33.\)](#)

To consider the attached motion from Cllrs Phil Alford and Nick Botterill.

**Minutes:**

On invitation of the Chairman Cllr Phil Alford proposed the motion as set out in the Summons, which was seconded by Cllr Nick Botterill.

Cllr Alford stated that the topic of solar farms had energised many people both for and against. He said solar panels could be a vital income for farmers and the council supported installations on its own buildings such as leisure centres, and as such was supportive of them in principle. He noted the proposed Lime Down solar proposal, which was of such a scale as to be deemed nationally significant, and he believed would engulf entire communities. He raised the importance of Wiltshire's landscape heritage, the cumulative impact of roads and associated infrastructure to the many solar developments, as well as the need for food security, and that further clarity from government was needed.

Cllr Nick Botterill, being the seconder but also the relevant Cabinet Member as the Cabinet Member for Finance, Development Management, and Strategic Planning, responded to the motion. He said the motion was evidence based, noting the high population density of England, the need for preservation of the countryside, have sustainable food production and land management, and the need to balance these against the positives of solar energy production. He

drew attention to the scale of the Line Down proposal, and how this would alter the character of a broad area to a more industrial one.

Statements were then received regarding the motion from the following Members of the Public:

Matthew Short, Phillip Addis, Peter Richardson, Sir Mike Pitt, Steve Holt, Mary Gilmore, Helen Hicks

The Chairman moved that the Council debate the motion, which was seconded by the Vice-Chairman.

With Council agreeing to debate, and following comments from the Chairman drawing attention to statutory rules on predetermination in respect of non-determined planning applications, Group Leaders were then invited to comment on the motion.

Cllr Richard Clewer, Leader of the Council, affirmed his support for solar panels and solar farms, criticising government policy which did not compel solar panels on new buildings, and the confusion of current planning policy. However, he also noted the importance of food production particularly given the impacts of climate change on production and migration, with a need to increase the food supply within the UK. He stated cumulative impact was critical, with many solar farms in Wiltshire and Lime Down one of the largest proposals even in the world, resulting in villages to be surrounded by industrial landscapes, and solar production should not be concentrated in farmland areas, with the motion intended to argue for a balanced approach.

Cllr Ian Thorn, Leader of the Liberal Democrat Group, welcomed the motion but considered that it lacked detail in some important areas, and said it was a shame it had not been raised at an earlier stage so it could have been a key part of the Local Plan discussions. He stated his group had prepared amendments which he hoped would be accepted, to add detail to the motion.



Cllr Ernie Clark, Leader of the Independent Group, supported previous comments around the cumulative impacts and taking away fields from agricultural production, though he also pointed to such fields being assigned to be used for large numbers of housing as well.

Cllr Ricky Rogers, Leader of the Labour Group, stated he would support the motion, and encouraged the public to lobby planning committees with their views and not just wait for action from central government.

The Chairman then opened the item for general debate.

#### Amendment Debate

At the start of the general debate an amendment was moved by Cllr Martin Smith, seconded by Cllr Dr Brian Mathew. This did not seek to amend any existing text to the motion, but sought to include the following additional paragraphs:

*We would also urge the Secretary of State to provide more incentives to residents and businesses to install rooftop solar panels thus directly benefiting local people through reduced energy bills, whilst helping to achieve the 2030 targets for solar generation.*

*We also ask that the Government supports the Local Electricity Bill, which has been stalled in Parliament despite the support of 326 MPs, but which would remove some of the barriers to community energy projects, which again would directly benefit local communities and ensure a fairer transition to the new energy technology, focussing on generating energy closer to where it's needed, thus reducing the need for huge schemes with lengthy connections.*

*We would also ask that a fully formed national strategy is established for solar farms, which balances the need of food security with the equally important need for energy security.*

*We would finally ask that consideration is given to introducing a national standard of community benefit, to be paid into local funds for community projects and combating energy poverty, of at least £1,000 per MW capacity, per annum for the life of solar projects of more than 15MW capacity.*

Cllr Smith stated that the original motion was prompted by the pressure on agricultural land, and he supported the comments made about finding a balance between food production and energy generation, but that he considered that the motion could and should go further. He noted a recent statement from the Secretary of State acknowledging cumulative impact of solar developments, but this did not indicate how it should be considered. He proposed the amendment to encourage the Secretary of State to find more incentives to install rooftop solar, to urge support for the Local Electricity Bill which had been proposed in Parliament, for a national strategy for solar farms, and for a national standard of community benefit be considered, to be paid into local funds for community projects for the life of solar projects above a certain capacity.

As mover of the original motion Cllr Alford confirmed he was not prepared to accept the amendment as a friendly amendment.

Group Leaders were therefore asked to comment on the proposed amendment.

Cllr Richard Clewer, Leader of the Council, stated some parts of the amendment made sense but he had concerns with some others, saying the Local Electricity Bill could have unintended consequences. He felt the amendment was well intentioned but more evidence was needed on some of its points.

Cllr Ian Thorn, Leader of the Liberal Democrat Group, endorsed the proposed amendment as providing more detail and rigour to the original motion.

Cllr Ernie Clark, Leader of the Independent Group, stated the amendment appeared to be reasonable.

Cllr Ricky Rogers, Leader of the Labour Group, supported the amendment as adding specific requests for the government to respond to in a positive way.

The amendment was then opened up to general debate.

Comments in support of the amendment included that it added appropriate detail and structure to the requests to government, noting the importance of high quality farming land, the importance of increasing renewable energy in a well planned way, and the cumulative impact from the number of solar farms developed or proposed in Wiltshire.

Other comments included that cumulative impact should already be able to be considered at planning stages when considering new solar farms, that reaching net zero targets would require difficult choices, and that the area of agricultural land covered by solar farms was very low, and with yields up this meant food production was not a sustainable reason to object to the solar farms.

There was then a break from 1255-1345.

Upon resuming the meeting Cllr Smith stated he had held discussions with the Leader of the Council and others, and agreed to withdraw his amendment to allow for cross-party discussions in the coming weeks to develop wording which would give effect to the intent of the amendments which could be collectively supported.

The meeting having consented to withdrawal of the amendment, debate resumed on the original motion.

Motion Debate

Comments in support of the motion included many comments in support of solar energy generally and solar farms, but concerns that the very large farms proposed were not appropriate in a country the scale of England let alone Wiltshire, and that it was appropriate to seek a more balanced approach taking account of the cumulative impact of so many solar energy developments being proposed in the county.

Other comments included that the world was in a climate crisis and the UK was not meeting vital decarbonisation targets set by law, that solar farms could be of assistance to farmers and were not of industrial character.

It was also commented that solar energy was of great importance particularly given the impacts of climate change, and even where there was support for the motion this should not be at the expense of appearing to criticise solar energy as a whole.

During debate it was also proposed by Cllr Howard Greenman to amend the motion to include specific reference to battery storage and associated infrastructure as follows:

*Wiltshire Council therefore calls on the Secretary of State for the Department of Levelling Up, Housing and Communities to define more closely what is meant by 'cumulative impact' regarding solar farms, **battery storage, and associated infrastructure** and to take clear steps to ensure that solar developments are more evenly spread across the UK and not concentrated in specific areas effectively industrialising the countryside.*

The mover and seconder of the motion accepted the alteration as a friendly amendment.

At the conclusion of the debate Cllr Botterill thanked everyone for their comments, noting the recent ministerial statement on solar farms as a reflection of the pressures and tensions on the issue. He reiterated support for solar energy, but that the cumulative impacts could not be disregarded.

Cllr Alford then had the opportunity to respond to the debate. He welcomed the contributions of Members and the public, and hoped the council was moving towards a consensus on the issue.

Following a vote, it was therefore,

**Resolved:**

**Whilst not opposed to the principle of the development of solar farms in line with the National Planning Policy Framework this Council is increasingly concerned at the concentration of solar farms, battery storage and associated infrastructure in Wiltshire. Some villages are now completely surrounded by solar farms and their continued concentration represents a significant cumulative impact and industrialisation of the countryside.**

**Wiltshire Council therefore calls on the Secretary of State for the Department of Levelling Up, Housing and Communities to define more closely what is meant by 'cumulative impact' regarding solar farms, battery storage, and associated infrastructure and to take clear steps to ensure that solar developments are more evenly spread across the UK and not concentrated in specific areas effectively industrialising the countryside.**

**We would also ask for clarity of the priority given to ensuring that food production and farming are not destroyed as industries in specific areas through an excessive concentration of solar farms given the massive impact that would have on the rural way of life in villages that have been farmed for time immemorial.**

*In accordance with the Constitution there was a recorded vote.*

*Votes for the motion (74)*

*Votes against the motion (2)*

*Votes in abstention (7)*

## Written questions, answers and statements

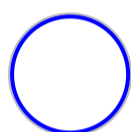
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# Solar and protecting our Food Security and Best and Most Versatile (BMV) Land

## Statement made on 15 May 2024

Statement UIN HCWS466

### Statement made by



**Claire Coutinho**

Secretary of State for Energy Security and Net Zero

Conservative

East Surrey

Commons



### Statement

Food security is an essential part of national security. This Government is fully committed to delivering robust UK food security and recognises its paramount importance to our national security. This is reflected in our commitment to maintain the current level of food we produce domestically. Heightened geopolitical risk has brought this into sharper focus and we think it is more important than ever that our best agricultural land is protected and our food production prioritised.

Similarly, we have seen our energy security threatened following Putin's illegal invasion of Ukraine with the government spending over £40bn to pay up to a half of people's energy bills. We are combatting this by racing ahead with deployment of renewable energy; nearly half of our electricity today is produced from renewables which is up from only 7 percent in 2010. Solar power is a key part of the Government's strategy for energy security, net zero and clean growth. This position was reinforced in the new National Policy Statement (EN-3), published in January this year, which stated that *"Solar also has an important role in delivering the government's goals for greater energy independence and the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)"*.

Government recognises that, in some instances, solar projects can affect local environments which may lead to unacceptable impacts for some local communities. The planning system is designed to balance these considerations against the need to deliver a secure, clean, green energy system for the future.

#### Protecting the Best Agricultural Land

The new National Policy Statement that we published in January makes clear that *"applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible. The Government in Powering Up Britain: Energy Security Plan clarified that while "solar and farming can be complementary" developers must also have "consideration for ongoing food production."*

Nevertheless, in balancing both the need for energy security and food production, we are concerned that as large solar developments proceed at pace, more of our 'Best and Most Versatile' (BMV) land could be used for solar PV instead of food production. I am therefore setting out further detail about how our policy on balancing these competing priorities is intended to be applied.

As is outlined in the National Policy Statement, the starting position for solar PV developers in taking forward Nationally Significant Infrastructure Projects is that applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality.

The National Policy Statement can also be a material consideration in determining applications under the Town and Country Planning Act 1990 and is broadly consistent with the approach to agricultural land in the National Planning Policy Framework which states that “*Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development*”.

This means that due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary. Applicants for Nationally Significant Infrastructure Projects should avoid the use of Best and Most Versatile agricultural land where possible.

For Nationally Significant Infrastructure Projects, including those already in the system, the National Policy Statement and from today this WMS are likely to be important and relevant considerations in the decision making process. The Government will keep under review the evidence base underpinning the National Policy Statement published in January.

### **Addressing Cumulative Impacts**

While the total area of agricultural land used for solar is very small, and even in the most ambitious scenarios would still occupy less than 1% of the UK’s agricultural land, we are increasingly seeing geographical clustering of proposed solar developments in some rural areas, such as in Lincolnshire. When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.

In parallel, my Department will be expanding the Renewable Energy Planning Database to include additional information on the types of agricultural land used by existing solar projects and those in the planning pipeline. This will enable us to carefully monitor the use of land by renewable projects in all regions of the UK.

### **Improving Soil Surveys**

The Government has heard concerns about the perceived inaccuracy and unfairness of soil surveys undertaken as part of the planning process for solar development. The Government will address this by supporting independent certification by an appropriate certifying body, subject to relevant business case approval, to ensure Agricultural Land Classification Soil Surveys are of a high standard, requiring surveyors to demonstrate meeting an agreed minimum requirement of training/experience. We will also seek to ensure consistency in how data is recorded and presented, so that reports on agricultural land classification are consistent, authoritative and objective.

### **Supporting solar on rooftops and brownfield sites**

Finally, I want to highlight that increasing the deployment of rooftop solar remains a priority for Government. The installation of qualifying energy-saving materials, including solar panels, in residential accommodation and buildings used solely for a relevant charitable purpose currently benefits from a zero rate of VAT until March 2027, at which point they will qualify for the reduced rate of VAT at 5%. At the Autumn Statement 2023, the 100% First Year Allowance for main rate plant and machinery assets, and the 50% First Year Allowance for special rate plant and machinery assets, including solar panels, were made permanent. These measures complement the business rates exemption for eligible plant and machinery used in renewable energy generation and storage introduced in 2022.

This year, UK Government launched a new package of measures to support British farming. Under the second round of the Improving Farm Productivity grant, between £15-25 million was made available for the installation of rooftop solar and other equipment to help farms reduce fossil fuel use, improve their energy resilience, and accelerate progress towards net zero.

We also unlocked a key barrier for large-scale commercial rooftop solar, including on farm buildings, through changes to permitted development rights (PDRs) under the Town and Country Planning Act 1990. Concurrently, we introduced a new PDR allowing for the installation of solar canopies in non-domestic car parks.

We will shortly be delivering the Future Homes Standard which will set the energy performance of new homes and is due to come into force in 2025. Our consultation proposals setting out the proposed technical detail of the standard demonstrated the effectiveness of rooftop solar in reducing energy bills for consumers with solar panels. For non-domestic buildings, the Future Buildings Standard consultation proposed significant amounts of rooftop solar which is also expected to drive the use of solar power on warehouses and commercial buildings.

Additionally, social housing and the public sector both offer excellent opportunities to fit solar on homes and reduce bills. As such, we plan to explore further how to ensure that social landlords can provide solar to their tenants, and work across government to help schools, colleges, hospitals, and other buildings to supply themselves with solar power.

Further information on these initiatives will be set out in the upcoming joint government/industry Solar Roadmap.

I am making this statement with support from my Rt. Hon. Friends the Secretaries of State for Levelling Up, Housing and Communities and Environment, Food and Rural Affairs.

## Statement from

**Department for Energy Security and Net Zero**



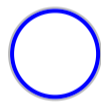
## Linked statements

This statement has also been made in the House of Lords

**Department for Energy Security and Net Zero**



Solar and protecting our Food Security and Best and Most Versatile (BMV) Land



Lord Callanan

Parliamentary Under Secretary of State (Minister for Energy Efficiency and Green Finance)

Conservative, Life peer

Statement made 15 May 2024

HLWS464

Lords

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Response to: Developmentmanagement@wiltshire.gov.uk		Planning officer: Steven Sims	
Planning Ref:	PL/2023/11188	Email:	planning.liaison@wessexwater.co.uk
Proposal:	Demolition of agricultural buildings and development of up to 500 dwellings; up to 5,000 square metres of employment (class E(g)(i)) & class E(g)(ii); land for primary school (class F1); land for mixed-use hub (class E / class F); open space; provision of access infrastructure from Sandridge Common (A3102); and provision of all associated infrastructure necessary to facilitate the development of the site (Outline application relating to access)	Our Ref	ST96SW/ 416
Location:	Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS	DATE	08/05/2024

**Existing Apparatus Crossing Site**

The following Wessex Water Assets are located within the proposed site boundary: -  
 150mm foul sewer crossing site entrance  
 300mm diameter trunk water main  
 14” diameter changing to 350mm diameter distribution water main  
 The trunk main and distribution main run parallel with each other from northeast to southwest through the site. It is envisaged that the combined standoff corridor along the route of these two parallel water mains will be 12 metres wide as a minimum.  
 All existing apparatus must be accurately located and clearly marked on site and on deposited drawings.

**Standoff Around Water Mains**

There must be no buildings, structures or obstructions within a minimum of :

- 3m either side of 150mm foul sewer
- 5m either side of the 350mm diameter water supply main
- 5m either side of the 300mm trunk main.
- No tree planting is permitted within a minimum of 6m.

This includes no surface water attenuation features and associated earthworks in the standoff strip, changes in ground levels resulting in additional loading or excavation can lead to instability in the pressurised pipe which is carrying large volumes of water.

The water main must not run through enclosed private rear gardens, it must be within open access corridor or roads. Wessex Water require unrestricted access to maintain and repair our apparatus.

The applicant will need to agree protection arrangements for the existing 300mm diameter trunk main and 350mm diameter distribution main which cross the site (standoff details given above). Any damage to our apparatus by third parties will result in a compensation claim.

A map showing all known Wessex Water Assets within the area of the proposed site is attached with this response.

**Foul Sewerage**

The minimum diameter receiving sewer to meet size for size principles for a development of this magnitude is 300mm. The point of connection to the public network is by application and agreement with Wessex Water. Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest ‘size for size’ sewer.

The Flood Risk Assessment, document ref 22-017, Revision E, dated December 2023, submitted in support of the outline planning application includes a foul water strategy based upon 3 separate onsite pumping stations with 3 separate points of connection to the existing 150mm foul sewer in Sandridge Common.

The point of discharge proposed is undersized for a development of 500 dwellings, contrary to industry guidelines and will not be permitted.

Continued.....

Our initial assessment indicates a gravity connection to Manhole ST92632702 upstream of Primrose Drive sewage pumping station to be the nearest point of connection based on size for size principles (300mm public foul sewer)

Development allocated in Melksham in the adopted Local Plan will, however, require holistic drainage solutions. We may require the development to connect elsewhere, although the cost of connection will be limited to the cost of connecting to the nearest size for size sewer, as the overall development picture is not yet clear we are unable to fully develop our sewer investment plans for Melksham.

### **Request for Planning Condition – Foul Drainage**

In view of these circumstances, we require a planning condition as follows:

*Condition: The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker*

*Reason: To ensure that proper provision is made for sewerage of the site and that the development does not exceed capacity within the downstream network or sewage treatment works. Nor does it increase the risk of sewer flooding to downstream property.*

Please Note: Wessex Water will not accept any land drainage, ground water or surface water runoff into the foul sewer either directly or indirectly.

### **Surface Water Sewerage (rainwater falling onto, and running off, impermeable surfaces)**

The Flood Risk Assessment, states that “surface water generated by the proposed development would be attenuation in detention basins located at topographical low points, prior to discharge to the watercourse. Discharge rates would be limited to greenfield runoff rates (Q1) with 20% betterment using a vortex flow control chamber”.

Wessex Water has no objections to this proposed surface water drainage strategy and would defer to the LLFA to assess and approve if deemed appropriate by them.

Please Note: No surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly.

### **Water Supply**

Development of this scale will require a minimum 250mm connection for new water mains to be laid into the development site, through a Section 41 agreement or a self-lay arrangement.

We have undertaken a network modelling assessment of possible points of connection for this site and can confirm that a connection can be made to the 12” AC main north of the A3102 Sandridge Common road, near to the proposed roundabout and site entrance. An adjacent 4 inch main will need to be carefully located and crossed to make a connection to this main.

A further point of connection to the 350mm diameter distribution main which passes through the site should also be made to provide the site with a secondary/resilience supply. This connection can be made as required or when the development reaches this location (please note, Wessex Water will not allow a connection to the 300mm diameter trunk main running parallel to the distribution main).

Developers may connect to our water network on a size for size basis at their cost and Wessex Water will undertake any network reinforcement that may be required to accommodate granted development, this is funded through our infrastructure charging arrangements.

For more details and guidance for applying to connect to our networks please see our website: <https://www.wessexwater.co.uk/services/building-and-developing/building-multiple-properties-or-largedevlopments>

These comments are based upon known circumstances prevailing at the time of writing. A review of the contents of this email is required where 18 months or more have elapsed since issue, or in the light of significant changes likely to impact on our response such as development numbers or phasing. Please email review requests to [planning.liaison@wessexwater.co.uk](mailto:planning.liaison@wessexwater.co.uk)

## Teresa Strange

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**From:** Geeson, Daniel  
**Sent:** 14 May 2024 15:18  
**To:** Sims, Steven  
**Cc:** Wilcock, Lance  
**Subject:** RE: PL/2023/11188 - Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS - development of up to 500 dwelling  
**Attachments:** Wiltshire-Council-Play-Spec-2021.pdf

Hi Steve

Yes, Lance is correct there is the requirement for an offsite sports contribution to meet the strain on infrastructure of the new development. The Primary School pitches do not service this requirement.

The target site/definition statement for the S106 is as below:-

***Sports contribution of £118,000 towards a 3G Artificial Turf Pitch within the Melksham Community Area and/or sports, pitch or ancillary provision within the vicinity of the land.***

This is a strategic priority in the interim plan of the current PPS, which has been kept UpToDate by annual Stage E meetings. It has also emerged as a priority within the assessment of need in the renewal of the PPS currently being conducted by KKP and due for completion June 2024/adoption thereafter.

A PPS strategy is required to be produced in accordance with national planning guidance to provide a robust and objective justification for future community sporting infrastructure provision throughout Wiltshire. An up-to-date Wiltshire PPS is a tool to assist in the planning process and is needed to underpin the new Wiltshire Local Plan as an evidence base to conform with the National Planning Policy Framework (NPPF).

### **The National Planning Policy framework (NPPF)**

Requires local planning authorities to set out policies to help enable communities to access high quality open spaces and opportunities for sport and recreation. These policies need to be based on a thorough understanding of local needs.

- One of the core planning principles of the NPPF is to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.
- Section 8 of the NPPF deals specifically with the topic of healthy communities. Paragraph 98 discusses the importance of access to high quality open spaces and opportunities for sport and recreation that can make an important contribution to the health and well-being of communities.
- Paragraph 99 discusses assessments and the protection of “existing open space, sports and recreational buildings and land, including playing fields”.
- Paragraphs 101 and 102 promote the identification of important green spaces by local communities and the protection of these facilities. Such spaces may include playing fields and are identified within Town and Parish neighbourhood plans.

**Formal Play:** Wiltshire Council Play Specification for formal play attached.

Many Thanks

Danny

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**From:** Wilcock, Lance <Lance.Wilcock@wiltshire.gov.uk>  
**Sent:** Friday, May 10, 2024 1:30 PM

**To:** Sims, Steven <Steven.Sims@wiltshire.gov.uk>

**Cc:** Geeson, Daniel <Daniel.Geeson@wiltshire.gov.uk>

**Subject:** RE: PL/2023/11188 - Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS - development of up to 500 dwelling

Hi Steve,

Apologies for the delay in responding to this.

Assuming a development of 500 dwellings, this would generate a requirement of **17,464m<sup>2</sup>** of Public Open Space (POS) and **885m<sup>2</sup>** of Equipped Play.

From the Illustrative Landscape Masterplan, the proposal is to provide at least the Equipped Play requirement on-site in the form of two equipped play spaces.

Although there doesn't appear to be any specific POS measurements in the submitted documents, some rough calculations suggest that the POS requirements would also be met on-site.

The on-site Equipped Play would need to be provided as per the attached play area specification. All on-site POS and Equipped Play needs to be secured and managed in perpetuity. Wiltshire Council will not adopt the on-site POS or Equipped Play.

The 500 dwellings would also generate a requirement for **11,800m<sup>2</sup>** of Sports pitches, which would equate to an off-site contribution of **£118,000.00**. The attached Technical Note makes it clear that an off-site contribution will be provided, but I've copied in our Leisure Strategy Infrastructure officer, Danny Geeson, to provide any further comments with regards the sport requirement and that already being provided as part of the proposed primary school.

Many thanks,

Lance.

**Lance Wilcock**  
**Senior Technical Officer**  
Highway Operations

**Wiltshire Council**

Tel: 01225 716656

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Website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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**From:** Sims, Steven <[Steven.Sims@wiltshire.gov.uk](mailto:Steven.Sims@wiltshire.gov.uk)>

**Sent:** Friday, April 26, 2024 11:38 AM

**To:** Adoptions & Inspections <[adoptionsandinspections@wiltshire.gov.uk](mailto:adoptionsandinspections@wiltshire.gov.uk)>

**Subject:** PL/2023/11188 - Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS - development of up to 500 dwelling

Dear Open Space Team

I note you have not provided any comments on the above application for 500 dwellings as requested in January.

Please can you review the scheme and provide comments by 10 May at the latest. I would be happy to discuss the scheme if necessary.

Thanks Steve

**Steven Sims**  
**Senior Planning Officer (Central Team)**



Tel: 01225 770238

Email: [steven.sims@wiltshire.gov.uk](mailto:steven.sims@wiltshire.gov.uk)

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Project: Land at Blackmore Farm, Melksham      Date: March 2024

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Subject: Planning and Design Clarifications Note      Reference: PL/2023/11188

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This Note has been produced by tor&co and Origin3 for Gleeson Land ('the Applicant') in response to consultee comments received from Melksham Town Council (01/02/2024); Melksham Without Parish Council (12/02/2024); and Urban Design (21/02/2024) in relation to the outline planning application for residential led develop at Land at Blackmore Farm, Sandridge Common, Melksham (Ref: PL/2023/11188).

## Principle of Development

The Local Plan Review is obviously also a material consideration, which shows that the quantum of development to be provided at Melksham in the period from 2020 to 2038 will be significant. Melksham is a sustainable location to accommodate significant growth. The application proposal, which broadly accords with the requirements of draft Policy 18, is identified as an appropriate location for residential led development.

Great weight should be given to the significant contribution the proposal would make to addressing housing and affordable housing needs in Wiltshire, particularly as the draft Local Plan Review document progresses through its adoption process.

Additionally, whilst a 4 Year Housing Land Supply may be currently demonstratable, a 5 Year Housing Land Supply cannot as has been rehearsed a recent appeals. Indeed the Council's own Supply Statement notes a decrease in provision from 2021 to 2022. With supply therefore remaining in a tenuous position.

## Form of Development Proposed

The land to the west of the application site is identified as part of the wider Policy 18 (Land East of Melksham) proposed allocation. However land ownership / control specifics of larger sites often mean that certain parts of an allocation will come forward separately to others. The land to the west isn't within the control of the applicant and therefore cannot form part of the application being considered. The planning application proposals submitted will however enable discussion about holistic matters of detail, which is informed by a greater level of technical information than available to the Council, in order that the allocation can be brought forward in a timely manner.

The response of the proposed scheme to the application site has been undertaken in a manner which respects constraints and responds to opportunities. The site comprises the majority area of the allocation and there is no impediment to the owners of the adjacent areas in the allocation engaging to discuss comprehensive connectivity and permeability.

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The proposal has had regard to the aspirations of the allocation for physical connectivity with all land parcels in order to safeguard options for connectivity. At no point does the illustrative masterplan compromise the potential development of adjacent land. The 'western' land has been considered as part of the illustrative masterplan (Plan Ref: 417A) with appropriate links to ensure both physical and visual connection between the western and application land demonstrated. Indeed a wider illustrative concept masterplan (Plan Ref: 430) has been submitted to demonstrate an overview of how the potential wider proposed allocation could be developed, albeit this would be subject to understanding constraints on the land outside the applicants control.

## **Eastern Bypass**

Melksham Without Parish Council notes the lack of reference to the eastern bypass.

Whilst Wiltshire Council has submitted an Outline Business Case for a bypass to the east of Melksham it is understood that the scheme is on hold pending National Highways' (NH) Strategic North-South Connectivity Review, which includes the A350 as a key route. Following consideration of NH's position, the Council's programme involves several key work stages which will still need to be overcome.

The draft Local Plan Review only references the desire for a bypass to the east of Melksham which is 'under consideration' (para 4.91). Draft Policy 17 requires that "*development will not undermine the delivery of an A350 bypass to the east of the town.*" It doesn't identify any further details apart from a brief symbolic visual reference on the Concept Masterplan (Figure 4.12), which indicates that it is outside of the application site with no route identified.

Given the current uncertainty regarding the form and alignment of the route or indeed its future provision the bypass is therefore not subject to a current policy designation, nor is a specific route safeguarded and it is unlikely to come forward within the same timeline as the application scheme.

The application scheme does not prejudice the visual reference of the Concept Masterplan (Figure 4.12) and as such the scheme meets the requirements of draft Policy 17.

## **Density and Character**

The indicative form of the development proposed the Density Parameter Plan (Plan Ref: 523B) provides a range of densities to allow scope for reserved matters applications. This displays variation in the intensity and character of the residential areas, whilst reflecting the context and character of the eastern side of Melksham.

The net developable area will achieve an average density of circa 36 dwellings per hectare (dph) across the residential areas with the density ranging from 22 to 37dph, with the proposed allocation in the draft Local Plan Review suggesting an average density of 37dph, 1dph higher than the proposal.

The proposed allocation, whilst seeking a lower density, does not state a specific density required for the eastern edge. Page 71 of the Design and Access Statement states whilst a lower density on the eastern edge is not set in the parameters, it will be possible, given a mix of house types to provide detached homes towards this edge, with apartments placed as part of the mixed-use core.

The detail of this final density will be established through the detailed work on the site in response to the relevant policy at reserved matter stages.

Reference is made by Melksham Without Parish Council to the scheme needing to refer to character studies, including the Melksham Design Guide. Detailed design of the scheme, at Reserved Matters stage, would make reference to any documents relevant at the time.

However, the site is not in the centre of Melksham and will be experienced as the edge of the town, whilst it is also recommended to have lower densities and rural landscape sensitivities to avoid village coalescence. It therefore seems prudent to consider the influences which rural character may also have at this outline stage.

### **Employment and School Provision**

The Urban Design officer references the employment provision proposed as part of the application. As per the representations made to the latest Wiltshire Local Plan Review consultation exercise, the proposal for a large area of employment land with almost a business park type environment is inappropriate and does not appear to be justified for the location of the site. The reference within Paragraph 4.92 of the Local Plan Review which notes that "...additional employment land is allocated alongside housing to ensure there is a sufficient supply of land to meet demand over the Plan period" is not manifested in the supporting evidence. We would be happy to discuss this point further.

Moreover, there is no evidential basis for requiring the allocation of additional employment land at Melksham due to a surplus of existing land within the A350 FEMA (to meet all growth scenarios tested by the LPR evidence base). Should additional land be deemed appropriate at Melksham, the Local Plan Review evidence base only supports the case for a maximum of 8.1ha of space, not the 9.9ha identified (HJA Report Figure 6.10).

In the case of Melksham, the HJA report provides an indicative assessment of potential demand for offices and industrial land in Figure 6.10 (p.64). It notes potential demand for 0.5 to 1.2 ha for offices (4,940 sqm) and 6.9 ha for industrial uses.

Given that the evidence base identifies land adjacent to an existing established industrial estate as suitable to meet the industrial floorspace requirement at Melksham, this leaves a need for only 0.5 to 1.2ha of land for up to 4,940sqm of office use for local needs only. The application therefore provides a site for 5,000sqm of employment floor space (GEA) for Offices (Class E(g)(i) and Research and Development purposes (Class E(g)(ii)).

Given the justified amount of employment land required it is contended that the location for such provision is more appropriately located in close proximity to the centre. Being located as part of a key point in the site, adjacent to the proposed school, community hub and key public space, enables the employment area to become the hub of the community, rather than a remote ad hoc addition.

Whilst the proposal generates the need for a 1FE primary school, 2ha of land for a 2 Form Entry (FE) primary school (Class F1) will be provided within the heart of the neighbourhood.

### **Open Space / Sports Provision**

The site provides for 15ha (46%) as Green Infrastructure uses. Within this, Public Open Space (POS) extents are provided to reflect saved Policy LP4 which seeks 1.8ha of POS (excluding off-site sports).

The proposed central 'Green' has been drafted as a space which is over 3,000sqm in size (providing 1,500sqm of 'Park' POS and 900sqm of children / teen play use and 600sqm of accessible open space). This Park POS could be delivered as a combination of hard and soft use areas. The POS due south of this is a further 4,000sqm in size. Both spaces sit alongside an 8-10m wide natural space corridor for the Public Right of Way (PRoW).



We believe that this combination will be large enough to provide seating, formal play and informal play. As noted in the Design & Access Statement for simplicity, the play is shown as a singular shape, but could readily be divided up across this central space. Likewise, the Teen provision could be sited within the Country Park if preferred by Officers – to create a distinction between the use areas.

The road which is shown across the space has been done so to allow for diversity of movement routes. It is not however a key route or a bus route and is envisaged and can be designed so as to be a low key, slow speed route, possibly narrowing where it crossed the green corridor. Its removal or re-location could however be considered as part of the scheme's evolution, should highway movements remain satisfied.

### **Drainage Size**

The Sustainable Drainage System (SuDS) basins shown have been derived from the technical drainage strategy, their size is such to afford the necessary storage, avoid overly deep structures and allow space for a more natural form to be designed.

The Design & Access Statement confirms that the basin areas do not form any part of the POS delivery, as POS quantum is met in separate positions from the SuDS. The SuDS do however need to be provided in suitable locations and for Biodiversity Net Gain (BNG) purposes, their naturalisation is preferable within natural open space – which the Illustrative Masterplan proposes.

Neither the Environment Agency of the Lead Local Flood Authority have raised concerns over the size of the proposed features.

### **Clackers Valley Park**

It is noted that the comments by the Urban Design Officer support the proposed Clackers Valley Park. Informal naturalistic open space as well as 'Multi-functional Greenspace POS' along the watercourse, which includes the existing PRoW and extends out to the existing countryside is proposed within this area.

The provision of the SuDS in the park is led by the terrain of the site and the outfall to the brook, with separate water catchments created by the ditches under the hedgerows. The basins are provided as attenuation features which will have scope for best BNG gain if naturally placed and formed. The shapes in the masterplan are gross quantum's to ensure that technically the storage can be met within the spaces available. With the design of the basins expected to evolve to create separate basins in some areas for more diversity.

The delivery of 6No basins for the scheme is, in itself, however led by the different hedgerow catchments and their points of discharge to the brook in suitable locations avoiding existing trees. If the features were created parallel to hedges then this could create difficult to maintain corridors between the two features and require aprons of Green Infrastructure around the features which may not be that usable or accessible. By locating the basins in the park, the Green Infrastructure around the features is more extensive and able to be functionally designed, accessible for public use and maintenance.

### **Play Area Requirement**

The comments make reference to a requirement for a NEAP and LEAP – we believe this comes primarily from reference to the 2No play areas shown in the emerging Allocation plan.

The saved West Wiltshire Policy LP4 is still extant and seeks 900sqm for both child and teen play (which is less than a NEAP) for 500 homes.

Both the Design & Access and the Planning Statements explain the site could however facilitate emerging Policy 84, providing there is agreement about the standards to be applied. They refer to the 2023 Wiltshire Open Space assessment which is an assessment of the County and would itself require more Play areas than the quantum which has been shown in the Allocation.

Policy 84 states use of the 2023 Wiltshire Open Space Assessment Standards in Table 18, which for 500 homes would require 3No NEAPs. If that were the case this does not explain how the requirement of 1No NEAP and 1No LEAP is derived for the East Melksham Allocation.

It is noted that a consultation response from Public Open Space is awaited and therefore the above matters may be addressed within this response. It is therefore requested that, in order to allow for further discussion / consideration to take place, the Council provide their need assessment for play which would have formed the basis for the play provision in the draft allocation as part of their response.

### **Gateway Comments**

The orchards are proposed as a landscape treatment which responds to the historic presence of orchards along Sandridge Common. It also avoids a juxtaposition of a feature building onto a roundabout in a small footprint along a road which does not have a prevalence of such buildings. Blackmore House is not a built form with a presence on the road, with the only building which had this function being the school which has since been replaced by homes.

This POS space retains the PRoW in situ and can create a space of value and character, especially with characterful tree planting. Buildings facing onto this space can be feature buildings, using the space to frame visibility to them.

### **Diversion of the ProW**

The scheme does not propose to divert the diagonal PRoW. It has chosen to keep it on its historic alignment and work with it to embed the pattern into the new scheme within Green Infrastructure corridors meaning the resultant diagonal parcels are suited to apartment buildings and / or creating interest.

The masterplan is able to offer direct routes to destinations by creating footways / cyclepaths and pavements with landscape verges and tree planting without the need to change the PRoWs into those.

### **Rear Garden Security**

The Urban Design Officer comments on the security of rear gardens along Sandridge Common to be met with backing on gardens. This point is noted. In the main, new gardens have been shown indicatively in this arrangement. However, for ecological reasons, the boundary is to be enhanced planted for bat flight connectivity. As such, this means any planted 5m zone will not be in gardens but in a managed corridor. The Design and Access Statement suggests areas where homes may be placed to avoid a rear garden parallel frontage. So that dwellings looking out from Sandridge Common will, in the main, look out over gardens with any parallel housing frontages then sited much further away. This is an area however which the outline scheme has been conscious of and any Reserved Matters proposal would need to demonstrate a suitable response to.

## **Design and Access Statement - Plotting of Facilities**

Comment is made by Melksham Without Parish Council on some specifics in the local facility mapping in the Design and Access Statement. These are duly-noted. Some of the facilities may now be out of date due to the time elapsed however some of the comments are over stated, the Statement for instance does not say the Community Hospital has a Minor Injuries unit, nor that the sports facilities are all 'public.' However, clarification on some of those points can be made in revised Statement, if the opportunity arises.

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<b>Date:</b>	Complaint taken by ( <i>for office use</i> ):
<b>Your name (Complainant):</b>	Offenders name (if known):
<b>Your Address:</b>	<b>Address where breach has occurred :</b>
<b>Your Postcode:</b>	Postcode: (if known):
<b>Your Tel.</b>	Their Tel. No:
<b>Your Email:</b>	Their Email:

Offenders home address (if different from where breach has occurred)  Postcode:  Do you know the grid reference of the site / property - if so please supply:	If it is a breach of a planning permission do you know the planning application number - if so please supply:
	How long has the alleged breach been occurring?
	Do you know if the building is listed? If so please write 'Listed Building below and specify what grade if known:

<p><b>Description of alleged breach - please describe clearly, e.g. if it is an extension is it front or back or if it is not in accordance with plans what is it that isn't in accordance? (eg additional window).</b></p> <p>It may speed up the response to your complaint if you are able to include a photograph of the alleged breach, but only include a photograph when taking it does not put you at any risk.</p>
---

If it is a property that is remotely located in the countryside or is a plot of land please provide a rough sketch of the location of the property - (use a separate piece of paper if necessary):

## Lorraine McRandle

---

**From:** Baker, Dean <Dean.Baker@wiltshire.gov.uk>  
**Sent:** 24 May 2024 11:30  
**To:** Teresa Strange  
**Cc:** Lorraine McRandle; Holder, Nick; Alan Baines  
**Subject:** RE: 30 Grasmere, Bowerhill

Good morning, Teresa.

Apologies for the delayed reply.

We have spoken to the builder, they are going to apply for a licence for storage of materials on the highway (verge), the materials they have stored on the highway verge do seem to be safe and secured with the haras fencing so shouldn't cause any hazard to the school pupils.

Regards

*Dean*

**Dean Baker**  
**Highway Engineer, Highways Central**  
**Covering the Area Boards of Melksham and Bradford on Avon**

Local Highways  
Highways and Transport  
36 Lancaster Rd, Bowerhill Melksham, Wiltshire, SN12 6QT

**Wiltshire Council**

Mobile: 07767 932818  
Email: [dean.baker@wiltshire.gov.uk](mailto:dean.baker@wiltshire.gov.uk)  
Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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---

**From:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>  
**Sent:** Monday, May 20, 2024 11:38 AM  
**To:** Baker, Dean <Dean.Baker@wiltshire.gov.uk>  
**Cc:** Lorraine McRandle <office@melkshamwithout-pc.gov.uk>; Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Alan Baines <alan.baines@melkshamwithout-pc.gov.uk>  
**Subject:** FW: 30 Grasmere, Bowerhill

Hi Dean

Not sure if you have seen this or not, but this house extension is being accessed from the verge on Falcon Way, so presumably via Wiltshire Council highway land? (although we have had long standing issues with the land on this stretch of road, as actually owned by Heron Homes – this is ongoing with WC's legal department).

Is it okay from your perspective? They have their site heras fencing on the highway verge, it is wide there, but just conscious its on the main pedestrian route, particularly for pupils from Tesco to Melksham Oak.  
And in due course that they have reinstated it properly – they may have had your permission of course.

I haven't managed to get a photo as only seen from the bus!

All the best, Teresa

---

**From:** Rivans, Natalie <[Natalie.Rivans@wiltshire.gov.uk](mailto:Natalie.Rivans@wiltshire.gov.uk)>  
**Sent:** 17 May 2024 09:05  
**To:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Subject:** RE: 30 Grasmere, Bowerhill

Hi Teresa,

This would be a matter for highways if it is Wiltshire land. I am sure if it is causing a significant obstruction they would be able to request its removal.

Regards

**Natalie Rivans**  
Planning Enforcement Officer  
Planning Enforcement Team

**Wiltshire Council**

External Tel: 01225 770502  
E-mail: [natalie.rivans@wiltshire.gov.uk](mailto:natalie.rivans@wiltshire.gov.uk)  
Website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)  
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**From:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Sent:** Thursday, May 16, 2024 3:17 PM  
**To:** Rivans, Natalie <[Natalie.Rivans@wiltshire.gov.uk](mailto:Natalie.Rivans@wiltshire.gov.uk)>  
**Cc:** Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Subject:** RE: 30 Grasmere, Bowerhill

Hi Natalie

Thanks for this.

Any thoughts on the fact that they are accessing their building site via a hole in the wall onto the highway verge, with their site heras fencing on Wiltshire Council wide public verge?

Many thanks, Teresa

---

**From:** Rivans, Natalie <[Natalie.Rivans@wiltshire.gov.uk](mailto:Natalie.Rivans@wiltshire.gov.uk)>  
**Sent:** 15 May 2024 15:34  
**To:** Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Subject:** RE: 30 Grasmere, Bowerhill

Dear Lorraine,

In relation to the complaint at Grasmere. The owners are completing PD works that do not require planning permission.

Building regulations have sent across the plans for the replacement single story rear extension and this is all of the works occurring at the address. I have also spoken to the owners who sought advice before completing the work.

Regards

**Natalie Rivans**  
Planning Enforcement Officer  
Planning Enforcement Team

**Wiltshire Council**

External Tel: 01225 770502  
E-mail: [natalie.rivans@wiltshire.gov.uk](mailto:natalie.rivans@wiltshire.gov.uk)  
Website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)  
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**From:** Rivans, Natalie  
**Sent:** Tuesday, May 7, 2024 7:48 AM  
**To:** Lorraine McRandle <>  
**Cc:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Subject:** RE: 30 Grasmere, Bowerhill

Morning,

I have just asked that this gets registered for investigation.

Thanks

**Natalie Rivans**  
Planning Enforcement Officer  
Planning Enforcement Team

**Wiltshire Council**

External Tel: 01225 770502  
E-mail: [natalie.rivans@wiltshire.gov.uk](mailto:natalie.rivans@wiltshire.gov.uk)  
Website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)  
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**From:** Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Sent:** Friday, May 3, 2024 5:35 PM  
**To:** Rivans, Natalie <[Natalie.Rivans@wiltshire.gov.uk](mailto:Natalie.Rivans@wiltshire.gov.uk)>  
**Cc:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Subject:** 30 Grasmere, Bowerhill

Hi Natalie

Hope you are well.

One of our Councillors and the Clerk have notices work being undertaken at 30 Grasmere, (complaint form attached) however, we are not aware of any planning permission being granted for these works.

Please can you look into this.

Thanks

Lorraine McRandle  
Parish Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)  
[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

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## Lorraine McRandle

---

**Subject:** FW: PL-2021-06824 Erection of Detached Garage  
**Attachments:** Planning enforcement complaint 30-05-24.pdf

---

**From:** [REDACTED]  
**Sent:** 30 May 2024 12:14  
**To:** developmentmanagement@wiltshire.gov.uk  
**Cc:** Lorraine McRandle <office@melkshamwithout-pc.gov.uk>; Richard Wood <richard.wood@melkshamwithout-pc.gov.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>  
**Subject:** PL-2021-06824 Erection of Detached Garage

Please find attached, complaint form for this development. The development is in breach of Condition 5 of the granted planning permission. There is no intention for this property to ever be used for its intended purpose. Can you please investigate as the situation will make neighbour amenity significantly worse if it's allowed to progress unhindered or by a subsequent planning application to convert the "garage" into separate living accommodation - something also not allowed by the planning consent.

This developer has a history of playing fast and loose with planning law as can be seen with a quick glance at the planning history of his other properties on Semington Road. Thanks

Regards

[REDACTED]

Sent from [Outlook for iOS](#)

**WILTSHIRE COUNCIL PLANNING ENFORCEMENT COMPLAINT SHEET**

Please fill this form in as completely as you can in order to enable the Council to investigate the matter fully. We need your name and address or e-mail in order to register the complaint and keep you up to date. Enquiries about alleged breaches of planning control will be treated confidentially within the council so far as is practicable.

**INFORMATION IN BOLD MUST BE FILLED IN - LACK OF THIS INFORMATION MAY HOLD UP ANY INVESTIGATION**

<b>Date:</b> 30/5/24	Complaint taken by ( <i>for office use</i> ):
<b>Your name (Complainant):</b>	Offenders name (if known):
<b>Your Address:</b>	<b>Address where breach has occurred :</b> 489A Semington Road Melksham Wiltshire
<b>Your Postcode:</b>	Postcode: (if known): SN12 6DR
<b>Your Tel.</b>	Their Tel. No:
<b>Your Email:</b>	Their Email:

Offenders home address (if different from where breach has occurred)	If it is a breach of a planning permission do you know the planning application number - if so please supply: PL/2021/06824 Detached Double Garage
Postcode:	How long has the alleged breach been occurring? Ongoing but downstairs now being developed
Do you know the grid reference of the site / property - if so please supply:	Do you know if the building is listed? If so please write 'Listed Building below and specify what grade if known: N/a

**Description of alleged breach - please describe clearly, e.g. if it is an extension is it front or back or if it is not in accordance with plans what is it that isn't in accordance? (eg additional window).**  
 It may speed up the response to your complaint if you are able to include a photograph of the alleged breach, but only include a photograph when taking it does not put you at any risk.

Planning permission allows for a 2 storey double garage and home office for 489a Semington Road. Development is a clear breach of Planning Condition no5 " the ground floor garages of the development hereby approved shall be retained as ancillary garages and shall only be used for the storage of motor vehicles and nothing else for the lifetime of the development". REASON - in the interests of ensuring sufficient off street parking is retained and ensuring highway safety

If it is a property that is remotely located in the countryside or is a plot of land please provide a rough sketch of the location of the property - (use a separate piece of paper if necessary):

## Lorraine McRandle

---

**From:** Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>  
**Sent:** 03 June 2024 05:55  
**To:** Lorraine McRandle  
**Subject:** RE: PL/2023/02893 Certificate of Lawfulness - The Annex, 489 Semington Road.

Dear Lorraine,

The owner sought legal advice and from this submitted a new application. I note this is still showing invalid so I will chase the technical support person this week once I have caught up from being off, hopefully this will be registered and determined soon.

Regards

**Natalie Rivans**  
Planning Enforcement Officer  
Planning Enforcement Team

### Wiltshire Council

External Tel: 01225 770502  
E-mail: [natalie.rivans@wiltshire.gov.uk](mailto:natalie.rivans@wiltshire.gov.uk)  
Website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)  
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**From:** Lorraine McRandle <office@melkshamwithout-pc.gov.uk>  
**Sent:** Friday, May 24, 2024 1:35 PM  
**To:** Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>  
**Cc:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>  
**Subject:** FW: PL/2023/02893 Certificate of Lawfulness - The Annex, 489 Semington Road.

Hi Natalie

Further to my email below, it is understood the letting relates to 489a Semington Road and not the annex: <https://www.wrightsresidential.co.uk/properties/property/6178964-semington-road-melksham>

However, we would appreciate an update on The Annex following refusal of the Certificate of Lawfulness.

Lorraine

Lorraine McRandle  
Parish Officer

Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)  
[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

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**From:** Lorraine McRandle  
**Sent:** 24 May 2024 09:37  
**To:** Rivans, Natalie <[Natalie.Rivans@wiltshire.gov.uk](mailto:Natalie.Rivans@wiltshire.gov.uk)>  
**Cc:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Subject:** FW: PL/2023/02893 Certificate of Lawfulness - The Annex, 489 Semington Road.

Hi Natalie

Further to my email below, one of our Councillors noted there was a Wrights 'To Let' sign outside 489a, as well as a general waste bin with The Annex written on it and wondered if there were still tenants renting the property despite the Certificate of Lawfulness being refused earlier in the year.

Do you have an update.

Best Regards

Lorraine McRandle  
Parish Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)  
[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

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**From:** Rivans, Natalie <[Natalie.Rivans@wiltshire.gov.uk](mailto:Natalie.Rivans@wiltshire.gov.uk)>  
**Sent:** 28 February 2024 15:15  
**To:** Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Subject:** RE: PL/2023/02893 Certificate of Lawfulness

Thanks Lorraine,

I have already emailed the agent to see what his clients intentions are. Once I know more, I will be in a position to move forward.

Regards

**Natalie Rivans**  
Planning Enforcement Officer  
Planning Enforcement Team

**Wiltshire Council**

External Tel: 01225 770502  
E-mail: [natalie.rivans@wiltshire.gov.uk](mailto:natalie.rivans@wiltshire.gov.uk)  
Website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)  
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**From:** Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Sent:** Tuesday, February 27, 2024 4:24 PM  
**To:** Rivans, Natalie <[Natalie.Rivans@wiltshire.gov.uk](mailto:Natalie.Rivans@wiltshire.gov.uk)>  
**Cc:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Subject:** FW: PL/2023/02893 Certificate of Lawfulness

Hi Natalie

Hope you are well.

We have just received notification of the Appeal Decision of the Planning Inspector, who has refused the application.

As per our email exchange below, the Annex was advertised locally for rent before Christmas with a resident confirming today, they believe there is a tenant living at the Annex, in contravention of the Appeal decision.

Please can you investigate.

Best Regards

Lorraine McRandle  
Parish Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)  
[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

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**From:** Rivans, Natalie <[Natalie.Rivans@wiltshire.gov.uk](mailto:Natalie.Rivans@wiltshire.gov.uk)>  
**Sent:** 14 December 2023 09:17  
**To:** Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Subject:** RE: PL/2023/02893 Certificate of Lawfulness

Thanks Lorraine,

I do have a file open on this matter waiting for the result too.

Regards

**Natalie Rivans**  
Planning Enforcement Officer  
Planning Enforcement Team  
Wiltshire Council  
Internal Tel: 15502  
External Tel: 01225 770502

## Lorraine McRandle

---

**From:** Lorraine McRandle  
**Sent:** 30 May 2024 14:35  
**To:** Rivans, Natalie  
**Cc:** Teresa Strange  
**Subject:** FW: PL/2023/11068: planning permission for retrospective fencing at Lancaster House, Bowerhill

Hi Natalie

I understand the above application has been withdrawn and planning enforcement case is still on-going.

Are you able to provide an update?

Look forward to hearing from you.

Best Regards

Lorraine McRandle  
Parish Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)  
[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

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**From:** Ellis, Angela <Angela.Ellis@wiltshire.gov.uk>  
**Sent:** 13 May 2024 09:31  
**To:** Lorraine McRandle <office@melkshamwithout-pc.gov.uk>



**Cc:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

**Subject:** RE: PL/2023/11068: planning permission for retrospective fencing at Lancaster House, Bowerhill

Hello Lorraine,

The application was withdrawn after concerns with the validation of the application but also clear advice of a move to a refusal.

I am aware the enforcement case is ongoing and am not made aware of any intention to resubmit.

I hope that helps.

Angela

---

**From:** Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>

**Sent:** Thursday, May 9, 2024 5:37 PM

**To:** Ellis, Angela <[Angela.Ellis@wiltshire.gov.uk](mailto:Angela.Ellis@wiltshire.gov.uk)>

**Cc:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>

**Subject:** PL/2023/11068: planning permission for retrospective fencing at Lancaster House, Bowerhill

Hi Angela

At a recent meeting, it was asked if there was an update on this application and having looked it up on the planning portal, note it has been withdrawn.

Do you know the reason for the withdrawal and whether the applicant will be submitting a new application.

Look forward to hearing from you.

Best Regards

Lorraine McRandle  
Parish Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)  
[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

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**WILTSHIRE COUNCIL PLANNING ENFORCEMENT COMPLAINT SHEET**

Please fill this form in as completely as you can in order to enable the Council to investigate the matter fully. We need your name and address or e-mail in order to register the complaint and keep you up to date. Enquiries about alleged breaches of planning control will be treated confidentially within the council so far as is practicable.

**INFORMATION IN BOLD MUST BE FILLED IN - LACK OF THIS INFORMATION MAY HOLD UP ANY INVESTIGATION**

<b>Date:</b>	Complaint taken by ( <i>for office use</i> ):
<b>Your name (Complainant):</b>	Offenders name (if known):
<b>Your Address:</b>	<b>Address where breach has occurred :</b>
<b>Your Postcode:</b>	Postcode: (if known):
<b>Your Tel.</b>	Their Tel. No:
<b>Your Email:</b>	Their Email:

Offenders home address (if different from where breach has occurred)  Postcode:  Do you know the grid reference of the site / property - if so please supply:	If it is a breach of a planning permission do you know the planning application number - if so please supply:
	How long has the alleged breach been occurring?
	Do you know if the building is listed? If so please write 'Listed Building below and specify what grade if known:

<p><b>Description of alleged breach - please describe clearly, e.g. if it is an extension is it front or back or if it is not in accordance with plans what is it that isn't in accordance? (eg additional window).</b></p> <p>It may speed up the response to your complaint if you are able to include a photograph of the alleged breach, but only include a photograph when taking it does not put you at any risk.</p>
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If it is a property that is remotely located in the countryside or is a plot of land please provide a rough sketch of the location of the property - (use a separate piece of paper if necessary):



# Melksham Neighbourhood Plan

## Steering Group Meeting

**Date: Wednesday 15 May 2024**

**Start: 6.30pm**

**Present:**

**Steering Group Members Present**

Councillor David Pafford Chair (MWPC)  
Councillor John Glover (MWPC)  
Councillor Graham Ellis (MTC)  
Councillor Pat Aves (MTC)  
Councillor Mike Sankey (WC)  
John Hamley (MTUG)  
Shirley McCarthy (Environment)  
Chris Holden (Melksham Community Area Partnership)

**Officers**

Teresa Strange (MWPC)  
Lorraine McRandle (MWPC)  
Tracy Predeth (MTC Locum) By  
zoom for part of meeting

**Task Group Members**

Councillor Mark Harris, (MWPC)

**Planning Consultants**

Vaughan Thompson (Place Studio)

<b>MTC</b>	<b>Melksham Town Council</b>
<b>MWPC</b>	<b>Melksham Without Parish Council</b>
<b>WC</b>	<b>Wiltshire Council</b>
<b>MTUG</b>	<b>Melksham Transport User Group</b>

### MINUTES

#### 1. Welcome & Housekeeping

Councillor Pafford welcomed everyone to the meeting, noting those present were aware of the fire evacuation procedures for the building. A warm welcome was given to the Town Council's Locum Clerk, Tracy Predeth, who was attending by zoom.

#### 2. To note apologies

Apologies were received from Mark Blackham who was unwell.

#### 3. Declarations of Interests

There were no declarations of interest.

#### **4. Public Participation**

There were no members of the public present.

#### **5. To consider if any items to be considered in closed session as confidential**

**Resolved:** For items 6(b), 7, 8 & 9 to be held in closed session.

#### **6. a) To agree Minutes of Meeting held on 3 April 2024**

**Resolved:** To approve and for the Chair to sign the minutes of the meeting held on 3 April 2024.

#### **b) To agree Confidential Notes to accompany the minutes of 3 April.**

Shirley asked if one paragraph attributed to her under the site allocation update heading could be removed as it did not make sense, which was agreed.

**Resolved:** To approve and for the Chair to sign the Confidential Notes to accompany the minutes of 3 April 2024 with the suggested amendment.

#### **7C. To receive feedback from stakeholder discussions further to decisions made at the last steering group meeting.**

**HELD IN CLOSED SESSION**

#### **8C To agree way forward for Regulation 14(B) consultation**

##### **a) Scope of changes to Reg 14(B) version of Plan & evidence documents**

**HELD IN CLOSED SESSION**

##### **b) Timescales for consultation**

**HELD IN CLOSED SESSION**

##### **c) Publicity**

**HELD IN CLOSED SESSION.**

##### **d) Drop in events**

**HELD IN CLOSED SESSIONS.**

#### **9C. To approve the draft text for the Development Management policies, designations and allocations in the reviewed Neighbourhood Plan 2**

**HELD IN CLOSED SESSION.**

**a) For Submission Version**

**HELD IN CLOSED SESSION.**

**b) Reg 14 B version**

**HELD IN CLOSED SESSION.**

**10. Technical Support Packages/Evidence Document Update**

**a) To note revised Car Park Audit now received**

The revisions the group had asked for had been undertaken and a new car park audit report received.

**b) To note update on SEA (Strategic Environmental Assessment) and screening for HRA (Habitat Regulations Assessment)**

An update was provided earlier in the meeting.

**c) To consider quotation for addendum to Viability Assessment**

**HELD IN CLOSED SESSION.**

**11. Finance: To approve invoices received and additional budget required.**

Teresa explained a paper had been circulated to both the Town and Parish Councils earlier in the week regarding the extra funding required to get the plan through to Examination/Referendum and delivery, as follows:

Total cost:	£22,750 (split 70/30% as follows):
Melksham Town Council:	£15,925
Melksham Without Parish Council:	£ 6,825

Teresa explained of the £10,000 quoted for Place within the paper, this had been an estimate to get the plan through to Examination/Referendum and delivery, however, a quote of £8,937.50 had subsequently been received from Place. In addition, a quote of £825 had been provided for some post Referendum Member training.

Within the paper, an additional sum of £1,500 had been quoted to the Town Council to provide for temporary admin support as they were unable to source inhouse at the current time.

Councillor Ellis confirmed at a recent Town Council meeting it had been resolved to deputise to officer the ability to spend up to £20,000.

In addition to the above, a separate invoice of £3,025 (6105) had been received from Place for work undertaken since their last invoice. Teresa explained she wished to flag to the meeting that in adding up the costs for the Town Council

alone came to c£19,500 and expressed a concern if more funding was required to make changes to the plan following Examination for example, this left little funding available from the Town Council to cover such costs.

**Resolved:** To approve the £3,025 invoice (6105) from Place for the work undertaken to date and new quotation from Place of £8,937.50, in order to get the plan through Regulation 14(B) to Examination.

Not to approve the additional £825 for post Referendum Member training as this could be decided in the next financial year.

For Teresa to go ahead and book venues, adverts and printing etc for Regulation 14(B).

## **12. To agree date and venue of Next Steering Group Meeting**

The next meeting to be held on Wednesday, 5 June at 6.30pm.

Meeting closed at 20.51

Signed.....  
Steering Group Chair, 5 June 2024

**Register to vote (/register-to-vote)** Register by 18 June to vote in the General Election on 4 July.

[Home](#) > [Business and industry](#) > [Running a business](#) > [Business licensing](#)  
> [Alcohol licensing](#) > [Alcohol in licensed pavement areas](#)

[Home Office](#)

Open consultation

# Alcohol in licensed pavement areas (accessible)

Updated 24 May 2024

## Applies to England and Wales

Contents

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# About this consultation

## To

This is a public consultation. Any member of the public can respond. The consultation covers England and Wales where these proposals apply.

## Duration

For 8 weeks from 16/05/24 to 11/07/24

## Enquiries (including requests for the paper in an alternative format) to

Alcohol team  
5th Floor, Fry Building  
Home Office  
2 Marsham Street  
SW1P 4DF

Email: [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk)

## How to respond

Responses should be submitted online through the GOV.UK website.

## Response paper

A response to this consultation exercise will be published in due course on the GOV.UK website.

All responses will be treated as public, unless stated otherwise.

# Executive summary

The Licensing Act 2003 ('the Act') covers the retail sale and supply of alcohol in England and Wales. The Act allows premises licence holders to sell alcohol for consumption on site ('on-sales'), for consumption off site ('off-sales'), or both. Off-sales enables a business to sell alcohol for takeaway ('takeaway drinks') or delivery. Off-sales also enables a business to sell alcohol for consumption in a separately licensed pavement area - if a business wishes to place removable furniture on the pavement adjacent to their premises relevant to the serving, sale or consumption of food and drink, they need to have a separate pavement licence which is regulated by the Business and Planning Act 2020 (England) and the Highways Act 1980 (Wales).

When applying for a premises licence, an individual can ask to do on-sales only, off-sales only, or both – the fee for the premises licence is the same regardless of what is covered. If a holder of an existing on-sales only licence subsequently wishes to add off-sales to their licence, they can apply to their Licensing Authority for a variation. This may be a minor or major variation, depending on the context; each variation has a different associated cost.

The Business and Planning Act 2020 (2020 Act) introduced regulatory easements to support businesses during the COVID-19 pandemic. Alcohol licensing easements enabled on-sales only premises licence holders to automatically also do off-sales without any need to amend their licence. This meant that when pubs and restaurants were initially closed because of the pandemic, these businesses were able to sell alcohol for take-away and/or delivery.

The 2020 Act also streamlined the process for obtaining a pavement licence and capped relevant application fees. Together, the 2020 Act easements relating to alcohol and pavement licensing meant that businesses with an on-sales only premises licence could automatically sell alcohol for consumption in a licenced pavement area.

The Levelling Up and Regeneration Act 2023 has made permanent the provisions set out in the 2020 Act relating to pavement licensing, but the future of the off-sales element has not yet been decided and the provision is due to lapse in March 2025. This will mean that those businesses with on-sales only licences that have made use of the easement and wish to continue to do off-sales would require a licence variation. The process for obtaining a variation to a licence can be costly and time consuming.

However, the Government remains committed to supporting the hospitality sector whilst it faces ongoing financial challenges. In September 2023, we made it clear that the Government's ultimate goal is to create a unified consent regime that includes licensing consent for the consumption and sale of alcohol in the outside pavement area before the provision lapses next year. We have identified new options to consult on that would enable premises to more easily

sell alcohol for consumption in a licensed pavement area, whilst ensuring that licensing authorities and local residents continue to have a say about what happens in their area.

## The proposals

- Option 1 – Make permanent the temporary regulatory easements for off-sales under the Business and Planning Act 2020, whereby any on-sales alcohol premise licence automatically covers off-sales as well.

or

- Option 2 – Amend the Licensing Act to extend the definition of on-sales so that it includes consumption in a licenced pavement area.

or

- Option 3 – Amend the Licensing Act to permit on-sales only premises licence holders the right to make off-sales to any area for which there is a pavement licence.

## Introduction

This consultation seeks views on whether changes should be made to the Licensing Act 2003 in order to make it easier for businesses with a premises licence to sell alcohol for consumption in an adjacent licensed pavement area. This consultation considers all businesses including those that are currently taking advantage of the temporary measures in the Business and Planning Act 2020, as well as future new licensees.

This consultation sets out three possible options:

1. Option 1: Make current arrangements - as set out in the Business and Planning Act 2020 - permanent. This would mean that on-sales only licence holders would automatically be able to continue to do off-sales without the need for a licence variation. If this option is taken forward, we propose to introduce it by means of a Legislative Reform Order (LRO) under Section 1 of the Legislative and Regulatory Reform Act 2006 (LRA) [\[footnote 1\]](#).
2. Option 2: Amend the Licensing Act to extend the definition of on-sales so that it includes consumption in a licenced pavement area. This would mean that on-sales only licence holders would be able to automatically sell alcohol for consumption in an adjacent licensed pavement area without any need for a

licence variation. If this option is taken forward, we propose it would be introduced by means of an LRO.

- Option 3: Amend the Licensing Act to permit on-sales only premises licence holders the right to make off-sales to any area for which there is a pavement licence. As with option 2, this would mean that on-sales only licence holders would be able to automatically sell alcohol for consumption in an adjacent licensed pavement area without any need for a licence variation. If this option is taken forward, we propose it would be introduced by means of an LRO.

All options are set out in detail in the next section. Views are invited on all aspects of the consultation paper.

An Impact Assessment for the options set out in this consultation is attached. Comments on the Impact Assessment are welcome.

The consultation is aimed at the hospitality industry, local licensing authorities, the police, licensed premises, members of the public and any other interested parties in England and Wales where these proposals would apply. Copies of the consultation are being sent to:

- Local Government Association
- National Association of Licensing Enforcement Officers
- Institute of Licensing
- National Police Chiefs' Council
- Residents' associations
- Association of Police and Crime Commissioners
- Night Time Industries Association
- UK Hospitality
- British Beer and Pub Association
- Association of Convenience Stores
- Wine and Spirits Trade Association
- Alcohol Health Alliance
- Alcohol Change UK
- Institute of Alcohol Studies
- Drinkaware
- Portman Group
- Community Alcohol Partnerships

However, this list is not exhaustive or exclusive. Responses are welcomed from anyone with an interest in, or views on, the subject covered by this paper.

## Legislative Reform Order considerations

Given that the options above would likely make use of a Legislative Reform Order, this consultation is being conducted in accordance with the provisions of Section 13 of the Legislative and Regulatory Reform Act 2006.

Both Houses of Parliament scrutinise draft LROs. This is done by the Business and Trade Committee in the House of Commons and the Delegated Powers and Regulatory Reform Committee in the House of Lords. Each Committee might take oral or written evidence to help it decide these matters, and each Committee would then be expected to report. Copies of Committees' reports are available on the Parliament website at Business and Trade Committee in the Commons; and Delegated Powers and Regulatory Reform Committee in the Lords.

Responding to this consultation document is your first and main opportunity to make your views known as part of the consultation process. Responses should be submitted online through the GOV.UK website.

All responses will be treated as public. Should an LRO be progressed, the names of those making representations will be disclosed to Parliament. If you ask for your representation not to be disclosed, in accordance with Section 14(3) of the LRA, the Government should not disclose the content of that representation without your express consent and, if the representation relates to a third party, their consent too. Alternatively, the Government may disclose the content of the representation in such a way as to preserve your anonymity and that of any third party involved.

If you give information about a third party which the Government believes may be damaging to the interests of that third party, the Government does not have to pass on such information to Parliament if they do not believe it is true or are unable to obtain the consent of the third party to disclose. This applies whether or not you ask for your representation not to be disclosed. The Scrutiny Committees may, however, be given access on request to all representations as originally submitted, as a safeguard against improper influence being brought to bear on Ministers in their formulation of legislative reform orders.

In the event that an LRO is taken forward, when the Minister lays proposals before Parliament you are welcome to put your views before either or both of the Scrutiny Committees. In the first instance, this should be in writing. The Committees will normally decide on the basis of written submissions whether to take oral evidence. Your submission should be as concise as possible, and should focus on one or more of the criteria listed below that a Legislative Reform Order needs to meet, as set out in section 3 of the Legislative Regulatory Reform Act 2006:

- There are no non-legislative alternatives that will achieve the intended outcome of the provision;
- The effect of the provision is proportionate to the policy objective;

- The provision strikes a fair balance between the public interest and the interests of any person adversely affected by it;
- The provision does not remove any necessary protection;
- The provision does not prevent anyone from continuing to exercise any right or freedom which they might reasonably expect to continue to exercise;
- The provision is not constitutionally significant and;
- Where a provision will restate an enactment, it makes the law more accessible or more easily understood.

Contact details for the Scrutiny Committees who scrutinise Legislative Reform Orders can be found below: Business and Trade Committee<sup>[footnote 2]</sup> and the Delegated Powers and Regulatory Reform Committee<sup>[footnote 3]</sup>.

## Questionnaire

Option 1: Make permanent the temporary regulatory easements for off-sales under the Business and Planning Act 2020, whereby any on-sales alcohol premise licence automatically covers off-sales as well. This would apply to existing and future premises licence holders.

### **What would this option mean in practice for existing licence holders?**

- Holders of licences which only cover on-sales would automatically continue to be entitled to make off-sales, without any need to amend their licence. This would enable pubs and restaurants that only have an on-sales licence to sell alcohol for take-away and delivery.
- It would also allow these premises to sell alcohol for consumption in the area covered by any pavement licence that they have.
- There could be an option for licensing authorities to impose a condition which precludes sales for takeaway and/or delivery and/or for consumption in a licensed pavement area, should that be necessary in connection with individual premises in order to uphold licensing objectives<sup>[footnote 4]</sup>.

### **What would this option mean in practice for new licence applicants?**

- Any premises licence applicant would automatically be able to make off-sales as well as on-sales.
- This means the licence holder would automatically be able to sell alcohol for take away, provide delivery services and to sell alcohol for consumption in the area covered by any pavement licence that they have.

- New licence applicants would still be required to place a notice in a local newspaper.
- There could be an option for licensing authorities to impose a condition which precludes sales for takeaway and/or delivery and/or for consumption in a licensed pavement area, should that be necessary in connection with individual premises in order to uphold licensing objectives. Applicants could also suggest such a voluntary condition [\[footnote 4\]](#).

### Further information

- This amendment could be made via a Legislative Reform Order.
- The process for the grant, variation and renewal of premises licences would remain the same, with no amendments to determination periods, duration of licences, statutory consultees and fee levels.
- Premises licence plans would not need to be amended.
- The process for the review of a licence would remain the same. Licensing authorities and residents would still be able to request a review of existing licences if there are concerns about noise, crime and anti-social behaviour.

Q1. To what extent do you agree that option 1 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing? (\*Required)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Q2. If you agree that option 1 would provide a suitable long-term replacement to the temporary off-sales permission, which the Business and Planning Act 2020 has been providing, please tell us why (please select all that apply). (\*Not required)

- Minimise costs to businesses
- Ease of understanding
- Simplicity to put into practice
- Other (please fill out the free text box below)

Q3. If you agree that option 1 would provide a suitable long-term replacement to the temporary off-sales permission, do you also agree that there should be the option to exclude takeaway and/or delivery by means of a licence condition



if deemed necessary by licensing authorities in order to uphold licensing objectives? (\*Not required)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Q4. If you agree that option 1 would provide a suitable long-term replacement to the temporary off-sales permission, do you also agree that there should be the option to exclude sale for consumption in a licensed pavement area by means of a licence condition if deemed necessary by licensing authorities in order to uphold licensing objectives? (\*Not required)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Q5. If you disagree that option 1 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing, please tell us why (please select all that apply). (\*Not required)

- Concerns about increases to crime and / or anti-social behaviour
- Other (please fill out the free text box below)

Option 2: Amend the wording in the Licensing Act 2003 to extend the definition of on-sales so that it includes consumption in a licenced pavement area.

#### **What would this option mean in practice for existing licence holders?**

- This would mean that when the regulatory easements set out in the Business and Planning Act 2020 lapse in March 2025, on-sales only licence holders who wish to continue to sell alcohol for consumption in an adjacent licensed pavement area would automatically be able to continue to do so.
- There would be no need for existing on-sales only licence holders to make any application to vary their premises licence if they wish to continue to sell alcohol in an adjacent licenced pavement area, thus saving businesses time and money. A valid pavement licence would still be required, as is currently the case.

- To sell alcohol for take-away or delivery, an off-sales licence would still be needed, thus requiring a variation to the existing on-sales only licence.
- To mitigate any potential increase in disorder associated with alcohol being consumed in the pavement area, terminal hours for the operation of a pavement licence will remain in place, even if the permitted terminal hours inside the premises are later.

### **What would this option mean in practice for new licence applicants?**

- This option would mean that when the regulatory easements lapse in March 2025, if someone wishes to sell alcohol for consumption in the pavement area, they would need both a pavement licence and a premises on-licence.
- Adopting this option would mean premises that fall into the category above would no longer need an off-sales licence. However, an off-sales licence would still be needed if the business wished also to sell alcohol for takeaway or delivery.
- The process for the refusal of a licence would remain the same, as would the process for appeals and hearings. Licensing authorities and residents would still be able to object to new licence applications if there are concerns about noise, crime and anti-social behaviour.
- New licence applicants would still be required to place a notice in a local newspaper.

### **Further information:**

- This amendment could be made to the Act via a Legislative Reform Order.
- The process for the grant, variation, and renewal of premises licences would remain the same, with no amendments to determination periods, duration of licences, statutory consultees and fee levels.
- Premises licence plans would not need to be amended. The pavement area would not form part of the area included in the premises licence plan.
- Local authorities can attach specific conditions to pavement licences where those conditions are reasonable and there is valid supporting evidence for the justification of the condition. Local authorities can revoke a licence or amend a licence with the licence holder's position, under certain circumstances.
- The process for the review of a licence would remain the same. Licensing authorities and residents would still be able to request a review of existing licences if there are concerns about noise, crime and anti-social behaviour.

Q6. To what extent do you agree that option 2 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and

## Planning Act 2020 has been providing? (\*Required)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Q7. If you agree that option 2 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing, please tell us why (please select all that apply). (\*Not required)

- Minimise costs to businesses
- Ease of understanding
- Simplicity to put into practice
- Other (please fill out the free text box below)

Q8. If you disagree that option 2 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing, please tell us why (please select all that apply). (\*Not required)

- Concerns about increases to crime and / or anti-social behaviour
- Other (please fill out the free text box below)

Option 3: Amend the Licensing Act to permit on-sales only premises licence holders the right to make off-sales to any area for which there is a pavement licence.

### **What would this option mean in practice for existing licence holders?**

- As with option 2, this option would mean that when the regulatory easements set out in the Business and Planning Act 2020 lapse in March 2025, on-sales only licence holders who wish to continue to sell alcohol for consumption in an adjacent licensed pavement area would automatically be able to continue to do so.
- There would be no need for existing on-sales only licence holders to make any application to vary their premises licence if they wish to continue to sell alcohol in an adjacent licenced pavement area, thus saving businesses time and money. A valid pavement licence would still be required, as is currently the case.
- To sell alcohol for take-away or delivery, an off-sales licence would still be needed, thus requiring a variation to any existing on-sales only licence.
- To mitigate any potential increase in disorder associated with alcohol being consumed in the pavement area, terminal hours for the operation

of a pavement licence will remain in place, even if the permitted terminal hours inside the premises is later.

### **What would this option mean in practice for new licence applicants?**

- This option would mean that when the regulatory easements lapse in March 2025, if someone wishes to sell alcohol for consumption in the pavement area, they would need both a pavement licence and a premises on-sales licence.
- Adopting this option would mean premises that fall into the category above would no longer need an off-sales licence. However, an off-sales licence would still be needed if the business wished also to sell alcohol for takeaway or delivery.
- The process for the refusal of a licence would remain the same, as would the process for appeals and hearings. Licensing authorities and residents would still be able to object to new licence applications if there are concerns about noise, crime and anti-social behaviour.
- New licence applicants would still be required to place a notice in a local newspaper.

### **Further information**

- This amendment could be made via a Legislative Reform Order.
- The process for the grant, variation and renewal of premises licences would remain the same, with no amendments to determination periods, duration of licences, statutory consultees and fee levels.
- Premises licence plans would not need to be amended. The pavement area would not form part of the area included in the premises licence plan.
- Local authorities can attach specific conditions to pavement licences where those conditions are reasonable and there is valid supporting evidence for the justification of the condition. Local authorities can revoke a licence or amend a licence with the licence holder's position, under certain circumstances.
- The process for the review of a licence would remain the same. Licensing authorities and residents would still be able to request a review of existing licences if there are concerns about noise, crime and anti-social behaviour.

Premises wishing to offer the sale of alcohol for takeaway or delivery would need to apply for off-sales to be added to their on-sales premises licence.

Q9. To what extent do you agree that option 3 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing? (\*Required)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Q10. If you agree that option 3 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing, please tell us why (please select all that apply). (\*Not required)

- Minimise cost to businesses
- Ease of understanding
- Simplicity to put into practice
- Other (please fill out the free text box below)

Q11. If you disagree that option 3 would provide a suitable long-term replacement to the temporary off-sales permission, which the Business and Planning Act 2020 has been providing, please tell us why (please select all that apply). (\*Not required)

- Concerns about increases to crime and / or anti-social behaviour
- Other (please fill out the free text box below)

Q12. As detailed above, options 2 and 3 have the same implications for new and existing premises licence holders. Of the two, which - if either - is your preferred option? (\*Not required)

- Option 2
- Option 3
- Neither option 2 or 3
- No preference

Q13. If you ticked either option 2 or option 3 as your preference, please explain the reason you selected that option as your preference in the free text box below. (\*Not required)

Q14. If you are responding as a licensing officer or on behalf of a licensing authority, please state how many on-sales only licensed premises in your area have taken up the opportunity to automatically do off-sales without amending their licence. An estimate is acceptable. (\*Not required)

- Total number of premises in your area that are licensed for on-sales only:
- Of that total, how many have taken up the opportunity to automatically do off-sales to a licensed pavement area without amending their licence?

- Of that total, how many have taken up the opportunity to automatically do takeaway drinks without amending their licence?
- Of that total, how many have taken up the opportunity to automatically offer delivery without amending their licence?

Q15. Please use the space provided below to provide any comments you have on any matter covered in this consultation. If your submission is lengthy, please submit your answers via this form and email additional information and data to: [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk) (\*Not required)

Thank you for participating in this consultation.

## About you

Please use this section to tell us about yourself.

Full name (optional):

Job title or capacity in which you are responding to this consultation exercise (for example, member of the public):

Date:

Company name/organisation (if applicable):

Address (optional):

Postcode:

If you do not wish for your response to be disclosed to Parliament, please tick this box. Please see the introduction for details. \*

If you would like us to acknowledge receipt of your response, please tick this box \*

Email address to which the acknowledgement should be sent:

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

## Contact details and how to respond

Responses should be submitted online through the GOV.UK website.

## Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk).

## Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at GOV.UK. Alternative format versions of this publication can be requested from [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk)

## Publication of response

A paper summarising the responses to this consultation will be published in due course online at GOV.UK.

## Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

## Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (UK GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

## Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the [consultation principles](https://www.gov.uk/government/publications/consultation-principles-guidance) (<https://www.gov.uk/government/publications/consultation-principles-guidance>).

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1. [Legislative and Regulatory Reform Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk) (<https://www.legislation.gov.uk/ukpga/2006/51/contents>)
  2. <https://committees.parliament.co.uk/committee/365/business-and-trade-committee> (<https://committees.parliament.co.uk/committee/365/business-and-trade-committee>)
  3. <https://committees.parliament.co.uk/committee/173/delegated-powers-and-regulatory-reform-committee> (<https://committees.parliament.co.uk/committee/173/delegated-powers-and-regulatory-reform-committee>)
  4. For example, if takeaway sales were creating anti-social behaviour nearby in the locality (but away from the premises), a condition could remove the automatic granting of the takeaway sales; or a condition might set a terminal hour for sales for consumption in the licensed pavement area, whilst allowing for continued sales for consumption inside the premises, in order to avoid noise problems at night in a residential neighbourhood.

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## Teresa Strange

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**Subject:** FW: Pre-application meeting re the New Road Farm site  
**Attachments:** Draft Wiltshire Design Guide Consultation - comments from MWPC.pdf

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**From:** Teresa Strange  
**Sent:** 22 May 2024 11:52  
**To:** Matthew Roberts <matthew.roberts@jbp.co.uk>; Jonathan.Dodd@bloorhomes.com  
**Cc:** Lorraine McRandle <office@melkshamwithout-pc.gov.uk>  
**Subject:** RE: Pre-application meeting re the New Road Farm site

Good morning Matthew and Jonathan  
Thank you for your time yesterday, and that of the rest of your team.

Just following up on a few things we touched on yesterday.

1. Melksham Independent News <https://melkshamnews.com/advertisewithus/> delivered fortnightly to approx. 14,000 houses in Melksham and surrounding area. Definitely not to Sandridge Common. The paper is online too.
2. Link to the last Reg 14 NHP consultation community engagement statement – might be useful to see where we held events etc, lots of photos of venues etc in there [https://www.melkshamneighbourhoodplan.org/files/ugd/c4c117\\_c34fcfacfb5f48b880d8c7f194200a0f.pdf](https://www.melkshamneighbourhoodplan.org/files/ugd/c4c117_c34fcfacfb5f48b880d8c7f194200a0f.pdf)
3. To book the Campus meeting room for an event [Abi.Dempsey@wiltshire.gov.uk](mailto:Abi.Dempsey@wiltshire.gov.uk) and suggest you ask for the room downstairs, known as the “party room” contact details for the Melksham Assembly Hall [assemblyhall@melksham-tc.gov.uk](mailto:assemblyhall@melksham-tc.gov.uk). Still looking for contact details of the Skills Centre, which is the hall attached to St Andrews Church in Church Lane.
4. In terms of the mix of type and tenure that we discussed, please see policy 6, page 44 of the emerging NHP2 [https://www.melkshamneighbourhoodplan.org/files/ugd/da341b\\_d845cddce2bc463bbfddd4ff3c82da9c.pdf](https://www.melkshamneighbourhoodplan.org/files/ugd/da341b_d845cddce2bc463bbfddd4ff3c82da9c.pdf)
5. Photo below of Goldfinch Road/Skylark Road where there were a couple of near misses of pedestrians/residents emerging from their house/vehicles due to the lack of delineation of shared space and front doors straight onto the pavement.
6. Details of a Wiltshire Council Highways officer to speak to re New Road to follow
7. Bowood View development that the parish council like in terms of feel/layout is a Bellway site and planning application number 16/00497/OUT, 17/10416/VAR & 17/12514/REM and the one that they did not like is the Taylor Wimpey development 16/01123/OUT, 17/06285/REM & 18/04477/REM
8. Contact details for residents of Lope Close on the A3102, please contact Mrs. Elizabeth (Liz) Rowley XXXXXXXXXX Liz has clarified that they don't have a residents association as such but they do employ the management company as a group of residents and she is happy to share information to them and has given me permission to share her email address with you.
9. Melksham Without Parish Council's comments on the draft Wiltshire Design Guide are attached for info – it covers many of the concerns that were raised yesterday (building heights, trees, shared surfaces etc)

We will forward the notes from the meeting in due course.

**DEVELOPER PRE-APP MEETING NOTES  
BLOOR HOMES RE PROPOSALS FOR DEVELOPMENT AT NEW ROAD FARM  
TUESDAY, 21 MAY 2024 AT 2.00PM**

**Present:** Councillor Alan Baines, (Vice Chair of Planning), MWPC  
Councillor David Pafford, (Vice Chair of Council), MWPC  
Councillor Mark Harris, MWPC  
Teresa Strange, Clerk, MWPC  
Lorraine McRandle, Parish Officer, MWPC  
Jonathan Dodd, Planning Manager, Bloor Homes South West  
Matthew Roberts, JBP  
Neil Mantel, Planning Consultant  
Davide Respini, Senior Urban Designer  
Adam Rickenback, Bloor Homes

Jonathan explained since meeting the council in November 2023 updates had been made to the Concept Plan, which excluded the previous wider land holding with a lesser scheme drawn-up in accordance with the Local Plan policy area only.

Proposals for the site now included:

- c285 dwellings (reduced from c350) in accordance with the Local Plan policy.
- Two accesses off the A3102 (with one off the Eastern Way roundabout).
- A 0.4ha 100 place nursery.
- Increase in green infrastructure.
- Cycle links to connect to other cycle routes in the area, as well as cycle links within the site.

Jonathan explained it was anticipated a planning application would be submitted to Wiltshire Council in September, which Wiltshire Council were receptive to and sought the parish council's view on the proposals.

Councillor Pafford welcomed proposals which were in conformity with the Local Plan, with the parish council's previous concerns having related to the scale of the development proposed.

**Q:** Whilst two accesses are proposed, is the access to the West an emergency/pedestrian access and will removable bollards be installed? If a full access, the parish council might prefer to see a no right turn, in order to ease traffic flow.

**A:** It is a full access to serve the south western parcel of the site and provide a loop around the development. Discussions have been held with the Highways Team, but the traffic modelling is still taking place, however, could go away and discuss possibility of a no right turn into the western access.

**Q:** There is an access road in the proposed plans leading to the north west boundary, is this to access possible future development? If so, can new residents be made aware when promoting the site and not at a later date,

which has happened elsewhere in the parish.

A: The access to adjacent land to the north west is an aspiration of the Local Plan and therefore included, however, Bloor have no control over this land.

Q: Will there be a pedestrian link to existing adjacent development, which is a policy of Wiltshire Council?

A: A link is included in the design up to the boundary on the west side of the site. Unfortunately, there is a strip of land in third party ownership on the adjacent site therefore, the delivery of this link cannot be provided. However, Wiltshire Council have assisted elsewhere with similar issues in trying to get connectivity between new and existing developments and hope they can do the same here.

Q: Where will the nursery be? Will there be money for it in the S106 Agreement and how much parking will be provided?

There are concerns people will have to go to two different locations to drop off nursery and primary aged children, as no primary school is proposed on site. The nearest primary school currently being Forest & Sandridge until a planning application at nearby Blackmore Farm is approved, which includes a primary school.

A: Land for a nursery has been safeguarded near the entrance of the site off of the Eastern Way roundabout. However, the current design is indicative, as the nursery will be built by a provider and not Bloor. Whether it would be included in the S106 Agreement and what the trigger points for the delivery would be are unclear at this stage and might not be required early on in the scheme.

Jonathan explained it was intended to submit a hybrid planning application, which was an outline application over all the site with one section in the south west corner in full detail for c70 dwellings whereas usually, an outline application is submitted for a full site followed by reserved matters. The rest of the site would be subject to a reserved matters application in the future with Wiltshire Council receptive to this approach.

The views of the parish council were sought on the design with the Clerk and Members directing Jonathon to the Melksham Design Code and Guide which he had a copy of, and in researching for the Design Guide had agreed that the parish council did not like the Pathfinder Way development, however, did like the design of Bowood View (Bellway) on Semington Road as it provided a sense of openness, was not so dense, affordable units were also indistinguishable to market housing, there is also plenty of off-street parking available.

Other aspects of design prefer to see:

- Mix of different styles and design of dwellings in different materials ie brick and render.

- Key cornerstone (way-finder) buildings to help people navigate around the development easier.

The Clerk agreed to send the parish council's comments on the Wiltshire Council Design Guide, along with the application number for the Bowood View development.

Jonathan informed the meeting there needed to be an agreed design code between both the parish council and Wiltshire Council.

With regard to wayfinder type dwellings Jonathan confirmed these would be located within the design and whilst Bloor preferred not to include 3 storey dwellings, they were helpful in providing variation within a development and therefore maybe included within the development, however, would be sparsely located around the site in key locations.

It was explained the parish council were not keen on this type of dwelling, particularly adjacent to existing housing development.

Further questions were sought on the character/design of the site:

Q: Will the design include renewables such as solar panels on roofs with battery storage?

A: Dwellings will be designed to the Future Homes Standard which comes coming into force in 2025 and will include lots of insulation, solar PV and air source heat pumps, as well as charging points for every home. Battery storage could be designed in but would not reduce Grid loading.

Q: As meeting the Local Plan allocation are you meeting the Local Plan affordable housing ratio of 40%.

A: It is Intended to provide 40% affordable housing, however 40% was not the ratio when the site was brought and is currently 30%.

Maybe challenging Wiltshire Council on some policies within the Local Plan as they are beyond national standards, however, on affordable housing will try and go with Wiltshire Council's wishes.

The Clerk informed the meeting, the emerging Neighbourhood Plan (JMNP#2) had determined a split of type and tenure of affordable housing to meet the Housing Needs Assessment evidence and agreed to send this information through to Jonathan.

Q: How many play areas will be provided and open spaces?

A: 4 play areas will be provided which will probably include a Local Equipped Area of Play (LEAP) and 3 Local Areas of Play (LAP) within the open space corridor.

Q: Will an informal area of play be provided for somewhere for children to kick a ball around, as well as a teen shelter in an appropriate location.

The Clerk informed the meeting the parish council would like the option to take on the play areas.

A: There is an area within the LEAP that could be used for informal play. Can consider the option of the parish council taking on the play areas, with something included in the S106 Agreement to this regard. Currently the nearest play area is adjacent to Forest & Sandridge School which whilst walkable requires people have to cross the A3102, therefore could consider getting people to the facilities which already exist.

Q: Will there be shared space with pedestrians. There have been issues with the East of Melksham Development, with some properties having no gardens in front and people effectively stepping out into the road which is not delineated in a different colour/surface. Therefore, pedestrians think they are on a footpath and delivery drivers for instance think they are on a road.

The Clerk agreed to send details through and provide examples.

A: Shared spaces are proposed however, these would not be as part of the main road hierarchy, but included further into the development.

Q: Will there be visitor parking, similar to Bowood View, which has plenty of visitor parking available.

A: Yes, there will be visitor parking in line with Wiltshire Council standard.

Q: Will the attenuation pond have fencing around and include a lifebuoy, like at the adjacent Barratt Homes development.

A: It depends on the depth of the attenuation pond if fencing is installed.

Q: Whilst welcoming the provision of trees within the development, where will these be planted so as not to break up the footway and cause issues for residents if planted adjacent to their properties.

The parish council would prefer to see trees adjacent to the road planted in tree pits and in the middle of public open spaces away from properties.

A: It is proposed to have tree line streets when entering the development, however, can look at separating trees sufficiently from roads and walls, so as not to cause damage in the future.

Q: Will there be provision for the maintenance of the trees, planting, public open spaces and bin emptying in the period whilst the houses are being sold and occupied, but before the management company contract commences.

A: Understand the issue, however, most developers work to the model of

employing a Management Company once the houses are occupied, however it is unclear whether this model will be in place once the site has been delivered. However, will provide a point of contact once on site if any issues arise.

## **Public Consultation**

Guidance was sought from Bloor on what was the best way to undertake public consultation and engage with the community and to find out what people wanted as a result of this development.

The following suggestions were put forward:

- Drop in events in various areas such as the hall adjacent to St Andrews Church and the Campus, with the Clerk agreeing to forward the contact details.
- Article in Melksham News however, this was not delivered to Sandridge Common including Lopes Close. The Clerk agreed to forward the contact details.
- Contact with Melksham Town Council and Wiltshire Councillors for the area.
- Contact the Lopes Close Residents' Association. The Clerk agreed to forward the contact details.

Members raised a concern at the impact of additional traffic on New Road which was used as a rat run noting a Wiltshire Council Highway Engineer had recently expressed concern at the condition of the verges and passing places. Concern was also raised at the impact additional traffic would have on Lacock and the medieval single-track bridges.

The Clerk agreed to forward the contact details of a strategic highway planner to discuss the concerns of New Road.

Jonathan explained prior to an application being submitted in September, a further meeting would be arranged with the parish council.

Meeting closed at 4.00pm