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MELKSHAM WITHOUT PARISH COUNCIL

Clerk: Mrs Teresa Strange

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Wiltshire, SN12 6ES
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Wednesday 15th October 2024

To all members of the Council Planning Committee: Councillors Richard Wood (Chair of Planning), Alan Baines (Vice Chair of Planning), 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 21st October 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=88260474129>

Or go to 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-pc.gov.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**
2. **To receive Apologies and approval of reasons given**
3. **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.
4. **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 items (12ci & 12cii) where publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.
5. **Public Participation**
6. **To consider the following new Planning Applications:**
 - PL/2024/08390:** **Orchard House, 236 New Road, Melksham, SN12 7QZ:** Rear/Side second storey extension over existing footprint. Applicant: Mr. Potter. **(Comments by 17th October 2024- extension arranged)**
 - PL/2024/08718:** **19 Shaw Hill, Shaw, Melksham , SN12 8ET:** Proposed Ground Floor Rear Kitchen Extension and New First Floor En-Suite Extension over existing Entrance Hall.Applicant: Mrs. Adams. **(Comments by 25th October 2024)**
 - PL/2024/03104** **Octovian Bonded Warehouse, Goodes Hill, Gastard, Corsham, SN13 9PP:** Proposed construction of 2-storey extension to the side of existing offices and single storey storage building. Applicant: Octavian Wines Ltd **(Comments by 11th October – extension notified)** (Outside of the parish, but Wiltshire Council have consulted Melksham Without Parish Council)
 - PL/29024/08989** **Bloor Homes/David Wilson Homes, Basil Drive, Melksham, SN12 6ZJ:** Removal of condition 28 relating to application 14/10461/OUT Outline application for up to 450 dwellings (now known as The Acorns/Hunters Wood). 28: No more than 350 dwellings hereby permitted shall be occupied until the highway infrastructure identified as Phase 3 has been constructed and completed in accordance with the approved plans **(Comments by 12th November)** (Outside of the parish, but Wiltshire Council have consulted Melksham Without Parish Council)

PL/2024/09245

Whitley Brow, 178 Top Lane, Whitley, Melksham, SN12 8QU:

Consent under Tree Preservation Order (TPO) 2 x Horse Chestnut trees – crown lift to 3m; reduce height by up to 4m; reduce sides by to 3m and remove major deadwood. Applicant: Steve Dallard
(Comments by 5th November)

7. **Planning Appeals & Decisions:** To note planning appeal decision (upheld/approved) for Land to the west of Semington Road, Melksham SN12 6EF PL/2022/08155 APP/Y3940/W/24/3343787
8. **Current planning applications:** Standing item for issues/queries arising during period of applications awaiting decision.
 - a) **52e Chapel Lane, Beanacre (Planning Application PL/2023/05883)** Erection of three dwellings, with access, parking and associated works including landscaping.
 - b) **Land south of Snarlton Farm, Snarlton Lane, Melksham, SN12 7QP (Planning Application PL/2024/07097)** Erection of up to 300 dwellings; land for community use or building, open space and dedicated play space and service infrastructure and associate works
 - c) **Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS (Planning Application PL/2023/11188)** Demolition of agricultural buildings and development of up to 500 dwellings, up to 5,000 square metres of employment, land for a primary school, land for mixed use hub, open space
9. **Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.
 - a) **489a Semington Road:** To note response received from Wiltshire Council to queries raised about next steps following the refusal of the Certificate of Lawfulness for the use of the annexe (PL/2024/04135).
 - b) **Land West of Semington Road, Melksham (Townsend Farm):**
 - i. To note enforcement report regarding unauthorised access to site and any update received as a result.
 - ii. To note vibration monitor report following residents' request to developers and any further correspondence as a result of this request.
 - c) **Semington Road:** To note possible breaches of enforcement.
 - d) **Westland Farm, Westlands Lane Battery Storage sites:** to note noise complaint.
10. **Planning Policy**
 - a) **Melksham Neighbourhood Plan:** To receive an update.
 - b) **Local Plan:** To note Local Plan approved for submission to the Planning Examiner, at Wiltshire Council on Tuesday 15th October and consider any changes to the Reg 19 version from September 2023
 - c) To note news article regarding lack of social housing providers
<https://www.bbc.co.uk/news/articles/czegynwy938o>
11. **Lithium-ion Battery Safety Bill:** To consider writing to Minister, Baroness Jones in support of Lord Redesdale's Bill with regard to the lithium-ion batteries.

12. **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 and consider way forward.
- ii) **Buckley Gardens, Semington Road (PL/2022/02749: 144 dwellings)**
- To note any updates and consider a way forward (note first occupation).
- iii) **Land to rear of Townsend Farm for 50 dwellings (PL/2023/00808)**
- To note any updates and consider a way forward.
 - To consider correspondence regarding parish council request for s106 change for location of bus shelter
- 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.
- v) **Bowood View, Semington Road:**
- To note correspondence regarding highway adoption issues
- To note any S106 decisions made under delegated powers**
- vi) **To consider raising lack of engagement with Wiltshire Council and Parish Council on planning conditions and draft s106 agreements again**
- c) **Contact with developers**
- i) To receive notes from meeting held with Tor & Co and Martin Grant Homes (if available) and agree any comments to send at this stage
- ii) To note update from local business on search for employment land

Copy to all Councillors

Teresa Strange

From: Teresa Strange
Sent: 15 October 2024 13:25
To: simon.smith@wiltshire.gov.uk
Subject: FW: OCTAVIAN BONDED WAREHOUSE, GOODES HILL, GASTARD, CORSHAM, SN13 9PP : Consultation - PL/2024/03104

Hi Simon

Melksham Without Parish Council have been consulted on this application (it's out of the parish, but just over the boundary) and I do have our team of volunteer flood wardens looking at it, as the surface water flood in Whitley comes from further uphill.

I am just adding it to our planning committee agenda for Monday 21st October, and noticed the deadline for comments, so asking if you are happy that we send our comments on Tuesday 22nd October? I can see if the flood wardens can send any comments direct based on your deadline. I note that the Drainage team have been consulted and submitted their comments though.

With kind regards, Teresa

Teresa Strange
Clerk & Responsible Financial Officer
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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: Wiltshire Council <planning@sf.wiltshire.gov.uk>
Sent: 27 September 2024 08:45
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: OCTAVIAN BONDED WAREHOUSE, GOODES HILL, GASTARD, CORSHAM, SN13 9PP : Consultation - PL/2024/03104

Wiltshire Council Planning Consultation Response	
	Officer's Name: Simon Smith
	Direct Line: 01249 706633
Application No:	PL/2024/03104
Application Type:	Full planning permission
Proposal:	Proposed Construction of 2-Storey Extension to the Side of the Existing Offices and Single Storey Storage Building
Site Address:	OCTAVIAN BONDED WAREHOUSE, GOODES HILL, GASTARD, CORSHAM, SN13 9PP

Please note the particulars in connection with the above planning application are available to view and you can make comments via our website by clicking the link below

<https://development.wiltshire.gov.uk/pr/s/planning-application/a0iQ30000052c1X>

Please do not respond by replying to this email

Please give your name when giving your comments in order that we know who to contact if we have any queries, etc.

I would welcome any comments that you have about this particular application by **11/10/2024**. If I do not receive your observations and comments by this date I will assume you have none. If you require an extension of time please contact the Case Officer who will do their best to accommodate this.

Simon Smith

Case Officer

[ref:a0iQ30000052c1XIAQ;156ea0eba15309db8593a16fcde58b60:ref]

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Wiltshire Council Planning Consultation Response

25th July 2024

Wiltshire Council Drainage Engineer
Technical Services Drainage Engineer
Wiltshire Council

Application No: PL/2024/03104

PROPOSED CONSTRUCTION OF 2-STOREY EXTENSION TO THE SIDE OF THE EXISTING OFFICES AND SINGLE STOREY STORAGE BUILDING

OCTAVIAN BONDED WAREHOUSE, GOODES HILL, GASTARD, CORSHAM, SN13 9PP

Please note the particulars in connection with the above planning application are available to view on the planning website <http://www.wiltshire.gov.uk/planninganddevelopment.htm>

Recommendations:

<input type="checkbox"/>	No Comment
<input type="checkbox"/>	Support
<input checked="" type="checkbox"/>	Support subject to conditions (please set out below)
<input type="checkbox"/>	Object (for reasons set out below)
<input type="checkbox"/>	No objections

Matters Considered:

Documents Reviewed:

- Application Form
- Preliminary Geotechnical Assessment
- Location Plan
- Proposed site plan

The application has been supported with a Site Specific Flood Risk Assessment (FRA). It should be noted that our comments below are reliant on the accuracy and completeness of the FRA and we do not take any responsibility for incorrect data or interpretation made by the authors.

Conditions:

The drainage team have the following conditions which need to be addressed by the applicant:

1. No development shall take place until a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority in order to demonstrate that surface water runoff will be safely managed. The applicant is referred to informatives for more information on how to prepare the drainage strategy.

Informatives:

The surface water drainage strategy should include/demonstrate the following:

- Existing greenfield runoff rates for the site.
- Post development runoff rates in accordance with Wiltshire Council's betterment policy update, which can be found [here](#).
- A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented.
- A detailed topographical survey that clearly identifies the existing drainage features on the site as well as level contours to show overland flow routes.
- If infiltration is proposed, soakage tests in accordance with BRE 365 to demonstrate that infiltration is feasible.
- Calculations to demonstrate the attenuation requirements for the 1 in 100 year plus climate change event to support the proposed strategy.
- Consent for any outfalls from the proposed drainage systems into a public sewer or other drainage system not owned by the applicant.
- Evidence that the impact upon existing drainage systems is mitigated by discharging the flow throughout the management train rather than relying upon a single point of discharge.
- SuDS source control measures to manage water quantity and maintain water quality have been implemented wherever possible and throughout the management train so the development is not reliant upon large attenuation features close to the points of discharge.
- SuDS have been selected to provide a wide range of benefits including amenity, biodiversity and maintaining water quality.
- Adequate measures during construction to control pollution to existing watercourses and groundwater.
- The strategy mimics the existing drainage characteristics of the site by retaining and utilising any existing drainage features.
- Existing flood flow routes through the site have been maintained or where they will be affected, adequate measures to intercept and safely control flows through the site have been provided to ensure flood risk is not increased elsewhere.
- If infiltration is proposed, it is implemented in manner that does not create an offsite impact, particularly if there are reports of groundwater flooding in the area.
- Surface water can be safely managed within the proposed development, up to and including a 1 in 100 year plus climate change event.
- All proposed drainage features are outside flood zones 2 and 3 and where they are adjacent to an ordinary watercourse, they are not located within the EA surface water flood maps. Where drainage features are located adjacent to flood zones 2 and 3, they must be above the 1 in 100 year plus climate change flood level. This information can be provided by the EA.

For the foul drainage, it is noted that Wessex Water have recently adopted the foul drainage. Wessex Water should therefore be consulted to confirm that the existing foul system has sufficient capacity to accept the additional flows derived from this development.

--

Narasimman R (AtkinsRéalis working on behalf of Wiltshire Council Drainage).

Appeal Decision

Inquiry held on 10 and 11 September 2024

Site visit made on 11 September 2024

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2024

Appeal Ref: APP/Y3940/W/24/3343787

Land to the west of Semington Road, Melksham SN12 6EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Tamsin Almeida, Terra Strategic against the decision of Wiltshire Council.
 - The application Ref is PL/2022/08155.
 - The development proposed is described as an outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved.
-

Decision

1. The appeal is allowed and planning permission is granted for outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved at land to the west of Semington Road, Melksham SN12 6EF in accordance with the terms of the application, Ref PL/2022/08155, subject to the conditions in the attached schedule.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration apart from access. I have dealt with the appeal on this basis and treated any details not to be considered at this stage as being illustrative only. The main parties confirmed that the parameter plans are for my consideration.
3. The name of the appellant on the appeal form is stated as "Terra Strategic Land". This differs from the name of the applicant, as is set out on the planning application form. I am however satisfied that the appellant has the authorisation for the appeal to proceed. As an appeal can only ordinarily proceed in the name of the applicant, it is those details which are included in the banner heading above.
4. The Council's first reason for refusal concerns the conflict of the proposal with its settlement and development strategies. To this effect, the Council produced a Proof of Evidence over related planning matters, as did the

appellant. Central to the dispute set out in those proofs was the degree of conflict with the development plan, the weight to be given to these policies and whether the Council's housing requirement and settlement boundaries were out of date with regard to the National Planning Policy Framework (Framework). This included the consideration of the implications of the evidence that was contained in each of the main parties' housing land supply Proofs of Evidence. Each side disagreed on whether the Council could demonstrate a 4 year supply of housing in accordance with the Framework and so therefore whether the presumption in favour of sustainable development was triggered. The main parties ably summarised their differences at that stage in the agreed Statement of Common Ground.

5. In the lead up to the Inquiry, the Council received an appeal decision¹ (Westbury decision) where the Inspector came to the view that the Council could only demonstrate a 3.85 year supply of housing. This caused the Council to reevaluate its position and an Addendum Statement of Common Ground was submitted. It was agreed that as a result of the shortfall against a 4 year supply the presumption was engaged and that no adverse impacts would significantly and demonstrably outweigh the benefits. Accordingly, the Council withdrew its objection on these grounds.
6. The Council also stated that an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) (S106 Agreement) would address the matters in its second reason for refusal relating to the provision of supporting infrastructure. The Inquiry proceeded on this basis and included the consideration of a final draft S106 Agreement. A completed and executed version was submitted after the close of the Inquiry.
7. On the basis of the above, the Council shares essentially the same position as the appellant on the planning merits of the proposal. There are not matters of substantive dispute between the Council and the appellant. However, Melksham Without Parish Council and other interested parties continue to take a different view. On this basis, whether the proposal would be in a suitable location for housing and if any such harm which arises would be outweighed by housing land supply remain matters for my consideration. The potential for other adverse effects and benefits is also to be considered.

Main Issues

8. Taking into account the above, the main issues are (i) whether the proposal would be in a suitable location for housing, with regard to development plan policy and national planning policy; (ii) housing land supply matters, in terms of the deliverability of sites and affordable housing provision; and (iii) if harm arises, whether this would be outweighed by the benefits of the proposal.

Reasons

Suitable Location for Housing

9. The appeal site comprises a flat, overgrown field that measures approximately 2.6 hectares (ha). The boundaries of the site are formed by trees and hedgerows, apart from where security fencing delineates the site

¹ APP/Y3940/W/24/3340811 Land off Storridge Road, Westbury BA13 4HJ

from adjacent land on which a housing site is under construction. That site has been termed 'Phase 1' and the proposal on the appeal site is known as 'Phase 2'. A compound associated with this neighbouring site extends into the appeal site. Berryfield Lane, a narrow country lane, abuts 2 sides of the site and A350 Western Way is also found close to the site, to the north. Further fields are found to the south of the site and on the opposite side of Berryfield Lane.

10. More broadly, the site lies between Melksham and Berryfield. Development extends along Semington Road to the east, which connects these settlements together. Melksham lies on the opposite side of Western Way and is a medium sized town which contains a good variety of local services. Berryfield is of a more modest size and contains limited services.
11. Core Policy 1 of the Council's Wiltshire Core Strategy (2015) (Core Strategy) sets out the settlement strategy for the Council area. It contains four tiers of settlements. Melksham is identified as a Market Town, whereas Berryfield is a Small Village. The Core Strategy defines such settlements by way of defined limits of development boundaries, as set out on the Policies Map. The site lies outside such a boundary.
12. Core Policy 2 of the Core Strategy then provides the delivery strategy, based on the settlement strategy. It sets out how these settlements will develop in future by setting an appropriate scale of growth within each settlement tier. At least 42,000 homes are to be provided between 2006 and 2026, including a minimum of 24,740 homes in the North and West Wiltshire Housing Market Area, where the site is found.
13. However, Core Policy 2 directs such development to within the limits of development. Outside of the defined limits, development will not be permitted save for exceptions that are set out in other policies of the Core Strategy. It is not in dispute that the proposal would not fall into any of these exceptions. Similarly, Policy 6 of the Joint Melksham Neighbourhood Plan 2020 to 2026 (2021) (Neighbourhood Plan) states that housing proposals are to accord with the settlement boundary provisions of Core Policy 2.
14. Core Policy 15 of the Core Strategy applies the spatial strategy to the Melksham Community Area. Development is to be in accordance with the development strategy set out in Core Policy 1. Over the plan period approximately 2,370 new homes will be provided, of which about 2,240 should occur at Melksham and approximately 130 in the rest of the Community Area.
15. Taking into account the above, the proposal would not conform with the settlement strategy under Core Policy 1 because it would be located outside of the tiered settlement hierarchy approach to accommodating development. Nor does it conform with the delivery strategy under Core Policy 2 because it would not be a type of development that is to be permitted outside of the defined limits of development and similarly by way of Policy 6. It would also be contrary to Core Policy 15 because development under this policy is to be in accordance with Core Policy 1, where I have already found conflict.

16. While the appellant has sought to demonstrate that the proposal complies with parts of these policies, its location outside of the tiered settlement hierarchy for a type of development which is not to be permitted places it at odds with this spatial strategy, and so there is overall conflict with these policies.
17. There would not be a conflict with Policy 1 of the Neighbourhood Plan over sustainable design and construction. There are satisfactory connections into Melksham for modes of transport other than the car, including by way of a signalised crossing point over Western Way to access services in Melksham in particular by utilising routes through the town. The train station is not accessible for pedestrians via Western Way, but is via the town centre. The sustainable design of the dwellings themselves could ably be addressed through reserved matters. Nonetheless, this does not satisfactorily overcome the concerns that I have expressed above over the location of the proposal in other respects.
18. The Parish Council has drawn my attention to that its emerging new Neighbourhood Plan has not brought this site forward for development because it may lead to coalescence between Melksham and Berryfield. It is understood that it would form part of a green wedge, which the appellant objects to. As this plan has not yet been the subject of examination and is the subject of objections, it carries limited weight in my decision. The Framework also advises that refusal on the grounds of prematurity will seldom be justified before the end of the local planning authority publicity period.
19. I conclude that the proposal would not be in a suitable location for housing with regard to development plan policy and so it would not comply with Core Policies 1, 2 and 15 of the Core Strategy and Policy 6 of the Neighbourhood Plan. There would not though be conflict with Policy 1 of the Neighbourhood Plan. Whether the proposal would comply with the Framework in this regard is dependent on a consideration of the matters which follow.
20. As there is conflict with what is the spatial strategy of the development plan, it is an issue which attracts significant weight against the proposal.

Housing Land Supply

Deliverability of Housing Sites

21. It is agreed between the main parties, amongst other matters on housing land supply, that for the purposes of paragraph 77 of the Framework the housing requirement should be demonstrated against local housing need. This is because the Core Strategy as the adopted strategic policies is more than 5 years old. The local housing need amounts to 1,952 homes per annum and so therefore 9,760 over the 5 year supply period for assessment between 1 April 2023 to 31 March 2028. No buffer needs to be applied.
22. There is further agreement under paragraph 77 that the Council is required to demonstrate a 4 year supply. This is because the Council has published a Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) consultation in accordance with paragraph 226 of the Framework.

23. Following the Westbury decision, both main parties now agree that the Council can demonstrate a supply of deliverable sites of 3.85 years. In broad terms, the difference from the Council's previous position of 4.18 years concerns the removal of 3 sites by that Inspector and a reduced windfall allowance. The difference from the appellant's previous position of 3.51 years relates to where that Inspector agreed with the Council over sites that should be included.
24. The Council confirmed at the Inquiry there was nothing further that needed to be brought to my attention over the deliverability of the sites since the Westbury decision. The decision is itself recent, as it was issued on 30 August 2024. There is no substantive evidence that would conflict with that Inspector's conclusion over the deliverability of housing sites, and that which is now agreed between the main parties.
25. As such, I agree with the main parties that the Council's supply of deliverable sites is 3.85 years. The Council cannot therefore demonstrate a 4 year supply in accordance with the Framework.
26. The proposal would assist in reducing the shortfall against the deficit in the Council's 4 year housing land supply position, whilst also accepting that the extent of the shortfall is moderate. It would also make a contribution of up to 53 units towards the Council's minimum housing requirement figure and the Core Strategy requirement, and it would support the Government's objective under the Framework of significantly boosting the supply of homes. These are matters which attract significant weight in favour of the proposal.

Affordable Housing

27. Core Policy 43 of the Core Strategy sets out when affordable housing provision will be required. On sites of 5 dwellings or more, provision of at least 30% is to be made in the affordable housing zone where the site is located. The supporting text to the policy also sets out that it is anticipated that approximately 13,000 affordable homes will be provided over the plan period (across the plan area).
28. The proposal would make provision for 100% of the units as affordable housing. This is significantly in excess of the 30% of units that would be required under Core Policy 43.
29. The appellant set out evidence and detailed a number of studies that have been undertaken over affordable housing supply and deliverability in the Council area. This includes an accumulated shortfall of 1,322 against the Core Strategy target and 1,289 since the Wiltshire and Swindon Strategic Housing Market Assessment (2017) (SHMA).
30. There is a shortfall of a much lower figure of 23 since the Wiltshire Local Housing Needs Assessment Update (2023). This latter figure utilises a higher percentage of a household's income to be spent on housing, which could have the effect of more households not being counted in need. There is a much higher figure of 10,450 since the Wiltshire Strategic Housing Assessment (2011), albeit it was accepted by the appellant this is based on a dated assessment of need. I find that both these figures need to be treated

with caution and so I place more reliance on the Core Strategy target and the SHMA 2017.

31. Nor can delivery be measured against the Melksham and Melksham Without Housing Needs Assessment (2022), from what I was told at the Inquiry, and so evidence over how delivery has fared more locally was not before me in the same substantive form. Nevertheless, the need under this assessment is set out at 882 affordable home ownership dwellings over a 14 year period. I do not doubt that Melksham has provided good numbers of affordable homes, but there is not a ceiling to its provision.
32. It is therefore clear that with regard to the Core Strategy target and the SHMA 2017 there is a persistent shortfall in delivery against affordable housing need. This is exacerbated by affordable housing indicators that were drawn to my attention which show considerable numbers on the housing and help to buy registers, and sometimes long waiting times in order to be allocated an affordable home. A not insignificant number of households were accepted as homeless, with households placed into temporary accommodation, including those with children. The average bids for affordable homes in Melksham and Melksham Without are also shown to exceed the number of properties advertised, in some instances considerably.
33. While there may be the potential for some crossover in these indicators in that the same household may appear under more than one indicator, these figures were not contested at the Inquiry. Affordability is clearly a substantial issue for those that are in housing need and this is further compounded by that affordability ratios for ownership or renting are either at or above the national average.
34. There was some criticism that the proposal would not provide a housing mix as it was solely affordable housing and especially as 'Phase 1' is also 100% affordable housing. It is intended though that the proposal would provide shared ownership and affordable/social rented properties, and the indicative mix in the S106 agreement includes properties between 1 and 4 bed, dependant on the demonstrable need and subsidy. There can be no reasonable stigma attached to an affordable housing development. The mix does not therefore count against the proposal.
35. In conclusion, the provision of 100% of units as affordable housing would not only considerably exceed the figure set out in Core Policy 43, but it would also have the greater benefit of enabling provision for those who would not be able to obtain general market housing, as shown by the affordability indicators. It attracts significant weight in favour of the proposal.

Other Matters

Best and Most Versatile Agricultural Land

36. Paragraph 180 b) of the Framework sets out, amongst other matters, that decisions should contribute to and enhance the natural and local environment including the economic and other benefits of the best and most versatile agricultural land (BMV land).
37. Under the Agricultural Land Classification, the site falls under grade 2. It is therefore BMV land. Though the site is now overgrown, it has been used for

agricultural production purposes. Interested party representations have referred to rapeseed being grown and cultivated in the field, and either crops or animals on the land.

38. The potential for the continued use of the site for agricultural land would be lost to new housing and associated development under the proposal. The amount of land lost would be fairly modest and clearly would not prejudice the sustainability of farming in the locality as there are other large areas of farmland in the vicinity of the site. Nevertheless, it would involve the loss of good quality agricultural land.
39. Hence, there would be a harmful effect on the provision of BMV land and as a consequence there would be conflict with paragraph 180 b) of the Framework. The Council and the appellant consider that the level of effect would be, respectively, modest or limited, while the Parish Council do not wish to see the loss of such land. I consider the effect and the weight to be attributed to it to be limited, given the amount of land involved.

Landscape Character and Appearance

40. Paragraph 180 b) of the Framework also sets out that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
41. The open landscape character attributes of the site would be diminished by up to 53 dwellings, the internal access roads and the associated infrastructure. It would have an urbanising effect and so it would result in the loss of the site's existing countryside landscape character in this regard. The remaining field boundaries would however be retained, and so this aspect of landscape character would not be unduly impacted.
42. The visual impact that would arise from the proposal would be limited. The site, save from its boundary with 'Phase 1', is fairly well enclosed by the trees and vegetation on the rest of the remaining boundaries. There would also be the potential to further reduce visual effects through landscaping, on the basis of the submitted Parameter Plan and subject to reserved matters. Views out into the countryside from Semington Road would be notably screened by the housing associated with 'Phase 1', once this is complete, and such views would be unlikely to be lessened substantially further by the proposal.
43. I agree with the main parties that the harmful effect on landscape character and appearance would be limited, as would the weight to be attributed to it. Nevertheless, there would be conflict with paragraph 180 b) of the Framework.

Other Benefits of the Proposal

44. As well as the housing land supply and the affordable housing benefits, the proposal would benefit the economy through construction and then its occupation. The future occupiers would also support the economy through their expenditure and sustain existing services. The construction phase in particular would no doubt result in further employment. The proposal would also contribute towards broader economic growth through increased housebuilding and providing housing potentially for the local labour force.

This attracts moderate weight as a benefit given the scale of the proposal and the evidence presented.

45. Other social benefits aside from the provision of affordable housing attract limited weight. These centre on supporting strong, vibrant and healthy communities through housing, accessible services, open spaces and the pedestrian connection onto Berryfield Lane which has the potential to enhance access to the countryside. While a diversion around a local farm may be beneficial, the onus is not on the proposal to provide it.
46. As regards the environmental benefits, the Biodiversity Net Gain Assessment shows 12.69% and 23.39% net gain and this figure has not been disputed. This is well in excess of the minimum net gain level of 10%. This level would also not have been mandated at the time when the application was submitted. The Ecology Parameters Plan shows enhanced and proposed hedgerows, grassland and swales, amongst other features. There is also no substantive evidence to suggest that there would be adverse impacts on protected species. Boundary hedgerows where bats may forage would be retained and light spill has the potential to be controlled through the imposition of a planning condition. Overall, the environmental benefits attract moderate weight.

Highway Safety

47. The proposal would be accessed through 'Phase 1' utilising the approved access point for that development onto Semington Road. While I note comments about the narrowness of Semington Road, principally due to traffic calming and the proximity to a mobile home park opposite, this access point has already received approval. The proposal would clearly add to the number of movements using it and the nearby roundabout with Western Way. However, I agree with the Council that the additional impacts would be low, based on the number of predicted movements as set out in the Transport Assessment.
48. In addition, the pedestrian and cycle routes into Melksham in particular would likely ensure that some of the movements would be carried out by these modes of transport. Western Way is a busy route, but the signalised crossing point in particular, provides safe access across this road. In practice, safe access would be very similar to that which has already been permitted on Phase 1. Highways related contributions under the S106 Agreement would also be used for the provision of a safe route to a planned school at Pathfinder Way.
49. I am not persuaded that the pedestrian connection onto Berryfield Lane would lead to residents attempting to access services in Melksham in this direction. This is because there is not a footway along Western Way where it is joined by Berryfield Lane. If such a footway was provided, it would deter from what in my view would be the safer option of accessing the site from Semington Road and then using the signalised crossing over Western Way, rather than trying to negotiate a traffic island over this road.
50. On this basis, there would not be an unacceptable effect on highway safety and the free flow of traffic by way of the traffic generation. This applies to those using all transport modes.

Other Issues Raised

51. Concerns have been raised that by virtue of 'Phase 1' and 'Phase 2' being pursued separately that public open space has suffered, in particular by way of the play space provision. Yet, there is no particular contrition here as the Parameter Plan shows approximately 40% of the site would be open space and which would seem to allow for a variety of related functions to be performed. Arrangements are proposed by way of both on and off site provision. It does not appear to be a particular matter of dispute that the proposal would be policy compliant in this regard. This does not alter my conclusion.
52. Design concerns would be more ably addressed at the reserved matters stage, such as with the application of local design standards and specifications of the dwellings and internal roads, as well as the trees and incidental facilities on the site. Nonetheless, it is useful that such matters are raised at this stage as they can help inform the reserved matters. Providing more enclosure to prevent access to Western Way is also consistent with the Ecological Parameters Plan because it shows a proposed hedgerow along this boundary, along with the retention of trees. This can be addressed through a planning condition.
53. There is no compelling evidence before me that the proposal would put undue pressure on local services. Capacity is deemed to be sufficient by the Council at primary and secondary schools to accommodate pupils who may reside on the proposal. The obligations in the Section 106 Agreement also make contributions to early years education, sports facilities and open space, amongst others. With regard to concerns over air quality, this can be ably addressed through a planning condition relating to an assessment and mitigation, if required. The same applies as regards flood risk and drainage, and this would also address groundwater issues through monitoring.
54. The Parish Council has drawn my attention to what it considered where a number of inaccuracies in the appellant's documentation, some of which the appellant to its credit recognised. I acknowledge the concerns in this regard, but this ultimately does not change my decision.
55. The recent consultation on changes to the Framework is a matter which carries limited weight in my decision because it is not known what the outcome of that consultation would be at present and what changes might take place to the draft document that has been published. The Written Ministerial Statement 'Building the homes we need' (WMS) is a different matter because it is an expression of Government policy. It includes the restoration and the raising of housing targets, and delivering more affordable homes. My overall decision is consistent with how the WMS seeks for the planning system to tackle these issues.

Obligations Contained in the Section 106 Agreement

56. The obligations in the S106 Agreement bind the owner to covenants with the Council. They in part concern affordable housing and it was explained that flexibility on housing mix was sought under the respective obligation due to potential funding arrangements. The application of the nationally described space standards was included on the basis of adopted Council guidance. The

S106 was updated so that the Parish Council could, amongst other matters, manage and maintain open space and/or play area on site.

57. The contributions concern active travel, early years, public art, sport, travel plan monitoring, travel vouchers and waste facilities. The off-site open space, and play area contribution schedule was updated so that it was cross-referenced with on-site provision schedules, in order that adequate provision would be made.
58. Having regard to the evidence before me, it has been demonstrated they are all necessary to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. They accord with the tests that are set out in paragraph 57 of the Framework and the Community Infrastructure Levy Regulations (as amended, 2019), where they apply to each of the obligations. As a result, I have taken them into account in my decision. They address the matters that are set out in the Council's second reason for refusal.
59. Interested parties have raised that additional contributions should be made, including for canal restoration, Public Right of Way upgrade and bus shelter improvements. These are not though matters that would be needed to make the development acceptable in planning terms as they would not be necessary and so they would fail the abovementioned tests.
60. The proposal would therefore comply with Core Policy 3 of the Core Strategy which concerns infrastructure requirements and paragraph 8 of the Framework in as far as the provision of infrastructure contributes towards sustainable development objectives.

Planning Balance

61. With the conflict that I have identified with the development plan policies, the proposal conflicts with the development plan as a whole. Core Policies 1, 2 and 15 of the Core Strategy and Policy 6 of the Neighbourhood Plan are central in such a judgment because they deal with whether a proposal would be in a suitable location for housing as part of the spatial strategy of the development plan. The proposal would be in conflict with these policies. There would not be conflict with Core Policy 3 of the Core Strategy and with Policy 1 of the Neighbourhood Plan.
62. The main parties are agreed that as the Council cannot demonstrate a 4 year supply of deliverable housing sites, then the presumption in favour of sustainable development at paragraph 11 d) ii. of the Framework is engaged. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
63. The Parish Council have pointed to the application of paragraph 14 of the Framework and in this regard it has support from the Inspector who determined the successful appeal² for 'Phase 1'. Paragraph 14 effectively reverses the presumption so that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. This is provided that

² Appeal ref: APP/Y3940/W/21/3285428

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
64. If I were to agree that paragraph 14 applies, the adverse impacts are threefold. The proposal would not be in a suitable location for housing, there would be loss of BMV land and harm to landscape character and appearance. In overall terms, I find the weight to be given to these adverse effects is significant.
65. Set against this is the contribution to addressing the shortfall against the 4 year housing land supply, the addition of up to 53 dwellings towards the Council's minimum housing requirement figure, contributing to the Government's objective of significantly boosting the supply of homes and the provision of affordable housing. There would also be economic, social and environmental benefits. Taking these benefits together, they attract very significant weight in my decision.
66. In making an overall judgment under paragraph 14, the adverse impacts of allowing development that conflicts with the neighbourhood plan is not likely to significantly and demonstrably outweigh the benefits.
67. If I were to agree that the presumption in favour of sustainable development under paragraph 11 d) ii were to be applied, I reach this same overall conclusion. The adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
68. If a flat balancing exercise were to apply, this would also support the grant of planning permission. This is because the adverse impacts attract significant weight, while the benefits attract very significant weight.
69. The planning balance does therefore favour the proposal, whether the paragraph 11 d) ii), paragraph 14 or a flat balancing exercise are applied. The proposal would therefore comply with paragraphs 2 and 7 to 14 of the Framework which concern achieving sustainable development as the purpose of the planning system, the associated objectives and the application of the presumption in favour of sustainable development.
70. I also do not find any particular conflict with paragraph 15 of the Framework because whilst the planning system should be genuinely plan-led, there will be situations where permission is granted other than in accordance with the development plan. Similarly, as regards paragraph 47, there will be instances where material considerations indicate a determination other than in accordance with the development plan. This is not to lessen the importance of plan-making and neighbourhood planning, but simply reflects there will be occasions where other considerations do support the grant of permission.

Conditions

71. I have imposed conditions which concern the statutory time limit and the reserved matters. The reserved matters are to be submitted within 2 years in order to expediate the delivery of dwellings on the site, given that the

Council cannot demonstrate a supply of deliverable sites of 4 years. In the event that the proposal is not submitted as a single phase, then a phasing plan would be required.

72. In the interests of certainty, I have also imposed a condition concerning the approved plans that reflect that access is a matter before me, as well as the parameters plans. Biodiversity related documents are already adequately dealt with through the Landscape and Ecology Management Plan (LEMP) condition. For the same reason, I have imposed a condition which restricts the maximum number of dwellings, as applied for. A condition is also applied with regard to the design and layout principles in the Design and Access Statement, in the interests of character and appearance.
73. I have imposed a condition concerning drainage details in the interests of providing satisfactory drainage, reducing flood risk and groundwater matters. A LEMP condition is imposed in the interests of biodiversity. As this already incorporates the document which concerns biodiversity mitigation and enhancement measures, a separate condition concerning this is not necessary but rather the wording incorporates these measures, as appropriate. A Construction and Environmental Management Plan condition is also imposed for the duration of the construction period. This is in the interests of protecting living conditions, public health and highway safety. The condition also requires the details of any site access required for construction purposes, which is specifically included for reasons of highway safety.
74. Conditions concerning land contamination and air quality are imposed in the interests of public health. A condition concerning noise mitigation is imposed in the interests of protecting the living conditions of the future residents from noise. A condition concerning residential travel plan measures is imposed in the interests of encouraging sustainable transport modes, while a condition is also imposed regarding the implementation of the Semington Road access in the interests of highway safety. A condition is also imposed concerning the pedestrian access onto Berryfield Lane, in the interests of recreational access.
75. A condition is imposed concerning landscaping on the northern boundary in order to inform reserved matters in the interests of safety, given the proximity to Western Way. A water consumption condition is imposed in the interests of water efficiency. A condition is also imposed concerning external lighting, in the interests of biodiversity. I have excluded private gardens, as I do not consider this to be reasonable. In any event, I understand that the most sensitive parts of the site in this respect are the vegetated boundaries, and the dwellings would be set away from these, under the Parameters Plan.
76. I have not imposed a condition related to public open space provision in the development plan and associated levels. This would be a matter for the Council to consider against the development plan document when the application for the reserved matters is submitted. If ultimately public open space provision is not provided in accordance with subsequent reserved matters, it would be a matter for the Council to investigate and take action accordingly.

77. Where relevant, the conditions contain implementation and retention causes and these are necessary and reasonable. Where I have altered the wording of the remaining conditions put forward, I have done so in the interests of precision and without changing their overall meaning.

Conclusion

78. I find this is a case where there are material considerations that indicate that the appeal should be determined otherwise than in accordance with the development plan. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) An application for approval of the reserved matters specified in Condition 3 below, must be made to the Local Planning Authority before the expiration of two years from the date of this permission.
- 3) No development hereby permitted shall commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details. The reserved matters shall be submitted as a single phase unless otherwise agreed by the Local Planning Authority through the submission of a phasing plan and the development shall be implemented in accordance with that approved plan.

- 4) The development hereby permitted shall be carried out in accordance with drawing nos: Dwg Ref: 3888 – 300 Rev A – Land Registry Plan (Location Plan), Dwg Ref: MSW-BWB-ZZ-XX-DR-YE-0001 S2 Rev P02 - Ecological Parameters Plan and Dwg Ref: 3888 - 02 Rev B – Proposed Parameters Plan.
- 5) The development hereby permitted shall make provision for up to 53 dwellings.
- 6) The development hereby permitted shall be carried out in general accordance with the design and layout principles in the Design and Access Statement dated August 2022.
- 7) The development hereby permitted shall not commence until a scheme for the discharge of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:
 - (a) a sensitivity analysis has been undertaken on the network considering surcharged outfall conditions;
 - (b) overland exceedance routes have been shown on a drainage plan for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event;
 - (c) clear arrangements are in place for ownership and ongoing maintenance of Sustainable Drainage Systems over the lifetime of the development;

(d) submit calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment; and

(e) Additional groundwater monitoring to be undertaken during the winter months to establish peak seasonal levels

The development shall be carried out in accordance with the approved details prior to first occupation of the dwellings hereby approved and thereafter retained.

8) Prior to the start of construction of the development hereby permitted, 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 the Biodiversity Net Gain Assessment, Document Number: MSW-BWB-ZZ-XX-RP-LE-0004_BNGP2, Rev: P02, Date: October 2023 by BWB Consulting;

(b) Management responsibilities and maintenance schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme as identified in:

- Ecological Parameters Plan, Drawing ref: MSW-BWB-ZZ-XX-DR-YE- 0001 S2 Rev P02, Date: 26.10.2023 by BWB Consulting; and

- Biodiversity Enhancement Management Plan (BEMP), Document Number: MSW-BWB-ZZ-XX-RP-LE-0003_BEMP, Rev: P02, Date: 19/10/2023 by BWB Consulting.

Biodiversity mitigation and enhancement measures whose installation shall be supervised by a professional ecologist shall be carried out in accordance with the BEMP.

(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; and

(e) Timescales for implementation and 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 prior to first occupation of the dwellings hereby approved.

9) The development hereby permitted shall not 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 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 and telephone number for residents to contact;
- v. Detailed site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding 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;
- ix. Communication procedures with the Local Planning Authority and local community regarding key construction issues, including newsletters and fliers;
- 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; and
 - 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; and
 - Details of any site access required for construction purposes.
- xiii. In addition, the CEMP 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:
 - Pre-development species surveys where necessary;
 - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, such as protection fencing;
 - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice with regular monitoring;
 - Work schedules for activities with specific timing requirements in order to avoid and 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;

- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW); and
- Timeframe for provision of compliance report to the Local Planning Authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

The development shall be implemented in accordance with the approved details of the CEMP for the duration of the construction period.

- 10) The development hereby permitted shall not commence until a Phase II Ground Investigation report has been submitted to and approved in writing by the Local Planning Authority. The report shall address the issues raised in Section 9 of the Phase I Desk Study by Georisk Management dated July 2022.

Any identified mitigation measures within the Phase II Ground Investigation report shall be carried out prior to first occupation of the dwellings hereby permitted and be retained.

- 11) Prior to the commencement of construction of the development hereby permitted, an Air Quality Assessment (AQA) or Screening Assessment must be submitted to and approved in writing by the Local Planning Authority. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the development itself. It must also identify and make adjustments for all core strategy-based development in the development's locality. Use of CUREd data in the AQA is expected along with any other currently accepted approaches to AQA.

Any identified mitigation measures shall be carried out in accordance with a timetable contained within the approved AQA or Screening Assessment and thereafter be retained.

- 12) Prior to the submission of any of the reserved matters, a scheme of noise mitigation and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme of noise mitigation shall be in accordance with the mitigation measures detailed in Section 5 of the submitted Noise Impact Assessment by BWB dated 22nd August 2022 and maintained for the lifetime of the development.

- 13) Those parts of the Residential Travel Plan capable of being implemented shall be brought into effect as each respective dwelling on the development hereby permitted becomes occupied. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. The Residential Travel Plan Co-ordinator shall be appointed 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 last residential unit.

- 14) No residential unit on the development hereby permitted shall be occupied until the vehicular access to Semington Road granted approval under planning permission 20/07334/OUT has been provided to base course level including its visibility splays. The access shall have been completed to wearing course level prior to occupation of the 50th dwelling served by it.
- 15) Prior to the occupation of the 20th dwelling unit on the development hereby permitted, a walking link 2 metres wide shall be provided between the roads on the development and Berryfield Lane in accordance with Dwg Ref 3888 - 02 Rev B - Proposed Parameters Plan. The link so provided shall thereafter be maintained and kept available for use for the lifetime of the development.
- 16) The landscaping details submitted under the reserved matters for the development hereby permitted shall include intensive and impenetrable landscaping on the northern boundary.
- 17) The dwellings on the development hereby permitted shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.
- 18) Prior to the installation of any external lighting on the development hereby permitted, other than in private gardens, full details including height, design, location and intensity shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall only be carried out in accordance with the approved details.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Hashi Mohamed	Counsel, instructed by Alwyn Thomas, Solicitor, Wiltshire Council
<i>He called</i> Christopher Roe MSc, MRTPI	Strategic Planning Manager, Wiltshire Council
Andrew Burgess BA (Hons), MRTPI, FRSA	Managing Director, Andrew Burgess Planning Ltd
Ruaridh O'Donoghue	Principal Planning Officer, Wiltshire Council
Alwyn Thomas	Solicitor, Wiltshire Council

FOR THE APPELLANT:

Mr Christopher Young	Kings Counsel, instructed by Jeff Richards, Senior Director, Turley
<i>He called</i> Jeff Richards BA (Hons), MTP, MRTPI	Senior Director, Turley
James Stacey BA (Hons), DipTP, MRTPI	Managing Director, Tetlow King Planning
Laura Cottam	Solicitor, Gowling WLG
Tamsin Almeida	Appellant <i>(spoke in relation to the site visit arrangements and at the site visit)</i>
Claire Hawkes	Associate Director, Turley <i>(spoke in relation to the site visit arrangements)</i>
Alfred Jata	Site Supervisor <i>(spoke on the site visit)</i>

INTERESTED PARTIES:

Councillor Edward David Pafford	Melksham Without Parish Council, Chair of the Joint Melksham Neighbourhood Plan Steering Group
Councillor Jonathon Seed	Wiltshire Council
Teresa Strange	Clerk, Melksham Without Parish Council

INQUIRY DOCUMENTS

- 1 Addendum Statement of Common Ground
- 2 Draft Case Officer's Report (containing conditions)
- 3 Planning Obligation by Deed under Section 106 of the Town and Country Planning Act 1990 relating to land west of Semington Road, Melksham, Wiltshire (final draft)
- 4 Statement of Compliance of Section 106 Agreement Obligations with Regulation 122 of the Community Infrastructure Levy Regulations 2010
- 5 Opening Statement for the Appellant
- 6 List of Appearances and Opening Remarks on Behalf of Wiltshire Council
- 7 Transcript of Councillor Pafford's comments
- 8 Closing Submission for the Appellant

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

- 9 Proposed Final Conditions Following the Inquiry Conditions Roundtable
- 10 Planning Obligation by Deed under Section 106 of the Town and Country Planning Act 1990 relating to land west of Semington Road, Melksham, Wiltshire (final engrossed version)

Clerk's note

Agenda item 08b) Land south of Snarlton Farm

In the Site Allocations Topic Paper for the Melksham Neighbourhood Plan 2, it contains details of why the site was not progressed as an allocation in JMNP2 I thought it might be useful to submit as evidence or additional comments to the planning application for this site, as I am not sure all these points were covered. The author was Vaughan Thompson, Place Studio. The comments below relate to the whole SHELAA¹ 3525, the planning application is for a smaller part of the site.

Land at Snarlton Farm (Site 3525).

The site has capacity for between c450 and c889 dwellings. The site was considered a more sustainable greenfield option by Wiltshire Council's SA. However, it is less favourable, with poorer connections to facilities and with some flood risk constraints. It is also of a size and within an area likely to be considered for future strategic Broad Location for Growth, later in the Wiltshire Local Plan period. Allocation of a small portion of the site by JMNP2 risks prejudicing its optimum efficient use of land at this time. The whole site should be subject to an overall development framework.

¹ <https://www.wiltshire.gov.uk/article/1084/Monitoring-and-evidence>



**Bath and North East Somerset,
Swindon and Wiltshire**
Integrated Care Board



Property Services

Verity Giles-Franklin

Development Management
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire BA14 8JN

NHS Bath and North East Somerset,
Swindon and Wiltshire ICB

Agent's contact details:
NHS Property Services Ltd
10 South Colonnade
Canary Wharf
London E14 4PU
BSWICB@property.nhs.uk

By email:
developmentmanagement@wiltshire.gov.uk

23 September 2024

Application Ref: PL/2024/07097

Address: Land South of Snarlton Farm, Snarlton Lane, Melksham, SN12 7QP

Proposal: Erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works on land South of Snarlton Farm (Outline planning application with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way) - Resubmission of PL/2023/07107)

NHS Bath and North East Somerset, Swindon and Wiltshire Integrated Care Board (BSW ICB) is responding to the above application in relation to the requirement for a S106 planning obligation to mitigate the impact of the development on local healthcare infrastructure.

NHS Bath and North East Somerset, Swindon and Wiltshire ICB

The BSW ICB covers a large and varied geographical area that includes the densely populated and growing town of Swindon to the north, the historic city of Bath, Salisbury plains to the south, and the rolling Mendip Hills to the west. The ICB commissions (plans, designs, and purchases) many of the health services that the local population use, including medicines, hospital care, urgent and emergency services, mental health care, GP services, community pharmacy, dentistry, general ophthalmology (eye care services), and various community services.

To ensure that our health and care services meet the healthcare needs of the population living across BSW, we have three localities, each represented by place-based partnership called Integrated Care Alliances (ICAs). Each ICA is made up of local doctors, hospital chief executives, clinical commissioners, council officers, patient and voluntary and social enterprise sector groups who lead the detailed design and delivery of integrated services across their localities and neighbourhoods. The ICB and its partners are therefore well placed to identify the implications of the proposed development on healthcare services in the local area.

Summary Comments

There is not sufficient existing primary healthcare capacity locally to address demand generated by the development. Mitigation is therefore required in the form of a financial contribution of £311,844 towards the capital cost of delivering the additional primary care floorspace required to serve residents of the new development. Without this mitigation, the development would not comply with Policy 3 of the Wiltshire Core Strategy and Policy 8 of the Joint Melksham Neighbourhood Plan, and paragraphs 55 to 58 of the NPPF and related Planning Practice Guidance.

1 Background

The ICB submitted a response in relation to development in this location (application reference PL/2023/0710 which was withdrawn by the applicant), and at that time confirmed that primary health infrastructure did not have capacity. Although the number of housing units proposed by this new application is unchanged from the withdrawn application, our comments below reflect up-to-date information on existing capacity.

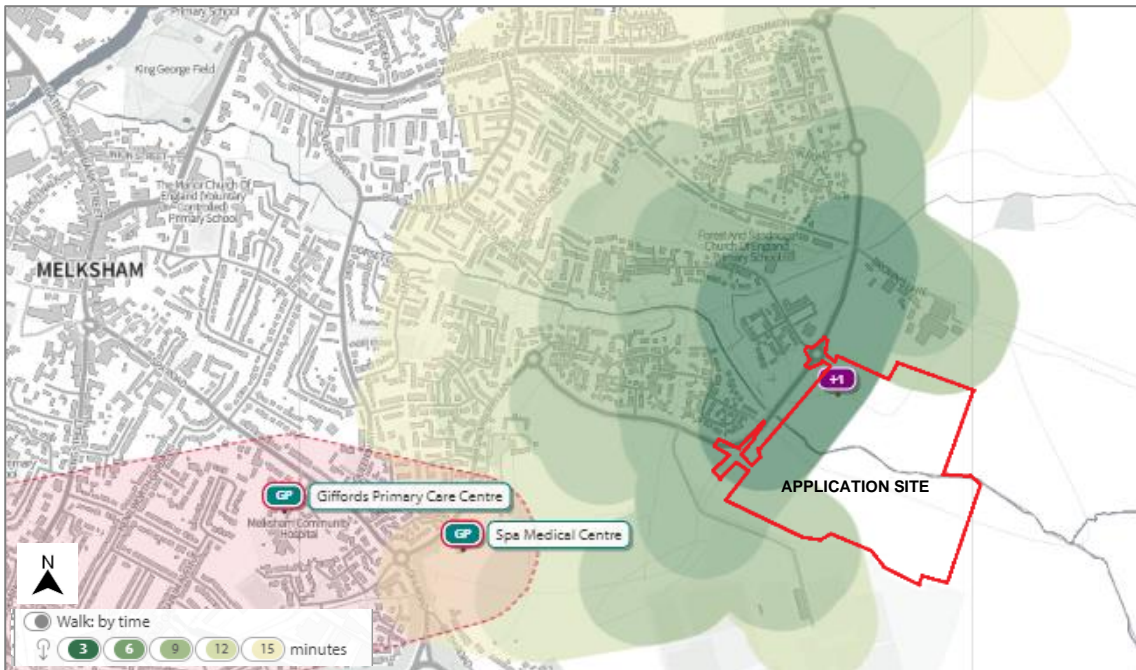
2 Submitted Planning Documentation

While the development aims to incorporate various health and wellbeing measures, the submitted planning documentation does not assess or identify how residents' access to health facilities and services will be ensured, as required by Policy 3 of the Wiltshire Core Strategy and Policy 8 of the Joint Melksham Neighbourhood Plan. In the following sections, we outline the existing capacity of nearby primary care facilities and detail the measures the applicant must take to mitigate the development's impact on local health infrastructure as required by the development plans.

We note that the Planning Statement paragraph 5.80 (Draft Head of Terms) does not consider contributions towards primary care despite our request in the previous application (application reference PL/2023/0710). Planning Statement Paragraph 5.80 (Community Infrastructure Levy) also states that the proposals will contribute towards meeting local infrastructure needs via CIL contributions. While CIL can be used at the discretion of the local authority to fund infrastructure in the area, including healthcare facilities, the purpose of CIL is not to mitigate for the site-specific impacts of a development. Specific development contributions are more appropriate where there is a demonstrated lack of infrastructure capacity to accommodate the site-specific needs generated by an individual development.

3 Existing Primary Care Position

The ICB has identified that Giffords Surgery and Spa Medical Centre are most likely to be impacted by the proposed development given their proximity to the site and predominant patterns of patient access in the area. Giffords Surgery is located within the Melksham Community Hospital campus. These practices are part of the Bradford on Avon & Melksham Primary Care Network (PCN). As shown in Map 1, these practices are within a reasonable walking distance of 20 minutes or under from the development site.



Map 1 GP locations in relation to the proposed development (Source: SHAPE Atlas September 2024)

The ICB has assessed the capacity of the impacted practices to establish if they have adequate overall floorspace (clinical rooms and supporting accommodation) to provide services to the existing local population, in line with the 2019 NHS Long Term Plan objectives relating to primary care provision. The results of this assessment, shown in Table 1, demonstrates that these two practices are currently experiencing a health infrastructure deficit and do not have the capacity to absorb any additional residents. The development would therefore have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable.

Table 1 Capacity of existing primary healthcare infrastructure impacted by proposed development

Premises	Weighted Patient List Size (July 2024)	Required Floorspace (NIA) as per HBN Guidance (sqm)	Actual NIA of Current Premises (sqm)	Floorspace (% NIA required)
Giffords Surgery	14,408	988	894	90%
Spa Medical Centre	14,423	989	609	62%

The ICB’s approach to assessing existing capacity for planning purposes involves reviewing weighted patient list sizes against the current net internal area (NIA) of premises. Weighted patient list sizes are used in preference to overall patient registrations because weighting for patient

demographics reflects that certain types of patients place a higher demand on practices than others – for example, older and very young patients.

The ICB uses a standard floorspace requirement of approximately 150sqm GIA/ 120sqm NIA per 1,750 patients is used, aligned to Department of Health (DH) guidance within *Health Building Note 11:01: Facilities for Primary and Community Care (HBN 11-01)*. Health Building Notes are published by the DH to provide best practice guidance on the design and planning of new healthcare buildings and the adaptation or extension of existing facilities. They are intended to support the briefing and design processes for individual projects in the NHS building programme.

The ICB have identified that Giffords Surgery and Spa Medical Centre have the potential for reconfiguration/ refurbishment and/or expansion to increase floorspace capacity in Melksham. However, there is currently no capital funding available to progress these plans.

There are no other current plans or approved projects for primary care premises developments that would deliver additional capacity at the impacted surgeries. It is also important to note that practices can apply to the ICB to close their list and/or modify their practice boundary. One key reason why practices may be required to do this is because of a significant lack of physical capacity to deliver services to increasing populations.

4 Health Infrastructure Needs Arising from Proposed Development

Based on the ICB's assessment, there is currently no capacity within the local area to accommodate the population growth that will be generated by the development. As a result, a planning obligation will be required to create the full amount of additional primary care floorspace required, in accordance with Policy 3 of the Wiltshire Core Strategy and Policy 8 of the Joint Melksham Neighbourhood Plan.

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. 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. We note that the application site is not proposed for allocation in the Wiltshire Local Plan Pre-Submission Draft 2020-2038 (Regulation 19) document.

The ICB calculates population update using the average household size of in Wiltshire (2.3, 2021 Census) applied to the total number of dwellings proposed. The additional floorspace requirement (sqm) arising from this residential population is then calculated based on 150sqm GIA per 1,750 patients to align to the requirements of *Health Building Note 11:01: Facilities for Primary and Community Care (HBN 11-01)*.

The existing estate within the Bradford on Avon & Melksham PCN includes both core and flex premises. Core and flex premises can be refurbished and/or extended to create the additional floorspace required to mitigate the impact of the proposed development. In doing so, this would also enable an efficient use of the existing healthcare facilities that are well-located in relation to the proposed scheme.

The ICB have reviewed the existing estate within the Bradford on Avon & Melksham PCN and have identified that the existing estate can be extended/refurbished to meet the needs of the population coming forward from this development. The required S106 contribution is therefore based on delivering the required additional floorspace via refurbishment/extension (build cost of £5,273/sqm) of existing premises within the Bradford on Avon & Melksham PCN. Table 2 below provide the capital cost calculation of delivering the additional health infrastructure required to support the proposed development.

Table 2 Capital cost calculation of additional primary healthcare infrastructure

Total residential units	Population Generated	Required Floorspace as per HBN 11-01	Delivery Approach	Total Capital Cost
300	690	60sqm	Refurbishment and/or extension of existing premises	£311,844

This calculation is directly related to the proposed development, mitigating the uplift in population by establishing the required increase in primary care floorspace, then applying a build cost to quantify the contribution needed for mitigation. The construction cost is based on datasets from NHS Property Services (NHSPS), a government-owned organisation (Department of Health & Social Care) specialising in healthcare property ownership, management, advisory, and service provision. NHSPS are experts in primary care delivery, and work in collaboration of leading expert consultants. The build cost benchmarks for new build primary care-led facilities, rebased to Wiltshire and adjusted for professional fees, fit out and contingency, but excluding land acquisition.

While healthcare contributions have been secured from previously approved applications within Melksham, these contributions are limited to mitigating the population uplift directly associated with approved developments and are not sufficient to provide for the additional needs generated by the proposed development. Failure to provide an appropriate contribution to ensure the delivery of health capacity to serve this new population would place unsustainable pressure on local primary healthcare infrastructure.

5 S106 Heads of Terms (HoT)

The ICB would look to secure the above capital cost as a financial contribution in the S106 linked to grant of planning permission. To ensure the required health mitigation is appropriately secured in the S106 agreement, we request the following be included in the S106 HoT when presenting the development to the planning committee or before issuing a decision notice:

- Healthcare contribution of £311,844 (index linked) to be applied by the NHS Bath and North East Somerset, Swindon and Wiltshire Integrated Care Board towards the provision of primary care-led facilities and associated infrastructure within the local Primary Care Network (PCN).

To enable the required additional capacity to be in place in a timely manner, the ICB's preference is that the contribution is paid prior to commencement of the development. The financial contribution should be indexed linked to the Build Cost Information Service (BCIS) All-In Tender Price Index. It is important that the detailed drafting of any S106 provides appropriate flexibility to align with ICB commissioning processes and estates plans, and we would welcome discussion on this should the application be approved.

6 Conclusion

Policy 3 of the Wiltshire Core Strategy and Policy 8 of the Joint Melksham Neighbourhood Plan set the expectation that development will make sufficient provision for the infrastructure made necessary by the development. Moving new population into the area without adequate primary healthcare provision would therefore be unacceptable in planning terms.

Based on the latest data on primary care infrastructure capacity presented above there is not sufficient existing capacity locally to accommodate the population growth generated by the proposed development. Mitigation is therefore required in the form of a financial contribution of £311,844 towards the capital cost of delivering the additional primary care floorspace required to serve residents of the new development. Without this mitigation, the development would not comply with Policy 3 of the Wiltshire Core Strategy and Policy 8 of the Joint Melksham Neighbourhood Plan, and paragraphs 55 to 58 of the NPPF and related Planning Practice Guidance.

Should you need additional information or clarification on any matter please do not hesitate to contact me.

Yours sincerely,

Teresa Wallace
Senior Estates Manager and Advisor
NHS Bath and North East Somerset, Swindon
and Wiltshire ICB

Karen Montgomerie, MRTPI
Associate Town Planner
NHS Property Services Ltd

For and on behalf of BSW ICB

Wiltshire Council

(<https://www.wiltshire.gov.uk/>)

Comment Rights of Way's comment

Planning Application	Stance
PL/2023/11188 (/p...	Comment

[Details \(?tabset-ae70b...](#) [Files \(?tabset-ae70b=2\)](#)

Information

Web Comment Name
Rights of Way's comment

Comment Number
WC-24-09-313181

Text
Good afternoon Steven, thank you for the opportunity to comment on this application
MELW27, upgraded to a shared use path to adoptable standard and put forward for adoption under a 278 agreement. Offsite a contribution is requested to cover the cost of upgrading the section of MELW27 from the proposed development to Eastern Way. Also will a new crossing be required on Eastern Way. A financial contribution will be required to cover the

cost of a cycle conversion order.

MELW26, upgraded to a shared use path to adoptable standard and put forward for adoption under a 278 agreement through the site. A financial contribution will be required to cover the cost of a cycle conversion order. £3,500 is requested for Countryside Access furniture upgrades to improve access on to MELW41.

MELW41 Forms the access road to Snarlton Farm. It would be desirable for as little of this Bridleway to be used as the Southern Access route into the site to avoid conflict between vehicle traffic and users of the Public Right of Way. Where it is unavoidable a shared use path should be constructed alongside the vehicle access track. I would also request a contribution towards stopping up sections of MELW41 to remove conflict with vehicle users of the farm drive. If possible MELW 41 should be incorporated within the green space as this will provide a more enjoyable experience for the Public Rights of Way users. Before re-joining Browns Lane MELW41 further East. I would also request that this path is created with a designation of a restricted byway to future proof any possible higher rights claims on MELW41

MELW30 is a footpath which links two bridleways. I request £3,000 for Countryside access furniture upgrades on MELW30, MELW30 would also benefit from a realignment so that it stays in one field rather than crossing into a second

field. This would remove a piece of access furniture from the network and also allow the field to be managed better given they increase this path will get from the extra housing. (This route is likely to require a diversion of some kind as the proposed new road will intersect it so it may be a case of which project receives planning permission.

I note that the development no longer covers land all the way up to MELW40 I would request that we request two connections to MELW40 from this development, these links should be either as a bridleway or as a cycle way I would suggest that they are alongside the hedgerows, I would be looking for a width of 4 meters as a minimum the routes could be fenced off from the field so that they are separate from livestock and reduce the risk of trespassing in the fields. I believe the fields are in the same ownership as the land included within the red line. These two routes would provide a good link to the Rights of Way network for residents of this development. Please let me know if you require me to provide a plan showing a couple of possible positions for these paths.

The applicant will be required to follow the principle of least restrictive option for any Public Rights of Way access furniture that is required on the boundary of the development site. E.g. stiles to be replaced with gaps if no livestock is present, then pedestrian gates or medium mobility kissing gates if livestock is present.

MELW29 is likely to receive an increase in usage should this development proceed I am requesting £4,000 for improvements to the access furniture to make the path more accessible for all users.

SEEN54 is likely to receive an increase in usage should this development proceed I am requesting £2,000 for improvements to the access furniture to make the path more accessible for all users.

MELW25 is a path that could be improved by diverting it to a more suitable position. I am requesting £5,000 to cover the diversion of this path and upgrades to access furniture which will be required.

MELW23A is likely to receive an increase in usage should this development proceed I am requesting £2,500 for improvements to the access furniture to make the path more accessible for all users.

MELW23B is likely to receive an increase in usage should this development proceed I am requesting £500 for improvements to the access furniture to make the path more accessible for all users.

SEEN33 is likely to receive an increase in usage should this development proceed I am requesting £5,500 for improvements to the access furniture to make the path more accessible for all users.

ROWD22 is likely to receive an increase in usage should this development proceed I

am requesting £5,000 for improvements to the route of ROWD22 and the access furniture to make the path more accessible for all users.

MELW25A we have an outstanding request from a user group for improvements to the route of MELW25A £5,000 should cover the legal order.

SEEN21 is likely to receive an increase in usage should this development proceed I am requesting £2,500 for improvements to the access furniture to make the path more accessible for all users.

Total requested £38,500 plus the cost of the cycle conversions and the amount required for surface upgrades on MELW27 and MELW41 which I have not priced yet.

Paul Millard

Countryside Access Development Officer

Date Created

27/09/2024

[Contact \(https://www.wiltshire.gov.uk/contact\)](https://www.wiltshire.gov.uk/contact)

[Newsletter \(https://www.wiltshire.gov.uk/article/2492/Newsletter\)](https://www.wiltshire.gov.uk/article/2492/Newsletter)

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Wiltshire Council

Steven Sims
Development Management
Wiltshire Council
Bythesea Road
Trowbridge
BA14 8JN

NHS Bath and North East Somerset,
Swindon and Wiltshire ICB
teresa.wallace@nhs.net

BY EMAIL ONLY:

developmentmanagement@wiltshire.gov.uk

13 February 2024

Dear Steven,

Application Ref: PL/2023/11188

Address: Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS

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)

NHS Bath and North East Somerset, Swindon and Wiltshire Integrated Care Board (BSW ICB) and NHS Property Services (NHSPS) are responding to the above proposal in relation to the requirement for a S106 planning obligation to mitigate the impact of the development on local healthcare infrastructure.

NHS Bath and North East Somerset, Swindon and Wiltshire ICB

The BSW ICB covers a large and varied geographical area that includes the densely populated and growing town of Swindon to the north, the historic city of Bath, Salisbury plains to the south, and the rolling Mendip Hills to the west. The ICB commissions (plans, designs, and purchases) many of the health services that the local population use, including medicines, hospital care, urgent and emergency services, mental health care, GP services, Community Pharmacy, dentistry, general ophthalmology (eye care services) and many community services.

To ensure that our health and care services meet the healthcare needs of the population living across BSW, we have three localities, each represented by place-based partnership called Integrated Care Alliances (ICAs). Each ICA is made up of local doctors, hospital chief executives, clinical commissioners, council officers, patient and voluntary and social enterprise sector groups who lead the detailed design and delivery of integrated services across their localities and neighbourhoods. The ICB and its partners are therefore well placed to identify the implications of the proposed development on healthcare services in the local area.

Local Policy on Infrastructure Delivery and Funding

National policy (NPPF paragraphs 55 to 58) and guidance set an expectation for development proposals that impact on local infrastructure to mitigate their impact to be considered sustainable. There is a well-established connection between planning and health. 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.

The adopted Wiltshire Core Strategy at Policy 3: Infrastructure Requirement 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 including healthcare facilities. The cost of providing necessary infrastructure will be met through the appropriate use of planning obligations. 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.

Local Plan Policy 18: Land East of Melksham

The emerging Wiltshire Local Plan (September 2023) Policy 18 identifies the allocation of the application site, and we note that it highlights the requirement of funding contributions towards on or off-site healthcare facilities to support the development.

The delivery of new and improved healthcare infrastructure is significantly resource intensive. The NHS as a whole is facing significant constraints in the terms of the funding needed to deliver healthcare services, and the level of projected population growth in the Melksham area will add further pressure to the system. It is critical that new developments in the area make a proportionate contribution to funding the healthcare needs arising from new residents – access to essential healthcare services promotes good health outcomes and supports the overall social and economic wellbeing of the area.

Existing Primary Care Capacity in the Local Area

The proposed development located to the east of Melksham, outside the Melksham settlement boundary. The ICB has identified that Bradford on Avon & Melksham PCN sites Giffords Surgery and Spa Medical Centre (both within a 2km radius from the site) are most likely to be impacted by the proposed development. The location of the surgery in relation to the application site is shown on Map 1. Capacity assumptions for the GP surgery, based on October 2023 weighted patient list, are shown in Table 1.

Giffords Surgery and Spa Medical Centre have been assessed to establish if they have adequate overall floorspace (clinical rooms and supporting accommodation) to provide services to the existing local population, in line with NHS Long Term Plan objectives relating to primary care provision. The assessment involves reviewing weighted patient list sizes against the current net internal area (NIA) of premises. Weighted patient list sizes are used in preference to overall patient registrations because weighting for patient demographics reflects that certain types of patients place a higher demand on practices than others – for example, older and very young patients.

A standard floorspace requirement of approximately 150sqm GIA/ 120sqm NIA per 1,750 patients is used, aligned to Department of Health (DH) guidance within *Health Building Note 11:01: Facilities for Primary and Community Care (HBN 11-01)*. Health Building Notes are published by

the DH to provide best practice guidance on the design and planning of new healthcare buildings and the adaptation or extension of existing facilities. They are intended to support the briefing and design processes for individual projects in the NHS building programme.

Map 1 GP practice locations in relation to the proposed development

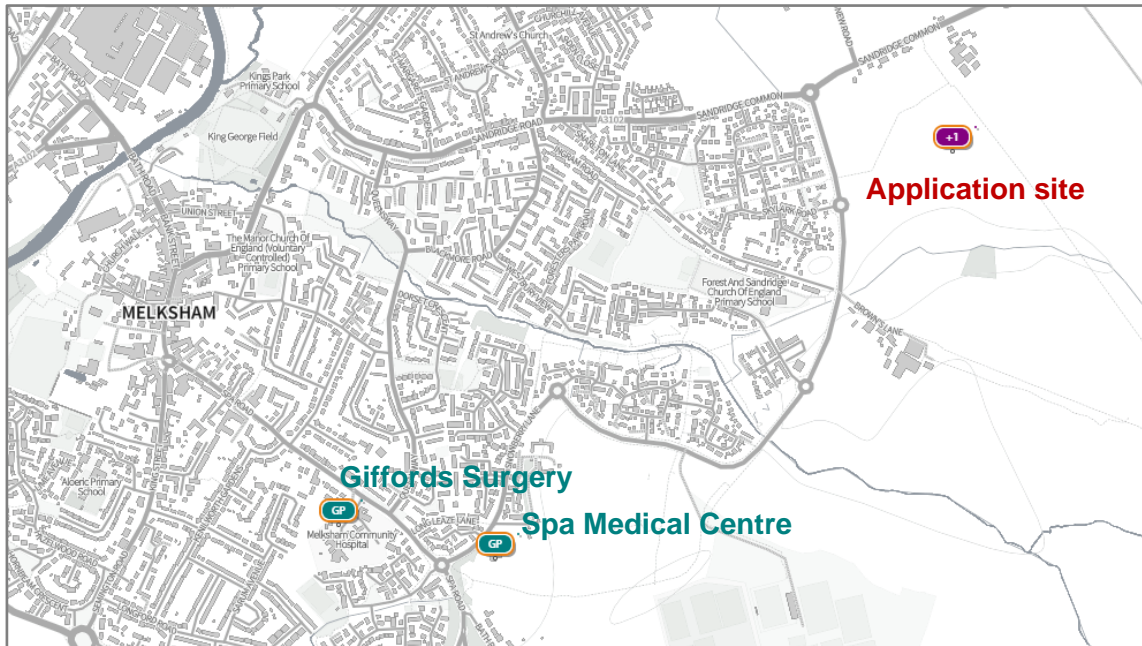


Table 1 Capacity of existing primary healthcare infrastructure

Premises	Weighted Patient List Size	Required Floorspace (NIA) as per HBN Guidance	Actual NIA of Current Premises	Space Surplus or Deficit
Giffords Surgery	14,501	994sqm	894sqm	100sqm
Spa Medical Centre	13,933	955sqm	609sqm	346sqm

We note that at paragraphs 5.60 to 5.63 of the Planning Statement the applicant refers to the use of the NHS HUDU model to review the ability of Giffords Surgery and Spa Medical Centre to accommodate additional patients. To confirm, the ICB does not use the HUDU model because it is not relevant to the local context and does not provide a robust assessment of the existing primary care capacity in the area. We also note that the Rapid HIA Matrix submitted as part of the Environmental Statement (Appendix 07.1) states that the analysis of local health services shows that there is an existing capacity shortfall within local GP surgeries, and that if required a financial contribution can be made towards off-site facilities.

Healthcare Needs Arising from Proposed Development

Given that the practice currently operates with an overall space deficit, to properly mitigate the impact of the proposed development a planning obligation will be required to create the full amount of additional primary care floorspace needed to serve the new residents. The site-specific capital cost required to deliver the needed additional floorspace via refurbishment and/or extension of existing premises (build cost of £5,273/sqm) within the locality is included in Table 2.

Table 2 Capital costs calculation of additional primary healthcare services

Total residential units	Estimated New Residents	Required Floorspace as per HBN 11-01 Guidance	Delivery Approach	Total Capital Cost
500	1,200	102.8sqm	Refurbishment and/or extension of existing premises	£512,727

Estimated new residents are calculated using the average household size in Wiltshire (2.4), applied to the total number of dwellings proposed. The additional floorspace requirement (sqm) arising from this residential population is then calculated based on 150sqm GIA per 1,750 patients. This calculation is directly related to the proposed development, mitigating the uplift in population by establishing the required increase in primary care services floorspace, then applying a build cost to quantify the contribution needed for mitigation. The build cost is based on NHSPS build cost benchmarks for refurbishment and extension, rebased to Swindon and adjusted for professional fees, fit out and contingency, but excluding land acquisition.

The recently completed PCN Toolkit for the area identifies that the existing estate has a mix of core, flex and tail premises. Core and flex premises have the ability to be refurbished and/or extended to create the additional floorspace required to mitigate the impact of the proposed development. The Giffords Surgery and Spa Medical Centre are both in good condition and offer various options for increasing capacity. By delivering the needed additional floorspace via refurbishment and/or extension of existing premises, this would enable an efficient use of existing healthcare facilities that are well-located in relation to the proposed scheme.

The ICB would look to secure the above capital cost as a financial contribution in the S106 linked to grant of planning permission. It is important that the detailed drafting of any S106 provides appropriate flexibility to align with ICB commissioning processes and estates plans, and we would welcome discussion on this should the application be approved.

Conclusion

Based on the latest data on primary care capacity mentioned above, there is not sufficient existing primary healthcare capacity locally to accommodate the 1,200 new residents calculated to be generated by the proposed development. Mitigation is therefore required in the form of a financial contribution of £512,727 towards the capital cost of delivering the additional primary care floorspace required to serve residents of the new development. Without this mitigation, the development would not comply with Policy 3 of the Wiltshire Core Strategy, Policy 8 of the Joint Melksham Neighbourhood Plan, Policy 18 of the Emerging Local Plan, and paragraphs 55 to 58 of the NPPF and related Planning Practice Guidance on Planning Obligations.

Please do not hesitate to contact us should you have any questions.

Yours sincerely,

Teresa Wallace

Senior Estates Manager and Advisor
NHS Bath and North East Somerset, Swindon
and Wiltshire ICB

Karen Montgomerie

Associate Town Planner
NHS Property Services Ltd

Teresa Strange

From: Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>
Sent: 24 September 2024 08:30
To: Lorraine McRandle
Subject: RE: 489a Semington Road - Certificate of Lawfulness for use of annexe: PL/2024/04135

Dear Lorraine,

I wanted to update you this site.

The owner's agent is in the process of submitting a temp planning application to reside in the garage whilst the development on the land next door is taking place.

This should be with the LPA over the next 4 weeks.

The recent refusal of the CLED is being discussed between the planning agent and planner at the moment and once I have an update from both parties I will be able to move forward and will let you know.

Regards

Natalie Rivans
Planning Enforcement Officer
Planning Enforcement Team

Wiltshire Council

External Tel: 01225 770502
E-mail: natalie.rivans@wiltshire.gov.uk
Website: www.wiltshire.gov.uk
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From: Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Sent: Tuesday, September 3, 2024 2:39 PM
To: Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>
Subject: RE: 489a Semington Road - Certificate of Lawfulness for use of annexe: PL/2024/04135

Hi Natalie

Thanks for getting back to me so quickly with the updates, much appreciated.

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
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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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From: Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>
Sent: 03 September 2024 14:36
To: Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Cc: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: RE: 489a Semington Road - Certificate of Lawfulness for use of annexe: PL/2024/04135

Thanks Lorraine,

I do need to discuss this with Chris who is on leave for the next 2 weeks.

I also have no forgotten to get back to you re the garage being occupied, there are some technical planning questions that do need to be thrashed out before I can give a clear answer here. As soon as I have more details, I will let you know.

Thanks

Natalie Rivans
Planning Enforcement Officer
Planning Enforcement Team

Wiltshire Council

External Tel: 01225 770502
E-mail: natalie.rivans@wiltshire.gov.uk
Website: www.wiltshire.gov.uk
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From: Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Sent: Tuesday, September 3, 2024 1:27 PM
To: Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>
Cc: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: 489a Semington Road - Certificate of Lawfulness for use of annexe: PL/2024/04135

Hi Natalie

Having received the latest Planning Application list from Wiltshire Council, we note the Certificate of Lawfulness for the use of the annexe at 489a Semington Road has been refused.

We have been asked by a resident and Members also raised the same question at a Planning Committee meeting last night, what happens next, particularly as it is understood tenants are currently living in the annexe.

Look forward to hearing from you.

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
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Teresa Strange

From: Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>
Sent: 08 October 2024 07:28
To: Teresa Strange
Subject: RE: ENF/2024/00838 - Development at Semington Road, Melksham

Thanks Teresa,

In terms of the access - An updated CEMP is has just been submitted for review via a Discharge of Condition application. I shall check registration next week to check progress with it being allocated to an officer.

The develop is also chasing colleagues at the Council in Highways for a meeting to discuss this, I have asked them for further information, once I have it I will let you know.

Thanks

Natalie Rivans
Planning Enforcement Officer
Planning Enforcement Team

Wiltshire Council

External Tel: 01225 770502
E-mail: natalie.rivans@wiltshire.gov.uk
Website: www.wiltshire.gov.uk
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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Monday, October 7, 2024 4:44 PM
To: Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>
Subject: ENF/2024/00838 - Development at Semington Road, Melksham

Hi Natalie
As per previous email earlier, will send version with the reports too.
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

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Want to keep in touch?

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From: Phil Morgan <pmorgan@livingspacehousing.co.uk>

Sent: 30 September 2024 10:43

To: Gillian Horigan <gillian.horigan@icloud.com>

Cc: Paul Breen <pbreen@livingspacehousing.co.uk>; Shane Robinson <srobinson@livingspacehousing.co.uk>; Robert Fletcher <rfletcher@hayfieldhomes.co.uk>; Mike Sawyer <msawyer@livingspacehousing.co.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; Robert Franklin <rjf@robinsonandhall.co.uk>; MARK GMAIL <markjaworski10@googlemail.com>

Subject: RE: Development at Semington Road, Melksham

Good Morning Mrs. Horigan

I can confirm that as you have requested we have arranged for an additional Vibration Monitor to be installed adjacent to the rear wall of your property on Wednesday of this week. This will remain in place for one week with a subsequent report produced. We have also instructed Robert Franklin , Chartered Building Surveyor to visit you and your neighbour in order to complete a condition Survey of both properties. Robert will contact you directly regarding the timing of his visit.

Regards

Phil Morgan C Build E FCIQB MCABE Tech IOSH
Chartered Construction Manager

Health and Safety Manager

T: 0121 752 3726

M: 07551 777516

E: pmorgan@livingspacehousing.co.uk

www: livingspacehousing.co.uk

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From: Gillian Horigan <gillian.horigan@icloud.com>

Sent: 26 September 2024 19:20

To: Phil Morgan <pmorgan@livingspacehousing.co.uk>

Cc: MARK GMAIL <markjaworski10@googlemail.com>; Paul Breen <pbreen@livingspacehousing.co.uk>; Shane Robinson <srobinson@livingspacehousing.co.uk>; Robert Fletcher <rfletcher@hayfieldhomes.co.uk>; Mike Sawyer <msawyer@livingspacehousing.co.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Subject: Re: Development at Semington Road, Melksham

Dear Mr Morgan,

Thank you for these results. It might be the case that in theory these vibrations shouldn't cause structural damage to buildings but cracks have certainly appeared in parts of my study and utility room. I think without proper foundations damage is quite likely to occur if vibrations reach 5mm/s. This week vibrations in my study have been much worse as the site is flooded and so this has obviously amplified the vibrations. Can you please arrange for the monitors to now be moved to near the foundations of the building or even on the first floor of the building which is my utility room/study.

I have been advised by experts that vibrations are amplified as they move through the ground from their source and even more so when the ground is saturated.

We hope we hear quickly from the surveyor who is going to undertake a Schedule of condition.

Regards

Gillian Horigan

Sent from my iPad

On 26 Sep 2024, at 17:14, Phil Morgan <pmorgan@livingspacehousing.co.uk> wrote:

Good Afternoon Mrs Horigan and Mr Jaworski

Please see attached the latest Vibration Monitoring Report for the period 19th-26th September 2024. Please note the readings within Section 5.1 and the comments in Sections 6.1 and 6.2 which indicate that no measurement reached the Transient guide levels for cosmetic or structural damage to Buildings.

Regards

Phil Morgan C Build E FCIQB MCABE Tech IOSH
Chartered Construction Manager

Health and Safety Manager

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Teresa Strange

Subject: FW: Development at Semington Road, Melksham

Importance: High

From: Teresa Strange

Sent: 10 October 2024 10:31

To:

Cc: Marianne Rossi <admin@melkshamwithout-pc.gov.uk>

Subject: RE: Development at Semington Road, Melksham

Importance: High

Hi

Not good news unfortunately.....

Planning Enforcement at Wiltshire Council have said it's not something they deal with, only breaches if the developer is not building according to their planning permission.

They suggested public protection, but that is for noise, and this is not a complaint about noise or Building Control. I had a long conversation with Building Control this morning, and it's a civil matter unfortunately, again, they only deal with inspecting and checking that the building meets the regulations. For example, if your neighbour had work done and caused problems to your foundations it would be under the Party Wall Act, which is a civil thing, nothing that Wiltshire Council can get involved with.

They have advised that you keep a detailed log/diary of events with timed and dated photographs. So take a photo every day, with the time and date, and keep a note of any context, like diggers on site, pilings being dug etc. In case you need as evidence for a civil claim.

In building control they are notified who the site's building control companies are (its not always Wiltshire Council, sometimes private companies). There are two, one who looks at physical work, and one that covers warranties etc and that is someone you can contact and perhaps ask for a site meeting.

For this site it is:

NHBC Tel 08702414306 <https://www.nhbc.co.uk/>

Their initial site notification number to Wiltshire Council Building Control was BR/2023/36698 and their internal reference is 00926/2023/HO.

I think it's worth contacting this company to express your concerns about the piling work being done before your conditions survey.

Please do let me know how you get on.

All the best, 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

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From:

Sent: 08 October 2024 17:11

To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Subject: Re: Development at Semington Road, Melksham

Dear Teresa,

Thank you.

Best wishes,

Sent from my iPad

On 8 Oct 2024, at 17:04, Teresa Strange <clerk@melkshamwithout-pc.gov.uk> wrote:

Hi

Sorry I missed you when you called into the office.

I have raised your issue with Planning Enforcement and asked if they can contact you direct, for speed.

Keep me posted, and I will do likewise,

All the best, Teresa

From: Phil Morgan <pmorgan@livingspacehousing.co.uk>

Sent: 30 September 2024 10:43

To:

Cc: Paul Breen <pbreen@livingspacehousing.co.uk>; Shane Robinson <srobinson@livingspacehousing.co.uk>; Robert Fletcher <rfletcher@hayfieldhomes.co.uk>; Mike Sawyer <msawyer@livingspacehousing.co.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; Robert Franklin <rjf@robinsonandhall.co.uk>; MARK GMAIL <markjaworski10@googlemail.com>

Subject: RE: Development at Semington Road, Melksham

Good Morning Mrs. Horigan

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remain in place for one week with a subsequent report produced. We have also instructed Robert Franklin , Chartered Building Surveyor to visit you and your neighbour in order to complete a condition Survey of both properties. Robert will contact you directly regarding the timing of his visit.

Regards

Phil Morgan C Build E FCIOB MCABE Tech IOSH
Chartered Construction Manager

Health and Safety Manager

T: 0121 752 3726

M: 07551 777516

E: pmorgan@livingspacehousing.co.uk

www: livingspacehousing.co.uk

Hayfield House, Arleston Way, Shirley, Solihull , B90 4LH

<image002.jpg>

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From:

Sent: 26 September 2024 19:20

To: Phil Morgan <pmorgan@livingspacehousing.co.uk>

Cc: MARK GMAIL <markjaworski10@googlemail.com>; Paul Breen <pbreen@livingspacehousing.co.uk>; Shane Robinson <srobinson@livingspacehousing.co.uk>;

Robert Fletcher <rfletcher@hayfieldhomes.co.uk>; Mike Sawyer

<msawyer@livingspacehousing.co.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Subject: Re: Development at Semington Road, Melksham

Dear Mr Morgan,

Thank you for these results. It might be the case that in theory these vibrations shouldn't cause structural damage to buildings but cracks have certainly appeared in parts of my study and utility room. I think without proper foundations damage is quite likely to occur if vibrations reach 5mm/s. This week vibrations in my study have been much worse as the site is flooded and so this has obviously amplified the vibrations. Can you please arrange for the monitors to now be moved to near the foundations of the building or even on the first floor of the building which is my utility room/study. I have been advised by experts that vibrations are amplified as they move through the ground from their source and even more so when the ground is saturated. We hope we hear quickly from the surveyor who is going to undertake a Schedule of condition.

Regards

On 26 Sep 2024, at 17:14, Phil Morgan
<pmorgan@livingspacehousing.co.uk> wrote:

Good Afternoon XX and Mr Jaworski

Please see attached the latest Vibration Monitoring Report for the period 19th - 26th September 2024. Please note the readings within Section 5.1 and the comments in Sections 6.1 and 6.2 which indicate that no measurement reached the Transient guide levels for cosmetic or structural damage to Buildings.

Regards

Phil Morgan C Build E FCIOB MCABE Tech IOSH
Chartered Construction Manager

Health and Safety Manager

T: 0121 752 3726

M: 07551 777516

E: pmorgan@livingspacehousing.co.uk

www: livingspacehousing.co.uk

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<image003.jpg>

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Marianne Rossi

From: Teresa Strange
Sent: 25 September 2024 21:34
To: Marianne Rossi
Subject: FW: Development at Semington Road, Melksham, Wiltshire
Attachments: Monitoring Report Living Space Homes_13.09.24.pdf; Monitoring Report Living space Homes_19.09.24 (002).pdf

For the next planning agenda please 21st October, thanks

From: Gillian Horigan <gillian.horigan@icloud.com>
Sent: 25 September 2024 19:24
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: Fwd: Development at Semington Road, Melksham, Wiltshire

Hi Teresa,
Your email got us results today. Thanks
Best wishes
Gillian
Sent from my iPhone

Begin forwarded message:

From: Gillian Horigan <gillian.horigan@icloud.com>
Date: 25 September 2024 at 18:19:14 BST
To: Michael Horigan <mrhorigan@gmail.com>
Subject: Fwd: Development at Semington Road, Melksham, Wiltshire

Sent from my iPad

Begin forwarded message:

From: Phil Morgan <pmorgan@livingspacehousing.co.uk>
Date: 25 September 2024 at 17:40:04 BST
To: Gillian Horigan <gillian.horigan@icloud.com> markjaworski10@googlemail.com
Cc: Paul Breen <pbreen@livingspacehousing.co.uk>, Shane Robinson <srobinson@livingspacehousing.co.uk>, Robert Fletcher <rfletcher@hayfieldhomes.co.uk>, Mike Sawyer <msawyer@livingspacehousing.co.uk>
Subject: Development at Semington Road, Melksham, Wiltshire

Dear Mrs Horigan and Mr Jaworski

I have now received the corrected versions of the Vibration Monitoring reports for the periods 10-13th and 16-19th September, copies of which are attached for your information. You will note from the data in section 6.1 that the recorded readings appear to be low and I would refer you to the comments in Section 7.1 on page 10 of the Report of 19th which states:-

‘While the levels are all below the amber limit of 5mm/s , the vibration levels may be felt by neighbouring properties. They are, however, of such a level

that they are well below that which would likely cause any cosmetic or structural damage to the surrounding properties.'

Notwithstanding these results however and as a further precaution I have been in touch with an independent Chartered Building Surveyor with a view to him carrying out a Schedule of Condition Survey of both Properties . I have asked the Surveyor to provide me with his availability and will contact you with proposed dates for him to visit and complete this work as soon as possible.

Regards

Phil Morgan C Build E FCIOB MCABE Tech IOSH
Chartered Construction Manager

Health and Safety Manager

T: 0121 752 3726

M: 07551 777516

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SEPTEMBER 13, 2024



VIBRATION MONITORING AT:

LIVINGS SPACE HOMES, SEMINGTON ROAD, SN12 6DR

JAMES FLITTON

Table of Contents

1. Overview of Monitoring
2. Site Details
3. Location of Monitors
4. Plan View of Site
5. Monitored Weekly Data
6. Table of Exceedances

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SURVEY & SAFETY EQUIPMENT SPECIALISTS

1.0 Overview of Monitoring:

- 1.1 PQS Survey were commissioned by Harkmac to perform the remote vibration monitoring of the groundworks at Living Space Homes, Semington road, SN12 6DR.
- 1.2 Conditions stated that 1 vibration monitor needed to be placed on the site. The system is being remotely accessed via a cloud-based website. The system has limits set on the monitor in line with pre-agreed levels, based on the BS5228-2 standard. Should any of the values be exceeded at any point a warning text/e-mail will be sent out for the 'Amber' alert level, with a second text/e-mail sent on the 'Red' alert level.
- 1.3 Work on the project started September 10th 2024.

2.0 Site Limits and Standards to work to

2.0.1.1 The site consists basic groundworks in the development area.

2.0.1.2 Limits on the site will be set to 10mm/s with a warning issued at 5mm/s. The lower level is also a limit for ‘sustained periods of time’ and therefore this will be closely scrutinised during the assessment. Levels have been issued by the main contractor.

2.0.1.3 Limits to be used on the site are deemed to be fit for purpose based on the BS5228 guidelines. The standard indicates levels that would cause damage to buildings, and damage to internal structures (such as causing ornaments to fall from height) The levels in the guide are as follows:

2.1 Vibration on Humans

2.1.1 This British Standard provides guidance on human response to vibration in buildings where the vibration level in terms of Peak Particle Velocity (PPV) is defined as above 1.0 mm/s. This is reproduced in Table 9.4.

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Table 9.4 Magnitude of impact from vibration levels (Human Response).

Vibration Level, PPV	Effect	Magnitude of impact	Effect level
0.14 mm/s	Vibration might be just perceptible in the most sensitive situations for most vibration frequencies associated with construction. At lower frequencies, people are less sensitive to vibration.	Negligible / No Change	NOAEL
0.3 mm/s	Vibration might just be perceptible in residential environments.	Minor	NOAEL
1.0 mm/s	It is likely that vibration of this level in residential environments will cause complaint, but can be tolerated if prior warning and explanation has been given to residents.	Moderate	LOAEL

10 mm/s	Vibration is likely to be intolerable for any more than a very brief exposure of this level.	Major	SOAEL
---------	--	-------	-------

- NOEL – No Observed Effect Level. This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.
- LOAEL – Lowest Observed Adverse Effect Level. This is the level above which adverse effects on health and quality of life can be detected.
- SOAEL – Significant Observed Adverse Effect Level. This is the level above which significant adverse effects on health and quality of life occur.

2.1.2 As there are no residential buildings deemed to be at risk from the works the limits for the site have been set based on risk of damage to buildings, but with considerations towards the intolerable level to humans of 10 mm/s

2.2 Vibration on Buildings

2.2.1 BS 7385-2:1993 ‘Evaluation and measurement for vibration in buildings – Part 2: Guide to damage levels from ground borne vibration’ (BSI, 1993) provides guidance on vibration levels likely to result in cosmetic damage, and is referenced in BS 5228-2:2009 + A1:2014 (BSI, 2014v). Guide values for transient vibration, above which cosmetic damage could occur, are given in Table 9.5.

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Table 9.5 Transient vibration guide values for cosmetic damage to buildings

Type of Building	Peak component of particle velocity in frequency range of predominant pulse (SOAEL)	
	4Hz to 15Hz	15Hz and above
Reinforced or Framed structures		
Industrial and heavy commercial buildings	50 mm/s at 4Hz and above	

Unreinforced or light framed buildings	15 mm/s at 4Hz increasing to	20 mm/s at 15Hz
Residential or light commercial buildings	20mm/s at 15 Hz	increasing to 50mm/s at 40Hz and above

NOTE 1: Values referred to are at the base of the building.

NOTE 2: For un-reinforced or light framed structures and residential or light commercial buildings, a maximum displacement of 0.6mm (zero to peak) is not to be exceeded.

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4.0

Plan Views of Site with Designated Work Areas

Figure 1

Figure 2

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5.0



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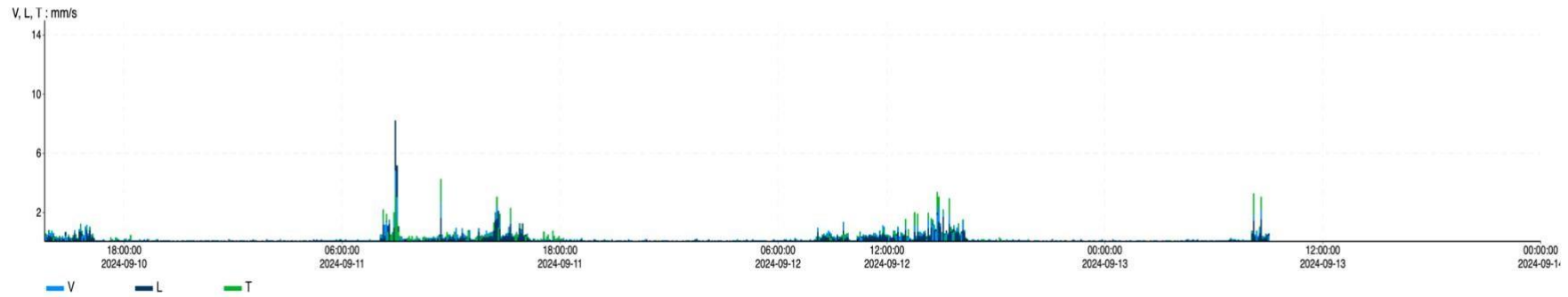
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6.0

Monitored Data 6.1 -

VP_1

Sensor: C22 #116407 Master(s) serial no.: 116407 Unit: mm/s
Latest calibration: 2024-09-09 Quantity: Velocity Interval time: 5 minutes



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AGENDA • EM 09 • Monitoring Report Living Space Homes

13.09.24

7.0

Table of Level Exceedances (Above 10mm/s)

Monitor	Date	Time	Level	Reasoning
---------	------	------	-------	-----------

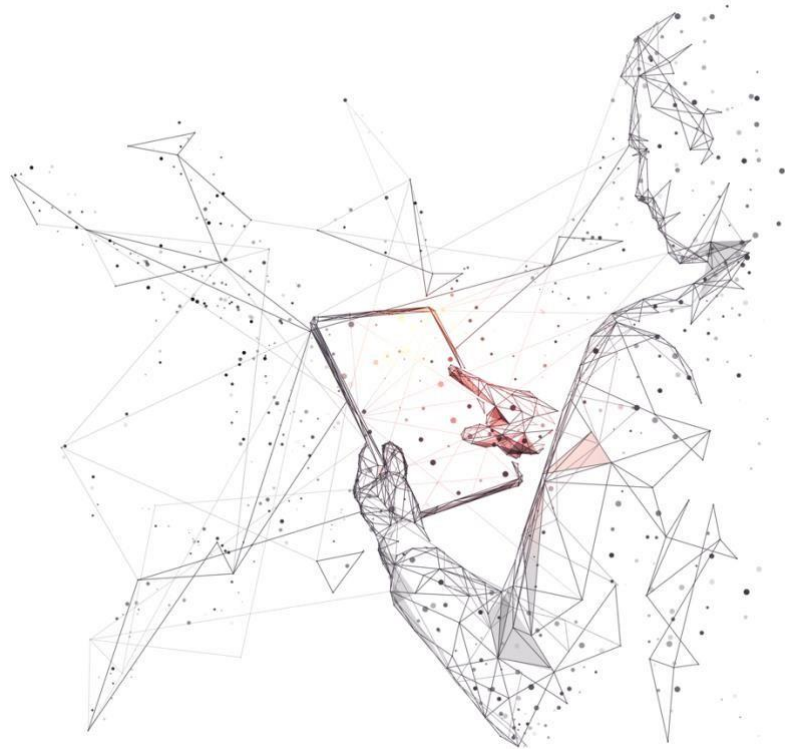


Report Compiled By	Date	Accreditation
James Flitton	13/09/2024	AMIOA

Signed

A handwritten signature in black ink, appearing to read 'James Flitton', is written over a horizontal line.

SEPTEMBER 19, 2024



VIBRATION MONITORING AT:

Living Space Homes, SEMINGTON ROAD, SN12 6DR

JAMES FLITTON

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2.0.1.3 Limits to be used on the site are deemed to be fit for purpose based on the BS5228 guidelines. The standard indicates levels that would cause damage to buildings, and damage to internal structures (such as causing ornaments to fall from height) The levels in the guide are as follows:

2.1 Vibration on Humans

2.1.1 This British Standard provides guidance on human response to vibration in buildings where the vibration level in terms of Peak Particle Velocity (PPV) is defined as above 1.0 mm/s. This is reproduced in Table 9.4.

Table 9.4 Magnitude of impact from vibration levels (Human Response).

Vibration Level, PPV	Effect	Magnitude of impact	Effect level
0.14 mm/s	Vibration might be just perceptible in the most sensitive situations for most vibration frequencies associated with construction. At lower frequencies, people are less sensitive to vibration.	Negligible / No Change	NOAEL
0.3 mm/s	Vibration might just be perceptible in residential environments.	Minor	NOAEL
1.0 mm/s	It is likely that vibration of this level in residential environments will cause complaint, but can be tolerated if prior warning and explanation has been given to residents.	Moderate	LOAEL

10 mm/s	Vibration is likely to be intolerable for any more than a very brief exposure of this level.	Major	SOAEL
---------	--	-------	-------

- NOEL – No Observed Effect Level. This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.
- LOAEL – Lowest Observed Adverse Effect Level. This is the level above which adverse effects on health and quality of life can be detected.
- SOAEL – Significant Observed Adverse Effect Level. This is the level above which significant adverse effects on health and quality of life occur.

2.1.2 As there are no residential buildings deemed to be at risk from the works the limits for the site have been set based on risk of damage to buildings, but with considerations towards the intolerable level to humans of 10 mm/s

2.2 Vibration on Buildings

2.2.1 BS 7385-2:1993 ‘Evaluation and measurement for vibration in buildings – Part 2: Guide to damage levels from ground borne vibration’ (BSI, 1993) provides guidance on vibration levels likely to result in cosmetic damage, and is referenced in BS 5228-2:2009 + A1:2014 (BSI, 2014v). Guide values for transient vibration, above which cosmetic damage could occur, are given in Table 9.5.

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Table 9.5 Transient vibration guide values for cosmetic damage to buildings

Type of Building	Peak component of particle velocity in frequency range of predominant pulse (SOAEL)	
	4Hz to 15Hz	15Hz and above
Reinforced or Framed structures Industrial and heavy commercial buildings	50 mm/s at 4Hz and above	

Unreinforced or light framed buildings	15 mm/s at 4Hz increasing to	20 mm/s at 15Hz
Residential or light commercial buildings	20mm/s at 15 Hz	increasing to 50mm/s at 40Hz and above

NOTE 1: Values referred to are at the base of the building.

NOTE 2: For un-reinforced or light framed structures and residential or light commercial buildings, a maximum displacement of 0.6mm (zero to peak) is not to be exceeded.

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4.0

Plan Views of Site with Designated Work Areas

Figure 1

Figure 2

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5.0



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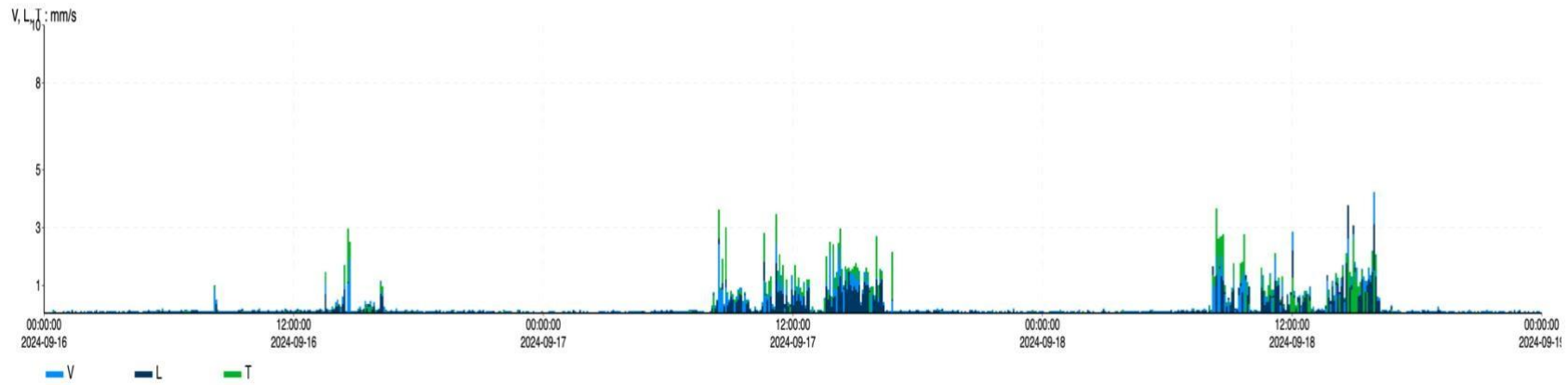
19.09.24 (002)

6.0

Monitored Data 6.1 -

VP_1

Sensor: C22 #116407 Master(s) serial no.: 116407 Unit: mm/s
Latest calibration: 2024-09-09 Quantity: Velocity Interval time: 5 minutes



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AGENDA • EM 09 • Monitori • Report Living space Hom

19.09.24 (002)

7.0

Table of Level Exceedances (Above 10mm/s)

Monitor	Date	Time	Level	Reasoning
---------	------	------	-------	-----------

7.1 While the levels are all below the amber limit of 5mm/s , the vibration levels may be felt by neighbouring properties. They are, however, of such a level that they are well below that which would likely cause any cosmetic or structural damage to the surrounding properties.



Report Compiled By	Date	Accreditation
James Flitton	19/09/2024	AMIOA

Signed

A handwritten signature in black ink, appearing to read 'James Flitton', is written over a horizontal line.

Teresa Strange

Subject: FW: Noise Complaint - Whitley

From:

Sent: 15 October 2024 15:47

To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Cc: Nobes, Peter <Peter.Nobes@wiltshire.gov.uk>; Marianne Rossi <admin@melkshamwithout-pc.gov.uk>

Subject: Re: Noise Complaint - Whitley

Hi Teresa

What!?! More construction work.

Why on earth are resident that are being impacted by this noise not even consulted for this?

We have no idea about this further construction work but it simply isn't acceptable for residents to be asked to endure this for now over a year and follow previous noise complaints and observation of the noise by Peter too.

There is a real lack of consultation with residents and information to allow residents to have a say in these matters that are impacting the quality of our daily lives.

This noise is simply unacceptable and needs to be tackled today please. Its driving me mad in my own home (again!!).

Regards

On Tue, 15 Oct 2024 at 15:41, Teresa Strange <clerk@melkshamwithout-pc.gov.uk> wrote:

Hi Peter

I am making an assumption, that this is the installation of new batteries, on both sites.

There were variations to allow more units approved in May this year.

The following planning applications refer, have put in link too so Dee can access easily.

PL/2024/01377 <https://development.wiltshire.gov.uk/pr/s/planning-application/a0iQ3000003vb4LIAQ/pl202401377>

PL/2024/01378 <https://development.wiltshire.gov.uk/pr/s/planning-application/a0iQ3000003vUyxIAE/pl202401378>

XXXX I am just finalising the agenda for our next Planning Committee, next Monday, so will add so that the councillors are aware.

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

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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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From:**Sent:** 15 October 2024 15:28**To:** Nobes, Peter <Peter.Nobes@wiltshire.gov.uk>**Cc:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>**Subject:** Noise Complaint - Whitley

Hi Peter

I assume that there is some new construction going on over near to the substation due to the on-going disturbance that we are getting in our home.

Following the long term construction of the battery, over a year, of disturbance in our home on a daily basis, as you witnessed, we are now experiencing further disturbance.

The 'new' road across the fields seem to be in use again with vehicles up and down which 'rumbles' throughout our home.

Early last week it sounded like someone hammering sheets of metal throughout the day. Then movements of heavy vehicles throughout the week. This noise rumbles and vibrates throughout our property (as it is stone) enough to give headache from being inside our home.

Then we have the beep-beep from reversing vehicles which can be heard through our house. Its disturbing us immensely again.

The insistent brrr-brrr of heavy machinery started just after 8am this morning and has continued throughout the day. Yes, I have a terrible headache just from being in my own home where I'm supposed to be able to enjoy the peace and quiet in my own home.

This intrusion and disturbance, which you witnessed yourself when you visited our property to hear the noise yourself during the last construction work, is impacting our lives in our own home. For this to be experienced over more than a year is completely unacceptable. Its simply torturous noise from which there is no escape.

Its winter again and all windows and doors are closed yet we are still under treat, constant attack of this noise nuisance throughout the day from construction work.

We as residents are not informed what is going on nor how much longer we are to endure this noise. To be honest it long enough, considering the long term project we were forced to endure before this - over a year of noise, and disturbance. Its simply unfair on residents to impact our lives in such a way.

I'm reaching out to you to see what can be done.

And copied in Teresa so that she can pass this to the local councillors (sorry I don't know who they are or where to find this information).

We need to find a way to stop this continual bombardment of noise to residents. Its not tolerable to endure this.

I would like peace and quiet to be restored to my home during the daytime and no more construction work in future. Its simply unfair to those who live here.

Regards

Resident Whitley

Council agrees to submit Local Plan for consideration by Planning Inspector

At its Full Council meeting today (Tuesday 15 October), Wiltshire Council confirmed that the Wiltshire Local Plan will be submitted to the Secretary of State before the end of the year.

Published 15 October 2024



At its Full Council meeting today (Tuesday 15 October), Wiltshire Council confirmed that the Wiltshire Local Plan will be submitted to the Secretary of State before the end of the year.

The Local Plan outlines the vision and framework for housing, infrastructure, and employment land growth for the next 15 years. Once adopted, it will become the key document against which all planning applications in Wiltshire are assessed, making it the most significant place-shaping tool for the county.

Cllr Nick Botterill, Cabinet Member for Strategic Planning, said: “Following the Regulation 19 consultation held in autumn 2023, we received more than 10,700 comments from thousands of respondents, and so it has taken some time to carefully consider these.”

“However, I’m delighted that the Plan has now been approved by the council and we can submit it to the Planning Inspector for examination. We will complete this before the end of the year and examination hearings will be held in 2025.”

“The Local Plan sets out ambitious sustainability policies, zero carbon standards for new developments, and significant biodiversity improvements.”

To find out more about the Local Plan, people should go to:

(<http://www.wiltshire.gov.uk/local-plan>)www.wiltshire.gov.uk/local-plan

(<https://www.wiltshire.gov.uk/article/8048/Regulation-19-consultation-autumn-2023>)

Explore the topic

[Planning news](https://www.wiltshire.gov.uk/news?f=Metadata12-83) (<https://www.wiltshire.gov.uk/news?f=Metadata12-83>)

Teresa Strange

From: BAILEY, Ron <ron.bailey@parliament.uk>
Sent: 30 September 2024 12:50
To: BAILEY, Ron
Subject: Battery safety campaign
Attachments: Lithium ion Battery Safety Bil [HL].pdf

Dear Local Council

Lithium-Ion Batteries Campaign: Update 1st October

Apologies for the delay in sending this but a lot is happening and I wanted to sent this at the best time to let you know is going on.

The Private Members Ballot for Bills in the House of Commons took place on Thursday 5th September as previous supporters will know. I had said that I would be in touch in regards to successful MPs, but two days before the Ballot the Government published its own Product Safety and Metrology Bill which covers many of the issues in our Bill and so no MPs who were successful in the Ballot would adopt our Bill, so I didn't urge you to lobby your MPs. I know some of you had done that already – and that was not wasted effort because the Government's own Bill was not due to be introduced for some months and it was the profile of the issue that sped it up. You were all part of that, so thank you.

Lithium-ion Battery Safety Bill (attached)

This was introduced in the House of Lords by Lord Redesdale and it had a successful Reading on 6th September. This Bill covers all the issues in our Bill: Clause 4 deals with independent certification; Clause 5 with disposal; Clause 6 with chargers and conversion kits.

But this Bill is slightly wider. Clause 2 deals with selling online and Clause 3 requires proper consultation before large scale battery storage systems are constructed. I know many of you have expressed the wish that this is covered by the Bill.

Action Requested

The Government Minister in the House of Lords in charge of both Lord Redesdale's Bill and the Government Bill is Baroness Jones of Whitchurch. It is vitally important therefore that she is made aware of the sense of feeling in support of Clauses, 4, 5 and 6 (and 3, if you wish to) of Lord Redesdale's Bill – either to get it passed or to ensure that its clauses are put into the Government's own Bill.

Therefore it would be great if you could write to the Minister, Baroness Jones, at jonesmag@parliament.uk urging her to either support Lord Redesdale's Bill or to slot it into the Government's own Bill.

I hope this is clear and thank you all again for your ongoing support which is having an impact. We will win.

All the best

on

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Lithium-ion Battery Safety Bill [HL]

[AS INTRODUCED]

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- 1 Purposes
- 2 Lithium-ion batteries: BESS
- 3 Safety of lithium-ion batteries sold online
- 4 Safety of electric-powered micromobility vehicles containing lithium-ion batteries
- 5 Conversion to use of, and charging of, lithium-ion batteries in micromobility vehicles
- 6 Disposal of lithium-ion batteries
- 7 Consultation
- 8 Interpretation
- 9 Regulations
- 10 Extent, Commencement, and Short Title

[AS INTRODUCED]

A

BILL

TO

Make provision regarding the safe storage, use and disposal of lithium-ion batteries; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Purposes

- (1) The first purpose of this Act is to better protect—
 - (a) householders, and
 - (b) communities
 from the dangers of lithium-ion batteries. 5
- (2) The second purpose of this Act is to increase public confidence in, and acceptance of, Battery Energy Storage Systems (BESS).
- (3) Any person discharging any function under this Act must have regard to those purposes.

2 Lithium-ion batteries: BESS 10

- (1) Before approving a planning application for stand-alone Battery Energy Storage Systems (BESS) that consist partly or wholly of lithium-ion batteries, a planning authority must consult—
 - (a) the Environment Agency,
 - (b) the Health and Safety Executive, and 15
 - (c) the local fire and rescue service for the relevant area.
- (2) The Secretary of State may within 12 months of the passing of this Act, by regulation, make provision regarding the granting of environmental permits for stand-alone BESS facilities that consist partly or wholly of lithium-ion batteries. 20

3 Safety of lithium-ion batteries sold online

- (1) The Secretary of State must, within one year of the passing of this Act, make regulations requiring the operator of any online marketplace to take reasonable steps to ensure that—
- (a) all goods containing lithium-ion batteries offered for sale in their online marketplace comply with—
 - (i) the General Product Safety Regulations 2005 (S.I. 2005/1803) (“the 2005 Regulations”),
 - (ii) such other safety requirements as the Secretary of State may by regulations specify, and
 - (b) no goods containing lithium-ion batteries offered for sale in the online marketplace have been the subject of a notification—
 - (i) to an enforcement authority under Regulation 9 of the 2005 Regulations, or
 - (ii) served by an enforcement authority under Regulations 15 or 39 of the 2005 Regulations, or
 - (iii) under Article 19 of Regulation No 765/2008 of the European Parliament and of the Council on Accreditation and Market Surveillance.
- (2) Regulations under subsection (1) may make different provision in respect of different types of goods containing lithium-ion batteries.
- (3) Regulations under subsection (1) may include provision—
- (a) creating criminal offences punishable with a fine in respect of failures to comply with the regulations,
 - (b) about such offences, and
 - (c) for, about, or connected with, the imposition of civil sanctions.

4 Safety of electric-powered micromobility vehicles containing lithium-ion batteries

- (1) A person must not, after three months of the day on which the Secretary of State has published a list under subsection (2), place on the UK market any electric-powered micromobility vehicle powered by a lithium-ion battery or a lithium-ion battery used to power electric-powered micromobility vehicles unless—
- (a) conformity assessment procedures have been carried out by a conformity assessment body (“CAB”) authorised by the Secretary of State to carry out such assessments,
 - (b) the manufacturer has drawn up the technical documentation and declaration of conformity, and
 - (c) the electric-powered micromobility vehicle powered by a lithium-ion battery and the battery used to power such vehicles bear the CE or UKCA mark to demonstrate conformity with designated or harmonised standards.

- (2) The Secretary of State must, within six months of the passing of this Act, publish a list of CABs that can carry out conformity assessment procedures under subsection (1).
- (3) Where, in the opinion of a CAB, a product covered by this Act has met the essential safety requirements of applicable regulations, the CAB must issue a certificate of conformity to the manufacturer. 5
- (4) Where a certificate of conformity has been issued under subsection (3), a manufacturer must display a CE or a UKCA mark on any relevant product before it is placed on the UK market.
- (5) A person must not display a CE or a UKCA mark on any product covered by this Act unless a certificate of conformity has been issued for the product given in accordance with this Act. 10
- (6) The Secretary of State may, by regulations, make provision—
 - (a) creating criminal offences punishable with a fine in respect of failures to comply with the obligations in this section, 15
 - (b) about such offences, and
 - (c) for, about, or connected with, the imposition of civil sanctions.

5 Conversion to use of, and charging of, lithium-ion batteries in micromobility vehicles

- (1) The Secretary of State must, within 12 months of the passing of this Act, make regulations regarding safety standards for—
 - (a) the conversion kits of micromobility-vehicles that run on lithium-ion batteries, and
 - (b) the use of proprietary or non-proprietary charging systems of micromobility vehicles powered by lithium-ion batteries. 25
- (2) The Secretary of State must, within six months of the passing of this Act, consult such persons as they consider appropriate about whether to implement a measure prohibiting the sale of universal chargers for electric-powered micromobility vehicles until regulations under subsection (1)(a) or (b) have come into force. 30

6 Disposal of lithium-ion batteries

- (1) The Secretary of State must, within six months of the passing of this Act, by regulations make provision regarding the disposal of lithium-ion batteries.
- (2) Regulations under subsection (1) must include a requirement for sellers of such batteries to—
 - (a) display a prominent warning about the dangers of improper disposal of such batteries not in accordance with those regulations, and
 - (b) attach as part of the sale—
 - (i) information regarding the cell chemistry of lithium-ion batteries, and
 - (ii) information regarding the safe disposal of such batteries. 40

- (3) Regulations under subsection (1) may not include any provision that would impose additional financial burdens on local authorities.

7 Consultation

Before making regulations under this Act the Secretary of State must consult representatives of such persons that they consider to have an interest in this matter. 5

8 Interpretation

In this Act, the following terms have the following meanings –

“conversion kit” is the electrical drive train, battery and charging system, that is fitted to a pedal bicycle to convert it to an electric bike; 10

“electric micromobility vehicle” means electric scooters or electric bicycles powered by secondary lithium-ion batteries;

“lithium-ion battery” means a secondary (rechargeable) battery with an organic solvent electrolyte and positive and negative electrodes which utilize an intercalation compound in which lithium is stored; 15

“proprietary charging system” comprises of a manufacturer specified plug and socket system designed only to operate in combination with each other;

“non-proprietary charging system” comprises of a non-manufacturer-specified plug and socket system consisting of a standardised plug and socket and a communications protocol; 20

“communications protocol” is a formal description of digital message formats and rules for communicating between devices;

“stand-alone Battery Energy Storage System (BESS)” is a grid scale energy storage system, consisting wholly or partly of lithium-ion batteries to store energy. 25

9 Regulations

- (1) Regulations under this Act are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament. 30

10 Extent, Commencement, and Short Title

- (1) This Act extends to the whole of the UK, but does not apply in Scotland, Wales or Northern Ireland until a resolution agreeing to the provisions of this Act is passed by – 35
- (a) in the case of Scotland, The Scottish Parliament;
- (b) in the case of Wales, Senedd Cymru;
- (c) in the case of Northern Ireland, The Northern Ireland Assembly.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Lithium-ion Battery Safety Act 2024.

Lithium-ion Battery Safety Bill [HL]

[AS INTRODUCED]

A

B I L L

TO

Make provision regarding the safe storage, use and disposal of lithium-ion batteries;
and for connected purposes.

Lord Redesdale

Ordered to be Printed, 29th July 2024.

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Teresa Strange

From: Alan Baines
Sent: 07 October 2024 15:04
To: Cleave, Julie; Teresa Strange
Cc: Rose, Martin
Subject: Re: LHFIG Request

Hello Julie,

Thank you for coming back to us on this matter.

The current bus stop provision immediately to the south of the proposed site entrance includes raised kerbs, a shelter and flag. Another northbound stop within a few metres is therefore not required. Hence the request to provide an additional southbound stop to alleviate difficulties experienced by mobile home park residents using the existing stop at their entrance, which has no kerb or footway, let alone raised kerbs. That is what is required. The Parish Council have established with Martin that there is scope for creating a section of new footway, incorporating a bus stop, in that location.

I hope that helps to clarify the situation.

Thank you,
Alan

Cllr. Alan Baines
Bowerhill Ward
Melksham Without Parish Council

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From: Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>
Sent: 07 October 2024 14:47
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Cc: Alan Baines <alan.baines@melkshamwithout-pc.gov.uk>; Rose, Martin <martin.rose@wiltshire.gov.uk>
Subject: RE: LHFIG Request

Hi Teresa,

The developer is obliged to provide an improvement to the existing bus stop to the south of the proposed site entrance, to include raised kerbs and a bus stop flag. This is what the planning approval was for and the subsequent S38 / S278 agreement.

I am aware there is a desire to have a bus stop located opposite, near the entrance to the Mobile Home Park. It is not clear where this could be positioned due to the lack of highway verge and footway. I am not sure the developer would agree to a change to the obligation which is going to cost them more (in terms of constructing a new section of footway).

You mention you have entered into discussion with the developer to get the S106 changed, is this to change the requirement for the bus stop?

I have emailed our Passenger Transport team to ask if buses are still stopping on the site side where the bus stop improvements are currently planned to take place.

Kind regards,

Julie Cleave MCIHT
Highways Development Control Engineer (Level 3)
Sustainable Transport
(Part time: Mon – Thurs)

Wiltshire Council

Tel: 01225 713463
Email: Julie.Cleave@wiltshire.gov.uk
Web: www.wiltshire.gov.uk
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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Monday, October 7, 2024 12:39 PM
To: Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>
Cc: Alan Baines <alan.baines@melkshamwithout-pc.gov.uk>
Subject: FW: LHF1G Request

Hi Julie
Please see below, can you advise further please? We have entered into discussions with the developers to get the s106 changed.
Many 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
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From: Rose, Martin <martin.rose@wiltshire.gov.uk>
Sent: 01 October 2024 16:36
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: RE: LHFIG Request

Hi Teresa,

I was recently copied into an email from Julie Cleeve in our development control team relating to the proposed bus stop on Semington Road provided for northbound buses located to the south of the access point to the development site. There appears to be a view that buses will no longer stop here and therefore isn't required. I've told Julie that the PC are looking for a change to The S106 to allow for bus stop provision on the east side (mobile home park side)

You may wish to drop Julie a line to ensure everyone is on the same page julie.cleeve@wiltshire.gov.uk

Regards

Martin Rose IEng, FIHE, MCIHT, CMgr MCMI
Principal Engineer – Traffic Engineering
Highway Asset Management and Commissioning
Wiltshire Council ,
County Hall, Bythesea Road
Trowbridge BA14 8JN



Email: martin.rose@wiltshire.gov.uk
Web: www.wiltshire.gov.uk

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<http://www.wiltshire.gov.uk/mywiltshire-online-reporting>

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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Wednesday, July 31, 2024 11:03 AM
To: Rose, Martin <martin.rose@wiltshire.gov.uk>
Subject: RE: LHFIG Request

Thanks Martin, will do!

So frustrating, when the parish council are not listened to when they point these sort of things out at the time!
It was agreed in a closed room by WC solicitors and the developers and Planning Inspector – and not in the public hearing in the room earlier that day that we were attending!
I will send to development control.....

From: Rose, Martin <martin.rose@wiltshire.gov.uk>
Sent: 31 July 2024 10:57
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: RE: LHFIG Request

Hi Teresa,

If you are looking to make a change to the planning conditions i.e. omit the requirement for a bus stop (northbound) and replace with a new stop for southbound buses you will need to speak to our development control team in the first instance to see if it is indeed possible.

Regards

Martin Rose IEng, FIHE, MCIHT, CMgr MCM1
Principal Engineer – Traffic Engineering
Highway Asset Management and Commissioning
Wiltshire Council ,
County Hall, Bythesea Road
Trowbridge BA14 8JN



Email: martin.rose@wiltshire.gov.uk
Web: www.wiltshire.gov.uk

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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Tuesday, July 30, 2024 4:03 PM
To: LHFIGrequests <LHFIGrequests@wiltshire.gov.uk>
Cc: Rose, Martin <martin.rose@wiltshire.gov.uk>; Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>; Alan Baines <alan.baines@melkshamwithout-pc.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Subject: FW: LHFIG Request

Dear LHFIG

An additional piece of information for the request for the footway and bus stop.
We were sure that there was a bus stop being provided by the developer, but couldn't find in the s106 or decision notice, but Cllr Baines has found in the Appeal paperwork!

It's part of Condition 14 of the Schedule of Conditions in the Inspector's report from the Appeal APP/Y3940/W/21/3285428.

Extract from Appeal Inspector's schedule of conditions:

14) Prior to the occupation of the first dwelling details shall be submitted for approval to the local planning authority of a new bus stop to be provided for northbound buses located to the south of the access point to the site.

The new bus stop shall include high access kerbs, improved footway surfacing at the location of the high access kerbs, and a bus stop flag sign with timetable case. The bus stop details when approved shall be implemented prior to occupation of the first dwelling.

It only requires a new bus stop for northbound buses, located to the south of the access point to the site. However, that would put it within touching distance of the recently provided stop/shelter for Bowood View, so the request of the parish council is to have one for southbound buses instead, please.

With kind regards, Teresa

From: Lorraine McRandle <office@melkshamwithout-pc.gov.uk>

Sent: 30 July 2024 15:10

To: LHFIGrequests <LHFIGrequests@wiltshire.gov.uk>

Cc: Rose, Martin <martin.rose@wiltshire.gov.uk>; Seed, Jonathon <jonathon.seed@wiltshire.gov.uk>; Alan Baines <alan.baines@melkshamwithout-pc.gov.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Subject: LHFIG Request

Dear LHFIG

Please see attached 2 LHFIG requests for consideration at the next LHFIG meeting in August.

Both requests were approved at our Full Council meeting last night.

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
www.melkshamwithout-pc.gov.uk

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Teresa Strange

Subject: FW: Bowood Risk Assessment

From: Keith Phillips <**Sent:** 03 October 2024 11:41
To: Andy Thompson <Andy.Thompson@wiltshire.gov.uk>; Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>
Cc: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; Shona Holt <shona.holt@melkshamwithout-pc.gov.uk>
Subject: Fwd: Bowood Risk Assessment

Hi Andy

Apologies for adding to your Bowood File but having received this Risk Assessment today , I thought it might be helpful for you and the Parish Council a) to see the assessment and b) my response in **RED**.

Begin forwarded message:

From: Keith Phillips <
Subject: Bowood Risk Assessment
Date: 3 October 2024 at 11:35:07 BST
To: Michael Hough <Michael.Hough@firstport.co.uk>
Cc: Toby Mitchell <

Dear Michael.

Thank you for providing a copy of the risk assessment.

My comments on each element is in **red** as follows.

Dear Directors

With First port safety team, they have highlighted these recommendations for the estate, they are recommendations and not a substantial/ intolerable Risk. As directors and managing agent I'd like to highlight these points that have been raised on our system for consultation. If we feel they are not required, we then make that decision.

I am aware we have opened communication on the first point. Id like to highlight the rest, this way we can document each area of concern and collectively make a recommendation.

- Does the client have arrangements in place for gritting pedestrian traffic routes during cold, inclement weather when there is a risk of ice/snow No grit bins were seen on site. The client should ensure that they have arrangements in place for gritting pedestrian routes in inclement weather.

As indicated in my previous note, Wiltshire Highways Authority have indicated they do not encourage the use of grit bins on new developments and that they cannot be installed on adoptable land. In summary, it is our decision not to proceed with their provision.

- Does the client have arrangements in place for gritting traffic routes during cold, inclement weather when there is a risk of ice/snow No grit bins were seen on site. The client should ensure that they have arrangements in place for gritting traffic routes in inclement weather.

Highways are not our responsibility. Estate roads will be adopted by Wiltshire Council in 2025. This is a matter for the Highways Authority.

- Are speed control signs displayed where necessary No speed control signage was seen. Though difficult to achieve high speeds on the estate, the client should consider installing speed signage.

Again this is a Highways Authority matter but note there are 20 MPH signs at the entrance to the development.

- Are sufficient measures in place to prevent persons falling into water Though some areas of the estate have suitable barriers and guarding it is recommended that fencing be installed around the artificial reservoir. There was a football goalpost set near the artificial reservoir that suggest children do play near the area.

Having already hauled one small child out of one of the SUDS areas (now some 2' deep by the way), I have some sympathy with this BUT I doubt additional signage or indeed fencing will have any practical effect.

- Is suitable hazard warning signage displayed Suitable hazard signage was seen throughout the estate. Though it is recommended for more signage to be installed around the artificial reservoir to discourage children from playing near the area.

I think it naive to assume children will take any notice of hazard signage and in my experience will simply see such signs as a challenge.

If I could please have a response from each director below each point to indicate if we feel this is required.

In conclusion, whilst these recommendations are all recognised as very laudable, in my view First Port should concentrate hard on bringing the development up to standard in the context of its general appearance, particularly with regard to grass cutting, hedge management, treating and eradicating areas overgrown with weed, removal of dead trees and collapsed hedgerows.

I trust this is helpful.

Keith Phillips
Director

3/10/2024

Teresa Strange

From: Teresa Strange
Sent: 10 January 2024 10:37
To: 'Thomas, Nic'
Cc: Holder, Nick; Lorraine McRandle
Subject: RE: Requests for s106 planning obligations from Melksham Without Parish Council - 650 dwellings at Blackmore Farm PL/2023/01949

Hi Nic

Many thanks for this, I think for the parish council, its more about the principle of what is included in the s106 rather than specifics of wording (whether they will be the owners of play areas for example).

The two pending for 650 dwellings and 300 dwellings in the east of Melksham are the pressing ones – but due to the NPPF changes the parish council are awaiting your review as mentioned in your other email – to see if they will now be refused.

Thanks for coming back to us on this, we look forward to taking part in your pilot.

With kind regards, Teresa

From: Thomas, Nic <Nic.Thomas@wiltshire.gov.uk>
Sent: 10 January 2024 10:07
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Cc: Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Subject: RE: Requests for s106 planning obligations from Melksham Without Parish Council - 650 dwellings at Blackmore Farm PL/2023/01949

Hi Teresa,

Apologies for the delay getting back to you about this. I have spoken colleagues about it and hope we can introduce a pilot scheme where we build in 'informal' consultation with Melksham Without PC on all new S106 agreements. If this works ok, we can then potentially roll it out wider. I need to bottom out whether this applies to some rather than all agreements and also what stage we share a draft with the Parish Council as quite often there are numerous draft versions of the agreement in circulation as the wording evolves. I will come back to you shortly on this.

Kind regards,

Nic Thomas
Director - Planning

Wiltshire Council

Tel: 01225 713283

Email: nic.thomas@wiltshire.gov.uk

Web: www.wiltshire.gov.uk

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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Monday, November 6, 2023 5:45 PM
To: Thomas, Nic <Nic.Thomas@wiltshire.gov.uk>
Cc: Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Subject: FW: Requests for s106 planning obligations from Melksham Without Parish Council - 650 dwellings at Blackmore Farm PL/2023/01949

Dear Nic

I hope that this email finds you well....

You will hopefully recall that we met with you before Christmas to raise a concern about s106 agreements and the lack of involvement with parish councils, and that they only see them when they have already been approved. I raised it again when you visited our offices regarding the review of the Melksham Neighbourhood Plan.... And you said that a process was on its way following a Peer Review, but to raise anything now that the parish council would like to get involved with.

They would very much like to get involved with the planning application for 650 dwellings at land at Blackmore Farm PL/2023/01949, and be heard on any requests for conditions and/or the s106 agreement. Unfortunately we have just had all the requests from the parish council ignored yet again, please see below, so are keen to ensure that this does not happen yet again.

We look forward to hearing from you on how we can have an input or at least see what is proposed and comment on it.

With many thanks,
Kind regards,
Teresa

Teresa Strange
Clerk & Responsible Financial Officer
Melksham Without Parish Council
First Floor
Melksham Community Campus
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From: Teresa Strange
Sent: 06 November 2023 17:39
To: Green, Kenny <Kenny.Green@wiltshire.gov.uk>
Cc: Nick.Holder@wiltshire.gov.uk; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Subject: FW: Requests for s106 planning obligations from Melksham Without Parish Council

Hi Kenny

I am contacting you as we have just experienced exactly the same issue as we have been having for some time now, despite us raising it several times.

At the Hearing for the Planning Appeal into Land south of Western Way (2022/08504) a week or so ago the Inspector agreed with the two parties (Wiltshire Council and Hallam Land) the draft s106 agreement, in case the appeal is upheld.

This is yet another s106 agreed with no reference to the requests made by the parish council throughout all the pre app and planning application comments (requests to be involved in the process for public art, to be considered for adoption of the play area etc).

I spoke to Steve Sims afterwards and he explained that there is no process for this to happen. When we have raised it with Nic Thomas directly he explained that a process is coming, but for us to raise our comments throughout the application process, which is what we have done.

Is there any way we can move this forward, as at the moment the parish council's requests are just falling on deaf ears.

With kind regards,

Teresa

Teresa Strange
Clerk & Responsible Financial Officer
Melksham Without Parish Council
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Market Place, Melksham
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From: Green, Kenny <Kenny.Green@wiltshire.gov.uk>

Sent: 23 May 2023 07:10

To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>; Sims, Steven <Steven.Sims@wiltshire.gov.uk>; Guest, Karen <Karen.Guest@wiltshire.gov.uk>

Cc: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>; Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>

Subject: RE: Requests for s106 planning obligations from Melksham Without Parish Council

Good morning Teresa

Thank you for your email.

I have copied in the two case officers for the two live cases cited below.

Steve Sims was of course present at the recent WAPC meeting when you verbally brought this matter for a different site to committee member's attention (and my own), and whilst not wishing to prejudge the respective case officer's recommendations, I would expect them to take on board the parish council's 'interest' in taking on the play area space should the application(s) be supported.

Ruaridh/Steve - Should that be the case, the respective report(s) would need to have a dedicated play space bullet point covering the s106 heads of terms and you should be raising the matter as an option set out below with the developers prior to any committee exposure or legal instruction. It cannot and should not be left to the s106 preparation stage.

Best wishes,
Kenny

Kenny Green (BA, MA (Hons) MRTPI)

Development Management Area Team Leader Central Team

Place Directorate

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Ext 15251

Email: kenny.green@wiltshire.gov.uk

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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Sent: Monday, May 22, 2023 3:26 PM

To: Green, Kenny <Kenny.Green@wiltshire.gov.uk>

Cc: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>; Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>

Subject: Requests for s106 planning obligations from Melksham Without Parish Council

Dear Kenny

Following on from this useful response to the parish council's queries on having any requests for planning obligations to be included in a s106, or their interest in taking on assets such as play areas; I thought it useful to highlight two current planning applications, that are pending outline decisions, where such requests have been made.

In both cases, the parish council objects to the applications, for a variety of reasons, but have put in requests in case Wiltshire Council are minded to approve. Below, I list the applications, with a link to the parish council's comments. If there is a way that these can be highlighted in the way you suggest below, we would be grateful. Kind regards, Teresa

PL/2023/01949

Site Address

Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS

Proposal

Outline permission with some matters reserved for demolition of agricultural outbuildings and development of up to 650 dwellings; land for primary school; 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 development of the site (access only).

<https://development.wiltshire.gov.uk/pr/s/web-comment/a073z00001PBI8WAAT/melksham-without-parish-councils-comment>

PL/2022/08155

Site Address

Land to the West of Semington Road, Melksham, Wilts

Proposal

Outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved

<https://development.wiltshire.gov.uk/pr/s/web-comment/a073z00001JZk5BAAT/melksham-without-parish-councils-comment>

<https://development.wiltshire.gov.uk/pr/s/web-comment/a073z00001JZyvwAAD/melksham-without-parish-councils-comment?tabset-ae70b=2>

<https://development.wiltshire.gov.uk/pr/s/web-comment/a073z00001P8oPRAAZ/melksham-without-parish-councils-comment?tabset-ae70b=2>

Teresa Strange

Clerk & Responsible Financial Officer

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From: Green, Kenny <Kenny.Green@wiltshire.gov.uk>

Sent: 11 May 2023 11:45

To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Cc: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>; Richard Wood <richard.wood@melkshamwithout-pc.gov.uk>

Subject: RE: s106 for 144 houses at Semington Road discussed yesterday

Dear Teresa

Thank you for your email and for sharing various documents.

It is very disappointing that the s106 was not opened out to the parish council to be party to the legal agreement. It was not a case that I had any prior involvement with as the former head of service led on matters at SPC and liaised with the case officer throughout.

My suggestion on this topic to all concerned (including officers to take note and action), would be that when reports are being advanced for applications that require a s106, we should include a dedicated section under the title of say 'developer contributions and obligations' and for all cases whereby a parish or town council has made it known that they may be keen to take on the management and liabilities for a play area or open space, that should form part of a bespoke bullet point with the report – to define matters for any debate at committee or when an instruction is sent to the Council's legal team, so that the legal parties know who else to engage with as the legal agreement develops.

I followed that process for my urban extension development and multiple applications. Parishes/Town Council can always ultimately decide to pull out before a s106 is sealed, but where there is a willingness to take on new play facilities locally and not rely on a developer's management company, the report needs to have a section setting out such an option.

That would identify what is otherwise known as heads of terms to inform the preparation of the s106 and is best practice, although I do accept, it is not followed by everyone.

With best wishes,
Kenny

Kenny Green (BA, MA (Hons) MRTPI)
Development Management Area Team Leader Central Team
Place Directorate
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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: 11 May 2023 10:17
To: Green, Kenny <Kenny.Green@wiltshire.gov.uk>
Cc: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>; Richard Wood <richard.wood@melkshamwithout-pc.gov.uk>
Subject: s106 for 144 houses at Semington Road discussed yesterday

Hi Kenny

Firstly thank you for your time yesterday at the Western Area Planning Committee, the parish council are grateful that the concerns that they have been consistently raising for the life of this proposed development have been addressed.

I write further to your comments that it would be helpful if parish councils could let Wiltshire Council know if they are interested in taking on aspects of managing the development. The parish council were disappointed that despite raising at pre-application stage with both the applicants at outline and reserved matters stage, and raising with Wiltshire Council, that no discussions were held with the parish council at all. The first sight of the s106 agreement was when it was already signed and published online.

I have attached the parish council's submitted comments to the application and highlighted in each case where we have asked about adopting the play area. The parish council maintain all the play areas in their parish, whether owned by themselves, adopted from new developments or leased from Wiltshire Council. There is obviously a cost

implication to this, but they believe it provides a consistent service and quality to their residents, and a one stop shop in the parish for all play areas, the one at the David Wilson development will be the exception to this.

We attended a meeting at the end of last year with Cllr Nick Botterill and Nic Thomas, with our Wiltshire Councillors, to raise the general issue of how parish councils can engage with the planning department on what is included in s106 agreements, and any advice or help that you can offer would be useful as you can see that us raising it at pre-app and through the planning comments to the application has not worked on this occasion.

Thanks again for your help yesterday,
With kind regards,
Teresa

Teresa Strange
Clerk
Melksham Without Parish Council
Sports Pavilion
Westinghouse Way
Bowerhill, Melksham
Wiltshire, SN12 6TL
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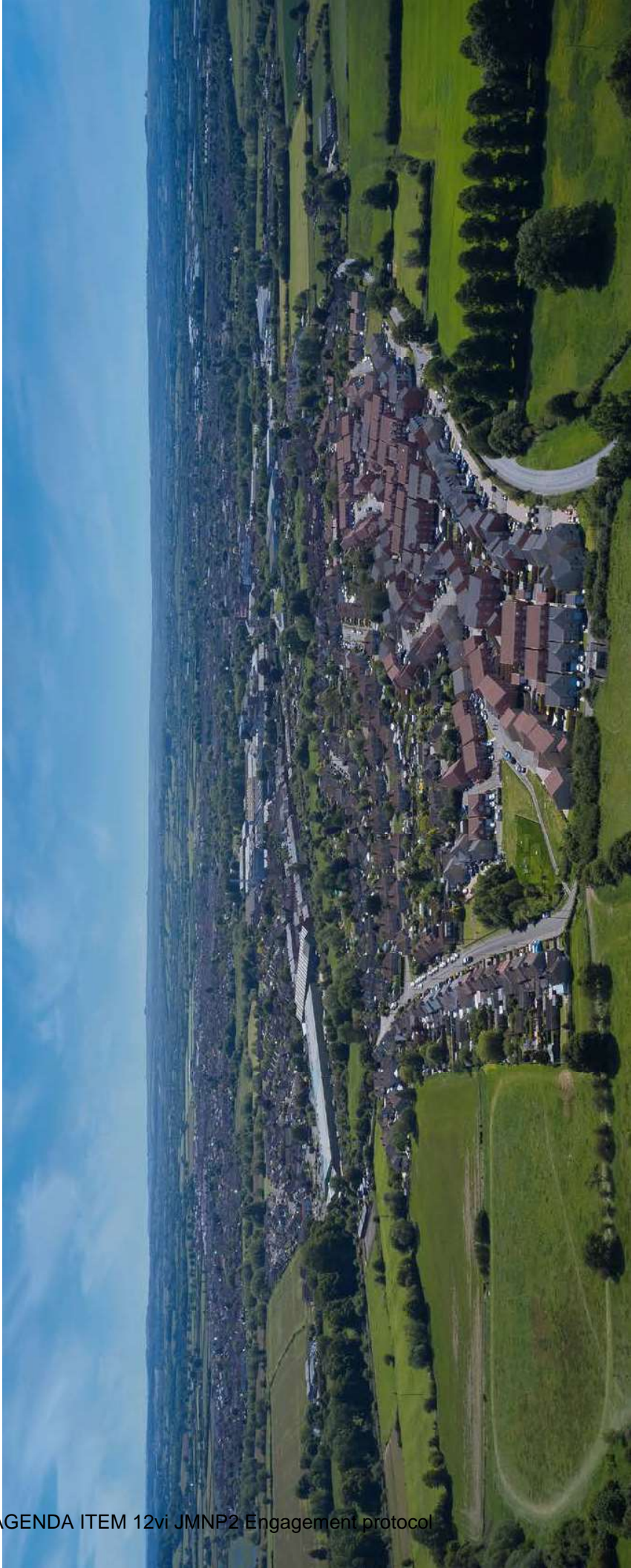
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Joint Melksham Neighbourhood Plan 2

2020 - 2038

Submission Plan September 2024



MELKSHAM
NEIGHBOURHOOD
PLAN

This policy helps meet objective 4: Enabling and promoting the importance of early community engagement in change and development.

Policy 5: Community Engagement

Applications that can demonstrate early, proactive, proportionate and effective engagement with the community will be looked on more favourably than applications that have not, in line with National Planning Policy. Pre-application community engagement is also expected for Reserved Matters Applications as well as Outline or Full.

Potential applicants are therefore encouraged to follow the approach set out in the Melksham Community Engagement Protocol and the Wiltshire Council Statement of Community Involvement.

The reason for the policy

4.6.1 When introduced at an early stage, community involvement can change the form and nature of a development for the better – it affects land use.

4.6.2 The importance and benefit of community engagement is strongly endorsed in national planning policy and guidance as key to shaping high quality places to live. The National Planning Policy Framework stresses that “Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community”.¹⁵

4.6.3 Early discussion between applicants and the local community, as well as with the Local Planning Authority, from the earliest stages enables a more collaborative approach to the process of preparing a development proposal that will need to balance many factors as the design evolves. “Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective

15. National Planning Policy Framework, 2023. para 39



Housing and Infrastructure



engagement with the community should be looked on more favourably than those that cannot.”¹⁶

4.6.4 The Planning Practice Guidance Note on Design¹⁷ emphasises the importance of community engagement:

“Engagement activities offer an opportunity to work collaboratively with communities to shape better places for local people....It is important that local planning authorities or applicants demonstrate how all views are listened to and considered”.

4.6.5 The above policy and the Community Engagement Protocol (see Appendix 1, [page 120](#)) are intended to facilitate a structured approach to enable effective involvement of the local community in outline and full planning applications addressing all aspects of a proposal, from design and layout to issues on climate change and energy generation.

4.6.6 Although applicants cannot be required, only encouraged, to undertake early stage community involvement, putting in place a coherent and consistent approach, in the form of the Protocol, is a key way to deliver this mutual benefit. The nature and scale of engagement should be balanced in appropriate proportion to the scale and likely impact of any proposals.



16. National Planning Policy Framework, 2023. para 137

17. [Planning Practice Guidance. Design: Process and tools last update Oct 19](#)

Appendix 1 Community Engagement Protocol



Introduction

The prime aim of this Protocol is to do all possible to ensure that new development in the Neighbourhood Plan area delivers good quality places to live and work. Its use will also contribute to improved outcomes for the current and future communities, as well as assisting applicants to make applications that accord with this plan and with those of Wiltshire Council. It is crucial for success with these aims for the community engagement to start very early in the preparation of applications, working with the communities of Melksham via the Town and Parish Councils.

Use of this Protocol is without prejudice to the eventual judgement of either the Town or Parish Council on the merits of any final application, even if a good engagement process has been agreed and followed.

Pre-application community engagement is considered to be especially important in relation to any strategic site allocations made by Wiltshire Council, particularly with regard to any associated requirements for development briefs and master plans that are to be approved by Wiltshire.

Context

National

National Planning Practice Guidance and the National Planning Policy Framework (NPPF) make several mentions of the considerable value of pre-application involvement, for example, in NPPF paragraph 39:

“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.”

The [“10 Commitments for Effective Pre-application Engagement”](#) (Local Government Association, 2014) published nationally by a group representing planning, industry and community groups, states that:

“Early, collaborative discussions between developers, public sector agencies and the communities affected by a new development can help to shape better quality, more accepted schemes and ensure improved outcomes for the community. These discussions also avoid wasted effort and costs.”

Wiltshire

Wiltshire Council's Statement of Community Involvement (SCI)

2020 states that it encourages:
"developers and applicants to engage with local people and communities including Town and Parish Councils and with neighbours, when appropriate, before submission of a planning application. ... The government have stated that such engagement is discretionary, but it is strongly encouraged by the Council prior to the submission of applications for ten or more houses, or other large developments on sites of 1 hectare or more."

The SCI outlines in detail how communities can be involved in planning applications. It is acknowledged that whilst in the early stages of considering a development proposal, applicants may wish for any discussions with Wiltshire Council to be confidential, involvement of the local community can and should happen at the earliest possible stage.

Process

Whilst there is an emphasis on early and positive pre-application engagement in major development proposals, the approach should also apply to smaller developments in the plan area because these can have at least as much impact as larger ones. Melksham Town Council and Melksham Without Parish Council will play

their appropriate role in delivering high quality pre-application engagement with themselves and with the wider community in the early stage of proposals that come forward.

Melksham Without Parish almost entirely surrounds Melksham Town. For development that takes place on the periphery of one or other Council area, and within other places in Melksham Without that are of high importance to the town (such as the commercial areas located at Bowerhill and Hampton Park etc.), both Councils will play a role.

Therefore, in respect of development proposals affecting the commercial areas, or residential sites on the periphery of Melksham Town, both Councils should be consulted in pre-application engagement.

Drawing from the 10 Commitments and other guidance on best practice, potential applicants should work with Melksham Town Council and Melksham Without Parish Council to fulfil the following principles:

- **'Day One' contact:** By far the best results for all emerge when contact is made with the relevant Council, and through us with our local community, at the earliest possible point in the process; consulting people late with already prepared schemes is not productive. See the end of this Protocol for contact details

for the Town and Parish Councils. Wiltshire Council are also asked by the Town and Parish Councils to pass on contact details to applicants.

- **Agreed Process:** A key aim of this early contact is to discuss and agree the nature, scope, timetable, information and so forth of the engagement – i.e. the process to be followed. This should have particular regard to if and how both Councils should be involved in the process as noted above. For major development applications this will include Wiltshire Council.
- **Applicant Leadership but Shared Responsibility:** Although it is the applicant's role to lead and fund engagement, the Town and/or Parish Council will offer as much support as possible to any agreed process; for example by providing local information, contact details for local groups, advice on meeting places, access to newsletters and so forth.
- **Openness and Transparency:** Building trust between all and ensuring an agreed outcome depend heavily on having a process that is as open as possible on all sides, though the Town and/or Parish Council will respect any issues of clear commercial confidentiality.
- **Agreed Community:** A project may have an impact on a limited number of people or on all of the Town and/or Parish as appropriate. The details of those to be involved will need to be discussed and agreed for any project, as will the potential ways to contact and engage them.
- **Agreed Scope:** There will also need to be agreement about

the scope of the engagement, i.e. what is and is not open to change (e.g. layout, quantum of development, design etc.).

- **Proportionality:** The nature and scale of engagement will be balanced in appropriate proportion to the scale and likely impact of any proposals, for example small householder applications are very unlikely to need to undertake more than neighbour consultations.

- **Statement of Community Consultation:** For major development proposals applications, a statement of community consultation should be submitted. This should describe and summarise the outcomes of the engagement, demonstrating how the proposals have (or have not) responded to results. If they have not, a short note should be included to explain this. If the process has been followed fully, the Parish Council will endorse this report; if not they may submit their own evaluation of it*. For smaller development proposals, a short statement describing and summarising the outcomes of the engagement is encouraged.

Contact Details

Initial contact should be made at the very outset with the Town and/or Parish Councils:

townhall@melksham-tc.gov.uk

clerk@melkshamwithout-pc.gov.uk

The Town and/or Parish Council commits to doing all possible to arrange an initial meeting as soon as possible following contact.

Additional Notes

Melksham Without Parish Council will only consider taking on ownership and management of equipped play areas from developers, such as LEAPs (Local Equipped Area for Play) and NEAPs (Neighbourhood Equipped Area for Play) but not LAPs (Local Landscaped Area for Play).

*As in the opening proviso, endorsement of an engagement process and results does not necessarily mean support for the resulting proposals.

Statement of community involvement

July 2020

AGENDA ITEM 12vi Wiltshire Council Statement_of_Community_Involvement

Wiltshire Council

Wiltshire Council

Information about Wiltshire Council services can be made available on request in other languages including BSL and formats such as **large print** and audio.

Please contact the council on **0300 456 0100**, or by email on **customerservices@wiltshire.gov.uk**

如果有需要我們可以使用其他形式（例如：大字體版本或者錄音帶）或其他語言版本向您提供有關威爾特郡政務會各項服務的資訊，敬請與政務會聯繫，電話：0300 456 0100，文本電話：(01225) 712500，或者發電子郵件至：
customerservices@wiltshire.gov.uk

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Statement of Community Involvement

July 2020

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1. Introduction

- 1.1. Planning affects us all, shaping the places we work and live along with the services and facilities we use. Planning decisions shape our lives and it is important that everyone can comment on and be involved in making these decisions. We need residents, businesses and other organisations to use local knowledge and expertise to help shape places and provide ideas as to what works well and what doesn't work as well so that we understand what you feel is best when making decisions in Wiltshire.
- 1.2. Wiltshire Council, as the local planning authority, must maintain a Statement of Community Involvement (SCI). The SCI is a legal requirement under the Planning and Compulsory Purchase Act 2004 and sets out how we will engage with our local communities and stakeholders on planning matters including both plan-making and decision taking.
- 1.3 We will work with local communities, businesses and other interested parties so that everyone can be well informed and understands how they can contribute, engage with and influence planning policy and decisions on planning applications.
- 1.4. Although this is a planning document the principles in the Statement of Community Involvement will also steer consultation on other relevant plans and policies such as the Local Transport Plan (LTP) and the Community Infrastructure Levy (CIL).



2. The planning system

- 2.1. The local planning authority is responsible for deciding where and how development takes place under a planning policy framework, made up of national policy (the National Planning Policy Framework and Planning Practice Guidance) and local policy as set out in their Local Plans and, the parish and town council's, Neighbourhood Plans. Policies in these plans are collectively known as the development plan.
- 2.2. The planning system is plan-led and decisions are made in line with the development plan, prepared in accordance with national policy, unless material considerations suggest otherwise. Our consultation approach therefore seeks local people to be involved in both shaping local policy, which is the starting point for making decisions, and in decision making on individual planning applications.

Plan Making and Place Shaping: Development Plan Documents (DPDs)

- 2.3. The Planning and Compulsory Purchase Act 2004 requires all local planning authorities to prepare what is called a 'development plan'.
- 2.4. Development plans can consist of an individual document or a series of planning documents however, taken together, these documents form the Local Plan for an area and provide a vision and framework for its future development. More specifically the documents must set out our priorities for land use and development and provide a comprehensive set of policies to address both strategic priorities and non-strategic planning matters across Wiltshire.
- 2.5 Our Local Development Scheme sets out the programme for development plan document preparation. It provides a starting point for the community and stakeholders

to find out what documents are being prepared, timeline for their preparation and consultation opportunities.

Supplementary Planning Documents (SPDs)

- 2.6. Local planning authorities can choose to develop separate documents to provide additional detailed guidance and principles for development, to amplify the policies set out in DPDs. SPDs can be used to provide further guidance for development on specific sites or on a particular issue, such as design. SPDs are a material consideration and must be considered when making planning decisions.

Development Management: Planning Applications

- 2.7. Planning applications are required where specific development is being undertaken at a specific location, which can range from householder extensions to their homes to proposals for larger schemes such as new shopping centres, offices and housing developments. These applications must be submitted for determination in accordance with the policies set out in the development plan alongside other material considerations.

Community engagement requirements

- 2.8. There are different requirements for consultation for each of these areas of planning and this SCI sets out who we will consult with and how we will do this.
- 2.9. Further information in relation to both plan making and planning applications can be found on our website www.wiltshire.gov.uk
- 2.10. If you still have questions the teams can be contacted via email and phone as outlined below.

For plan-making

spatialplanningpolicy@wiltshire.gov.uk
01225 713223

For planning applications

developmentmanagement@wiltshire.gov.uk
0300 456 0114

3. Who do we consult?

- 3.1. We are committed to open and honest dialogue with the community and try to include as many groups, organisations and individuals in the planning process as possible. This section details who we consider to be the Wiltshire community and how we will consult.

Plan Making and Policy Formulation

- 3.2. 'Our community' means residents, businesses, community and interest groups, town and parish councils, landowners, developers, adjoining local authorities, government agencies and any other individuals, groups and organisations interested in the development and use of land in Wiltshire. We have developed a list of consultees based on our past experience and previous consultation exercises. This list draws on central government advice, previous local plan making and other community planning processes. Anyone can request to be added to or removed from the list at any time by contacting the team as listed above.
- 3.3. The Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 18) sets out requirements for the consultation process in relation to plan-making and we must consult with certain bodies for some matters.
- 3.4. As well as these required bodies we also consult with "such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations" .
- 3.5. Sometimes issues will have a very localised impact within a certain parish or group of parishes, so consultation is

carried out on an area basis rather than with the whole Wiltshire community when this happens. This is subject to fulfilling the minimum legal requirements.

Planning Applications

- 3.6. For individual planning applications we are required to undertake a formal period of public consultation, prior to a decision. Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out requirements for the consultation process in relation to the different types of planning applications and any publicity necessary, for example when work affects a Listed Building. These are the minimum requirements which must be adhered to and will vary according to the scale, type of application and its location. Further information on the legal requirements for publicity can be found at www.legislation.gov.uk/ukxi/2015/595/contents/made

Our Existing Community Links

- 3.7. We have established strong links with communities through the Area Boards to inform decisions and shape local services.
- 3.8. There are 18 Area Boards across Wiltshire who provide a valuable way of identifying local priorities, discussing proposals, collecting evidence, publicising information and involving the community and its elected representatives in the development of plan and policy making.
- 3.9. The Area Boards have extensive links with town and parish councils, representatives of business, the voluntary sector, local people and community leaders, to develop community led-action plans which can form part of the evidence base

for the Local Plan.

- 3.10.** There are a range of strategic partnership bodies that we work with to develop more specific strategies and actions to improve the wellbeing of the people of Wiltshire. Examples include the Swindon and Wiltshire Local Enterprise Partnership, the North Wessex Downs Area of Outstanding Natural Beauty Council of Partners and the Stonehenge and Avebury World Heritage Site Partnership.
- 3.11.** Town and parish councils are the most local tier of democratic representation, providing a key link with local communities and are important consultees both for plan making and informing decisions on planning applications through providing important local knowledge. Town and parish councils also have the power to prepare neighbourhood plans, parish plans, village design statements and similar documents and many have already chosen to make such plans. A list of those parishes with adopted Neighbourhood Plans can be found on the Councils' website.
- 3.12.** The Wiltshire Assembly meets on a yearly basis bringing together around 300 partners to identify and agree actions to tackle topical issues of importance to Wiltshire. There is the opportunity for presentations or exhibitions if appropriate to the theme of the meeting.

4. How do we consult?

4.1. We particularly want to ensure that those who may not always be involved have their opportunity to speak out on planning matters, so we are keen to hear from those under represented groups including:

Under represented groups

Children and young people

Young adults

Lone parents

Those who don't speak English as their first language

Black and minority ethnic people

The Traveller community including Irish Traveller and Romany Gypsy community

Liveaboard boaters / boat dwellers

The military

People and community groups facing rural isolation

Residents who work outside Wiltshire

People who work in Wiltshire but live elsewhere

Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) community

Carers

4.2. We will work with other teams within the Council and with partner organisations to ensure we can reach as many different groups in society as possible.

4.3. In undertaking our statutory duties, we will also ensure that we meet the requirements of the Equality Act 2010. We will promote equality and diversity, and not unfairly discriminate against anyone who wishes to participate in the planning system.

4.4. We will use a variety of consultation methods, ensuring that those used are proportionate to the scale and impact of the proposal, appropriate to those we need to consult and within available

resources. Some examples of such methods are illustrated within Figure 1 below.



Figure 1 Illustration of some consultation methods Wiltshire Council may utilise when undertaking consultation

4.5. We need to ensure our consultation is valid and therefore we will need to ask for the names and addresses of consultees and any organisations that they represent (if appropriate). We may also need further information to help us understand who is responding so we can ensure wide involvement from the community and to help monitor our ways in which we consult to ensure we are reaching the right groups.

Duty to cooperate and cross-boundary working

- 4.6. We also have to work with our neighbouring authorities under the 'Duty to Cooperate' which requires councils to consider planning issues that extend beyond their own administrative boundaries. For example, we work closely with Swindon Borough Council on preparing our respective local plans and have prepared joint minerals and waste DPDs. In the south, a small part of Wiltshire is within the New Forest National Park which falls under the jurisdiction of the New Forest National Park Authority for planning purposes. All neighbouring authorities will be consulted on planning documents and planning applications, where appropriate.

5. What can I comment upon?

5.1. As well as explaining what we will do to involve local people, this document tells you what you can comment upon and how we will use the information provided to help make decisions. There are two processes, one for comments made on Local Plans and other planning policy documents and a second process for dealing with comments made on individual planning applications. The details for each are below as there are different requirements and ways to comment for each process.

Plan making and place shaping

Wiltshire development plan

Wiltshire Core Strategy (DPD) including saved policies from former district local plans

Waste and minerals DPDs

Neighbourhood Development Plans

Chippenham Site Allocations Plan and Wiltshire Housing Site Allocations Plan (DPDs)

Supplementary Planning Documents

Figure 2 Wiltshire Development Plan

- 5.2. Figure 2 illustrates the Wiltshire Development Plan, the main consideration when determining planning applications. The development plan is made up of several documents, some with individual themes, which together provide a vision and framework for the future of Wiltshire and set out policies for both land use and development.
- 5.3. Other documents not included within Development Plan include this Statement of Community Involvement (SCI) and the Local Development Scheme (LDS) which sets out the timescale for the production of development plan documents. The LDS, SCI along with monitoring documents are not subject to meeting the consultation measures outlined within the SCI.
- 5.4. Approved Supplementary Planning Documents (SPDs) in Wiltshire include the Waste Storage and Collection SPD and the Revised Planning Obligations SPD. SPDs can be used to provide further guidance for development on specific sites or on specific issues and, once adopted, are also a material consideration when determining planning applications.
- 5.5. Neighbourhood Plans once they are 'made' also form part of the development plan and a list of those adopted can be found on the council's website. Although neighbourhood plans in Wiltshire are prepared by parish and town councils, the local planning authority has responsibility for certain parts of the process, which is set out later in this SCI.

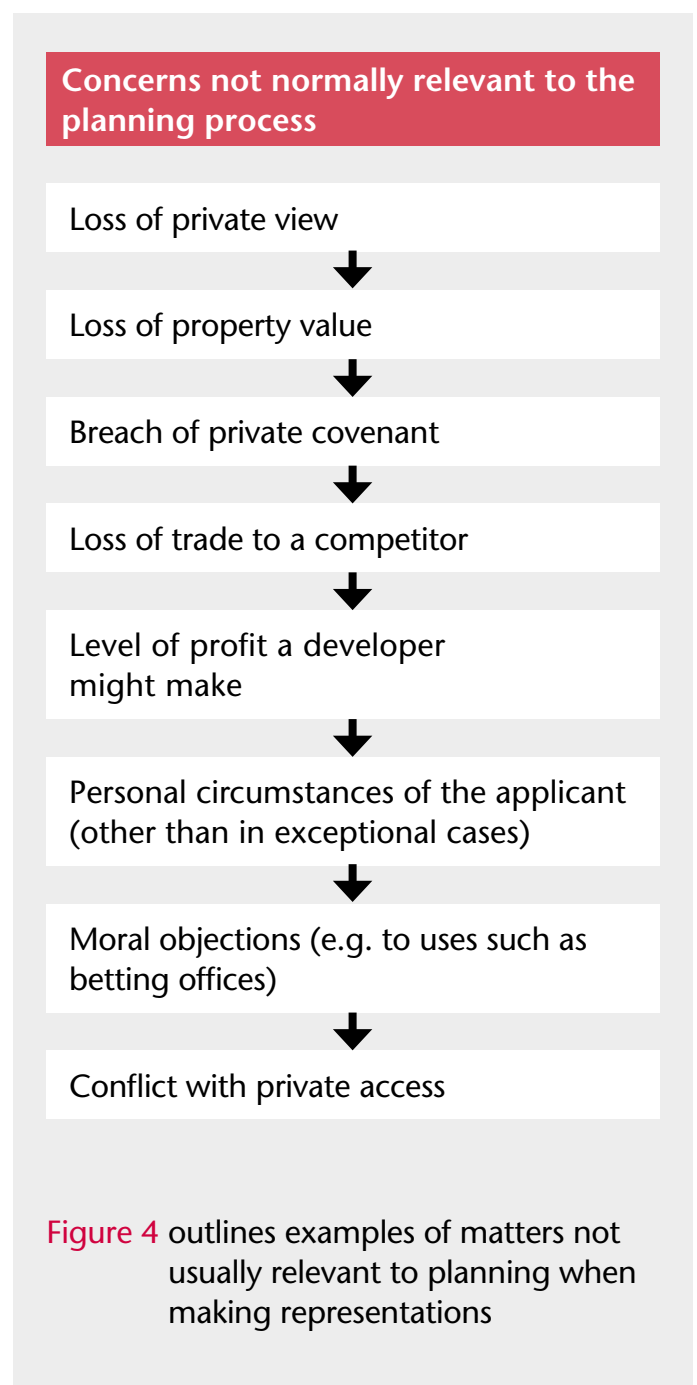
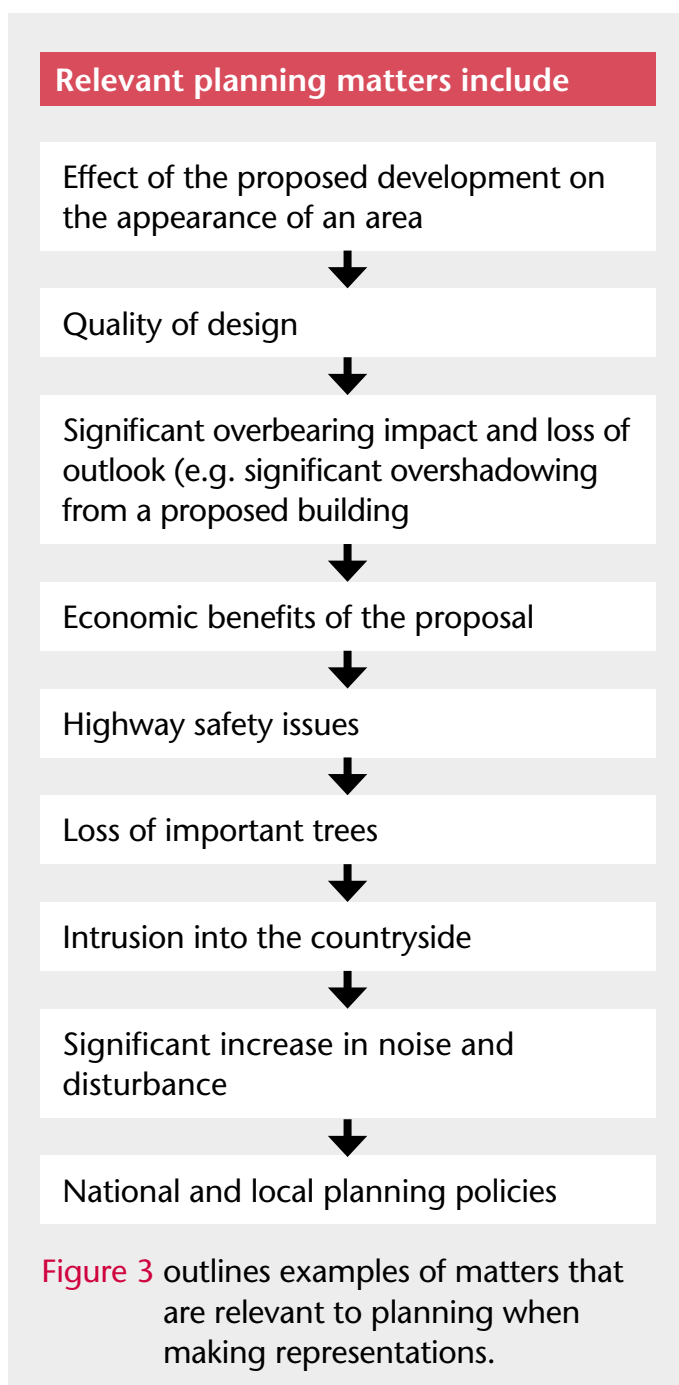
Development Management

- 5.6. Planning applications for a specific development in a specific location need to be determined having regard to the policies in the development plan and other material considerations. There are different requirements for consultation for the different types and scales of development and these are set out later within this SCI.

6. What is the best way to make a comment?

6.1. We would prefer you to contact us electronically as this saves time and cost. With both planning applications and the plan making process ways in which you can respond, along with timescales, will be set out in the information published when consulting. Oral, defamatory or anonymous comments cannot be taken into consideration, only relevant planning matters. Some examples of relevant planning matters are illustrated within Figure 3 and Figure 4 outlines those matters not usually relevant to planning.

6.2. When comments are received they will be uploaded to the relevant part of the website once some personal information, such as email addresses and personal signatures, have been removed where necessary.



7. How do I get more involved?

7.1. Flow charts setting out the formal procedures for development plan documents, supplementary planning documents and neighbourhood plans; mapped to the regulatory stages, are attached at Appendices 1 - 3. Figures 5 - 7 illustrate the stages at which community involvement takes place for each respective process.

Development Plan Documents

7.2. Producing a development plan document (DPD) is a lengthy process given there is a significant amount of technical evidence required and a wide range of input received from a variety of sources throughout the process. It is important that time is taken to consider all the evidence and involve the right people at the right time given the decisions made will have a long-term impact.

7.3. Throughout the process there will be ongoing engagement and exchange of information with key organisations and groups together with formal consultation periods during which anyone in the community can make comments. During periods of formal consultation all documents produced for consultation will be provided online with relevant documents and information made available for inspection at the principal Wiltshire Council offices and at other places in the area as we consider appropriate.

7.4. At key stages technical evidence will be published online as part of the evidence base and Sustainability Appraisal carried out to inform the preparation of the DPD.

7.5. Sustainability Appraisal is required by law and has a separate consultation procedure set out in the relevant regulations (Appendix 4) and is usually carried out alongside the stages of publication and consultation within the DPD preparation process.

7.6. There are minimum legal standards which we must achieve when preparing development plan documents which are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. However, we intend to go beyond these requirements and ensure that there is ongoing engagement and exchange of information with key organisations throughout plan preparation together with the formal periods of consultation (minimum 6 weeks for Development Plan Documents and 4 weeks for Supplementary Planning Documents).

7.7. Informal consultation will take place at an early stage to identify local issues and options for the future with formal consultations occurring as the plan goes through draft stages of preparation. Wherever possible Wiltshire will make every effort to undertake consultations outside August and the end of year holiday periods. However, where this is unavoidable, due to the need to make progress on development plan preparation, we will ensure a reasonable part of the consultation period lies outside of key holiday periods. The figures overleaf illustrate the key stages of the process.

Development Plan Document production

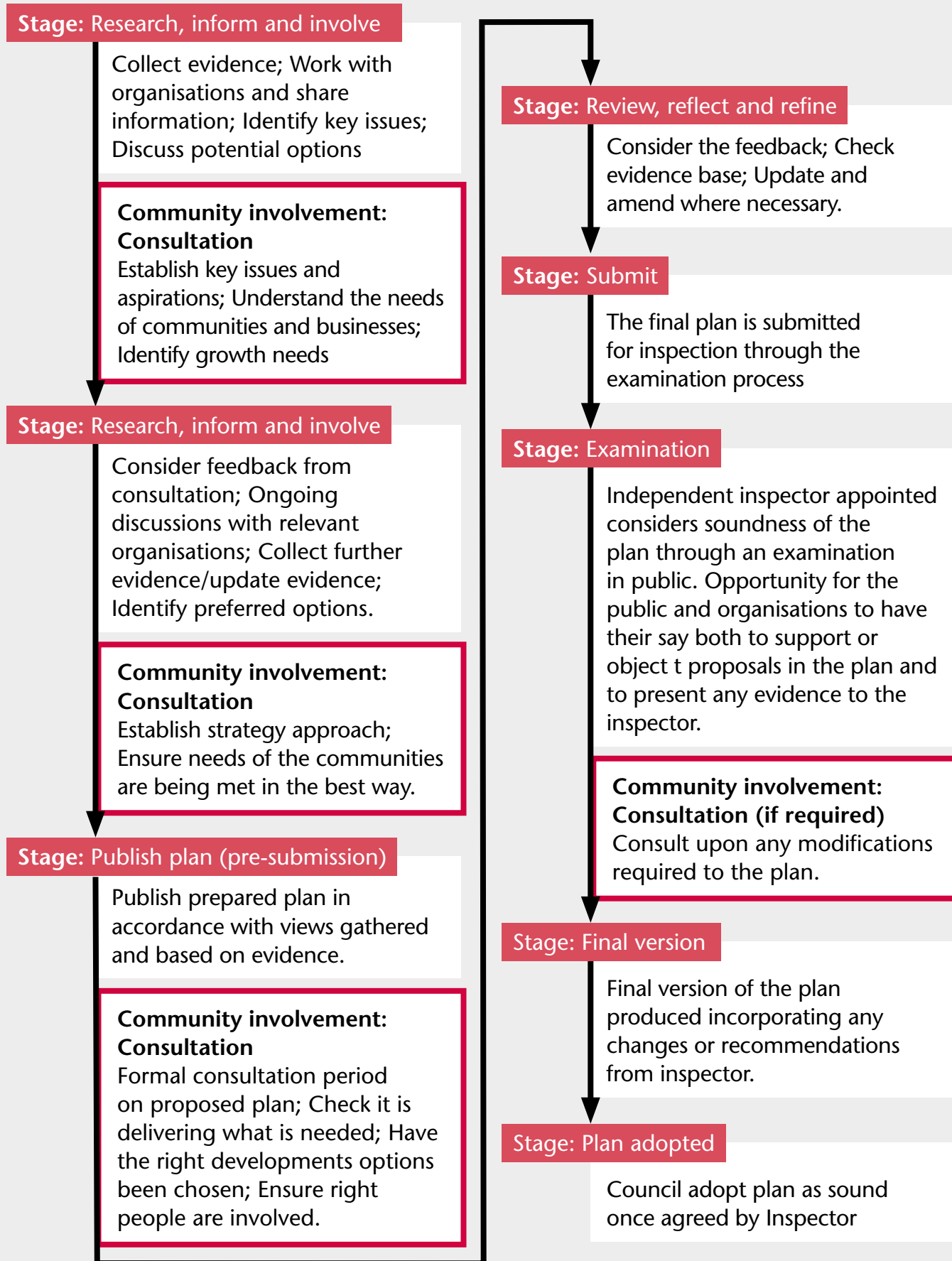


Figure 5 Illustrates the key stages and opportunities for community involvement in the preparation of Development Plan Documents

7.8. When undertaking consultation as part of Development Plan Document preparation, the minimum requirements for consultation are set out in the Town and Country Planning (Local Planning) England Regulations 2012 Part 6. Sections 18, 19, 20 and 22 relate to consultation on local plans. These legislative stages can be viewed at Appendix 1.

Supplementary Planning Documents

7.9. Illustration of the specific legislative stages of SPD production can be found at Appendix 2. There is a need to gather evidence, engage with relevant bodies, interested parties and the public but there is only one formal stage of consultation when comments are invited and there is no public examination by an appointed Inspector.

7.10. The Council will consider comments made through the consultation stage and will incorporate necessary changes to the document prior to adoption as Wiltshire policy. Although engagement and consultation will be undertaken, this may be targeted and made proportionate to the SPD subject matter, dependent upon the scale and impact of what is set out in the SPD. If the SPD relates to a specific topic or geographic area then a more targeted consultation may be undertaken.

Neighbourhood Planning

7.11. Neighbourhood planning enables communities to shape how their area will develop. A local parish or town council has the power to prepare a Neighbourhood Development Plan (NDP), Neighbourhood Development Order (NDO) or Community Right to Build Order.

7.12. A NDP sets out planning policies for the neighbourhood area which inform decisions on planning applications. A NDO grants planning permission in full or outline for a specific type of

development in a particular area, for example permission for a new building on a specific site. A Community Right to Build Order is a type of NDO and can be created by a local community organisation, and so not restricted to a town or parish council

7.13. The parish or town council, known as the Qualifying Body (QB), will lead neighbourhood planning in their area and may choose to establish a steering group to support them in preparing the plan. A steering group is made up of those who live and work in the neighbourhood area and they work together to produce the plan, engaging with their community.

7.14. Both NDP and NDO are prepared in consultation with residents and other stakeholders to reflect the aspirations and needs of the community. Community consultation is a key part of the process and is looked at during the examination of the plan, once submitted. The responsibility for ensuring that adequate consultation takes place during the preparation of a draft neighbourhood plan lies with the neighbourhood plan group itself. However, the local planning authority has responsibility for specific stages of the process, which is set out in legislation.

7.15. Neighbourhood planning was introduced by the Localism Act 2011 and further strengthened by the Neighbourhood Planning Act 2017. Neighbourhood plans must be prepared in accordance with legislation as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended) and The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016. These legislative stages can be viewed at Appendix 3.

7.16. Preparing a neighbourhood plan involves several key stages. Figure 6 sets out the key stages in the preparation of a NDP or NDO and who is responsible for the community involvement.

7.17. A NDP becomes 'made' following an examination by an Independent Examiner and/or after a referendum of the local community. Once 'made', the NDP becomes part of the statutory Development Plan. Legislation allows for made NDPs to be modified, requiring certain stages to be completed depending on the nature of the modification. Further information about each of these stages and the processes

involved, together with useful resources for neighbourhood planning, is available on the Wiltshire Council website.

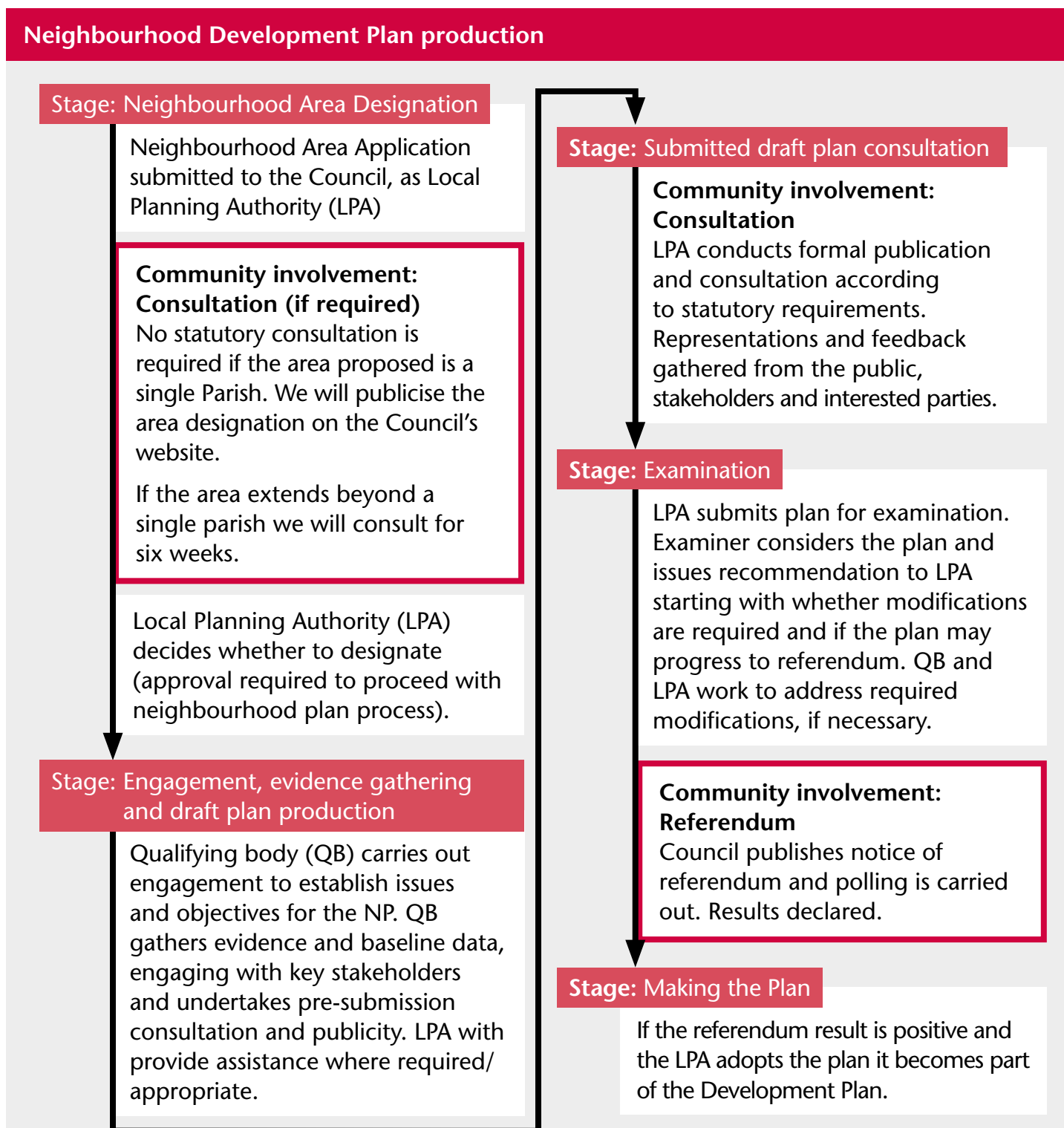


Figure 6 Illustrates the key stages and opportunities for community involvement in the preparation of neighbourhood plans.

7.18. There may also be other opportunities to be involved in decision making at the community level through the preparation of evidence for neighbourhood planning work or for Village Design Statements, Parish Plans or similar community led plans which are undertaken by some communities.

How Wiltshire Council supports Neighbourhood Planning

7.19. Wiltshire Council actively supports neighbourhood planning and is committed to providing advice and support to groups who wish to prepare and/or review neighbourhood plans and orders.

7.20. The complexity of a neighbourhood plan can vary depending on the local circumstances. Support provided to groups will therefore be tailored to their needs, and subject to available resources, which will include:

- A named contact officer, termed a 'link officer', who will provide guidance and support during the neighbourhood planning process
- Provide information and data to communities about neighbourhood planning as appropriate where necessary
- Attend meetings where the council's specific input is appropriate
- Provide comments on emerging NDP policies, or draft NDOs
- Provide advice on how to undertake community engagement and who to consult in relation to NDP and the additional requirements for NDO.

7.21. In addition to the support offered above, we will fulfil the necessary statutory requirements as set out in the relevant regulations in the formal process of developing, making and reviewing a

NDP and bringing into legal force a NDO. Wiltshire Council will exercise its responsibilities in relation to relevant parts of the neighbourhood planning process, making decisions in a timely manner within prescribed time periods. Further information on the statutory stages can be viewed at Appendix 3.

Master planning

7.22. We will involve the community in the development of a masterplan for a site or area as it is essential that communities help to shape how the built environment around them takes shape. Involvement in this process may take several forms depending on the type and scale of development proposed but will need to be a collaborative approach between the council, community, other stakeholders and landowners/developers to ensure that an overall strategy is agreed which takes account of the physical, social, economic and environmental needs of the area. There are no prescribed ways in which masterplans are developed but there are three broad stages as illustrated in Figure 7.

Stage: Inception meeting with all relevant community groups

- Need to establish scope for the masterplan
- Set timescale and limits for the project
- Agree partnership working



Stage: Ongoing working together

- Analysis of issues
- Consultation on draft
- Testing of proposals
- Refinement of ideas



Stage: Updating community on progress

- Consultation with community on any revisions or changes to masterplan

Figure 7 Illustrates indicative summary of community involvement within master planning process

8. How will you inform me?

8.1. It is important that we gain views from those most likely to be affected both by plan making and for individual applications and the ways in which we publicise and provide information on these is different.

Plan making

8.2. You can find all formal consultations in relation to DPDs and SPDs on the Council's website and/or interactive consultation portal where relevant consultation documents can be viewed or downloaded.

8.3. Details of how to comment through the consultation portal are provided online and registration is necessary: consult.wiltshire.gov.uk/portal

8.4. Throughout the DPD preparation process there are informal and formal stages that require public consultation. During each consultation the scope will be made clear and there will often be a list of questions available to direct your responses. For example, the scoping or ('Regulation 18') stage is in the early stages of plan-making and can be far reaching as we ask for comments on what the plan ought to contain whereas as we move through the process consultation becomes more focussed with the examination focusing

on the issues of 'soundness' and legal compliance.

8.5. We will use various ways to obtain comments and feedback during the development of planning policy and the various stages will require different levels of consultation, some formal and set out in legislation and some less formal. However, for each we are seeking to increase the knowledge of residents and communities about matters which may affect them. This provides opportunities for those interested to give us their opinions, share local knowledge and to formally engage through means such as workshops, exhibitions and public participation events.

8.6. We will select the most appropriate methods to achieve the aim of the consultation depending on the bespoke requirements of the community involvement we are undertaking. Examples of methods we may deploy when undertaking community involvement are illustrated in Figure 8.

Document deposit points

Documents will be made available for reading as is appropriate for the consultation. Deposit points may include Wiltshire council hubs and libraries.

Online

- Our website will be updated to publicise the progress of emerging planning documents
- Our website and consultation portal is the recommended way to view documents and make comments online.

Direct notification

Notification to interested bodies may include the following as appropriate:

- Invitation to comment
- Invitation to consultation/information events
- Notification to those individuals or bodies that the council considers would have an interest in the subject matter of the consultation

(In some instances, legislation may state who is to be consulted)

Face-to-face consultation

Face to face consultation methods may include the following as appropriate:

- Presentations
- Exhibitions or information events for members of the public to discuss proposals and find out how to make representations.
- For more specific issues requiring in depth discussion more involved engagement methods may be necessary including bespoke meetings and conversations or focus group sessions
- Virtual exhibitions
- Video conferencing and webinars
- Interactive meetings

Media advertising

Media advertising may be undertaken as proportionate to the consultation, examples including:

- Radio
- TV and video
- Newspaper publications
- Social media utilisation to advertise and advise about the consultation.

Figure 8 Example methods of community engagement that may be undertaken when progressing plan making consultations

Planning applications

- 8.7.** Details of each planning application received are displayed on our website. The website also allows comments to be submitted on planning applications electronically and this is strongly encouraged as the most appropriate channel for submission of representations. When a decision is made, copies of both the decision and officer's report are made available on the website.
- 8.8.** Once a planning application has been made valid and registered, the assessment of it can commence. Part of the process involves consultation which may include consulting with specialist organisations such as Natural England, Environment Agency and utility providers and consulting with internal Council teams, such as education, ecology, highways. These consultations are to establish whether the proposal is acceptable as it stands; what mitigation may be required to satisfactorily deal with its impacts, or whether the development would be contrary to the policies of the development plan and would have an unacceptable impact on important aspects of the environment and people's lives.
- 8.9.** We also consult with the community through Town and Parish Councils. We notify immediate neighbours that share a common boundary with the site where we consider they may be affected by a proposal. We arrange for the display of site notices at the site in the circumstances where they are required by the planning legislation. Some types of applications also require formal publicity through advertising in a local newspaper.
- 8.10.** The above requirement to consult on planning applications is set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 which also sets out the minimum period for advertisement before the local planning authority can make a decision which is normally 21 days (not including bank holidays). Discussion with applicants may be undertaken to seek to improve an application, or to narrow the focus of any disagreement. Such negotiations are not unusual and do not prejudice the outcome of an application. Where they result in additional or changed information being received as part of the consideration process, there may be a limited period of further consultation with consultees and/or communities of such changes. There is no minimum requirement for this further consultation period and it will be carried out if new issues are raised that could lead to further comments.
- 8.11.** We also encourage developers and applicants to engage with local people and communities including Town and Parish Councils and with neighbours, when appropriate, before submission of a planning application. This might be in the form of a public meeting or display of materials (online and/or at a public exhibition) when local people can make the developer aware of any views they have prior to the submission of an application. A reasonable time frame should be allowed by the developer for feedback. This will enable the developer to consider amending the plans in response to such suggestions before submission. The government have stated that such engagement is discretionary, but it is strongly encouraged by the Council prior to the submission of applications for ten or more houses, or other large development on sites of 1 hectare or more. If a developer submits an application that is considered to be unacceptable in principle, due to conflict with the policies of the development plan, it may be refused without further discussion with the applicant/agent.

Permitted Development

- 8.12.** Certain types of work or development may take place without the need for planning permission from Wiltshire

Council. Some forms of development do not require permission from the Council as they are 'Permitted Development' and thus have permission granted by the government through the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or through a local authority grant of permission (local development order, neighbourhood development order or community right to build order). Other forms of development are also permitted but require a 'prior notification' to the Council of the intention to undertake works. The Council will comply with the statutory requirements for publicity that apply to these applications but may not be able to undertake further notification due to the short time scales that the government allow Councils in these cases.

Pre-application Discussions

- 8.13. We encourage pre-application discussions for all types of application with the objective to advise whether the principle of development is acceptable and to clarify any supporting information and level of detail required for us to determine a possible application. Due to the sensitive nature of these very early discussions these will usually be confidential. However, as previously stated, applicants are encouraged to involve the community as early as possible in the process of developing their ideas especially where major development proposals are being brought forward. Town and Parish Councils are also encouraged to take advantage of pre-application discussions with developers and applicants when offered.

Minerals and Waste Applications

- 8.14. Although applications for minerals and waste follow the same procedures as for other applications and such uses are often temporary uses of land, the impact of some proposals can last for many years.

In such cases we will encourage sites operators for these forms of development to form local liaison groups between the Council, local community and operator to provide a forum for feedback and for the community to raise issues and concerns arising from the site's activities.

Planning Conditions

- 8.15. Once a planning application has been determined, if permission is granted, conditions may be attached. If these require the submission of further details, the Council will publicise the agreed details on the web site but will not carry out any public consultation on them as the principle of the development has already been agreed.

Appeals

- 8.16. If an application is refused, the applicant has the right of appeal (there is no third-party right of appeal if an application is approved). If an appeal is lodged, the Council will forward to the Planning Inspectorate who are responsible for determining the appeal a copy of all the representations received so that the Inspector can take them into account. The Council will notify those who have made representations on the application of the appeal to enable them to send any further additional comments they may wish to make to the Planning Inspectorate.

9. What Happens to the comments I make?

- 9.1. We will take any comments made into account both for plan making and decision taking; and where appropriate changes will be incorporated in the subsequent drafting of documents or we will seek to negotiate amendments or to discuss your comments with relevant organisations to seek their views, e.g. environment agency regarding flooding. All comments will be visible on the consultation portal or against the relevant planning application once they have been processed.
- 9.2. We prefer comments to be made to us online as this is quicker and means that your comments are more readily available, but we understand that not everyone can or wishes to contact us online and therefore written or emailed comments can be made but we cannot take your views by telephone or via social media.
- 9.3. The comments made by individuals and organisations will be balanced against evidence, comments from statutory bodies (based on their expertise), legal requirements, national and local policies, needs and interests.
- 9.4. Inevitably there will be times when the Council do not consider alterations to planning policy documents or planning applications is necessary.
- 9.5. In the case of plan making, individuals and groups will have a further opportunity to make their views known through the public examination process (see Figure 5 and Appendix 1).
- 9.6. The independent examination ascertains whether the DPD is sound and legally compliant. The examination usually involves informal discussions in the form of round table sessions which are held to discuss specific issues before the inspector. However, this stage and how it is conducted will be up to the discretion of the inspector to decide the scale, type and nature of discussions, as well as the timescale for people to be involved in the independent examination. The inspector will decide whether a hearing is necessary. We will publicise information about the progress of an examination on the website, including any information about a hearing. The inspector will have access to all the written comments made at the publication stage and will also have a report written by us summarising the main issues and the responses to them. Although the Inspector may still wish to hear verbal presentations from interested parties. The inspector may subsequently require us to make modifications to the plan before it goes on to be adopted by full council.
- 9.7. For individual planning applications consultation is slightly different. Some developers may wish to carry out pre-application consultation in a local area but there is no statutory requirement to do so, nor is any such consultation undertaken by the Council. However, we will encourage local consultation at an early stage where possible to ensure residents and communities are involved in formulating proposals and to raise awareness of schemes coming forward in the locality at the earliest opportunity.
- 9.8. Once a formal planning application has been made and is valid then the local authority will carry out consultation on that application according to the type and nature of the proposal and following the legislative requirements as previously described.
- 9.9. When comments are received they will be attached to the relevant file or consultation document and made available for others to see after removing personal information in line with the Council's privacy notices.

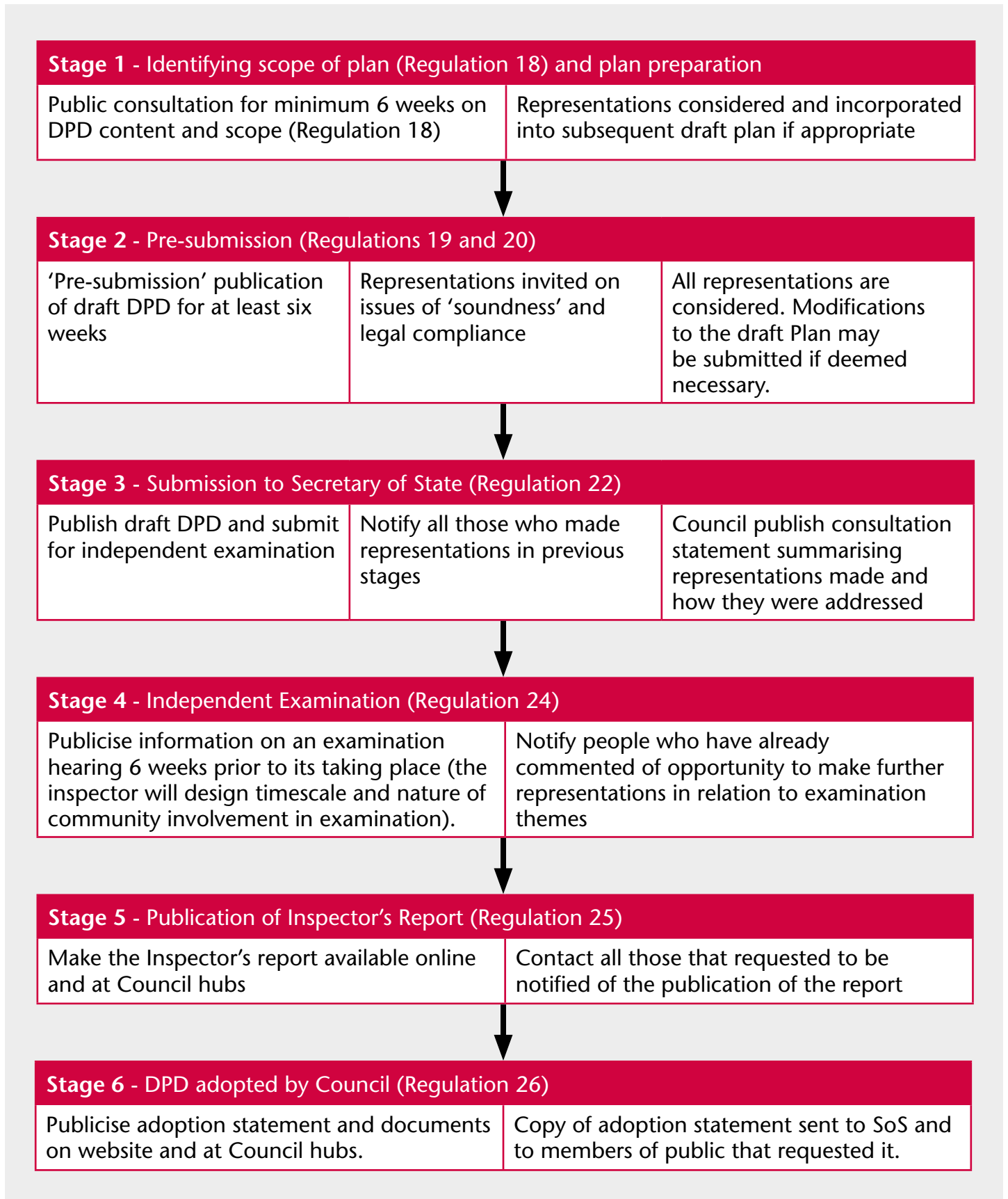
10. How will this Statement of Community involvement be updated?

- 10.1. This SCI will be monitored to ensure it meets any legislation and guidance set out at national level and remains effective. We will look at consultation methods and seek to ensure all community involvement is appropriate and proportionate. We will seek to capture information about who has been involved in consultation in the past to help to focus resources in the most appropriate manner to build strong and resilient communities where everyone can help shape the places in which they live, work and socialise.
- 10.2. Should we need to amend the SCI we will do so in an expedient manner and will ensure that the SCI reflects the needs of the community as well as complying with legislation.

Appendix

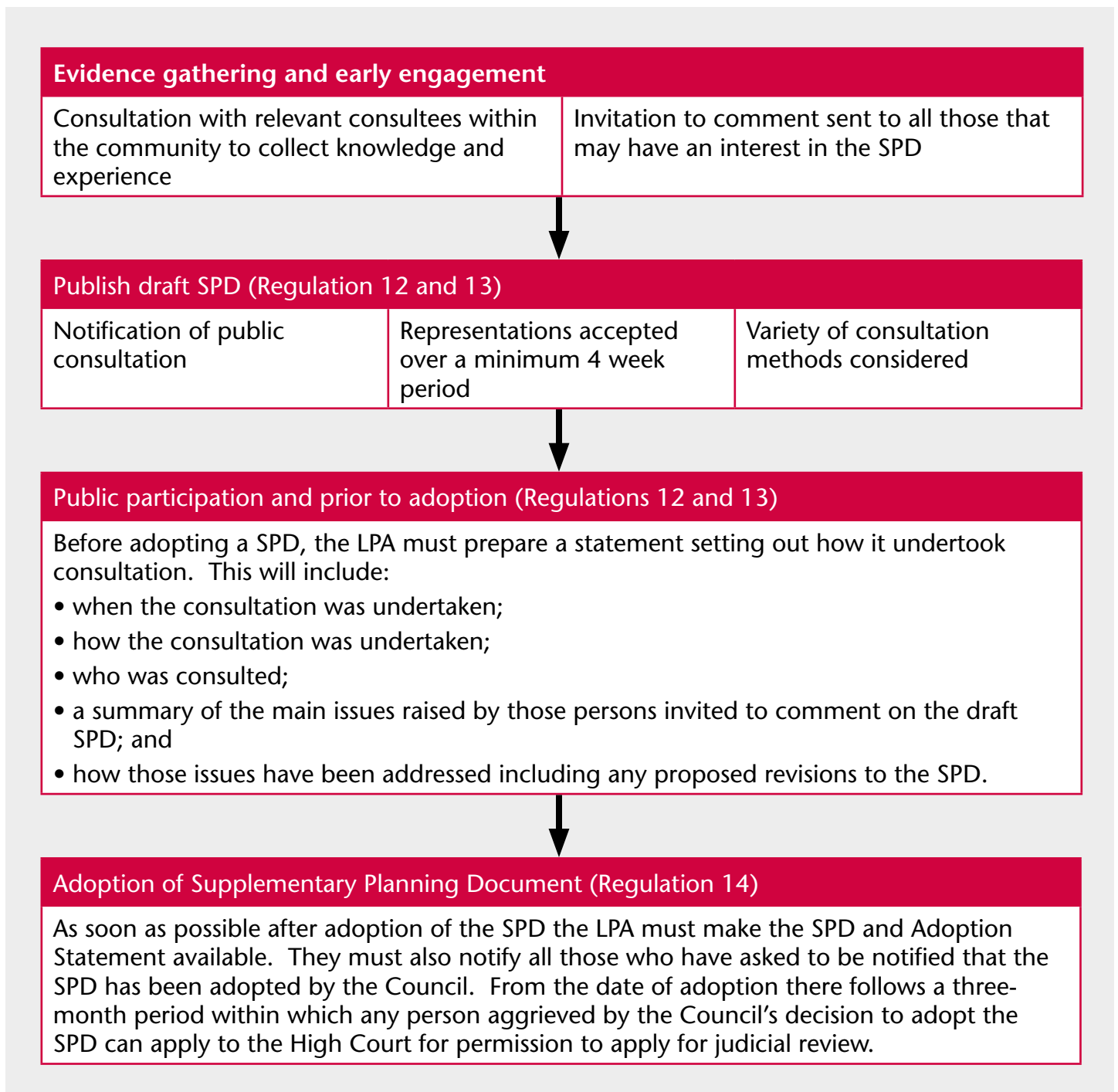
Appendix 1: Legislative stages of Local Plan preparation

These stages reflect those as set out in Town and Country Planning (Local Planning) England Regulations 2012 Part 6.



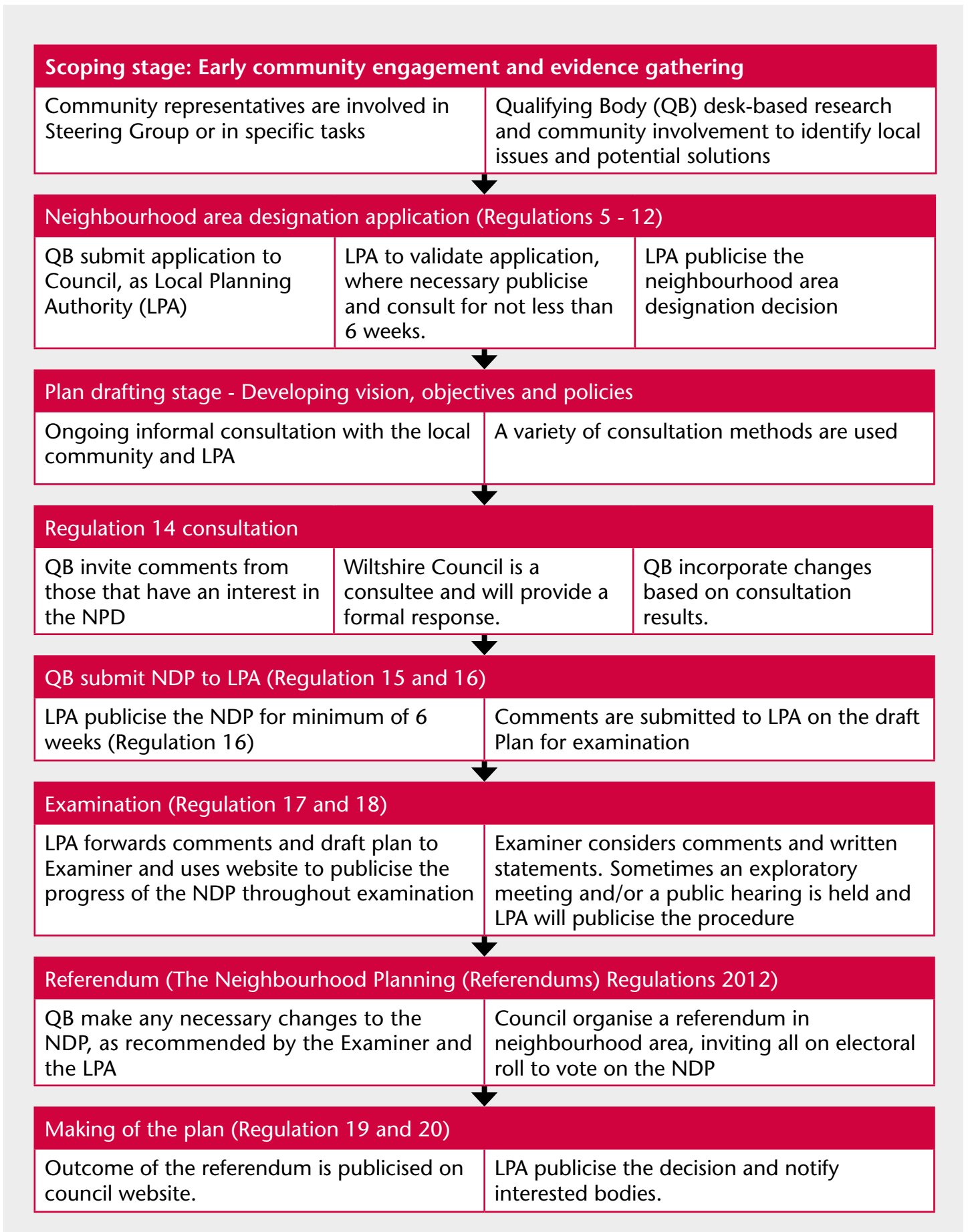
Appendix 2: Legislative stages of Supplementary Planning Document production

These stages reflect those set out in Town and Country Planning (Local Planning) (England) Regulations 2012 Part 5.



Appendix 3: Legislative stages of Neighbourhood Plan production

These stages reflect those set out in the Neighbourhood Planning (General) Regulations 2012.

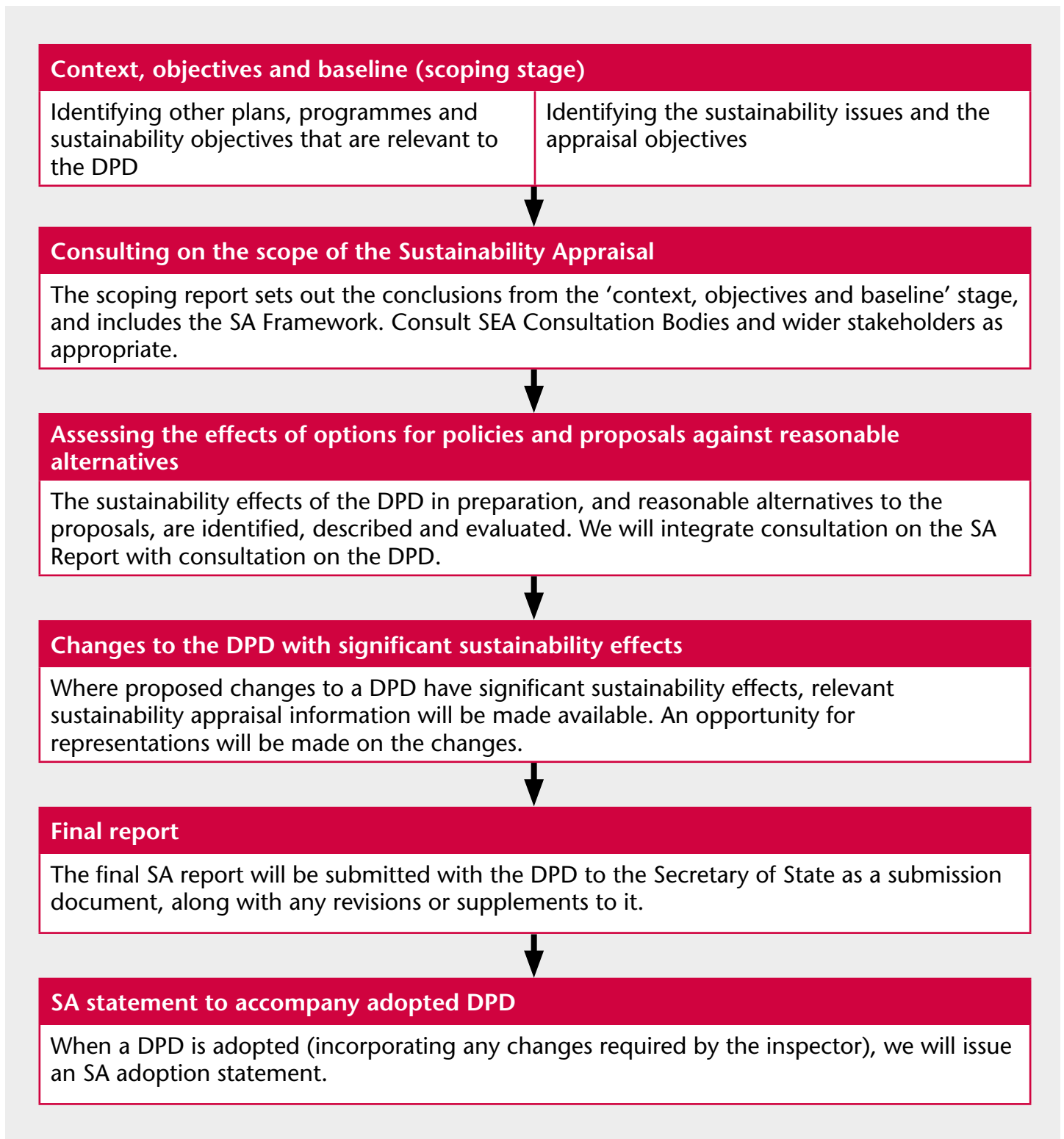


Appendix 4: Sustainability Appraisal process

Current legislation requires that all DPDs are subject to a Sustainability Appraisal (SA) and that a report on the findings of the SA is published alongside the DPD.

A SA performs a key role in providing a sound evidence base for the DPD; it assesses the social, economic and environmental effects of plans and ensures that sustainable development is treated in an integrated way in the plan preparation process.

For ease of reference, this SCI provides an illustration below highlighting a number of the key stages for community involvement during the preparation of the SA.



Appendix 5: Glossary of terms

A brief explanation of the key terms in the Statement of Community Involvement (SCI) is provided in this glossary.

Annual Monitoring Report (AMR)

A report on how we are performing on the implementation of the development plan document policies e.g. statistics on housing land supply. It includes a review of the Local Development Scheme's timetable and monitors the success of development plan document policies.

Core Strategy

The core strategy sets out the long-term vision for the area and provides the strategic policies and proposals that will deliver that vision. This will be updated as part of the Local Plan Review

Development Plan

The development plan is a single or number of documents that together provide adopted planning policy for Wiltshire. It comprises - Development Plan Documents produced by us, saved policies in the former district local plans (which will be replaced with the Local Plan Review) and Neighbourhood Plans. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan Document (DPD)

These are planning policy documents prepared by us as a local planning authority, that set out the approach to development in the local area. In Wiltshire these are the Wiltshire Core Strategy, Chippenham Site Allocations Plan and various minerals and waste policy documents. DPDs are subject to community involvement, consultation and independent examination.

Independent Examination

Development Plan Documents are subject to an examination by a planning inspector to rigorously test legal compliance and overall 'soundness.'

Local Development Documents (LDD)

Individual documents that take the form of Development Plan Documents or present guidance in the form of Supplementary Planning Documents (SPDs).

Local Development Scheme (LDS)

The LDS sets out the timetable for preparing the Local Plan. This includes details of the topics to be covered by individual DPDs.

Local Plan

This is the plan for the future development of the local area, drawn up by us in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Core strategies or other planning policies, considered to be development plan documents form part of the local plan. The term includes old policies which have been saved under the 2004 Act.

Local Plan Review

This is the current ongoing update of the adopted Wiltshire Local Plan. This will replace saved policies in the former Local Plans of the former District Authorities in Wiltshire which remain in place until such time as replaced.

Local Transport Plan (LTP)

The LTP is a statutory document that steers the development of national transport policies at the local level.

Minerals and waste development plan documents

Jointly prepared development plan documents that set out the planning policy and proposals for Wiltshire and Swindon with regards to mineral extraction and waste management.

National Planning Policy Framework (NPPF)

This sets out the Government's planning policies for England and how these are expected to be applied. It provides guidance for local planning authorities and decision makers, both in drawing up plans and making decisions about planning applications. It must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This is accompanied by Planning Practice Guidance which sets out how the NPPF is to be interpreted.

Neighbourhood Planning

This was introduced by the Localism Act 2011, and it gives new rights and powers for local communities to shape new development by coming together to prepare neighbourhood plans. A neighbourhood planning process can be used to prepare a Neighbourhood Development Plan, a Neighbourhood Development Order or a Community Right to Build Order, or a combination of the three.

Neighbourhood Development Plan (NDP)

A plan generally prepared by a parish council, which establishes planning policies for the development and use of land in a defined area. A neighbourhood development plan must be in conformity with the Local Plan, and will undergo examination and a referendum. Adopted development plan documents and 'made' (i.e. adopted) neighbourhood development plans comprise the development plan for Wiltshire.

Planning Inspectorate (PINS)

The Planning Inspectorate holds independent examinations by appointed Planning Inspectors to determine whether Development Plan Documents are 'sound'. The Planning Inspectorate also handles planning and enforcement appeals.

Policy and Proposals Map

We produce a map which illustrates all the policies and proposals contained within adopted Development Plan Documents. The map must be revised every time a new DPD is adopted.

Planning Practice Guidance

The Government's detailed online, web based guidance on national planning policies, which adds detail to the National Planning Policy Framework.

Sound/soundness

This describes where a DPD (in full) is considered to 'show good judgement' and also to fulfil the expectations of legislation, as well as conforming to national policy.

Statement of Community Involvement (SCI)

This is a document that sets out how we will consult and involve the public in preparation of local development documents and in the determination of planning applications. The SCI is part of the Local Development Framework.

Strategic Environmental Assessment (SEA)

An appraisal of the environmental impacts of policies and proposals, required by European legislation. We use a combined SEA and sustainability appraisal.

Strategic Housing and Employment Land Availability Assessment (SHELAA)

The SHLAA is a register of potential housing and employment sites and is the outcome of a high-level assessment. It gives basic information on the sites and provides an indication of how housing and employment requirements could potentially be met. It is used as part of the evidence base for development documents and is a basis for further assessment.

Supplementary Planning Document (SPD)

These are generally topic specific documents which provide further information and details to support the implementation and delivery of policies in development plan documents. For example we are currently working on an Affordable Housing SPD. Supplementary Planning Documents are part of the Local Development Framework but as they only implement adopted policy rather than introduce new policy they are not part of the development plan. They can be used as a 'material consideration' in the determination of planning applications.

Sustainability Appraisal (SA)

This is required under national legislation for emerging policy and include consideration of social and economic impacts as well as impacts on the environment. Wiltshire uses a combined SA and Strategic Environmental Assessment.

Wiltshire Community

The Wiltshire community is made up of all the people who live, work, or have an interest in Wiltshire and its continued development. We keep a database of all the people and organisations interested in the Local Plan or planning applications. This database is continually evolving as organisations are added or removed.

Statement of Community Involvement

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For further information please visit the following website:
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy.htm
