

13th January 2025 Planning Agenda _____	3
AGENDA ITEM 06 List of requests for new developments _____	7
AGENDA ITEM 06 What are material considerations _____	9
AGENDA ITEM 06a Clerk's Note for Land at Woodrow Road Planning Ap- plication _____	10
AGENDA ITEM 06a Woodrow Road - AECOM site assessment for JMNP2 SHELAA 3107 _____	12
AGENDA ITEM 06a Woodrow Road - Applicant's Planning Statement _____	20
AGENDA ITEM 06a Woodrow Road - Clerk's Note _____	35
AGENDA ITEM 06a Woodrow Road - REFUSAL in 2017 incl MWPC comments - Officers Delegated Report _____	37
AGENDA ITEM 06b Clerk's Note for New Road Farm Planning Application .	53
AGENDA ITEM 06b New Road Farm - resident's comments submitted to MWPC _____	54
AGENDA ITEM 06b New Road Farm - resident's comments submitted to - MWPC_Redacted _____	58
AGENDA ITEM 06b New Road Farm - Draft Heads of Terms _____	62
AGENDA ITEM 06b New Road Farm - Policy 20 Local Plan allocation _____	71
AGENDA ITEM 06b New Road Farm - Pre App meeting notes and submission to public consultation - Sept 24 _____	74
AGENDA ITEM 06c 24 Hercules Way - Applicant's Covering letter _____	78
AGENDA ITEM 06d 189A Westlands Lane - Design and Access Statement .	83
AGENDA ITEM 06d Little Bowerhill Farm - Applicant's Planning Statement _	90
AGENDA ITEM 08b Blackmore Farm - Active Travel England comments 17 .12.24 _____	91
AGENDA ITEM 08b Blackmore Farm - Conservation Officer objection to revised plans _____	95
AGENDA ITEM 08b Blackmore Farm agent- Briefing Note - NPPF	
December 2025 Update _____	98

AGENDA ITEM 08b Blackmore Farm Highways Department's Comment on revised plans _____	100
AGENDA ITEM 08b Blackmore Farm Rights of Way's comment _____	103
AGENDA ITEM 08c Middle Farm - Ecology comments _____	107
AGENDA ITEM 08c Middle Farm Landscape's Comment _____	111
AGENDA ITEM 08c Middle Farm - request for S106 funds from RUH Trust _	116
AGENDA ITEM 09 Lime Down Solar Park Update – Advance notice of dates for next stage of consultation on detailed proposals _____	142
AGENDA ITEM 10a CEMP V7 - Melksham_250106 _____	146
AGENDA ITEM 10a Townsend Farm - correspondence with developer and WC officers _____	180
AGENDA ITEM 10a Townsend Farm - correspondence with WC councillors and Solicitor _____	184
AGENDA ITEM 11b Final Semington Report _____	187
AGENDA ITEM 11b Semington Parish NP Decision Statement (proceeding to referendum) (002) _____	209
AGENDA ITEM 11c CPRE request to Call on your MP to kickstart rooftop solar _____	243
AGENDA ITEM 12b WBCT Oasis Campaign _____	247



MELKSHAM WITHOUT PARISH COUNCIL

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Tuesday 7th January 2025

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), Mark Harris and Peter Richardson

You are summoned to attend the Planning Committee Meeting which will be held on **Monday 13th January 2025 at 7.00pm** at **Forest & Sandridge Primary School, Cranesbill Road, Melksham, SN12 7GN** (Please note a change to the usual venue) 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.

<https://us02web.zoom.us/j/2791815985?pwd=Y2x5T25DRlVWVU54UW1YWWE4NkNrZz09&omn=84998682004>

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 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:**
 - a) **[PL/2024/10674](#): Land off Woodrow Road, Woodrow Road, Melksham, SN12 7AY**
Outline application with all matters reserved except for access for the development of up to 70 dwellings, open space, ecological enhancements, play space, associated infrastructure (including drainage structures and works to the public highway), access, parking, servicing and landscaping. Applicant: Waddeton Park Ltd **(Comments by: 17/01/2025)**
 - b) **[PL/2024/10345](#): Land north of the A3102, Melksham** The construction of 295 homes; public open space, including formal play space and allotments; sustainable drainage systems; and associated infrastructure; with 0.4ha of land safeguarded for a nursery. The principal point of access is to be provided from a new northern arm on the existing Eastern Way/A3102 roundabout junction, with a secondary access onto the A3102. Additional access points are proposed for pedestrians and cyclists. Applicant: Bloor Homes South West **(Comments by: 17/01/2025) Please note that this is for FULL and not OUTLINE permission.**
 - c) **[PL/2024/11112](#): 24 Hercules Way, Bowerhill, Melksham, Wilts, SN12 6TS** Use of land for self storage (Class B8) and siting of external containers (Retrospective). Applicant: Mr D Spencer **(Comments by: 14/01/2025)**
 - d) **[PL/2024/11493](#): Little Bowerhill Farm, 457 Bowerhill Lane, Bowerhill, Melksham, SN12 6RA** Removal/variation of conditions of condition 2 of PL/2024/04460 (Full Planning Application for the Erection of a Self-build Rural Workers Dwelling and associated infrastructure) To enable a Storage Garage to be added to the dwelling. Applicant: Mrs & Mr Ed Bodman **(Comments by: 18/01/2025)**

- e) [PL/2024/11521](#): **189A Westlands Lane, Whitley, Melksham, SN12 7QQ** Two storey side extension, single storey rear extension, removal of existing roof and dormers and replacement with additional storey and new roof construction, including increase to ridge height. Applicant: James Tysoe (**Comments by: 15/01/2025**)
 - f) [PL/2024/11467](#): **38 Shaw Hill, Shaw, Melksham, Wilts, SN12 8EY** Proposed detached garage. Applicant: Ms Caroline Michie (**Comments by: 29/01/2025**)
7. **Amended Plans/Additional Information:** To comment on any revised/amended plans/additional information on planning applications received within the required timeframe (14 days).
8. **Current planning applications:** Standing item for issues/queries arising during period of applications awaiting decision.
- a) **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.
 - b) **Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS [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. Applicant: Tor & Co for Gleasons
 - c) **Land off Corsham Road, Whitley, Melksham (Planning application [PL/2024/09725](#))** Outline planning application (with access, layout and landscaping to be approved) for up to 22 dwellings, new access off Corsham Road, public open space, drainage and associated works.
 - d) **52e Chapel Lane, Beanacre (Planning Application [PL/2023/05883](#))** Erection of three dwellings, with access, parking and associated works including landscaping.
9. **To note update from Lime Down Solar project and its connection to the national grid at Melksham (Beanacre) substation regarding its next stage of public consultation.**
10. **Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.
- a) Land West of Semington Road, Melksham (Townsend Farm) (**PL/2023/00808**)
 - b) Westlands Lane – lorries using weight restricted bridge

11. Planning Policy:

- a) To note choice of Examiner for Melksham Neighbourhood Plan review, under delegated powers.
- b) To note update on progress of Semington Neighbourhood Plan – proceeding to Referendum
- c) To consider requesting MP Brian Mathew to back the New Homes (Solar Generation) “Sunshine Bill” Private Member’s Bill on 17th January (“ensuring all new homes have solar panels installed as standard”) – request from CPRE (Campaign to Protect Rural England) <https://www.cpre.org.uk/explainer/all-you-need-to-know-about-the-sunshine-bill>

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.
- To note update regarding transfer of Play Area

ii) Buckley Gardens, Semington Road (PL/2022/02749: 144 dwellings)

- To note any updates and consider a way forward.

iv) Land South of Western Way for 210 dwellings and 70 bed care home (PL/2022/08504) To note any updates and consider a way forward.

v) To note any S106 decisions made under delegated powers

b) Contact with developers:

- i) To consider request of Wilts & Berks Canal Trust to raise concerns and/or sign petition on the planning application for the Swindon Oasis redevelopment as it “ignores the need to provide an adequate routing for the reestablishment of the Wilts & Berks Canal”.

Copy to all Councillors

Melksham Without Parish Council list of requests for new developments

The Parish Council would like to see the following provided:

- Adherence to Melksham Neighbourhood Plan policies and emerging Neighbourhood Plan and evidence documents.
- Circular pedestrian routes around the site.
- The Parish Council seek the provision of play equipment above that required by the West Wiltshire District Council saved Policy in the Core Strategy and wish to enter into discussions being the nominated party for any proposed LEAPs (Local Equipped Area of Play)/Play area and seek the following:
 - A maintenance sum in the s106 agreement
 - Safety Surfacing extended beyond the play area fence line (by at least 30 cm) and for the whole area to be surfaced as such, with no joins to prevent future expansion gaps, and no grass that will require maintenance
 - Tarmac paths provided not hoggin.
 - No wooden equipment provided.
 - Dark Green Metal bow top fencing provided.
 - Clean margins around the edges, no planting.
 - Bins provided outside the play area.
 - Easy access provided for maintenance vehicles.
 - Public access gates painted red.
 - No inset symbols provided in the safety surfacing, which should be one solid surface.
- Equipment installed for teenagers such as a teen shelter/MUGA and somewhere to kick a ball around
- Contribution towards playing fields.
- The provision of benches and bins where there are circular pedestrian routes and public open space and the regular emptying of bins to be reflected in any future maintenance contribution.
- Connectivity with existing housing development so not isolated.
- There are practical art contributions Parish Council are involved in public art discussions
- Contribution towards improved bus services, which serve the area.
 - Any bus shelters provided should include seats rather than perches, as well as sides and are suitable in providing Real Time Information (RTI) ie access to an electricity supply, WiFi connectivity and are an appropriate height.
- Speed limit within the site is 20mph and self enforcing.
- Proposed trees are not planted on boundaries of new/existing housing, but further into public open spaces.
- The development is tenant blind.

- If adjacent to existing dwellings the design is such that the layout is garden to existing garden.
- The road layout is such that there are no dead ends in order that residents and refuse lorries do not need to reverse out of roads.
- Contribution to educational and medical facilities within the Melksham area.
- There is visible delineation between pavement and roads so they are easily identifiable.
- The provision of bird, bat and bee bricks, reptile refugia and hibernacula within the development, in order to increase biodiversity.
- Improvements to Rights of Way.
- Provision of allotments with access to parking and water supply.
- Provision of convenience store with free access cash point.
- Ground source heat pumps to be included in proposals.
- To include capacity for hydrogen heating in the future within proposals.
- Provision of solar panels and storage batteries for every house or group of houses/block of flats.
- Inclusion of lifebuoys, noticeboards, and defibrillators. The maintenance of these items to be undertaken by the management company, unless the council decides that they would like to take on the asset.



Welcome to Planning Portal — Services and information — Help — Frequently Asked Questions — Planning — About the planning system — What are material considerations?

What are material considerations?

A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.

Material considerations can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

However, issues such as loss of view, or negative effect on the value of properties are not material considerations.

There is no set list defining material considerations, your Local Planning Authority will decide what is deemed to be 'material'.

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AGENDA ITEM 06a Land at Woodrow Road Planning Application

Clerk's Note:

For clarity of the papers included in the agenda pack, there are the following documents.

- Planning Statement of applicants
- Officer's Report for the previous refusal of the 2016 application – as sums up the comments of all consultants, including the parish council, at that point
- AECOM independent assessment of the site (SHELAA 3107) for the Melksham Neighbourhood Plan

At the time of preparing the agenda pack there are some comments online, mostly residents, but not yet the thoughts of Highways etc. Wiltshire Councillor Phil Alford has already called in for Committee decision.

Useful housing allocation numbers:

Melksham Residual Number as per the Local Plan submission version:

1,120 Melksham & Bowerhill and 70 in Shaw & Whitley

Local Plan allocations:

Policy 18 East – Blackmore Farm 500	425	Current application
Policy 19 Bath Road, adj to Melksham Oak	135	
Policy 20 A3012, New Road Farm 295	<u>285</u>	Current application
	845	

And 200 to be allocated in the Melksham NHP and 70 for Shaw & Whitley

Melksham Neighbourhood Plan 2 allocations:

Former Cooper Tires site	100
Former Library site	50
Western Way	210
Western Way Care Home 70 bed equates to	<u>38</u>
	398

Middle Farm 55

Whitley Farm (no number, but 10 indicative)

453 allocated in JMNP2

Total residual number for 1,120 + 70 = 1,190

Allocated in Local Plan (845) and JMNP2 (453) = 1,298


Current allocations exceed the emerging Local Plan allocation.

Joint Melksham Neighbourhood Plan Site Options And Assessment 2023

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

5th June 2023

3107

1. Site Details	
Site Reference / Name	3107
Site Address / Location	North West of Woodrow Road
Gross Site Area (Hectares)	7.84
SHLAA/SHELAA Reference (if applicable)	3107
Existing land use	Agriculture
Land use being considered	Residential
Development Capacity (Proposed by Landowner or SHLAA/HELAA)	239 dwellings (Wiltshire SHELAA); The site was proposed for up to 77 dwellings in the refused planning application (16/05644/OUT).
Site identification method / source	Wiltshire SHELAA
Planning history	16/05644/OUT - Planning application refused and appeal withdrawn (August 2017) for the outline planning application for the development of up to 77 residential units (including 30% affordable housing), open space, ecological enhancements, play space, associated infrastructure (including drainage structures and works to the public highway). The main reason for refusal is that the site lies outside the limits of development defined for the market town of Melksham as identified in the Wiltshire Core Strategy. The unjustified development would result in loss of open countryside which would cause a degree of harm through the erosion of the rural aspect and approach to the established settlement which bolsters the Council's in principle opposition to the development.
Neighbouring uses	Residential to the south and southeast, agricultural to the northwest.
Site Boundary	

2. Assessment of Suitability

Environmental Constraints

<p>Site is predominantly, or wholly, within or adjacent to the following statutory environmental designations:</p> <p><i>Yes / No / partly or adjacent</i></p> <ul style="list-style-type: none"> • Ancient Woodland • Area of Outstanding Natural Beauty (AONB) • Biosphere Reserve • Local Nature Reserve (LNR) • National Nature Reserve (NNR) • National Park • Ramsar Site • Site of Special Scientific Interest (SSSI)* • Special Area of Conservation (SAC) • Special Protection Area (SPA) <p><i>*Does the site fall within a SSSI Impact Risk Zone and would the proposed use/development trigger the requirement to consult Natural England?</i></p>	<p>No. The site is within a SSSI Impact Risk Zone however the proposed use does not trigger the requirement to consult Natural England.</p>
<p>Site is predominantly, or wholly, within or adjacent to the following non statutory environmental designations:</p> <p><i>Yes / No / partly or adjacent / Unknown</i></p> <ul style="list-style-type: none"> • Green Infrastructure Corridor • Local Wildlife Site (LWS) • Public Open Space • Site of Importance for Nature Conservation (SINC) • Nature Improvement Area • Regionally Important Geological Site • Other 	<p>No impact identified on non-statutory environmental designations.</p>
<p>Site falls within a habitats site which may require nutrient neutrality, or is likely to fall within its catchment?</p> <p><i>Yes / No</i></p>	<p>No. There are no identified habitats in unfavourable condition due to excessive nutrients in Melksham. The Neighbourhood Area falls outside of the Nutrient Alert Areas in Wiltshire which includes the River Test catchment, the Hampshire River Avon catchment and the River Lambourn and Somerset Levels and Moors.</p>
<p>Site is predominantly, or wholly, within Flood Zones 2 or 3?</p> <p>See guidance notes:</p> <ul style="list-style-type: none"> • Flood Zone 1: <i>Low Risk</i> • Flood Zone 2: <i>Medium Risk</i> • Flood Zone 3 (less or more vulnerable site use): <i>Medium Risk</i> • Flood Zone 3 (highly vulnerable site use): <i>High Risk</i> 	<p>Low Risk. The site is wholly within Flood Zone 1.</p>
<p>Site is at risk of surface water flooding?</p> <p>See guidance notes:</p> <ul style="list-style-type: none"> • Less than 15% of the site is affected by medium or high risk of surface water flooding – <i>Low Risk</i> • >15% of the site is affected by medium or high risk of surface water flooding – <i>Medium Risk</i> 	<p>Low Risk - Less than 15% of the site is affected by medium or high risk of surface water flooding.</p>
<p>Is the land classified as the best and most versatile agricultural land (Grades 1, 2 or 3a)?</p> <p><i>Yes / No / Unknown</i></p>	<p>The site is Grade 3 Good to Moderate Quality Agricultural Land. More detailed site surveys would be required to assess whether the site is Grade 3a Good Quality Agricultural Land.</p>

2. Assessment of Suitability

<p>Site contains habitats with the potential to support priority species? Does the site contain local wildlife-rich habitats? Is the site part of:</p> <ul style="list-style-type: none"> • UK BAP Priority Habitat; • a wider ecological network (including the hierarchy of international, national and locally designated sites of importance for biodiversity); • wildlife corridors (and stepping stones that connect them); and/or • an area identified by national and local partnerships for habitat management, enhancement, restoration or creation? <p><i>Yes / No / Unknown</i></p>	<p>No, the site does not contain national or locally identified wildlife rich habitats.</p>
<p>Site is predominantly, or wholly, within or adjacent to an Air Quality Management Area (AQMA)?</p> <p><i>Yes / No / Unknown</i></p>	<p>No</p>
<p>Physical Constraints</p>	
<p>Is the site:</p> <p><i>Flat or relatively flat / Gently sloping or uneven / Steeply sloping</i></p>	<p>Flat or relatively flat.</p>
<p>Is there existing vehicle access to the site, or potential to create suitable access?</p> <p><i>Yes / No / Unknown</i></p>	<p>Yes, there is potential to provide vehicle access from Woodrow Road. Comments from the Highways Officer on the refused planning application for 77 dwellings has no objection and consider the design of the proposed access onto Woodrow Road to be acceptable. It notes that a two-way road could be accommodated and that the proposed development capacity would not lead to a substantial or significant increase in road traffic. The site connects to a narrow and winding Class C lane to the north of the site. The cumulative development impact of potential development on the highway network should be further consulted with the Highways Authority.</p>
<p>Is there existing pedestrian access to the site, or potential to create suitable access?</p> <p><i>Yes / No / Unknown</i></p>	<p>Yes, there is potential to provide pedestrian access from Woodrow Road.</p>
<p>Is there existing cycle access to the site, or potential to create suitable access?</p> <p><i>Yes / No / Unknown</i></p>	<p>Yes, there is potential to provide cycle access from Woodrow Road.</p>
<p>Are there any Public Rights of Way (PRoW) crossing the site?</p> <p><i>Yes / No / Unknown</i></p>	<p>Yes, MELW66 partially crosses the southwestern tip of the site.</p>
<p>Are there any known Tree Preservation Orders on the site?</p> <p><i>Yes / No / Unknown</i></p>	<p>No</p>
<p>Are there veteran/ancient trees within or adjacent to the site?</p> <p><i>Within / Adjacent / No / Unknown</i></p>	<p>Unknown</p>
<p>Are there other significant trees within or adjacent to the site?</p>	<p>Yes, within. The site is bordered by semi-mature trees, further arboricultural assessment would be required to understand their significance.</p>

2. Assessment of Suitability

<i>Within / Adjacent / No / Unknown</i>	
Is the site likely to be affected by ground contamination? <i>Yes / No / Unknown</i>	Unknown, further assessments would be required however the site is unlikely to be contaminated land due to its existing use.
Is there any utilities infrastructure crossing the site i.e. power lines/pipe lines, or is the site in close proximity to hazardous installations? <i>Yes / No / Unknown</i>	The site is crossed at its centre by overhead power lines. Development of the site would need to be consulted with National Grid to ensure that the legally-binding safety clearances for the overhead powerlines or an underground cable easement are maintained. It should also have regard to National Grid’s Design Guidelines for Developments near Pylons and High Voltage Overhead Power Lines. This is likely to impact the developable area and/or viability of the site.
Would development of the site result in a loss of social, amenity or community value? <i>Yes / No / Unknown</i>	No

Accessibility
Distances to community facilities and services should be measured using walking routes from the centre of each site to each facility. The distances are based on the assumption that 400m is equal to approximately 5 minutes’ walk .

Facilities	Town / local centre / shop	Bus / Tram Stop	Railway station	Primary School	Secondary School	Open Space / recreation facilities	Cycle Route
Distance (metres)	>1200m	<400m	>1200m	>1200m	>3900m	<400m	<400m

Landscape and Visual Constraints

<p>Is the site low, medium or high sensitivity in terms of landscape?</p> <ul style="list-style-type: none"> <i>Low sensitivity: the site has few or no valued features, and/or valued features that are less susceptible to development and can accommodate change.</i> <i>Medium sensitivity: the site has many valued features, and/or valued features that are susceptible to development but could potentially accommodate some change with appropriate mitigation.</i> <i>High sensitivity: the site has highly valued features, and/or valued features that are highly susceptible to development. The site can accommodate minimal change.</i> 	<p>Medium Sensitivity.</p> <p>The site falls within the Open Clay Vale Landscape Character Area of the Melksham Neighbourhood Plan Local Landscape Character Report 2020 and the West Wiltshire Landscape Character Area Report 2006. This area has a strong sense of openness with occasional deciduous copses and ancient woods to the east. The management objectives of this Landscape Character Area is to conserve and enhance the landscape setting of Melksham, screen visually intrusive urban edge of Melksham, conserve open views across the clay vale to distant down land ridges and conserve and enhance the existing hedgerow network. Comments from the Landscape Officer on the refused planning application raises no objection on the proposed development provided that the design approach incorporates a comprehensive landscape strategy, including the provision of adequate landscape buffers to retain and enhance existing mature hedgerows to field boundaries. An overhead powerline with pylons bisects the field west to east which detracts its landscape character.</p>
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2. Assessment of Suitability

<p>Is the site low, medium or high sensitivity in terms of visual amenity?</p> <ul style="list-style-type: none"> <i>Low sensitivity: the site is visually enclosed and has low intervisibility with the surrounding landscape, and/or it would not adversely impact any identified views.</i> <i>Medium sensitivity: the site is somewhat enclosed and has some intervisibility with the surrounding landscape, and/or it may adversely impact any identified views.</i> <i>High sensitivity: the site is visually open and has high intervisibility with the surrounding landscape, and/or it would adversely impact any recognised views.</i> 	<p>Medium sensitivity Although the site is screened from the south, it has some intervisibility with the surrounding landscape. Development may adversely impact on views toward the Special Landscape area to the east, as well as the views from the Public Right of Way nearby to the north subject to further visual assessments.</p>
<p>Heritage Constraints</p>	
<p>Would the development of the site cause harm to a designated heritage asset or its setting?</p> <p><i>Directly impact and/or mitigation not possible / Some impact, and/or mitigation possible / Limited or no impact or no requirement for mitigation</i></p>	<p>Limited or no impact or no requirement for mitigation. The site is relatively well screened to the east and west. Comments from Heritage Officer notes that there would be limited impact on the setting of designated heritage assets in Melksham. The site has limited impacts on the distant view to Melksham from designated heritage assets at Beanacre.</p>
<p>Would the development of the site cause harm to a non-designated heritage asset or its setting?</p> <p><i>Directly impact and/or mitigation not possible / Some impact, and/or mitigation possible / Limited or no impact or no requirement for mitigation</i></p>	<p>No identified non-designated heritage within or adjacent to the site.</p>
<p>Planning Policy Constraints</p>	
<p>Is the site in the Green Belt?</p> <p><i>Yes / No / Unknown</i></p>	<p>No</p>
<p>Is the site allocated for a particular use (e.g. housing / employment) or designated as open space in the adopted and / or emerging Local Plan?</p> <p><i>Yes / No / Unknown</i></p>	
<p>Are there any other relevant planning policies relating to the site?</p>	<p>The site partly covers the alignment of the Melksham Link under Wiltshire Core Strategy (WCS) Core Policy 16 and land would need to be safeguarded to allow for the restoration of the Wilts and Berks canal. The site is crossed by the Historic Canal Route identified in the adopted Wiltshire Core Strategy. Core Policy 53 safeguards this historic alignment with a view to their long-term re-establishment as navigable waterways, by not permitting development likely to destroy the canal alignment or its associated structures, or likely to make restoration more difficult, and ensuring that where the canal is affected by development, the alignment is protected or an alternative alignment is provided.</p>
<p>Is the site:</p> <p><i>Greenfield / A mix of greenfield and previously developed land / Previously developed land</i></p>	<p>Greenfield</p>
<p>Is the site within, adjacent to or outside the existing built up area?</p> <p><i>Within / Adjacent to and connected to /</i></p>	<p>Adjacent to and connected to the existing built up area.</p>

2. Assessment of Suitability

<i>Outside and not connected to</i>	
<p>Is the site within, adjacent to or outside the existing settlement boundary (if one exists)? <i>Within / Adjacent to and connected to / Outside and not connected to</i></p>	<p>Adjacent to and connected to the existing settlement boundary.</p>
<p>Would development of the site result in neighbouring settlements merging into one another? <i>Yes / No / Unknown</i></p>	<p>No. Development on the site would not result in neighbouring settlements merging into one another.</p>
<p>Is the size of the site large enough to significantly change the size and character of the existing settlement? <i>Yes / No / Unknown</i></p>	<p>Yes. Development on the site would constitute a substantial urban extension to Melksham which would change the character of the northeastern edge of the settlement while contributing to an urbanising effect on Woodrow Road.</p>

3. Assessment of Availability

<p>Is the site available for development? <i>Yes / No / Unknown</i></p>	<p>Yes. The site is confirmed to be available as part of the landowner engagement conducted by Melksham Town Council and Melksham Without Parish Council as of October 2022.</p>
<p>Are there any known legal or ownership problems such as unresolved multiple ownerships, ransom strips, tenancies, or operational requirements of landowners? <i>Yes / No / Unknown</i></p>	<p>No</p>
<p>Is there a known time frame for availability? <i>Available now / 0-5 years / 6-10 years / 11-15 years</i></p>	<p>Available now</p>

4. Assessment of Viability

<p>Is the site subject to any abnormal costs that could affect viability, such as demolition, land remediation or relocating utilities? What evidence is available to support this judgement? <i>Yes / No / Unknown</i></p>	<p>Presence of overhead powerlines</p>
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5. Conclusions	
<p>What is the expected development capacity of the site? (either as proposed by site promoter or estimated through SHLAA/HELAA or Neighbourhood Plan Site Assessment)</p>	<p>Partial development at 77 dwellings (planning application). Wiltshire SHELAA indicates a development capacity of 239 if the site is fully developed.</p>
<p>What is the likely timeframe for development (0-5 / 6-10 / 11-15 / 15+ years)</p>	<p>0-5 years</p>
<p>Other key information</p>	<p>The northern part of the site may include archaeology evidence.</p>
<p>Overall rating (Red/Amber/Green) The site is suitable and available The site is potentially suitable, and available. The site is not currently suitable, and available.</p> <p>Are there any known viability issues? Yes / No</p>	<p>Amber</p> <p>Presence of overhead powerlines</p>
<p>Summary of justification for rating</p>	<p>The site is potentially suitable for allocation for residential development.</p> <p>The site is greenfield located to the northeast of Melksham adjacent and connected to the settlement boundary. The site is not in close proximity to key services but is close to an existing bus stop with frequent services to Melksham. Suitable vehicle, cycle and pedestrian access could be created from Woodrow Road as confirmed in the refused planning application to support partial development of the site (77 dwellings), subject to further consultation with the Highways Authority and considerations of the potential cumulative development impact on the highways network.</p> <p>Comments from the Landscape Officer on the refused planning application have no raised objections on the partial development of the site provided that a comprehensive landscape strategy is included. Development of the site would nevertheless extend the settlement into the open countryside with some intervisibility with the surrounding landscape and the Public Rights of Way network, which would need to be appropriately mitigated, such as through the provision of a soft landscaped settlement edge.</p> <p>The site is crossed at its centre by overhead power lines which are likely to affect its viability and reduce its developable area. Further consultation with the National Grid would be essential. The site may contain archaeological evidence which would need to be further investigated. Development of the site would need to consider the historic canal alignment and restoration of the Wilts and berks canal in relation to Core Policy 16 and 53 of the adopted Wiltshire Core Strategy Other key constraints identified relate to the loss of Grade 3 Agricultural Land and ecology.</p>

Planning Statement

Land off Woodrow Road, Melksham

November 2024

Maypool Estates
Maypool House
Maypool
Brixham
Devon
TQ5 0ET

Contents

	Summary	1
1.	Introduction	2
2.	Planning Policy Context	3
3.	Consideration of Key Planning Issues	6
4.	Conclusion	12

Appendix 1 – Statement of Community Involvement

Summary

- i. The application proposes a well designed scheme in a sustainable and highly accessible location immediately adjacent to the settlement boundary of Melksham. The application is submitted in the context of the unsatisfied Development Plan requirements to deliver new market and affordable housing in Wiltshire at a time when the Council cannot even demonstrate a four year Housing Land Supply (confirmed as recently as August 2024 in appeal decision 3340811).
- ii. A previous scheme for up to 77 dwellings was refused on the site in 2017 for one reason - that the scheme would represent development beyond the settlement boundary that had not come forward through the plan making process at a time when the Council could demonstrate a five year supply. No other issues of concern were raised in determining that application. The Core Strategy remains extant and the policy context for determination is significantly different now given the ongoing failure of the Council to deliver even the minimum land supply requirements. The only justification for the previous recommendation for refusal is no longer valid. Further to this, given that the emerging housing land requirements for Wiltshire will be more than 80% higher than current targets, this chronic under-delivery of housing will only worsen over time and further housing land is required to meet minimum targets.
- iii. The application package confirms that with the proposed mitigation in place, there will be no unacceptable impacts on features of designated or recognised importance. The provision of the new market housing, 30% affordable housing, ecological and environmental enhancements and financial contributions in accordance with the CIL regime are significant advantages of the application.
- iv. The proposals are in accordance with the Framework, do not conflict significantly with the objectives of development plan policy (where it remains up to date and relevant) and will contribute to providing affordable housing at a time when the situation in terms of need is worsening year on year - there are currently more than 1,000 households in housing need in the area. The very limited disbenefits of the scheme (the development of agricultural land – which will occur with most schemes in Wiltshire that provide new housing) do not in any way outweigh the benefits of the scheme.
- v. The scheme Design and Access Statement sets a high quality framework to guide future reserved matters applications. Only means of access is to be determined in detail at this stage.
- vi. The application package demonstrates that taking all relevant considerations into account, the significant benefits of the scheme mean that it should be supported and brought forward as soon as possible. A pre-application enquiry was submitted in July 2022 with a long stop date for a response by late September 2022. The pre-application response was finally issued in March 2024 and repeated the assertion that the Council could demonstrate a satisfactory housing land supply. The fact that this has been proven to not be the case significantly reduces the validity of the assertions set out in response. The response and matters covered in the previous Delegated Report are all addressed in this Statement.

1. Introduction

- 1.1 The outline planning application proposes a sustainable extension to Melksham that will deliver much needed market and affordable housing at a time when a five year land supply of housing land is not available and the situation in terms of overall housing supply and affordable housing delivery is worsening. Means of access is to be determined in detail at this stage with all other matters reserved for future consideration.
- 1.2 The description of development is:

Outline planning application for the development of up to 70 dwellings (including 30% affordable housing), open space, ecological enhancements, play space, associated infrastructure (including drainage structures and works to the public highway), access, parking, servicing and landscaping.

2. Planning Policy Context

2.1 This section provides a summary of the relevant planning policy context for determining the application. The Framework provides over-arching guidance and the Development Plan comprises the Wiltshire Core Strategy (2015), the Wiltshire Housing Site Allocations Plan (2020) and the Joint Melksham Neighbourhood Plan (2021). The emerging Local Plan has not been submitted for examination as yet and work is ongoing in preparing a replacement Neighbourhood Development Plan.

2.2 The Framework confirms the context for determining planning applications and assessing the relevance of development plan policy in these situations. It is anticipated that the updated version of the Framework will be issued early next year and based on the consultation draft it will establish an even more supportive context for considering the application. A summary of how the scheme relates to the new guidance will be provided in support of the application if it is issued post submission.

National Planning Policy Framework (September 2023)

2.3 The Framework has at its core a presumption in favour of sustainable development and requires councils to maintain a rolling supply of deliverable sites. To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that they are available and could be viably developed at the point envisaged. Paragraph 11 of the Framework states in relation to determining applications that:

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- (i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or***
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

2.4 Paragraph 60 confirms the Governments' objective of significantly boosting the supply of homes. At present, the Council has failed to even meet the minimum requirements. Paragraph 68 confirms that authorities should have a clear understanding of the land available in their area and identify a supply of specific, deliverable sites for years one to the of the plan period and specific, developable sites or broad locations of growth for years 6 to 10 and, where possible years 11 to 15. Again, the Council has failed to meet this requirement.

Development Plan Policy

2.5 The Wiltshire Core Strategy was adopted in 2015 and is out of date and has not yet been subject to review. The Council website states that a consultation draft of the emerging Local Plan is anticipated to be submitted for examination in December 2024. Given that the plan has not been submitted or subjected to examination, it can have only very limited weight at most. Paragraph 33 of the Framework confirms that reviews should be completed no later than five years from the adoption date of a plan. This has not been completed by the Council.

- 2.6 Recent appeal decisions (including appeal reference 3340811 dated 30.08.24) confirm that Wiltshire does not have a five year land supply (in that decision, the Inspector determined it to be 3.85 years) and that therefore in accordance with the Framework the relevant policies for the supply of housing (including policies of restraint) cannot be given full weight.

Core Strategy (CS)

- 2.7 The CS sets out a hierarchy of centres for growth with Policy CP1 identifying Melksham as a market town in the second tier that can accommodate significant growth. Policy CP2 sets the delivery strategy to achieve the objectives of Policy CP1 and states that development outside of settlement boundaries will not be permitted. Policy CP15 sets out the area strategy for Melksham. The rationale for these policies is to promote sustainable development. Whilst the scheme is in conflict with part of this policy, the Plan is outdated and the hierarchy has failed to deliver even the minimum level of growth required.
- 2.8 The scheme is clearly not out of context for a settlement of the size of Melksham. When the location of the application site is considered, it is clearly well related to existing services and facilities and readily accessible by a range of transport options. This was accepted by the Council in determining the previous application. Therefore, in the context of giving reduced weight to prescriptive Core Strategy policies, the conflict can only be viewed as very limited because it is based on the fact that the site is beyond a settlement boundary rather than any assessment of the locational context, accessibility and sustainability of the site. Achieving even the minimum housing targets will require development beyond settlements with at least the same degree of policy conflict.
- 2.9 The Core Strategy was relied upon to refuse the previous scheme and as is the case now, there were no site specific policies that sought to resist development on the site. The policies relied upon by the Council to refuse that application are reviewed below.

Core Strategy Policy CP1

- 2.10 As set out above, Policy sets out the settlement strategy for the plan area, identifying Melksham as a Market Town on the second tier of the hierarchy. The market towns are stated as having the potential for significant development that will increase jobs and homes in each town. The supporting text confirms the need to review settlement boundaries as part of the HSA DPD. There is no direct conflict between the appeal scheme and this Policy and Melksham is clearly a sustainable location for the scheme proposed. This is supported by the fact that there were no objections from any infrastructure providers to the previous application.

Core Strategy Policy CP2

- 2.11 The Policy sets out a minimum requirement for at least 24,740 dwellings in the North and West Wiltshire HMA. The scheme is in conflict with the requirement for development to come forward within the defined limits of development. The relevance of the settlement limits given the comments above, chronic shortfall in housing and the sustainability / accessibility of the site is considered in detail in Section Three and any conflict with the policy is of very limited weight.

Core Strategy Policy CP15

- 2.12 The Policy sets the context for development in the Melksham Community Area. In the absence of a five year supply of land for housing, the Policy is out of date and should be given very limited weight. The Policy states that during the plan period approximately 2,370 dwellings will be provided including about 2,240 in Melksham. This scheme represents only 3% of the minimum requirement. There is no direct conflict with this Policy as the conflict arises as a result of the perceived conflict with Core Policy 1.

Joint Melksham Neighbourhood Plan

- 2.13 The Joint Melksham NDP was made in July 2021. The site is not allocated for any use in the Plan. Policy 6 references Core Strategy Policy 2 in seeking to prevent residential development beyond settlement boundaries. NDP2 is under preparation and consultation was undertaken in Summer 2024. The plan has been drafted on the basis of the broad housing numbers set out for the Melksham area in the emerging Local Plan. Given that the emerging Local Plan has not been submitted to any scrutiny, there is considerable doubt that it will proceed beyond examination in its current form. In the likely event that the emerging Local Plan does not proceed in its current form, there will need to be a fundamental review of it given the increase in minimum housing requirements that will have to be met. The implication of this is that most areas of Wiltshire (including the NDP area) will need to accommodate significantly more residential development than currently proposed. This will therefore also further delay preparation of the revised NDP.

- 2.14 The scheme conflicts with the made Neighbourhood Development Plan which only supports new housing within settlement boundaries and proposes residential development on a single allocated site. This conflict must be considered against the need for housing throughout the Council area and a significant shortfall of affordable housing in Melksham.

Development Plan Site Selection Process

- 2.15 The site has been considered through the site selection process undertaken in support of the emerging Neighbourhood Plan and the Local Plan. The desk based assessed no constraints to the development of the site and when considered alone (rather than being grouped into a larger and more sensitive parcel) it scored as well as any other site.

Planning Policy Conclusions

- 2.16 There is a very limited conflict between the scheme and the Development Plan because the site is beyond the settlement boundary of Melksham. Despite being beyond the settlement boundary, the site is well related and readily accessible to the centre. This very limited conflict should, in accordance with Paragraph 11 of the Framework be considered in the planning balance. The adverse impacts of the scheme do not significantly and demonstrably outweigh the benefits of the scheme. The policies in the development plan are outdated and can be given only very limited weight. Taking all of the above into account, it is clear that the principle of development should be acceptable and the remaining sections focus on issues of detail.
- 2.17 While the remaining sections focus on issues of detail, it must be recognised that the site characteristics have not changed since the previous application. In determining that scheme, the Council found no other issues of concern in respect of any technical matters.

3. Consideration of Key Planning Issues

3.1 The application meets all relevant planning policy requirements as summarised below and addressed in detail in the supporting technical reports:

- Principle of Development and the presumption in favour of sustainable development;
- Integration of development with the existing area;
- Proposed Layout;
- Loss of agricultural land;
- Ecology and Biodiversity Net Gain;
- Foul Drainage;
- Flood Risk and Surface Water Drainage;
- Landscape and Visual Impacts;
- Impacts on the Historic Environment;
- Transportation and Accessibility;
- Employment Generation;
- Provision of Affordable Housing;
- Planning Obligation Heads of Terms;
- Summary of the pre-application consultation process.

Principle of Development and the presumption in favour of sustainable development

3.2 The Framework provides clear support for the scheme. Given the significant shortfall in housing land supply and age of the Core Strategy, the development plan is clearly out of date and should be accorded reduced weight. The principle policy conflict is with the fact that the site is beyond the settlement boundary. However, this conflict takes no account of the location and accessibility of the scheme and applies a blanket objection to any scheme that includes market housing beyond a boundary. The site is adjacent to the settlement boundary and local facilities are readily accessible by a range of non private car modes. It is also relevant to note that the majority of housing sites proposed in the emerging Local Plan and Neighbourhood Development Plan are beyond existing settlement limits.

3.3 The previous scheme provides important context for the determination of this application and the single reason for refusal is set out below:

The site lies outside the limits of development defined for the market town of Melksham as identified in the Wiltshire Core Strategy. The site has not been brought forward through a Site Allocations DPD or a Neighbourhood Plan and does not fall within any of the proposed exceptions identified in Core Policy 2. Consequently the development would conflict with policies CP1, CP2 and CP15 of the Wiltshire Core Strategy, The unjustified development would result in loss of open countryside which would cause a degree of harm through the erosion of the rural aspect and approach to the established settlement which bolsters the Council's in principle objection to the development.

- 3.4 This confirms that other than the site being outside (but adjacent to) the settlement boundary, there were no other concerns with that scheme. Since that time there has been no change in circumstances in respect of the site and the land supply position has significantly worsened. There is no reason to refuse the scheme now given the benefits it will deliver and the accessibility and sustainability of the location. The scheme represents sustainable development.

Integration of development with the existing urban area

- 3.5 The site is immediately adjacent to the existing built area (with further existing development beyond it along Woodrow Road) and represents a logical extension to the settlement. The application will deliver a sustainable development with new infrastructure that facilitates ease of access to a range of facilities by predominantly non car means. Whilst all matters apart from means of access are reserved for future development, the Illustrative Layout and Design and Access Statement demonstrate how a high quality development can be delivered and integrated with the surrounding area.

Proposed layout

- 3.6 The application is submitted in outline with all matters apart from means of access to be determined at the reserved matters stage. As noted above, the Design and Access Statement and Illustrative Layout set a framework to ensure that the scheme is built out in accordance with high quality design principles.
- 3.7 The pre-application response raises concerns over the potential impact of the scheme on any future re-instatement of the canal. Policy 53 of the Core Strategy supports the restoration and improvement of the historic canal network in Wiltshire along a new route as shown on the Proposals Map. The supporting text also confirms that the historic line through Melksham is no longer suitable for reinstatement as a canal. The application scheme has no impact on the proposed route. Policies 16 and 53 of the Core Strategy confirm that the historic line of the canal is no longer suitable for reinstatement as a canal and that the Council support its identification and demonstration of historic significance by signage. Signage of the former canal route can be addressed through a future reserved matters submission.
- 3.8 This matter was fully considered in determining the previous application (with the same Illustrative Layout in this respect) and no issues of concern were raised. This is confirmed in the Delegated Report extract below:

Safeguarding the Wilts and Berks Canal Route

It is noted that the Illustrative Layout map accompanying the application acknowledges the proposed route of the Melksham link canal (WCS Core Policy 16) and the historic line of the canal (WCS Core Policy 53) and this is welcomed. This route should be safeguarded from any future development and development should not prejudice the future use of the route as part of the Wilts and Berks Canal restoration project.

The restoration and reconstruction of the Wilts and Berks canal as a navigable waterway is supported in principle by the WCS and the historic alignment as shown on the policies map should be safeguarded with a view to its long term re-establishment as a navigable waterway.

- 3.9 The pre-application consultation response and Landscape Response both state that there is a conflict between the current scheme and the canal alignment. Even though the layout has been submitted only for illustrative purposes, this is incorrect. The layout ensures that the historic line of the canal, the proposed route and the 30m offset buffer to either side are all beyond the line of proposed development (including infrastructure and the pond). This matter can be addressed in detail at the reserved matters stage to demonstrate that there is no conflict.

Loss of agricultural land

- 3.10 The Framework requires authorities to take into account the economic and other benefits of the best and most versatile agricultural land in determining applications. The Framework states that where development on agricultural land is unavoidable, it should be directed towards the lowest quality land available. The future housing requirements of Wiltshire and Melksham mean that they can only be met through the development of agricultural land. Accordingly, by utilising lower quality land where possible (as in this case given that the land is Grade 3b) the development satisfies the Framework in this respect. It is relevant to note that the loss of agricultural land was not a Reason for Refusal in respect of the previous scheme and that the vast majority of the Council's housing land requirements will have to be met on agricultural land.

Ecology and Biodiversity Net Gain

- 3.11 The ecological assessment is based on the results of field surveys and a review of available information. The potential ecological impacts are largely focused on the application site and its immediate surroundings although consideration has also been given to ecologically designated sites within the wider area. The site is not located in a designated wildlife area.
- 3.12 The ecological assessment confirms that through the retention and strengthening of boundary habitats and the creation of new habitat, the long term effect of the scheme will be to increase the overall diversity and quantity of habitats of high ecological value. The BNG calculations highlight a gain that is significantly in excess of policy requirements and this is a clear and significant benefit of the scheme.

Foul Drainage

- 3.13 In the completed development, foul drainage will be separated from surface water drainage and is proposed to be discharged into the foul system at the site access. The existing network has the capacity to accept flows from the site and the scheme is acceptable in this respect.

Flood Risk and Surface Water Drainage

- 3.14 The Flood Risk Assessment confirms that all of the proposed residential development is located within Flood Zone 1 meaning that there is a low risk of flooding. The development of the site will alter the permeability of the surface and create some impermeable areas. The introduction of a sustainable drainage scheme (SuDS) will ensure that there will be no more than greenfield run off rates from the site after the development is completed. This will also

ensure that there is no impact on downstream areas as a result of the scheme. Indeed, the scheme provides the opportunity to deliver betterment compared to the current situation.

Landscape and Visual Impacts

- 3.15 Consideration has been given to the impact of the scheme on the landscape character of the area. The site immediately adjoins the built form of Melksham and the character of the area will not be adversely affected by the scheme. The proposals have responded appropriately to their landscape and visual relationship with the surrounding environment and overall, will not adversely impact on the wider environment.
- 3.16 There was no landscape objection to the previous scheme (considering the same site boundary with the same policy basis) and there was no objection raised by the Landscape Officer during the pre-application process for this scheme.

Impacts on the Historic Environment

- 3.17 An Archaeological Assessment and Geophysical Survey has been submitted in support of the application and these demonstrate that there are no issues of concern in this respect. The application proposals fully respect the historic line of the Wiltshire and Berkshire Canal and Plan Policy CP16 line of the Melksham Canal Link. No designated heritage assets will be subject to any harmful change to their setting.
- 3.18 On this, basis, the scheme is in accordance with the development plan and this is consistent with the view of the Council Conservation Officer at the pre-application stage and the Delegated Report in respect of the previous scheme.

Transportation and Accessibility

- 3.19 No issues of concern were raised in respect of these matters for the two previous larger schemes, including the first proposal that was for over 150 units. The Framework promotes sustainable transportation improvements to underpin new development. A range of measures are included as part of the development that will deliver benefits for Melksham as a whole by promoting sustainable development given that the town centre and all necessary local facilities are readily accessible for pedestrians, cyclists (Woodrow Road forms part of the cycle network National Route 403) and public transport users (with the nearest stop being within 200 metres and the train station approximately 1.5 km away). The accessibility of the site will play a key role in promoting the reduction in private car movements. The provision of 30% affordable housing as part of the scheme will help to minimise the number of journeys given that this accommodation will be occupied by local residents. A Residential Travel Plan has been prepared to maximise the sustainability of the site and scheme in transportation terms.
- 3.20 The Transport Assessment demonstrates that the impacts on all relevant junctions are acceptable and that the scheme complies with the requirements of the Framework. The scheme will provide a range of other transportation benefits to deliver a modal shift including new footways and cycleways within the site and linkages to the wider area.

Employment Generation

- 3.21 Whilst residential led, construction activity on site and indirect benefits will create a range of work opportunities and associated expenditure in the local economy. This is a benefit of the scheme.

Provision of Affordable Housing

- 3.22 The application will provide 30% affordable housing with the mix of tenure and type to be delivered as per the requirement of Wiltshire Council Affordable Housing Officers during the consultation process. Given the very high levels of local need, the provision of up to 21 affordable units within the next three years is a significant benefit of the application.

Planning Obligation Heads of Terms

- 3.23 It is envisaged that a package of measures will be required to deliver the scheme. These will be confirmed through the consultation process and are likely to include:

Transport

- Proposed junction arrangements and road infrastructure as proposed in the Transportation Assessment.
- Contributions to pedestrian linkages.
- Measures necessary to achieve a modal shift in travel patterns consistent with the stated Travel Plan objectives.

Affordable Housing

- Delivery of 30% affordable housing.
- Indicative affordable type, mix and phasing to be confirmed following consultee response.
- Local connection criteria.

Phasing of Development and Associated Infrastructure

- Phasing of development so that an appropriate rate of building takes place to ensure that all key infrastructure such as important junction improvements and pedestrian routes are delivered as early as possible.

Education

- Financial contribution of £xxx (to be determined by Education Department).
- Payable as follows:
 - xx% on occupation of xx market dwellings;
 - xx% on occupation of xx market dwellings;
 - xx on occupation of xx market dwellings; and
 - xx% on occupation of xx market dwellings.

Public Open Space / Ecological Enhancement / Biodiversity Net Gain

- Provision of open space on site and the establishment of a management company. Prior to commencement of development to submit to the Council for approval details for all open space / ecological enhancement / BNG proposals to be provided across the site and to be generally in accordance with the Illustrative Masterplan. Long term management arrangements.

Drainage

- Highways soakaways will be adopted by Wiltshire Council as the Highway Authority.

Other

- Upon execution of the Section 106 agreement the owner shall pay the Council's reasonable expenses for the negotiation preparation and execution of the agreement.
- All prices referred to in the agreement shall be index linked.
- The detailed drafting of these obligations will be agreed with the Council as part of the preparation and completion of a Section 106 Agreement prior to the issue of any planning permission.

3.24 It is noted that the obligations in the Agreement must comply with the Community Infrastructure Levy Regulations and Government Guidance on Planning Obligations.

4. Conclusion

- 4.1 The application proposals will make a significant contribution towards the provision of much needed housing (both market and up to 21 affordable units) thereby helping to contribute towards addressing the ongoing and worsening shortfall of housing provision in Wiltshire.
- 4.2 Satisfactory measures will be proposed (to be controlled by conditions) to ensure that the scheme will be properly served by all necessary infrastructure including highways, education, drainage, open space and community facilities.
- 4.3 Wiltshire Council acknowledges that it cannot demonstrate a five year supply of land for housing and on this basis the application must be determined in the context of Paragraph 11 of the Framework. Permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. Based on this, the scheme should clearly be approved.
- 4.4 The very limited adverse impacts are as a result of the impact of the loss of a small parcel of agricultural land and a limited conflict with out-dated plan policies applying a blanket prohibition against development beyond settlement boundaries. Both issues have been considered in detail at Section Three and the impacts determined to be acceptable within the context of the Framework. For an application to be refused the adverse impacts must significantly and demonstrably outweigh the benefits (which include the provision of much needed market and affordable housing, financial contributions towards community infrastructure, BNG / open space / employment generation. In no way do the adverse impacts significantly and demonstrably outweigh these benefits. Further to this, there are no specific policies in the Framework stating that development in this location should be resisted.
- 4.5 The application fully satisfies all of the objectives and specific requirements of the Framework and should be approved without delay.

APPENDIX 1
STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

1. The Council Validation Guide requires the submission of an SCI to confirm what consultation has been undertaken prior to the submission of the application.
2. As set out in the Planning Statement, the submission of this scheme follows an earlier submission which underwent extensive stakeholder, public and consultee consultation.
3. Consultation has also been undertaken through the preparation of the emerging Wiltshire Council Local Plan and the Melksham Neighbourhood Plan. This process is outlined in Section 2 of the Planning Statement.
4. No further pre-application consultation has been undertaken.

AGENDA ITEM 06a Land at Woodrow Road Planning Application

Clerk's Note:

For clarity of the papers included in the agenda pack, there are the following documents.

- Planning Statement from applicants
- Officer's Report for the previous refusal of the 2016 application – as sums up the comments of all consultants, including the parish council, at that point
- AECOM independent assessment of the site (SHELAA 3107) for the Melksham Neighbourhood Plan

At the time of preparing the agenda pack there are some comments online, mostly residents, but not yet the thoughts of Highways etc. Wiltshire Councillor Phil Alford has already called in for Committee decision.

Useful housing allocation numbers:

Melksham Residual Number as per the Local Plan submission version:

1,120 Melksham & Bowerhill and 70 in Shaw & Whitley

Local Plan allocations:

Policy 18 East – Blackmore Farm	425	Current appl. 500
Policy 19 Bath Road, adj to Melksham Oak	135	
Policy 20 A3012, New Road Farm	<u>285</u>	Current appl. 295
	845	

And 200 to be allocated in the Melksham NHP and 70 for Shaw & Whitley

Melksham Neighbourhood Plan 2 allocations:

Former Cooper Tires site	100
Former Library site	50
Western Way	210
Western Way Care Home 70 bed equates to	<u>38</u>
	398

Middle Farm 55

Whitley Farm (no number, but 10 indicative)

453 allocated in JMNP2

Total residual number for 1,120 + 70 = 1,190

Allocated in Local Plan (845) and JMNP2 (453) = 1,298

Current allocations exceed the emerging Local Plan allocation.

CASE OFFICER'S REPORT

Application Reference: 16/05644/OUT
Date of Inspection: 29/07/2017 & 14/02/2017
Date site notice posted: 29/07/2017 & 14/02/2017
Date of press notice: n/a

POLICIES

Wiltshire Core Strategy: Core Policies

CP1 (Settlement strategy); CP2 (Delivery strategy); CP3 (Infrastructure requirements); CP15 (Melksham Area Strategy); CP16 Melksham Link Project; CP41 (Sustainable construction and low carbon energy); CP43 (Providing affordable homes); CP44 (Rural Exception Sites); CP45 (Meeting Wiltshire's housing needs); CP50 (Biodiversity and geodiversity); CP51 (Landscape); CP52 (Green Infrastructure); CP55 (Air Quality); CP56 Contaminated Land; CP57 (Ensuring high quality design and place shaping); CP58 (Ensuring the conservation of the historic environment); CP60 (Sustainable Transport); CP61 (Transport and Development); CP62 (Development impacts on the transport network); and CP67 (Flood Risk)

West Wiltshire District Local Plan (1st Alteration, 2004) policies continued to be "saved" under the WCS: U1a (Foul Drainage/sewerage treatment); I2 (Arts); I3 (Access for everyone)

Wiltshire Waste Core Strategy - WCS6 (Waste Audit)

Other relevant documents (Local)

- Wiltshire Housing Land Supply Statement – Updated Base Date April 2016 – Published March 2017
- Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)
- Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule)
- Wiltshire's Community Infrastructure Levy - Regulation 123 List (123 List)
- Wiltshire Infrastructure Delivery Plan 2 2011-2016 Appendix 1 Melksham Community Area September 2013
- Affordable Housing Supplementary Planning Guidance adopted August 2004
- Wiltshire Local Transport Plan - Car Parking Strategy
- Leisure and Recreation Development Plan Document 2009
- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Landscape Character Assessment (LCA)– Open Clay Vale District C1 Melksham Open Clay Vale
- Wiltshire Council Waste Collection Guidance for New Development

National Policy

- National Planning Policy Framework 2012 (NPPF)
- Planning Practice Guidance (PPG)

The National Planning Policy Framework introduced the presumption in favour of sustainable development. The NPPF acknowledges the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 17 further sets out the core planning principles and paragraphs 18-219 constitute what sustainable development means in practice.

Further, under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan in respect of this application is as follows:

Wiltshire Core Strategy (WCS), adopted 20th January 2015, and saved policies in the West Wiltshire District Plan 1st alteration (2004) as outlined in Appendix D of the WCS

Core Strategy policies considered particularly relevant to spatial planning's consideration of this application are: Core Policy 1: Settlement strategy; Core Policy 2: Delivery Strategy; Core Policy 15: Melksham Community Area Strategy.

Consideration must however be given to all other relevant policies.

Melksham has started its Neighbourhood Plan but is at a very early stage and can only be afforded very limited weight.

The Housing Site Allocations DPD is currently under preparation. Informal consultation was carried out with Parish councils in 2014 and further informal consultation with parish and town councils and other stakeholders on a draft methodology and initial findings relating to the identification of housing allocations took place in February – March 2015. This was followed up with a targeted consultation of Parish Councils with Large Villages (June – August 2015). Formal pre-submission consultation on a draft plan is scheduled to take place from October 2016 – April 2017.

ISSUES

- Principle of development
- Wilts and Berks Canal
- Drainage
- Highway Safety
- Ecology
- Education
- Impact on designated heritage assets
- Impact on Archaeology
- Impact on neighbour amenity
- S106 contributions
- Sustainable constructions and low carbon economy
- CIL
- Other material planning matters

REPRESENTATIONS

Unitary Ward Member - Councillor Chivers confirmed to officers that the application should be reported to the Area Planning Committee in the event of officers being minded to approve this application.

Melksham Town Council – Objects to this application on the following grounds:

- Lack of road infrastructure
- Adverse impact on local roads and historic setting of Lacock
- Adverse impact on foul drainage system
- Safety concerns over horse riders
- Adverse impact of wildlife and environment

- Lack of a play area on the site

Melksham Without Parish Council – Objects to this application on the following grounds:

- The width of Woodrow Road at the point of the proposed junction is 5 metres, with a suggestion that the road to the north will be reduced by 0.6m so that visibility splays are obtained. The access road into the site at 5.5 metres wide would therefore be detrimental to highway safety
- The only footway on Woodrow Road is on the western side and narrows in portions towards the town
- The footpath from Savernake Avenue means that all residents have to cross the road to get to the side with a pavement to get into town. Some form of crossing will be required.
- There is no kerb on the western side of Woodrow Road to the north, and the narrowing of the road will mean that vehicles are likely to overrun the verges (as they do already)
- There is a lot of equestrian uses near the site and use Woodrow Road
- Woodrow Road is part of the National Cycle Route 403 which will be more at risk by increased traffic
- Increased traffic from other east of Melksham developments are already using unsuitable roads (single track New Road and Forest Lane with S bends and through Lacock).
- Woodrow Road has speeding traffic. Metro count from 2010 recorded 85% of traffic travelling at 38mph or below in a 30mph zone
- The submitted Traffic survey and Traffic Plan include factual errors
- Concerned about unfenced ponds and the danger to young children
- Foul drainage systems cant cope
- The Neighbourhood Plan task force have scored all SHLAA (Strategic Housing Land Availability Assessment) sites in the Melksham Designated Area. This site scored worse than the site for the Gladman/Shurnhold application which was dismissed at appeal.
- Play areas have been removed from the proposal

Lacock Parish Council – Objects to this application on the following grounds:

- Melksham residents use Lacock as a rat run to avoid congestion in their town centre
- We are a national trust village and the increase in traffic is having an adverse effect on the character and tranquil environment of the village as well as the potential to have an adverse effect on the safety of pedestrians, both residents and visitors

Council Spatial Planning Officer – Objects. The Council has a 5.73 year housing land supply in the north and west housing market area (HMA) and the proposal is not in accordance with the development plan housing delivery strategy in that it lies outside of the limits of development currently defined for Melksham and Bowerhill. The proposal is therefore contrary to CP1 and CP2.

Lead Local Flood Authority Drainage Officer – No objection.

- Sewerage upgrade could be secured via condition
- Land Drainage consent will be required
- Ponds would be outside flood zones 2 and 3 and appears to be clear of Environment Agency surface water flooding areas
- Noted that ponds are no intended to be permanently full of water but will need to be secured
- Noted that outfall is above the flood level of the main river
- Noted that the outfall could be diverted or incorporated into any future canal strategy
- Therefore storm water conditions should be sufficient

Wessex Water – The disposal of surface water on site and to the local watercourse will require approval of the Local Lead Flooding Authority and the Environment Agency. Elements of the system may be offered for adoption to Wessex Water. There must be no surface water connections to the foul sewer network.

There is limited available capacity within the downstream public foul sewer catchment to accommodate additional foul fouts. Network computer modelling appraisal funded by the development will be required to determine the extent of capacity improvements. As a strategy is yet to be agreed please ensure a drainage strategy conditions is agreed.

Environment Agency – No objection subject to contamination, surface water and Construction Environmental Management Plan (CEMP) conditions

Council Highways Officer – No objection subject to conditions and s106 contributions

Council Rights of Way Officer – No objection subject to conditions and consideration of footpaths in the reserved matters application

Council Housing Officer – No objection subject to s106 to secure affordable housing contribution

Council Ecologist – No objection subject to condition

Council Public Open Space Officer – No objection subject to s106 for a LAP (play area) and public open space

Council Landscape Officer – No objection, however the lower density of the previous layout has been compromised in this revised layout

Council Education Officer – No objection subject to s106 contributions

Council Archaeologist – No objection subject to condition

Council Environmental Health Officer – No objection subject to air quality contribution (£860.32). Further information regarding the capping of the formal canal route. Providing this is supplied we would not look to condition this in respect to contaminated land. Would also seek a noise management plan and working hours condition. A dust management plan will also be required.

Council Waste Officer - No objection subject to s106 contribution

Council Arts Development Officer - An indicative public art contribution figure (based on £300 per dwelling) for this site would be £23,100 for 77 dwellings

Wiltshire Police Architectural Liaison Officer – In any reserved matters application, the police architectural liaison officer would be looking for urban design and layout to include measures to reduce crime and anti-social behaviour

National Trust – Objects to the increased vehicular traffic on the picturesque and historic village of Lacock and on its residents and visitors and on rural lanes north of Melksham

Neighbour Consultation – 125 letters of objection have been received and a petition signed by 142 people. The petition however did not set out any objection reasons other than being against the development. One letter of objection was also received from the local MP.

Following the receipt of the revised plans and a fresh public notification process, a further 51 letters of objection were received. Most reiterated the original objections and stated that reducing the proposal to 77 dwellings would not overcome their objections, which can be summarised as follows:

Principle of Development

- Melksham doesn't have the infrastructure to cope with the new build
- The local schools are full
- The site is outside the limits of development for Melksham
- There are other SHLAA sites which score higher than this one
- Applications for bungalows to be extended have been refused so the same rules should apply to this application
- The affordable housing shouldn't be clustered together and should be spread out so people do not feel isolated within their community
- Melksham has hit its quota for housing as set out in the Core Strategy
- This will add to local unemployment as the houses will be targeted at new people from outside the area
- Is the 30% affordable housing a bribe to secure permission?
- The land is 3A agricultural arable land.
- The proposal would fail to reflect the character or linear nature of the existing Woodrow development
- The proposed Wilts and berks canal is no longer projected to cross this site. Land will not need to be given up, the developer should be required to provide funding for construction of the link across adjacent land
- What will happen to the rest of the field, presumably the developer will come back for the houses they've lost?

Drainage

- The field floods badly in heavy rain
- The existing drains cannot take the existing load which has resulted in some homes being flooded.
- Wessex Water are aware that there are sewerage problems in the area
- The attenuation ponds are an accident waiting to happen

Highway Safety

- Concerned over increase in traffic and the affect on highway and pedestrian safety.
- Forest road and Church Lane are not suitable for this increased traffic as its single lane and parking is all over the place
- Cannot believe there haven't been more accidents down Woodrow Road
- Horses use Woodrow Road and drivers drive too fast
- Lacock is now a 'rat run' for daily commuter traffic much of which comes from Forest Lane and Melksham. Its easier for people to get to the A350 through Lacock rather than drive through Melksham Town Centre
- This will get worse if this is approved
- A new highway by-pass is required to remove traffic from Lacock Village
- There would be significant danger during the construction phase from heavy plant
- Doubts over the Traffic Survey and Traffic Plan
- One entrance for 152 dwellings is inadequate
- The proposed access road wouldn't be wide enough
- There are approximately 18 separate sets of stables within a 0.75 mile radius from the proposed site and 30+ within 3 miles
- Average speed on Woodrow Road is 38mph, 25% in excess of the maximum declared on the road
- There have been many accidents on Woodrow Road

- The public right of way (PROW) is well used. There is no pavement on the PROW side of the road, where will they cross
- Many complaints of people already parking in front of driveways this development will only make this worse
- Woodrow Road and Forest Road floods in high rainfall
- Wiltshire Council recently approved 16/08205/FUL – for another livery yard

Landscape

- A lot of the houses in the area are bungalows and this proposal would introduce two/three storey development behind

Ecology

- No bat survey has been carried out. Bats forage in this field
- How can there be monitoring, if you don't know what's there in the first place without a survey?
- Woodrow Farm probably has 'moderate' potential to support foraging and commuting bats as per table 4.1 of the Bat Conservation Trust Good Practice Guidelines 2016
- Government speaks about pollution and ozone levels, we need action and not words. In time a child will have to go to a zoo to see a blackbird
- The proposed green spaces are laudable but wildlife is unlikely to return once construction has taken place and people move in. The green space will be urban in character and not rural

Neighbour Amenity

- Increase in noise and air pollution from increased traffic
- Disturbance from the construction phase
- No's 166, 167 and 168 Woodrow Road would be overlooked by the dwellings towards the entrance of the development
- No 173 would be overlooked by the proposal
- Woodrow Road properties would be overshadowed unless the dwellings alongside Woodrow Road are themselves bungalows
- There is already a problem with crime in area and this will only help make it worse

Heritage

- Increased traffic through Lacock increases harm to listed buildings and Heritage site

Pressure on local services

- The local GP practice is full

Other Issues

- This area is occupied by mainly older people and the plans have not been made clear enough for these people
- Loss of view and countryside outlook
- High voltage power lines run across the site and can cause health problems
- The Council should look at the Sage report of 2007 to notice the dangers of building near high voltage pylons. If this goes ahead someone should be accountable for the obvious accidents and deaths that could happen.
- The public right of way would have to be significantly changed

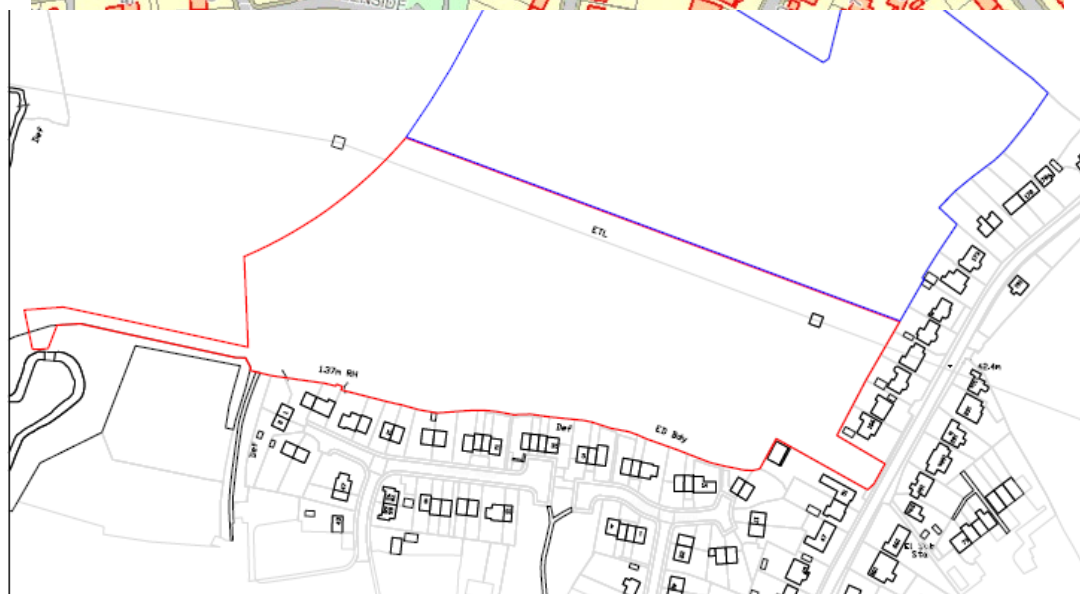
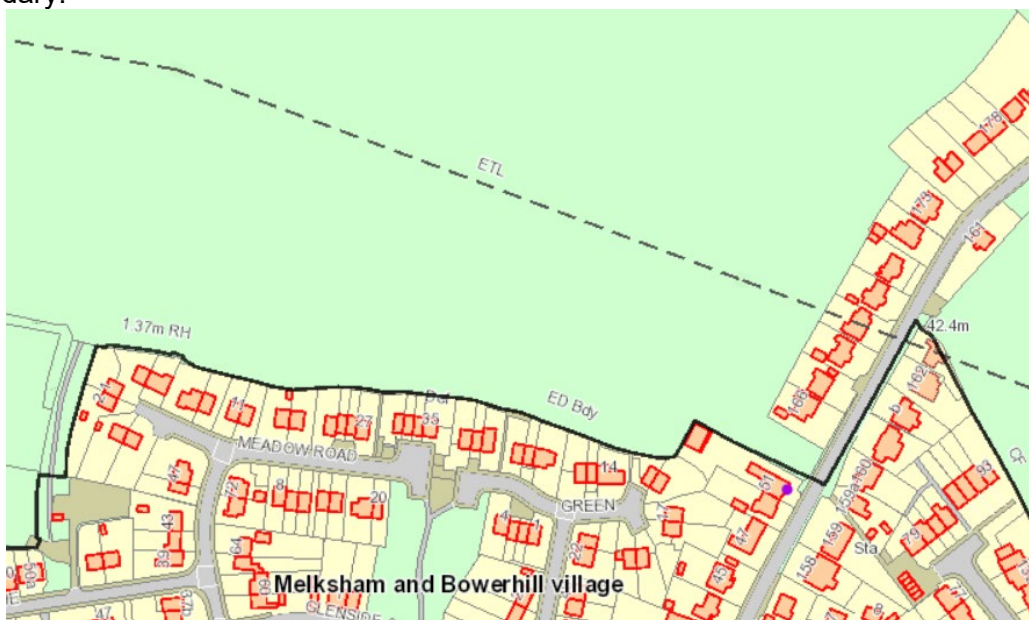
PLANNING ASSESSMENT:

This is an outline application for the erection of up to 77 dwellings (including 30% affordable housing), open space, ecological enhancements, play space, associated infrastructure (including drainage and works to the public highway), access, parking, servicing and landscaping at land off Woodrow Road, Melksham. This outline application seeks detailed consideration of the means of access but the matters relating to appearance, landscaping, layout and scale are reserved for future applications. Therefore this application is mainly considering the principle of development and the means of access onto Woodrow Road.

The application site is approximately 3.9ha in extent and is agricultural land located to the west of Woodrow Road located outside of the established settlement limits. The River Avon and a smaller

watercourse are to the west of the site. To the north are further agricultural fields, which were part of the original submission for up to 152 dwellings but due to archaeology evidence that part of the site is no longer included in the submission, but is shown in blue on the site location plan. To the east there is ribbon development of dwellings immediately located off Woodrow Road. To the south is residential development on Meadow Road, Lincoln Green and further dwellings on Woodrow Road.

Melksham is identified as a Market Town in the adopted Wiltshire Core Strategy. The limits of development of this part of the town are largely defined by the surrounding residential development although there are dwellings outside the limit of development. The snip below shows the limits of development (outlined in black) and the site location plan shows the relationship to the boundary.



In the Council’s Wiltshire Housing Site Allocations DPD the limit of development is set to extend to include the development along Woodrow Road but still excludes the application site as seen on the snippet below.



There are a number of listed buildings within 1.5km of the application site. Approximately 300 metres to the north east is Woodrow Farmhouse which is grade II. Its gate piers and garden walls are also Grade II listed. There is also Forest Farmhouse and the Granary, additional grade II listed buildings located approximately 560 metres away from the site.

To the west there is Beechfield House and the Stables at Beechfield House (both Grade II listed) approximately 760 metres away. Further beyond and behind Beechfield in the village of Beanacre, where there are 11 further listed buildings ranging from 1.1-1.3 km away. Most notably is Beanacre Manor a Grade II* and Beanacre Old Manor a Grade I listed building. To the south there is the Church of St Andrew, a grade II listed building approximately 630 metres away.

The village of Lacock is approximately 3.2km to the north of the site. Lacock has a high concentration of listed buildings.

The applicant has submitted the following documents in support of the application:

- Planning Statement
- Flood Risk Assessment
- Ecology Survey Report
- Transport Statement
- Archaeology investigation report
- Heritage Assessment
- Ground investigation study

Principle of Development: The Wiltshire Core Strategy (WCS) identifies six key challenges which informs the development vision, objectives and strategy for the County, and sets the context of planning for sustainable development at community area levels. Strategic objective 3 of the WCS and paragraph 3.6 states that new homes will be delivered in the most sustainable locations and that they will need to have been designed to respect local character. A key outcome states that “the flexible approach will have allowed the council, for example through the preparation of the Site Locations DPD and local communities preparing neighbourhood plans, to respond positively to opportunities without being inhibited by an overly prescriptive, rigid approach which might otherwise prevent sustainable development proposals that can contribute to delivering the strategic objectives of the plan.”

Melksham is categorised as a Market Town in the WCS, based on an assessment of its role and function. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.

However, it is important to note that the WCS, and in particular, Core Policies CP1 and CP2, constitute the Council’s definition of sustainable development which has been found to be fully compliant with the NPPF. For the avoidance of any doubt, unjustified development that does not

comply with Core Policies CP1 and CP2 is considered unsustainable development, which is against the principle aims of the NPPF.

The application site is adjacent to, but outside the limits of development of Melksham as defined on the Core Strategy policies map. The site is therefore located as part of the open countryside. The principle of a settlement boundary approach is justified in terms of providing Plan led clarity to what development may go where. This approach was endorsed by the Inspector who examined the Core Strategy, who due asserted in his final report, that “...by such means the Council intends to provide clarity on what forms of development may be carried out where in a manner consistent with the Framework”. The Inspector acknowledged that settlement boundaries in Wiltshire need to be reviewed but stated that the correct mechanism to advance this review is through the Wiltshire Housing Sites Allocations DPD. A proposed revised boundary for Melksham was subject to informal consultation in the summer of 2014 and as reflected within the emerging DPD, the application site is not included within the proposed revised boundary as shown above.

As set out by WCS Core Policy 2 development outside settlement boundaries may be permitted by exception policies of the Plan i.e. Core Policies 35, 37, 39, 40, 44, 46, 47 and 48, or where they are brought forward through a Neighbourhood Plan or a Site Allocations DPD. The proposed site and development does not however comply with any of the stated exception policies.

The Inspector who examined the Core Strategy stated in his final report that ‘*the Core Strategy...would enable the Sites DPD and the neighbourhood planning process to facilitate the provision of the required level of housing*’. He continued that the Sites DPD ‘*seems to be the most pragmatic and efficient way of complementing the neighbourhood planning process to ensure the provision of sufficient housing to meet identified needs in a timely fashion*’ and ‘*by such means it will be feasible to deliver the housing numbers shown within modified Core Policy 15 as necessary*’.

In light of the above, the principle of a development in this location outside of the limits of development, does not accord with the development plan and is considered to be unsustainable.

The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5.25 years’ worth of housing land supply measured against the housing requirements of the housing market area identified in the WCS (a description normally abbreviated to 5 years supply). The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include WCS Core Policy 2) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

It is important to note that when the application was first received in July 2016, for up to 152 dwellings, the Council could not demonstrate a 5 year housing land supply. However, the applicant had to undertake investigative archaeology works on the site and found that approximately half the site was of significant historic value and could not be developed. Revised plans were submitted in February 2017 and the applicant agreed to an extension of time to allow for re-consultation to take place. In March 2017, an updated Housing Land Supply Statement was published by the Council following the examination of the Chippenham Sites DPD, which enabled the Council to calculate deliverable housing development on sites in Chippenham which were referenced yet zeroed in the 2016 HLSS. Following the recent examination, the Council is in a position to demonstrate a 5.76 years supply of housing land. Therefore paragraphs 14 and 49 of the NPPF are no longer engaged and Policy CP1 and CP2 should be given full weight.

Safeguarding the Wilts and Berks Canal route: It is noted that the illustrative layout map accompanying the application acknowledges the proposed route of the Melksham link canal (WCS Core Policy 16) and the historic line of the canal (WCS Core Policy 53), and this is welcomed. This route should be safeguarded from any future development and development should not prejudice the future use of the route as part of the Wilts and Berks Canal restoration project.

The restoration and reconstruction of the Wilts and Berks canal as a navigable waterway is supported in principle by the WCS and the historic alignment as shown on the policies map should be safeguarded with a view to its long-term re-establishment as a navigable waterway.

Impact on the Landscape: The site comprises a large agricultural field adjoining the residential areas of Meadow Road, Lincoln Green and Woodrow Road on the northern edge of Melksham. The western boundary runs close to the River Avon. An overhead power line with pylons bisects the field west to east and the PROW MELW66 runs north to south.

The site is relatively flat with a slight south westerly aspect and a steeper section sloping to flatter ground along the western edge towards the River Avon. The site boundary to the existing housing consists of hedges/ intermittent scrub and garden fencing with the houses overlooking the field. The northern and western site boundaries comprise mature dense hedgerows with some isolated Oaks and dense tree cover along the River Avon corridor, including Willows. The northern hedgerow visually contains the site to the immediate north such that the site relates to the adjacent housing and the more distant urban edge of Melksham and the A350.

There are no landscape designations to the site. The site lies within C1 Melksham Open Clay Vale district LCA. Specific management objectives for this LCA relevant to this site include:

- conserve and enhance the landscape setting of Melksham
- screen visually intrusive urban edges of Melksham
- conserve open views across the clay vale to distant down land ridges, and
- conserve and enhance the existing hedgerow network

With regard to Core Policies, CP 51 Landscape requires that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. At the national level, the Framework seeks to ensure that the intrinsic character and beauty of the countryside is recognised and paragraph 109 seeks in particular to protect and enhance '*valued landscapes*'. The term valued landscape is not defined in the Framework but it has been the subject of a High Court judgment (CD10.10 Gladman & Stroud District Council [2015] WWHC 488 (admin)). Land does not have to form part of a designation to be valued in the terms of paragraph 109. The Council submits that landscape values can be attributed to the site by virtue of the views it affords from the established built settlement and public domain across open countryside, including the site, which acts as a green lung and the erosion of the rural approach into Melksham would result in harm. There is also a value in the sense that the site forms part of the wider open countryside and an unwarranted residential incursion diminishes its value. The Council accepts that each site and setting requires its own individual appraisal in terms of appreciating landscape values, and it is duly submitted that even if on appeal, an inspector was to find that the site's landscape value does not qualify as a valued landscape within the meaning of NPPF paragraph 109, the Council would maintain that this development is unwarranted that runs contrary to the Council's adopted housing delivery strategy and the consequential loss of open countryside would result in a degree of harm and dilution of landscape values.

When driving north on Woodrow Road there is considerable development on both sides of the road. The development to the north of the proposed access is limited to ribbon development off the main road, where there is a reasonable sense of development on the left but to the right there are first indications of open countryside beyond. However, at the proposed access there is an existing (approximate) 18 metre gap between No 51 and No 166, which allows for a fairly strong indication of open countryside behind. Whilst the hedge screens the majority of the view to the open countryside behind there is a fairly clear, although limited, break in the built form of development to Woodrow Road.

Core Policy 52 Green Infrastructure requires that development shall make provision for the retention and enhancement of Wiltshire's green infrastructure network, and shall ensure that suitable links to the network are provided and maintained. Core Policy 57 High Quality Design and Place Shaping requires that a high standard of design is required in all new developments which is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

The Council's Landscape Officer had no objection to the initial proposal for 152 dwellings and commented that *"the design approach, which is clearly identified within the Design and Access Statement, incorporates a comprehensive landscape strategy and robust design development parameters that are considered to be appropriate to the site context. The required easement corridors for the overhead power line and the proposed route of the reinstated Melksham Canal will be accommodated within a substantial area of public open space incorporating SuDS attenuation features, woodland, hay meadows, footpaths and a play area linking to the wider green infrastructure network and amenity spaces along the River Avon corridor. Landscape buffers are proposed, as part of the public open space, to give adequate separation to existing neighbouring housing and to allow retention and enhancement of existing mature hedgerows to field boundaries. In addition the tree lined streets and generous plots [would] create a green and leafy character to the proposed layout."*

Whilst the revised plans have reduced the number of units to 77 and cut the initial site in half, the Landscape Officer maintains no objection but commented that the strong landscape framework and the lower density of the previous layout Illustrative Layout Dwg. 151002L 02 02 Rev C has been compromised in the revised layout (illustrated by Rev E).

In regards to the LCA requirements, the proposal would maintain the existing hedgerow network but it would not retain the open views across the clay vale from Woodrow Road itself.

The Council submits that the first clause of the first sentence to WCS CP51 creates a presumption that development must not have a harmful impact upon landscape character. The second clause requires negative impacts to be mitigated as far as possible through sensitive design and landscape measures. The application site would as previously explained, have a harmful, albeit relatively localised, impact on landscape character and loss of landscape value, which acts as a material failing of the application. Given that the Council's landscape officer has raised no objection, a standalone reason for refusal on landscape harm is not proposed. However the in principle objection to the development is strengthened by the unjustified nature of the development and its consequential dilution of landscape values and the visual and recreational merits of safeguarding the open countryside from unjustified forms of development.

Drainage: Drainage issues have been a key concern of neighbours from the public consultation responses. However, the Council's drainage officer is satisfied that the proposed development can adequately deal with surface/storm water drainage from the site. An attenuation pond would store surface water and delay its release into the surrounding ground and, in the opinion of the lead local flood authority; the scheme would not increase the risk of flooding elsewhere as required by paragraphs 100-103 of NPPF.

Additionally the application site is within flood zone 1 and therefore meets the sequential test within the NPPF.

The indicative layout shows that the proposal canal route would be safeguarded which could in future be used to further help store surface water from the site and potentially from existing development.

With regard to foul drainage (sewers) the consultation responses state that the existing systems are at near capacity which is confirmed by Wessex Water. However, subject to an upgrade, that would need to be secured between the developer and Wessex Water, there is no reason in which to consider that a Grampian styled condition could not secure these works, should they be required. Should this development be allowed on appeal, clear and precise foul and surface water conditions would be required.

The public consultation responses also highlighted surface water flooding that occurs on Woodrow Road. The exact reason for the surface water flooding has not been made evidenced or investigated, but it is understood to relate to block drains. The lead local flood authority is aware of the concerns and for the purposes of this application, it is not reasonable to expect this planning application or the applicant to resolve existing unrelated off-site drainage problems. The surface water from this site should be able to be dealt with via the attenuation pond which means that it would not increase any water flow into the drains on Woodrow Road. Logically should all surface water from the site be directed to the attenuation pond and down towards the river, this should reduce any existing flows onto Woodrow Road or the residential development to the south, which could help reduce the risk.

Highway Safety: The Council acknowledges that highway safety has been included in virtually every letter of representation whether it relates to the proposed access, the grass verges of dwellings on Woodrow Road or just the general level of traffic on the road network. Concerns have also been raised about congestion, mainly down the single lane sections on Forest Road but also sharing the road with cyclists and horses (where there are many livery yards down New Road for example).

However, after a careful review of the case, the Councils Highways officer has no objection and considers the design of the proposed access onto Woodrow Road to be acceptable. The road would be wide enough to allow cars to pass and would also have the required visibility splays for a 30mph road as the road is reasonably straight in both directions.

Paragraph 32 of the NPPF states that local planning authorities should only refuse applications on transport grounds where the “residual cumulative impacts of development are severe”. Whilst there is no definition of what ‘severe’ means in the NPPF, the dictionary definition would make this a very high level of harm.

The application is for 77 dwellings, which has been submitted with a Transport Assessment. It concludes that in 2022 on Woodrow Road (north of the access) it would have a two way peak hour traffic flow of around 145 vehicles without the development. The development of 77 dwellings would add about 14 vehicles to Woodrow Road in the AM peak hour traffic flow and 29 vehicles in PM peak hour. In the PM peak this equates to about 1 extra vehicle every 2 minutes. The access would also connect onto a Class C road that links to other major roads in the town and its surroundings. It is not considered that this would be a substantial or significant increase in road traffic.

The case officer has visited the site and has been on Forest Road and Woodrow Road on many occasions appraising different applications as have highway officers. It is acknowledged that as

part of a traffic calming scheme and to provide on-road car parking, sections of the road are single lane. Whilst these visits have predominately not been undertaken during peak hours of the school runs or at 8-9am and 5-6pm, the case officer has never experienced significant difficulties and has only had to wait briefly to allow traffic to pass. The Council acknowledges that at peaks times there would be more congestion but given the slight increase in peak time traffic and the lack of any significant issues outside of these hours, it is not anticipated that this proposed development would result in adverse congestion and/or increase highway safety risk.

The proposal would of course, increase traffic levels assuming all 77 dwellings had two cars. However, it has been assumed by the public consultation responses that all of the cars would be in use every day. The Council has to take into account that working practices are changing and with super fast broadband more people are able to work from home, reducing their need to travel. Additionally some potential occupants might be retired people who don't have the necessary daily requirement to commute to work. Many people also work outside the traditional 9-5 working pattern which would spread the increase in traffic over a longer period as demonstrated in the AM and PM peak traffic flows in the Transport Assessment.

There is a public house and a convenience shop approximately less than 500 metres away to the south accessible by pavement, which could also reduce the need to travel by private car for some recreational, social and shopping needs.

Additionally not all of the traffic would automatically head south towards Melksham town centre. Woodrow Road continues up to New Road, which then connects to the A3102 which also connects to the new eastern link road that extends and connects to the roads leading to the Bowerhill roundabout. Therefore not all of the increased traffic would be channelled onto Forest Road.

A key concern for neighbours has been that opposite the entrance to the proposed access, two dwellings only have grass verges at the front of their properties and cars often use them as the road is alleged to be too narrow. However, the road is wide enough for two cars to pass and the access road into the application site would meet highway standards.

There appears to be confusion in the neighbour consultation in regards to the extent of the adopted footpath network in the area. There is a pavement footpath between No 159 and No 159a that leads to Savernake Avenue. Whilst the southern field boundary of the application site has been used by people (as witnesses on the site visit from the mud path that has been formed), there is no adopted footpath that runs across the application site. There is MELW66 to the west of the application site but this too is not within the application site. The Council's right of way officer also has no objection provided that in the reserved matters application that acknowledgment of the right of way is shown on the plans.

In any regards the proposed access will have pavements on both sides of the road to link with the existing pavements and will lead through the site allowing for easy connection to MELW66.

Ecology: The Council's Ecology Officer has no objection to the proposal subject to a construction Environmental Management Plan being conditioned on any approval.

The site is an open field that is used for agricultural purposes and does not have supportive wildlife habitats apart from the field hedgerow boundaries. This proposal would help increase ecological value by creating and managing habitats in a green corridor to the north of the site, whilst also maintaining existing boundaries. The actual layout of the site would be determined in any reserved matters application but conditions would be able to ensure that Ecology is improved on the site.

Education: The education officer had originally objected to the proposal due to their being no capacity in local primary schools, or even to extend them using s106 contributions. However, following the recent decision to grant permission for application 16/01123/OUT (which includes a primary school) on 24 March 2017, pupils generated by this proposed development would be able to go to the school (once it is built and following REM approval). There would be a need for a developer contribution. The Council's education team no longer object to this application subject to s106 contributions being secured.

Impact on Designated Heritage Assets: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. As described in the introduction there are a number of listed buildings within 1.5km of the site, however it is considered that none of the settings of the listed buildings would be affected by the proposal.

To the north the site is reasonably contained by a mature hedgerow and with the distances to the listed buildings and the presence of other development around them, it cannot be reasonably considered that the setting of those listed buildings would be affected. The same applies to the listed building to the south of the application site.

The largest potential for an impact on the setting is across the open setting of the river to the west and the listed buildings around Beanacre. Whilst the proposed development may be visible from Beechfield House, given the 760 metre distance any views can only reasonably be described as 'distant'. Additionally the red outline of the application site is located on slightly lower ground than Beechfield House (according to the OS contours) and therefore isn't in an elevated position where more of a visual impact could occur. If there are any views as such from Beechfield House, it is submitted that with the combination of the above factors the proposed development would be seen in the context as part of the urban form of Melksham and not as a discordant extension. Therefore it would cause no harm to the setting of Beechfield House.

In regards to the Grade I and Grade II* listed buildings, there would also be no impact on their settings. When driving through Beanacre off the A350, due to the existing and extensive landscaping, you are not really aware of their existence and can only see fleeting glimpses of the buildings. It is submitted, therefore that if these buildings are not readily visible from the A350, and appreciating the separation distance of circa 1.1km, the Council submits that the development should result in no harm to the setting of the listed buildings.

Paragraphs 133-134 require an assessment of the significance of heritage assets. In this instance the main element of the significance of the listed buildings are their settings, to which the proposal would cause no harm. Any other elements or features of significance would also result in no harm.

The impact on the listed buildings found within the village of Lacock has also been taken into account. However as described in the highways section, there are large assumptions that all or significant numbers of vehicles associated with the development would all use 'rat runs' of Lacock to get on the A350 to head north.

Whilst the Council does not dispute that this happens, it is unreasonable to assume that all or even a significant majority of the proposed traffic from the development would do so. Some people would still use Woodrow and Forest Road through the town centre to access the A350 to head north. Future residents travelling/commuting south, east or west would not need to pass through Lacock. There would also be people who work from home and it cannot be discounted that some of the homes may be bought by retired people who do not need to commute as much as a person of working age; and some homes may well be occupied by people without a private motor vehicle.

Additionally given that the secondary school and new primary school provision would be near to Bowerhill, any traffic that then needs to head north are likely to stay on the A350. Therefore, the Council concludes that the development would have no demonstrable and detriment impact on Lacock village. Additionally without anything other than anecdotal evidence to assess existing traffic levels or modelling, of the actual increase caused by the proposal, a refusal based on such concerns is not something officers of the Council are willing to defend on appeal.

Impact on Archaeology: The application has been submitted with an archaeology evaluation report. Two phases of investigation have been carried out at the proposed development site in order to better define the extent and significance of archaeological remains which will be impacted by the proposals. The evaluation has established that contrary to the conclusions in the Desk Based Assessment and geophysical survey results that the remains in the north east part of the site (within the blue outline) appear to represent Roman settlement activity. This has been indicated through the recorded remains of ditches, gullies and pits with material dating from the late 1st to 2nd century, the focus of which appears to be in the northeast part of the site. Medieval ditches, gullies and pits have been recorded in the eastern part of the site which are associated with deserted medieval settlement activity which have previously been recorded on the Historic Environment Record, mapped from aerial photographs and lidar survey.

The development proposals have now been revised to avoid the area of what appears to be the most significant archaeological remains. There are however further features which will be impacted by the proposals which warrant preservation by record, in line with the National Planning Policy Framework. It is submitted that this can be controlled by condition should the application be appealed.

Impact on neighbour amenity: The neighbour consultation responses raised issues regarding the impacts on the loss of privacy by overlooking, overshadowing and from car headlight nuisance.

However, scale and appearance are reserved matters and issues of overlooking and design are not for consideration in this application. The indicative layout plan shows how 77 dwellings could be laid out. Provided there are 21 metres between habitable windows and 10.5 metres between first habitable windows and neighbours garden boundaries, residential privacies should be safeguarded.

Measuring off the Council's mapping system, most, if not all of the dwellings on Meadow Road and Lincoln Green, have at least 10.5 metre deep rear gardens. Therefore these dwellings would not adversely overlook any dwellings that are built. Providing the proposed dwellings have 10.5 metre deep rear gardens, the required standards should be met. The indicative plan shows that the majority of the dwellings would have 10.5 metre deep rear gardens. In any regard this would be an issue for further scrutiny at reserved matters application stage.

Neighbour objections were also received from the dwellings opposite the proposed access. The objections mainly regard the nuisance of having 100+ car headlights shining directly into their windows every day. The Council acknowledges that there would be some nuisance from car headlights, but there would only be a limited number of darkness trips throughout the year. Occupants of the affected dwellings could take reasonable steps to improve matters by planting a dense hedgerow or to simply erect light resistant curtains or blinds. Therefore this could not form a reasonable reason for refusal.

Should the application be appealed, the Council would seek a construction method statement condition as well as a noise and working hours condition to also include a dust management plan.

S106 contributions: The applicant has offered 30% of the dwellings to be affordable housing which the Council housing officer supports subject to the tenure mix, which could be secured as

part of the S106. The agent has agreed to all of the other requested sums from Highways, Arts, Public Open Space, Waste, Environmental Health and Education.

Sustainable constructions and low carbon economy: CP41 states that new dwellings should be built to Code Level 4 for sustainable homes. Mindful of the interim arrangements following the Government's redaction of CfSH, and recognising the adopted status of the WCS, in the event of any appeal the Council would seek to add the following condition, which has been added to other appeal decisions.

"The dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. Within 6 months of any dwelling being occupied evidence shall be submitted to and approved in writing by the local planning authority certifying that the stated level or its equivalent has been achieved."

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved."

Conclusion and Recommendation: – The Council has a duty to ensure that development that takes place is sustainable. The proposal does not comply with Core Policies CP1, CP2 and CP15 of the Core Strategy as it is outside the defined limits of development. The Council can demonstrate a 5.76 year land supply and therefore CP2 is considered to be up to date and can be given full weight. The proposal is considered to be an unjustified unsustainable form of development which is contrary to the aims of the Core Strategy and NPPF.

The proposal would not lead to material harm in relation to matters such as ecology, drainage, or highway safety interests and infrastructure through s106 contributions could be satisfactorily addressed. There would be some economic benefits arising from the development, and affordable housing would be provided. However the conflict with the Council's housing delivery strategy and in recognising the primacy of the adopted development plan and the plan led planning system, this application is found to be unacceptable in principle. A refusal is therefore recommended for the following reason:

1. The site lies outside the limits of development defined for the market town of Melksham as identified in the Wiltshire Core Strategy. The site has not been brought forward with through a Site Allocations DPD or a Neighbourhood Plan and does not fall within any of the proposed exceptions identified in Core Policy 2. Consequently the development would conflict with policies CP1, CP2 and CP15 of the Wiltshire Core Strategy. The unjustified development would result in loss of open countryside which would cause a degree of harm through the erosion of the rural aspect and approach to the established settlement which bolsters the Council's in principle opposition to the development.

RECOMMENDATION:

Refuse

AGENDA ITEM 06b Land North of A3102 (New Road Farm) Planning Application

Clerk's Note:

For clarity of the papers included in the agenda pack, there are the following documents.

- Planning Statement from applicants
- Draft Heads of Terms for the s106 which includes the option of public open space areas (such as play area, allotments to be adopted by the parish council)
- Extract of the Local Plan with the Policy of this site allocation
- Notes from latest pre-application meeting with Bloor and the parish council which was also the response to the public consultation held in Sept 24

At the time of preparing the agenda pack there are some comments online, mostly residents, but not yet the thoughts of Highways etc. You will need to consider if you would like to have this application called in by Wiltshire Councillor Nick Holder for Committee decision – under new NPPF rules that may not be the case moving forward as a Local Plan allocation, however, you may wish to speak to items in the Heads of Terms for example.

This site is a **Local Plan allocation:**

Policy 20 A3012, New Road Farm 285 dwellings

This is a FULL planning application, and not outline with some matters reserved, and so all the details need to be considered at this stage.

From: [Teresa Strange](#)
To: [Rhys Cleary](#)
Cc: [Committee Clerk](#)
Subject: RE: Planning application number PL/2024/10345
Date: 07 January 2025 15:56:00
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Dear Mr Cleary

Thank you for your comments which I will pass on to the Melksham Without Parish Councillors. I have also copied in Melksham Town Council as you are a town resident, and represented by the town councillors – they are considering this application on Thursday evening.

I can see that you have submitted your comments to Wiltshire Council's planning department.

With 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

ADVANCE NOTICE OF LEAVE:

The parish council office will close for the Christmas break on Friday 20th December and re-open on Monday 6th January.

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 X: [@melkshamwithout](#)

On Instagram: [melkshamwithoutpc](#)

On LinkedIn: [Melksham Without Parish Council](#)

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We do not guarantee that any email is free of viruses or other malware.

From: Rhys Cleary <rhyscleary@acresecurity.com>
Sent: 07 January 2025 15:08
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>;
developmentmanagement@wiltshire.gov.uk
Subject: Planning application number PL/2024/10345

Subject: Objection to Planning Application PL/2024/10345 and Comments for Consideration

Dear Sir / Madam,

I hope this message finds you well. I am writing in relation to the Full Planning Application PL/2024/10345 for the proposed development at New Farm Road, Melksham.

Unfortunately, I am unable to attend the planning meeting scheduled for Monday, 13th January 2025, but I wanted to ensure my concerns are heard and considered during the meeting. I have lodged my initial formal objection to the proposed development and, while I am not fundamentally opposed to the project, I believe there are significant access and infrastructure issues that must be addressed in detail before any approval is granted.

Key issues I would like emphasized and followed through include:

1. Access and Infrastructure Concerns:

- The inadequacy of New Road, a single-track lane, to handle increased traffic volumes.
- Misalignment and accessibility issues with public footpaths (e.g., Melk103) and emergency access points, which create potential hazards for pedestrians and emergency services.
- Increased traffic congestion and safety risks at junctions along the A3102, exacerbated by speeding and existing road layout challenges.

1. Community Facilities and Resources:

- The already stretched capacity of local medical services, schools, and leisure facilities, which will face further strain from the proposed additional dwellings.
- The lack of provision for increased policing and other essential services required to accommodate the influx of new residents.

2. Environmental and Safety Concerns:

- Risks posed by flooding due to the development encroaching on valuable floodplain areas.
- Potential impacts on protected and endangered wildlife, including bats and newts.
- Necessary improvements to road safety, such as reduced speed limits and the inclusion of safe pedestrian crossings, to accommodate increased traffic and footfall.

3. Sustainable Development:

- Prioritizing brownfield sites, such as the Avon Tyre site, over greenfield land to preserve the local ecosystem and avoid setting a precedent for unchecked greenbelt development.

I respectfully request that these points be thoroughly reviewed during the meeting and that assurances are given to follow through on any measures proposed to mitigate these concerns. It is vital that the development aligns with the long-term needs of the Melksham community, balancing growth with sustainability and safety.

Thank you for your time and attention to this matter. Please do not hesitate to reach out if further clarification is needed on any of the points I have raised.

Yours sincerely,

Rhys Cleary 25 Redwing Road, Melksham, SN12 7GB

rhyscleary@me.com

+44 (0) 7590 986 187

Best Regards,

Rhys Cleary

Sales Manager

Maritime & Security Solutions

500 S Australian Ave, Suite 800

West Palm Beach, FL 33401

Mobile: +44 (0) 7385 667 055

www.sisocorp.com

www.acresecurity.com



Upcoming PTO:

From: Teresa [REDACTED]
Cc: [REDACTED] [Committee Clerk](#)
Subject: RE: Planning application number PL/2024/10345
Date: 07 January 2025 15:56:00
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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Thank you for your time and attention to this matter. Please do not hesitate to reach out if further clarification is needed on any of the points I have raised.

Yours sincerely,

[Redacted signature block]

Best Regards,

Rhys Cleary

Sales Manager

Maritime & Security Solutions

500 S Australian Ave, Suite 800

West Palm Beach, FL 33401

Mobile: +44 (0) 7385 667 055

www.sisocorp.com

www.acresecurity.com



Upcoming PTO:



BLOOR HOMES SOUTH WEST

Heads of Terms for Land North of the A3102, Melksham

November 2024

In line with the 2010 Community Infrastructure Levy Regulations (as amended) and Section 106 of the Town and Country Planning Act 1990 (as amended), it is proposed that Bloor Homes South West, who are the freehold owners of the application site, would enter into a Section 106 Legal Agreement with Wiltshire Council. Such an agreement would be conditional upon the grant and implementation of a planning permission.

THE PARTIES

First Party

Bloor Homes South West
Unit 7 Latham Road
Swindon
Wiltshire
SN25 4DL

Second Party

Wiltshire Council
County Hall
Bythesea Road
Trowbridge
BA14 8JN

BLOOR HOMES SOUTH WEST'S SOLICITOR

TBC
Gowling WLG (UK) LLP
Two Snowhill
Birmingham
B4 6WR
EX11UG

LAND BOUND BY THE AGREEMENT

Land shown on the Site Location Plan provided at Appendix 1 of these Heads of Terms. It includes land within title WT468606.

THE DEVELOPMENT

“...the construction of 295 homes; public open space, including formal play space and allotments; sustainable drainage systems; and associated infrastructure; with 0.4ha of land safeguarded for a nursery. The principal point of access is to be provided from a new northern arm on the existing Eastern Way/A3102 roundabout junction, with a secondary access onto the A3102. Additional access points are proposed for pedestrians and cyclists.”

COSTS OF THE AGREEMENT

Bloor Homes South West will be responsible for the reasonable costs of negotiating and completing the Legal Agreement.

THE LEGAL FRAMEWORK

Section 106 of the Town and Country Planning Act 1990 (as amended) and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

THE POLICY BASIS FOR THE AGREEMENT

- National Planning Policy Framework (paras. 55 and 57);
- National Planning Practice Guidance (Planning Obligations, paras. 001 Reference ID: 23b-001-20190315 and 002 Reference ID: 23b-002-20190901);
- Wiltshire Council Core Strategy (adopted January 2015), particularly Policy 3;
- Melksham Neighbourhood Plan (made July 2021), particularly Policy 8;
- The emerging Wiltshire Local Plan Review Regulation 19 Plan (published in September 2023), particularly Policies 5, 17 and 20; and
- other specific Development Plan policy, Supplementary Planning Documents or Interim Guidance referred to below.

PLANNING OBLIGATIONS

Matters to be addressed in the agreement are set out below:

Affordable housing

- **Affordable Housing Provision** – 40% affordable housing (118 dwellings), to be provided with nil public subsidy. This is a higher level of affordable housing than the minimum requirements of Core Policy 43 of the Core Strategy, but accords with Policy 76 of the emerging Local Plan Review.
- **Affordable Housing Tenure** - 64% social rent (75 homes), 13% shared ownership (15 homes) and 24% First Homes (28 homes).
- **Restriction on housing occupation** - no more than 50% of the open market dwellings should be occupied prior to the completion of 50% of the affordable homes and no more than 75% of the open market dwellings should be occupied prior to the completion of 100% of the affordable homes.
- **Affordable housing location** – as shown on Planning Layout SW164-PD-1001 D, unless otherwise agreed.
- **Affordable housing mix** – as set out in Appendix 2 of the Affordable Housing Scheme (November 2024). Summarily, it is:

Social rent:

- 1 bed – 31 homes;
- 2 bed – 28 homes;
- 3 bed – 13 homes; and
- 4 bed – 3 homes.

Shared ownership:

- 2 bed – 9 homes; and
- 3 bed – 6 homes.

First Homes:

- 1 bed – 18 homes; and
 - 2 bed – 10 homes.
- **Rent caps** – the social rented housing will be subject of rent controls which will require a rent of no more than 80% of the local open market rent at the time of the letting.
 - **Social rent and shared ownership eligibility** – the social rent and shared ownership housing will only be let to an individual that meets the requirements of Wiltshire Council's allocation policy¹ and who is unable to afford open market housing (rent or sale).
 - **First Homes discount and cost** - the First Homes units should be discounted by a minimum of 30% against market values, as set out within Wiltshire Council's Interim Position Statement concerning First Homes (June 2022). The first sale price, after the application of the discount, should not be more than £250,000. Purchasers of First Homes, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £80,000 in the tax year immediately preceding the year of purchase.
 - **First homes eligibility** – in line with Wiltshire Council's Interim Position Statement concerning First Homes (June 2022), the First Homes will be advertised and made exclusively available for the first three months for people meeting the Council's local connection criteria. If a suitable buyer is not found (i.e. the home is not reserved), the eligibility will revert to a national geography. The local connection criteria will be disapplied for the circumstances listed at para. 25 of the Interim Position Statement on First Homes.
 - **First Homes subsequent sales** - subsequent sales will be required to pass on a 30% discount of the market value of the home.

Custom build housing

- **Custom build housing quantum** - a total of 14 of the proposed homes will be made available as custom housing, in accordance with Policy 80 of the emerging Local Plan Review.
- **Custom build housing location** - as shown on Planning Layout SW164-PD-1001 D, unless otherwise agreed.
- **Custom build services** – Bloor Homes South West will provide access, mains water, drainage, sewerage, electricity and digital connectivity to the boundary of each custom build plot.
- **Custom build marketing and pricing strategy** - prior to the occupation of the 25th open market dwelling, Bloor Homes South West will submit a marketing and pricing strategy for the custom build housing, which will be agreed with the Council. Marketing reports will be provided to the Council every six months. As per Policy 80 of the emerging Local Plan Review, any plots that have not been sold after 12 months will be made available to the open market.

¹ https://www.homes4wiltshire.co.uk/Data/Pub/PublicWebsite/ImageLibrary/Allocation%20Policy_%20Jan2023_FINAL.pdf

- **Custom build completion** – in accordance with Policy 80 of the emerging Local Plan, any plots subsequently developed for custom build must be completed within 3 years of purchase.

Nursery

- **Nursery land** – in accordance with Policy 20 of the emerging Local Plan Review, 0.4ha of land has been safeguarded for a 100-place nursery. The location of the safeguarded land is shown on Planning Layout SW164-PD-1001 D.
- **Nursery services** - Bloor Homes South West will provide access, mains water, drainage, sewerage, electricity and digital connectivity to the boundary of the nursery land.
- **Nursery land marketing** - prior to the occupation of the first open market dwelling, Bloor Homes South West will submit a marketing and pricing strategy for the nursery land, which will be agreed with the Council. Marketing reports will be provided to the Council every six months. If the nursery land remains unsold after a period of 12 months, it can be brought forward for other uses (subject to the necessary consents).

On-site public open space

- **Management company** – The future management and maintenance arrangements of the open spaces will be secured within the Section 106 Legal Agreement. The future management and maintenance of the sustainable drainage systems (i.e. the attenuation basins, the inlet and outlet headwalls, flow controls, the outfall channels and the outfall to the watercourses) will be transferred to Wessex Water, or another approved water/sewerage undertaker, or a private management company with appropriate experience.

The remaining public open spaces will be transferred to one of either the Parish Council, the Town Council, or a private management company with appropriate experience, or a combination thereof.

Management of these spaces will accord with a Habitat Maintenance and Monitoring Plan and if necessary, a Landscape Ecological Management Plan, which will be secured by planning condition.

Sport

- If necessary and not provided via the Community Infrastructure Levy contributions, a financial contribution towards the provision of off-site sports provision will be provided.

Education

- If necessary and not provided via the Community Infrastructure Levy contributions, financial contributions towards early years, primary and secondary school education will be provided, in accordance with Policy 20 of the emerging Local Plan.

Sustainable transport

- If necessary and not provided via the Community Infrastructure Levy contributions, a financial contribution towards the Melksham Transport Strategy will be provided, in accordance with Policy 17 of the emerging Local Plan.

Highways improvements

- A financial contribution towards highways improvements on the Blackmore Road/Church Lane/Sandridge Common Road double mini roundabout, to convert it from a double mini roundabout into left-right staggered priority junctions, will be provided.

Health

- If necessary and not provided via the Community Infrastructure Levy contributions, a financial contribution towards off-site healthcare capacity will be provided, in accordance with Policy 20 of the emerging Local Plan.

Waste

- In accordance with Wiltshire Council's Revised Wiltshire Planning Obligations Supplementary Planning Document (2016), a financial contribution to waste and recycling containers for each proposed home will be provided.

MATTERS TO BE ADDRESSED BY CONDITION

- the location and specification of cycle parking, which is to be delivered in accordance with the standards established in the Local Transport Plan;
- the location and specification of the proposed electric vehicle charging points (295 in total);
- the location and distribution of 475kWp of photovoltaic panels;
- the implementation of the submitted Travel Plan;
- securing the acoustic mitigation set out in Sections 5 and 6 and Appendix B of the Noise Assessment (ref: 23-0031-R1);
- the submission and implementation of an archaeological written scheme of investigation;
- the submission, approval and implementation of a Construction Environment Management Plan;
- the submission, approval and implementation of an Arboricultural Method Statement;
- the submission, approval and implementation of a Habitat Maintenance and Monitoring Plan and if necessary, a Landscape Ecological Management Plan;
- the location and specification of bat and bird boxes;
- the location and implementation of a hibernacula;
- the location and implementation of four hedgehog domes;
- a detailed lighting strategy; and
- a construction and operational phase waste management plan.

The development will also be the subject of the statutory biodiversity net gain condition.

LRM Planning
November 2024

Appendix 1. Site location plan

BLOOR HOMES LIMITED
 UNIT 7, LATHAM ROAD, SWINDON, SN25 4DL
 TELEPHONE: 01753 856800

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THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SEPARATE GROUP / SITE SPECIFIC CONSTRUCTION NOTES AND MATERIALS SPECIFICATION.

Key

Application Boundary
 Extent of land within applicants ownership

REVISION.

	MMV
A	17/10/24
B	22/10/24
C	25/10/24

Land within applicants ownership added to layout.
 Updated in line with planning layout (1001C).
 Updated in line with planning layout (1001D).

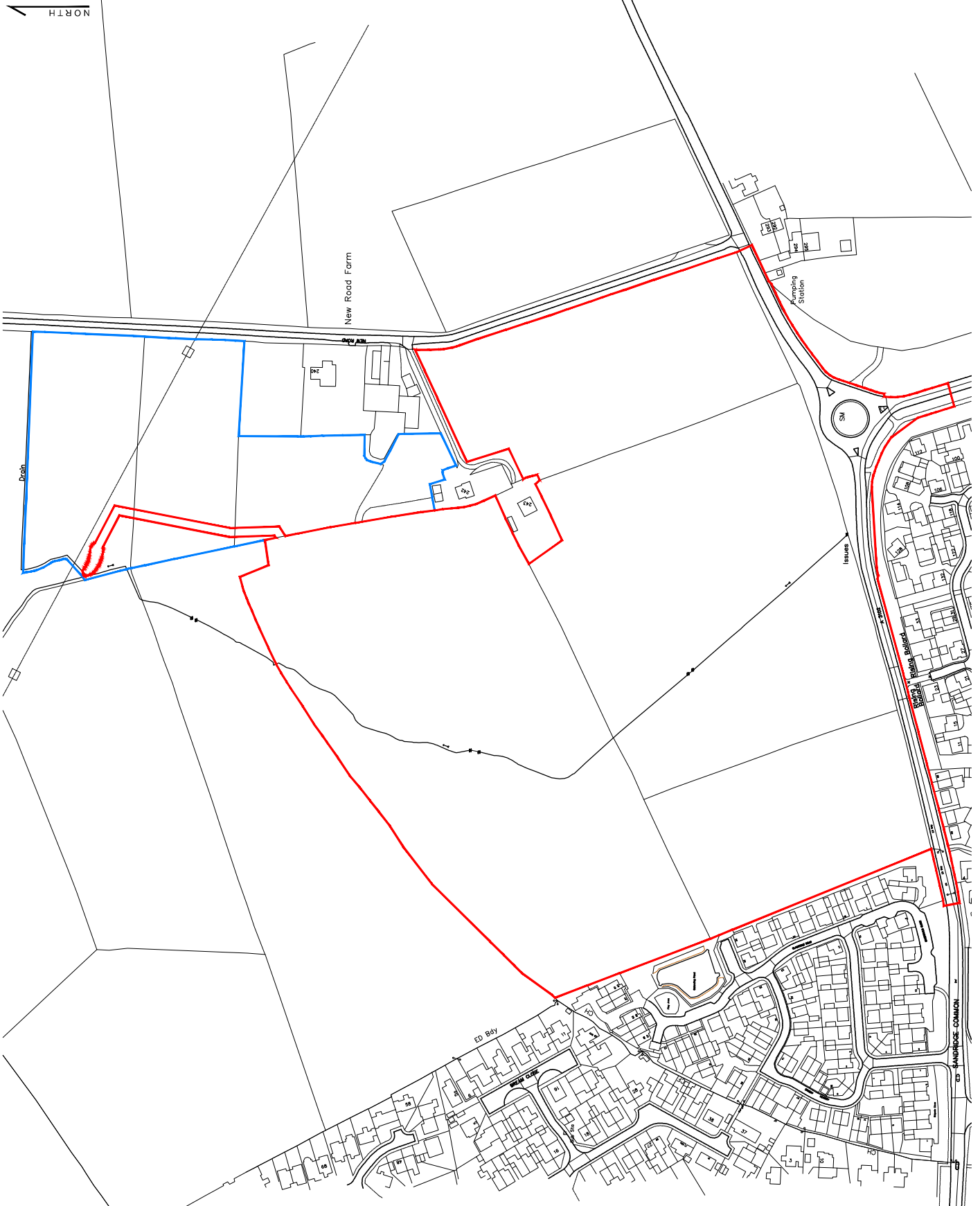
**Land off Sandridge Common
 Melksham**

Location Plan

DATE: 11/09/24
 SCALE: 1:2500 @ A3
 DRAWN: MW
 CHECKED:

BLOOR HOMES

DRAWING NO. SW164-PD-1000C

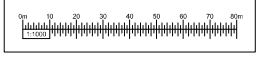


Appendix 2. Planning layout

BLOOR HOMES LIMITED
 UNIT 7, LATHAM ROAD, BURNLEY, BN25 4DL
 TELEPHONE: 01793 836600

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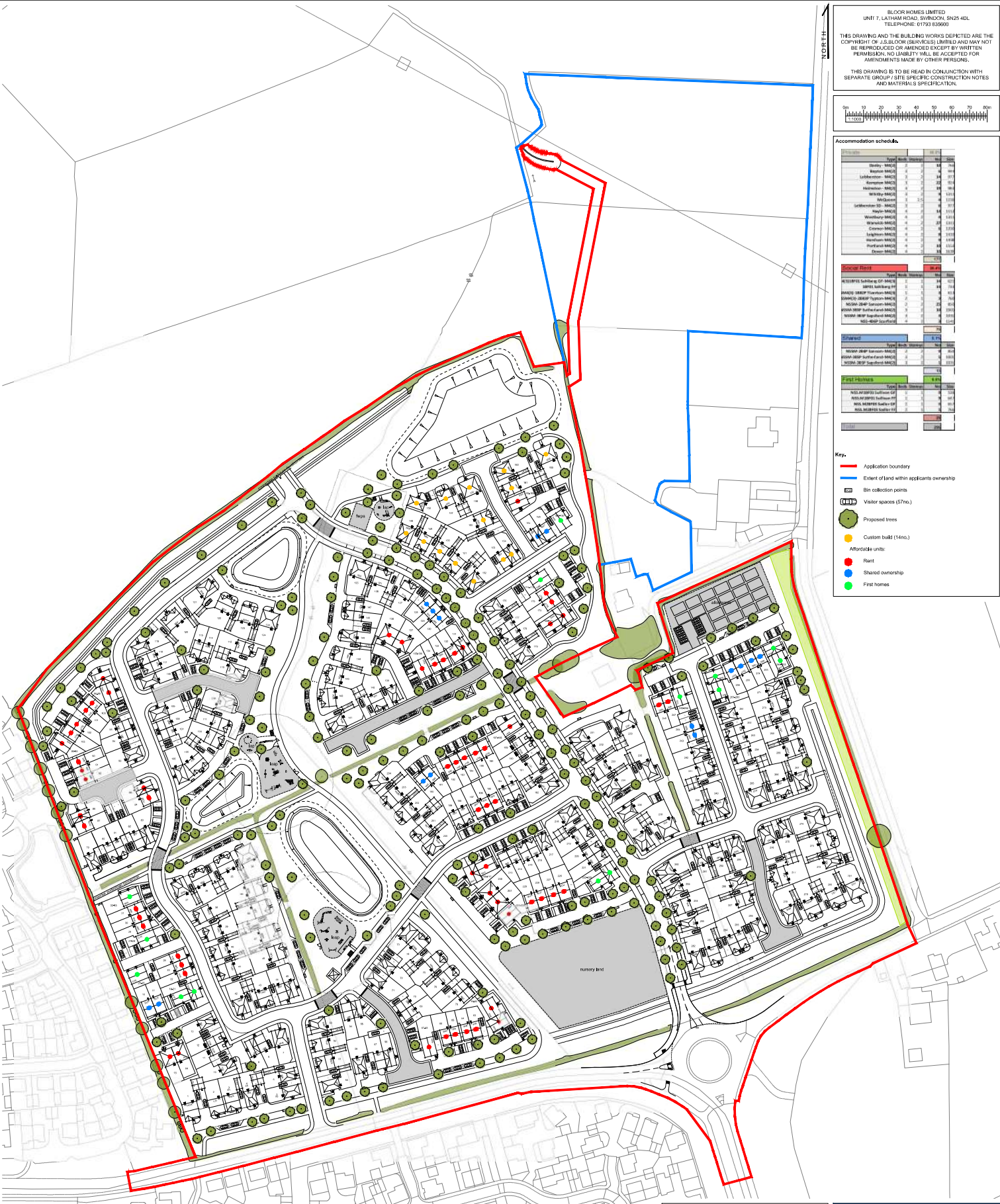
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 AND MATERIALS SPECIFICATION.



Accommodation schedule

Block	Units	First Homes	Rent	Shared Ownership	Affordable	Custom Built
Block 1	10	0	0	0	0	0
Block 2	10	0	0	0	0	0
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- Key:**
- Application boundary
 - Extent of land within applicants ownership
 - Bin collection points
 - Visitor spaces (57no.)
 - Proposed trees
 - Custom built (14no.)
 - Affordable units
 - Rent
 - Shared ownership
 - First homes



Revision

Revision	Description	Date	By
A	Annotations updated.	16/10/24	MW
B	Red line updated to include surface water discharge route to the north. Land within applicants ownership added to layout. Paper size adjusted.	17/10/24	MW
C	Order of plots within schedule updated (color order).	22/10/24	MW
D	Northern SW outfall route and red line adjusted.	25/10/24	MW

Land off Sandridge Common
 Melksham

Planning Layout

DATE: Sep 24
 SCALE: 1:1000 @ A1
 DRAWN: MW
 CHECKED:

BLOOR HOMES

Drawing No. SW164-PD-1001 D 70

Melksham, Land off Sandridge Common



Wiltshire Local Plan

Pre-Submission Draft 2020-2038 (Regulation 19)

September 2023

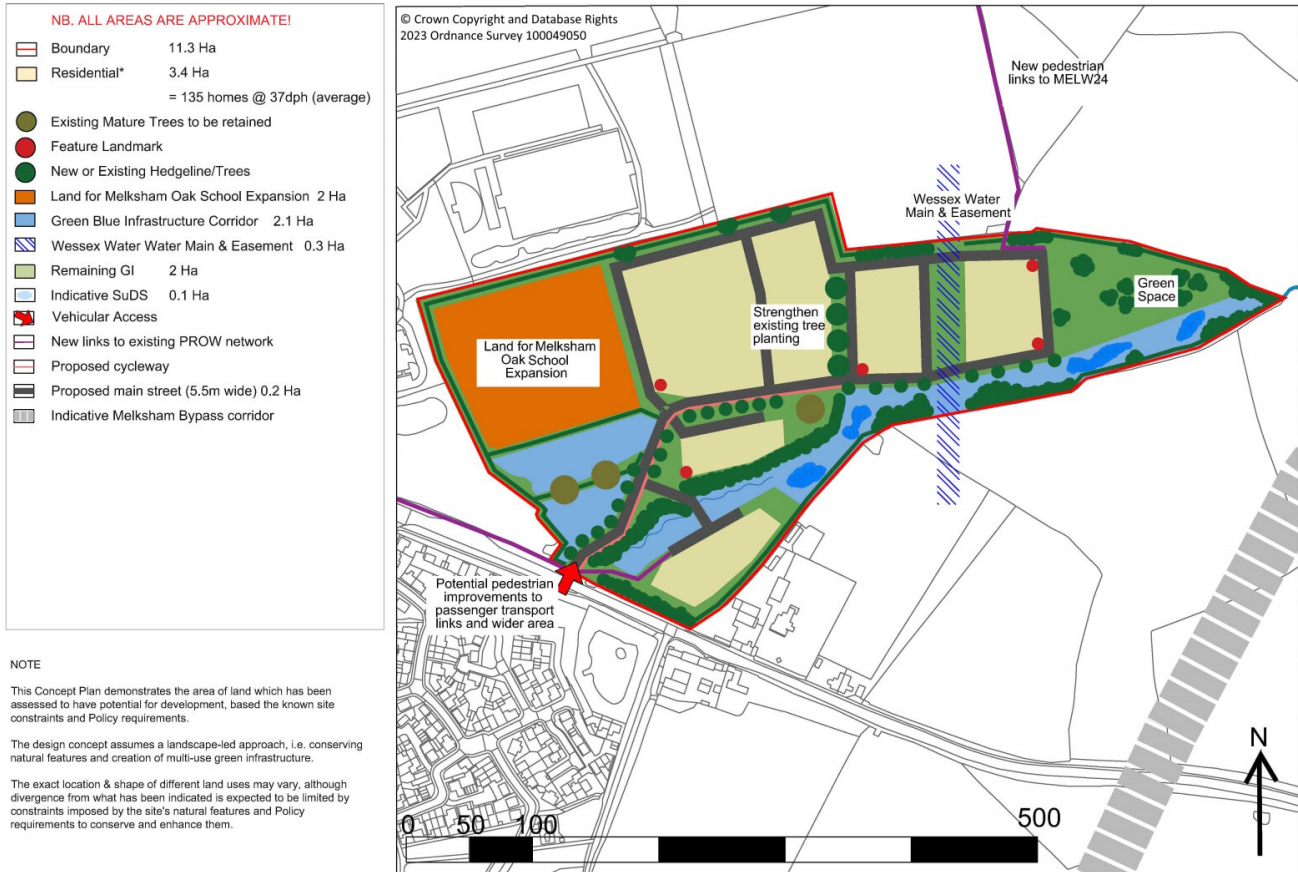
AGENDA ITEM 06b New Road Farm - Policy 20 Local Plan allocation

Wiltshire Council

Figure 4.13 Land off Bath Road, Melksham Concept Plan

Land off Bath Road, Melksham

Concept Plan



Land North of the A3102, Melksham

- 4.100** Land North of the A3102, Melksham is allocated for the development of 285 dwellings and land for a nursery. The site benefits from being reasonably well connected to the town centre, which is accessible by walking and cycling.
- 4.101** The site will deliver a sensitively designed residential led development set alongside a significant provision of greenspace, including a range of children's play areas and allotments.
- 4.102** Proposals for the site will need to demonstrate protection and enhancement of the nearby wooded greensand hills, and conservation and enhancement of habitats such as mature hedgerows, trees, water bodies/ponds and watercourses, including a tributary of the River Avon. The site is close to a working farm/industrial units and proposals must be accompanied by a noise impact assessment.

Policy 20

Land North of the A3102, Melksham

Land North of the A3102, as identified on the Policies Map, is allocated for approximately 285 dwellings and 0.4ha of land for a 100-place nursery.

A single comprehensive masterplan, phasing and delivery strategy for the development, must be prepared and approved by the local planning authority in advance of any planning application being submitted for the whole or part of the allocated site. This must take account of the requirements

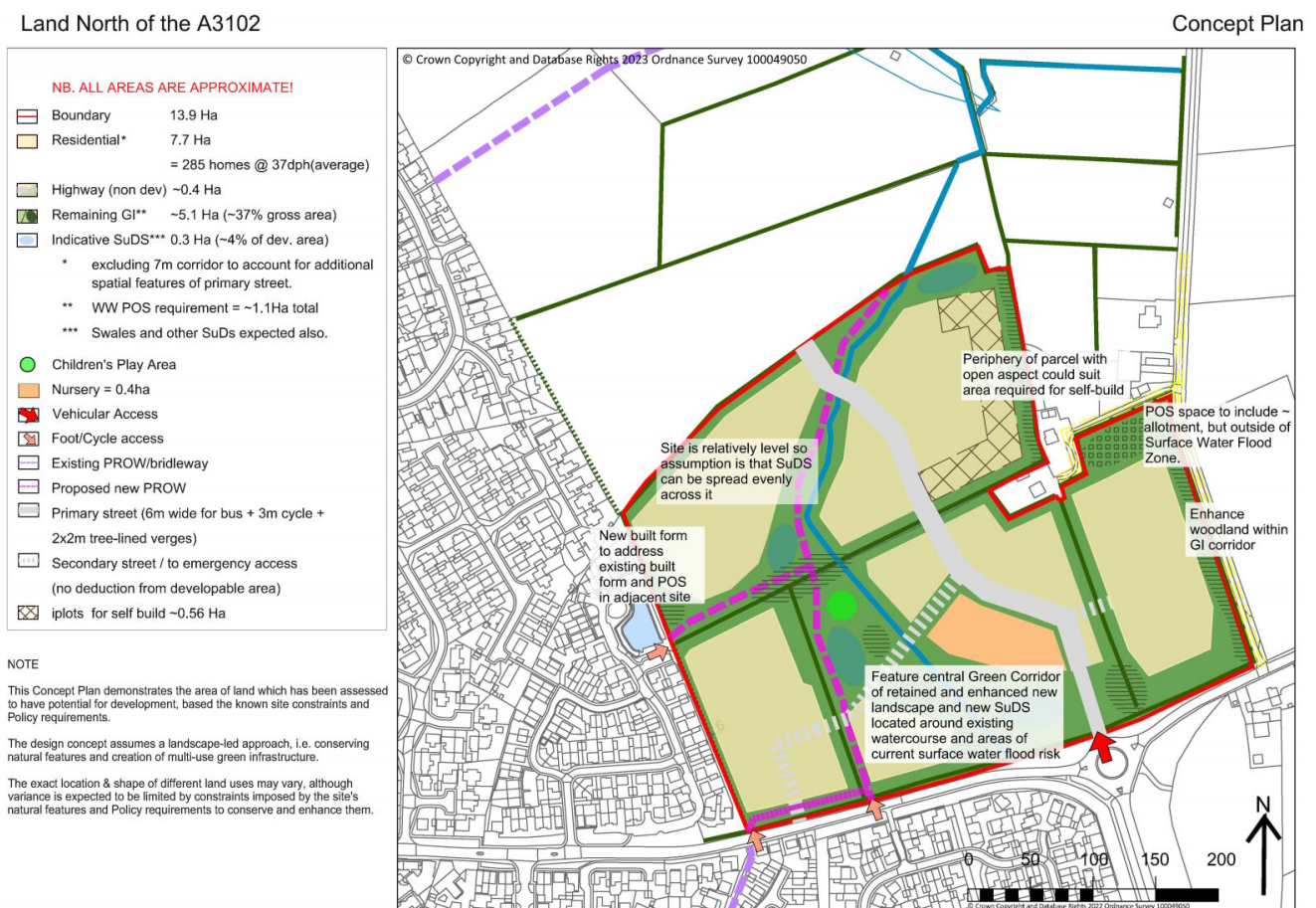
of this policy and the principles shown within the concept plan, and be prepared in consultation with the local community and local planning authority. Subsequent planning applications must be in accordance with the approved masterplan.

Infrastructure and mitigation requirements include:

- vehicular access from the existing roundabout on the A3102 adjacent to the southern boundary;
- offsite infrastructure improvements to water supply and foul water network;
- introduce green and blue infrastructure through the development that incorporates new woodland and/or tree planting;
- provision of a suitable buffer either side of the watercourse that runs south to north through the site through the site;
- funding contributions towards early years, primary and secondary education and on, or off-site healthcare capacity to meet the needs created by the development; and
- measures to positively support walking, cycling and public transport use between the site, Melksham town centre and Melksham railway station and linking into existing networks.

4.103 How the site may be developed is shown on the concept plan as shown in Figure 4.14. This illustrates one treatment of the site that considers mitigation requirements and the homes, other uses and infrastructure envisaged.

Figure 4.14 Land North of the A3102 Concept Plan



**DEVELOPER PRE-APP MEETING NOTES
BLOOR HOMES RE PROPOSALS FOR DEVELOPMENT AT NEW ROAD FARM
THURSDAY 19TH SEPTEMBER 2024 AT 2.00PM**

Present:

Councillor Richard Wood (Chair of Planning Committee), MWPC until 3pm
Councillor Alan Baines, (Vice Chair of Planning), MWPC
Councillor John Glover (Chair of Council), MWPC
Councillor David Pafford, (Vice Chair of Council), MWPC & Chair of Melksham
Neighbourhood Plan Steering Group
Councillor Mark Harris, MWPC
Teresa Strange, Clerk, MWPC
Jonathan Dodd, Planning Manager, Bloor Homes South West
Matthew Roberts, Account Director, JBP Communications
Maria Vierma, Masterplanning & Urban Design Director, Marrons

Apologies were noted from Wiltshire Councillors Nick Holder who was on holiday and Phil Alford and Mike Sankey who had work commitments. No response had been received from the Town Council representatives invited. The Bloor team had met with the ward member Councillor Holder recently.

Jonathan explained that Bloor would be submitting a planning application next month and were submitting a Full Planning application and not a hybrid (or outline) application as previously advised.

They were running a public consultation commencing the next day at www.newroadfarm.com with a community engagement session at the Campus in the downstairs community meeting room on Monday 23rd September from 3 to 7pm.

The planning application was in line with the Local Plan allocation, and following the recent policy update on the latest Wiltshire Council 5-year housing land supply figure the plan was revised to now have 295 dwellings (previous version of plans had 285). This is to take account of the “First Homes” policy which is for smaller units. This includes some maisonettes, these are only in a two-storey building with independent access, so differ from a block of flats.

There will be 40% affordable housing (in line with the draft Local Plan policy) with 25% of the affordable housing to be First Homes, and some shared ownership and some social housing. The other 60% of the 295 dwellings will be market-value housing.

There had still not been any progress on securing pedestrian access onto the adjacent Barratt Homes development (with streets named after Prime Ministers) due to the ransom strip. The plans show a potential connection here and it’s hoped that Wiltshire Council would assist in facilitating a connection at a later date as has happened on other developments. It was noted that the potential connection access is at a useful point in the adjacent development at the play area. Members advised

that there was a connection from the adjacent development (Asquith Avenue) through to the existing housing at Lansdown Close.

Members voiced concerns at the secondary vehicular access shown (not the access connecting via a 4th arm to the existing roundabout) and that this should be a roundabout as a T junction would cause traffic issues and likely become the de facto main access point. This was agreed, and noted that it was likely the access point for the first phase of housing to be built and for construction access until the roundabout access constructed. It was agreed that this 2nd access point would be best reserved for emergency access in the future and closed off for non-emergency access after construction completed, this could be closed via a clause in the s106 or a planning condition. Bloor explained that they had not been able to secure a discussion with the highways team at Wiltshire Council as part of pre planning, the Clerk had also tried to engage with the highways planning team to see what their thoughts were for potential improvements to New Road as a single-track road; with no success.

There were two LEAPs (Local Equipped Area of Play) and two LAPs (Local Area of Play) in the plans, with play areas central to the development and in the green corridor. A request was made for the LAPs to have play value and not just soil spoil that is later grassed over. The parish council reiterated its desire to have first refusal on the ownership and future management of the LEAPs (not the LAPs) and would send their specification for play and surfacing, and to ensure that vehicular access for maintenance vehicles was acquired, separate from the management company.

Areas for informal play were also requested, so that not all the landscaped areas were a "wildflower cut" which could prevent kicking a ball for example. A teen shelter also requested. Members were pleased that proposed informal footpaths around the public open space were to be tarmac and not hoggin.

Maria presented the master plan concept with Primary, Core and Green Edge treatments. Members raised a concern that not all dwellings were garden to garden, with some having their gable end up against the boundary with the existing housing at the neighbouring Barratt development.

Members were pleased to hear that the Melksham Design Code and Guidelines, and the settlement character distinctiveness detailed in it, had been referenced in the master plan design. Members liked the front aspect of the proposed development onto Sandridge Common, with the grass verge and trees that aligned with neighbouring development. There was lots of tree and hedgerow planting planned at the Green Edge areas particularly, with a tree-lined avenue in the main Primary area. Trees would be 3/4m high when planted, and there were advances in Tree Pit designs in recent years to prevent issues in future years with roots raising/cracking pavements and causing trip hazards. Members reiterated the issues experienced elsewhere with trees planted in public space at boundaries of private properties which means a lot of shadowing and maintenance from falling leaves etc and residents therefore often cut down the trees; this is to be avoided. Members also requested that existing hedgerows remain in control of the management company and not within the private boundaries, as these have been removed elsewhere in the past, with no controls to be able to be put in place when within private curtilage.

There was a discussion on the attenuation ponds, and that the parish council feel that barriers/fencing around them should only be when in close vicinity of play areas, where there is a chance a child could run into the attenuation; this was not the case in the current proposals.

The affordable housing to be in a mix of housing with the market value housing, with the parish council request that it is all tenant blind. There are some terraces, but these are short runs.

Parking spaces all meet the Wiltshire Council standard with garages and courtyard parking and visitor spaces with 100% coverage for EV charging for every plot, including the maisonettes.

The development to be gas free, and all electricity heated with air source heat pumps and a healthy amount of PV but not batteries which Bloor felt were still cost prohibitive, which the parish council were disappointed to hear. The new PV design was shown, which is integral to the roof rather than a later addition.

The roads are self-enforcing at 20mph, with raised tables at junctions and clear demarcation for shared space. Build-outs were a possibility on the main spine road.

With regards to the boundary to New Road, members feel that this should not facilitate pedestrian access as this could be a highway issue and instead, the existing hedgerow should be made impenetrable to prevent residents trying to access in the future.

With regards to the planned nursery, this is on land 0.4 hectares as per the Local Plan allocation. There were two options with either the transfer of the land to Wiltshire Council for them to build, or for Bloor to retain and build and they would sell to a child care provider to do. Wiltshire Council were still to express a preference and experience from Bloor on other sites was that they had transferred land to Wiltshire Council in the past and the build still not undertaken to date. Members were keen to ensure that there was plenty of room for separate ingress and egress and parking on the plans, whoever the final provider was, and that the design was not compromised at a later stage because this detail was not looked at now.

With regards to timings, the Full planning application would be submitted in October, with the aim to gain planning permission in Spring/Summer 2025, and start on site in Summer 2026 with a phased construction from 2026-2031. As any potential permission would contribute to the 5-year housing land supply figure, the members are keen that construction would start as soon as possible, rather than run the risk of it being considered "non deliverable" by developers at Appeal, with Bloor agreeing that they would be happy with a condition that they start on site within one year from signing the s106 agreement.

The parish council asked for a contribution to a proposed community centre east of Melksham, which Bloor suggested was requested by the parish council, but would need to be evidenced, and the parish council to forward their list of requests for planning conditions and s106 mitigation if Wiltshire Council were minded to approve the application.

It was explained that the Wiltshire Council procedure is that applications that are usually automatically called in due to the numbers of dwellings are dealt with via delegated powers if they are an allocation in a Local Plan. The parish council explained that they would therefore most likely still call in the application as otherwise their only visibility of the conditions and draft s106 was after approval, but they could see in the officer report if called in. It was acknowledged that Bloor always feel a committee decision is a risk and that Wiltshire Council incur costs for called in applications. Bloor offered to share with the parish council any draft conditions and s106 mitigation details before decision making.

Matthew at JBP to send the letter to residents that has been recently sent to a wide area to be sent to the Clerk to share with residents via the council's and Neighbourhood Plan social media channels

Our ref: CP/Spencer

3rd December 2024

Development Management
Economic Development and Planning,
Wiltshire Council,
County Hall,
Bythesea,
Trowbridge,
BA14 8JN

Willis & Co.

Chartered Town Planners
30 The Causeway
Chippenham
Wiltshire
SN15 3DB

Telephone: (01249) 444975
Facsimile (01249) 655556
Email: Willisplan@aol.com

Dear Sir,

**Town and Country Planning Act 1990
Use of land for self-storage and siting of external storage
containers (Class B8) (Retrospective), 24 Hercules Way, Bowerhill,
Melksham, SN12 6TS**

Introduction

1. We are instructed by Mr D Spencer of All Boxed Ltd. to submit this retrospective planning application for the use of this existing site for self-storage use and external storage containers (Class B8) at 24 Hercules Way, Bowerhill, Melksham. Please find the following documents in support of this application:

- A design and access/planning statement (this covering letter);
- The completed application forms and certificates;
- Location plan and Block Plan as proposed (2602/4);
- Existing internal purpose built indoor self-storage layout plans (for information purposes only) (3506 00 and 3506 01)
- Shipping container plans (2602/7);
- The appropriate application fee of £578.

Background

2. The site lies within the Bowerhill Industrial Estate which has a wide range of employment uses.

3. There is a strong and growing demand for domestic and commercial storage space. All Boxed Ltd. presently operates several sites locally. The current local supply of storage space available is not meeting the level of demand and the applicant seeks to expand the business, serving both personal and commercial clients.

4. The sites are generally managed remotely. Users normally gain access via an electronic remote access security code system.

Site Description

5. The property is a small commercial/industrial unit set within the Bowerhill trading estate providing self-storage and ancillary facilities. More

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24 Hercules Way, Bowerhill, Melksham, SN12 6TS

particularly the application also concerns the yard associated with the premises, which comprises a large tarmac area.

Site History

6. There was only one application of direct relevance to this application:

- PL/2024/07831; *Change of Use from yard (storage facility) to car sales lot*. Approve with conditions, 28 October 2024.

Proposal

7. The applicant seeks planning permission for the use of the existing site for self-storage use (Class B8). The building has been used continuously for storage purposes since 2010.

8. The southern industrial unit includes a mezzanine floor and consists of purpose-built self-storage units as shown on the submitted internal layout plans 3506 00 and 3506 01 (for information only). The applicant proposes to install a mezzanine floor inside the northern industrial unit and create a number of purpose-built self-storage units on the ground and mezzanine floors. The purpose-built unit layout will be similar to the existing layout within the southern industrial unit. Mezzanine floors and internal works are not development by virtue of Section 55(2)(a) of the 1990 Act, but we include these details for the sake of completeness. There are no external alterations proposed for the building.

9. At the present time, there are some 40 external storage containers for self-storage use sited around the southern industrial unit. It is proposed to increase the number of containers to a total of 126 containers, measuring 6m x 2.4m each, as shown on plan number 2002/4.

Access

10. Parking spaces are also shown on the plans. Wiltshire's car parking standards state that storage uses (Class B8) should have 1 space per 200m². By this definition, there are 20 parking spaces based on a total area of 3,980m² as shown on plan number 2002/4.

11. Given the nature of the use, there will only be limited number of employees working on the site, so there will be little demand for staff parking. Customers usually come to the site, unload or load and then leave within a short period of time. Traffic generation and the demand for customer parking is therefore low, and spread across the day, seven days a week.

12. Given the nature and the scale of the proposed uses, it should not

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24 Hercules Way, Bowerhill, Melksham, SN12 6TS

give rise to unacceptable harm. The self-storage use is limited by the nature, location and scale of the planning unit.

Planning Policy

13. The proposal for the site has to take account of relevant national and local planning policies. This section sets out a brief summary of the relevant planning policy documents, whilst the following section demonstrates compliance with these policies.

14. Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act (2004), planning applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The development plan comprises the Wiltshire Core Strategy (updated 2015) and the Melksham Joint Neighbourhood Plan 2018.

NPPF

15. The current National Planning Policy Framework (NPPF) is dated December 2023 and provides a framework within which the development plan and development control decisions should be made.

16. The NPPF is clear that the purpose of the planning system is to encourage local planning authorities to support sustainable development (which is achieved through securing various independent economic, social and environmental objectives). At the heart of the framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

17. The NPPF is in the process of being updated (draft report in July 2024) however it hasn't been formerly adopted to date. Wiltshire Council relies on the NPPF dated December 2023. The key paragraphs of the NPPF (December 2023) for this development are paragraphs 8, 85, 123, 135 and 180.

- Paragraph 8: Planning and sustainable development;
- Paragraph 85: Planning policies and decisions should help create the conditions which businesses can invest, expand and adapt;
- Paragraph 123: Making efficient use of land;
- Paragraph 135: Development should be of a high quality design; and,
- Paragraph 180(b): Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

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24 Hercules Way, Bowerhill, Melksham, SN12 6TS

Wiltshire Core Strategy

18. Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies of the Wiltshire Core Strategy (WCS) (adopted January 2015) and the Melksham Joint Neighbourhood Plan 2020 to 2026 (made 2018) are set out below.

19. Key policies of the Wiltshire Core Strategy (January 2015) include the following:

- Core Policy 1: Settlement strategy;
- Core Policy 2: Delivery strategy;
- Core Policy 15: Melksham Area Strategy;
- Core Policy 35: Existing employment sites;
- Core Policy 57: Ensuring high quality design and place shaping;
- Core Policy 61: Transport and development;
- Core Policy 62: Development impacts on the transport network; and,
- Core Policy 64: Demand management.

20. Key Policies of Melksham Joint Neighbourhood Plan (2017) include:

- Policy 1: Sustainable design and construction;
- Policy 10: Employment sites;
- Policy 13: Biodiversity; and,
- Policy 18: Locally Distinctive, High-Quality Design.

Planning Considerations

Principle of development

21. Core Policy 35 and Neighbourhood Plan Policy 10 allows for development of employment uses (former use class B1 and current use classes B2 and B8) at Principal Employment Areas. On that basis, the principle of development is to be considered acceptable. We do not consider that this proposal conflicts with any of the relevant policies of the Wiltshire Core Strategy (2015) or the Melksham Joint Neighbourhood Plan (2017).

Visual Amenity

24. The proposed use of the site would not lead to any material change to the local character. Any physical works are internal and minor in nature.

Residential Amenity

25. The site lies within Bowerhill Industrial Estate, where the use would not cause external impacts on the neighbours. There are no noise impacts associated with the self-storage use.

Contd.../

Planning Services, Wiltshire Council

3rd December 2024

24 Hercules Way, Bowerhill, Melksham, SN12 6TS

Concluding remarks

22. This is a full planning application for the continued use of the site for self-storage. Individual purpose-built storage units are to be provided inside the building and additional self-storage containers are to be sited outside of the building. This use has operated to date without any issues.

23. This proposal raises no particular planning policy, traffic generation or amenity issues. The development fully accords with the relevant policies of the NPPF, the Wiltshire Core Strategy and the Melksham Joint Neighbourhood Plan.

24. Please do not hesitate to contact us should you require further information or clarification. We look forward to hearing from you.

Yours faithfully,



Marc D. Willis BTP MRTPI FBIAC



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DESIGN AND ACCESS

P02 - 17/12/2024

INTRODUCTION

The application proposes a single-storey extension to the rear of the existing dwelling and a two-storey side extension to the West of the existing dwelling. These are in conjunction with the demolition of the existing roof construction and associated dormer/first floor to provide an increased ridge and reconfigured first floor to maintain a 4-bed dwelling to the existing sizeable plot. The demolition of the existing roof construction would provide a full additional storey to the existing 4-bed dwelling, in place of the partial first floor and associated dormer within the existing roof space.

The proposed development remains domestic in nature and sympathetic to the existing dwelling and street scene, given that the neighbouring dwellings exist as two-storey, staggered back from the immediate frontage of the respective plots. As part of the works, a thermal upgrade of all retained existing fabric has also been proposed, in conjunction with increased air tightness, increased thermal performance and the inclusion of renewables. The application provides the opportunity to provide an upgrade to an existing building/stock and also to secure the optimum use of previously developed land/ existing building(s).

The elements of development, that have been proposed to the existing dwelling, have been done so with the partial fallback position of what would be allowable under Class A and Class AA of General Permitted Development Rights had these been exercised by the domestic applicants for the rear single storey extension and additional storey to the existing dwelling.

SITE

The application site sits to the Eastern outskirts of Whitley. Whitley itself sits to the Northwest/North of Melksham. The existing dwelling sits within a lower density of development and evidences a largely rural, albeit domestic street scene when viewed from Westlands Lane. The street scene contains a mix of dwelling types, with the most prominent and adjacent dwellings to the application site all evidencing standard/simple two-storey form, gabled roofscapes and a shared characteristic of chimneys. An established staggered linear building line between the neighbouring dwellings has been respected as part of the proposed application.

The site falls sharply from West to East when travelling in an Eastern direction along Westlands Lane. Amenity and existing off-street parking provisions exist to the front of the dwelling (South/Southeast), with further amenity, a swimming pool and outbuildings located to the rear of the dwelling (North/Northwest) of the application site.

KEY CONSIDERATIONS

The proposal can be summarised through the following key points:

1. Most effective use(s) of existing land/building(s) in response to a local identified need.
2. Impact on the host dwelling/ adjacent dwellings.
3. Impact on the wider surrounding area, including character distinctiveness.
4. Impact on neighbouring amenity.
5. Realistic fallback position under Class AA and Class A, had Permitted Development Rights been exercised by the domestic applicants.

RELEVANT POLICY

Wiltshire Core Strategy (Adopted 2015)

CP1 – Settlement Strategies

CP41 – Sustainable Construction and Low Carbon Energy

CP45 – Meeting Wiltshire's Housing Needs

CP57 – Ensuring High-Quality Design and Place Shaping

NPPF

S2 – Achieving sustainable development

S4 – Decision Making

S11 – Making Effective Use of Land

S12 – Achieving well-designed places

S14 – Meeting the challenge of climate change, flooding and coastal change

S15 – Conserving and enhancing the natural environment

S11 (p123) *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

Linking to *'...promote and support the development of under-utilised land and buildings.'*

S11 (p128) *'Planning policies and decisions should support development that makes efficient use of land.'*

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

Class A - *The enlargement, improvement or other alteration of a dwellinghouse – Rear Single Storey extension to a detached dwellinghouse.*

Development is not permitted by Class A if –

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class [E1G,] M, [E2MA,] N, P [E3, PA] or Q of Part 3 of this Schedule (changes of use);

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(g) ~~E4~~...for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

[E5(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;]

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse;

Class AA - *The enlargement of a dwellinghouse by construction of additional storeys – Additional storey to a detached dwellinghouse.*

Development is not permitted by Class AA if –

permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class [F2G,] M, [F3MA,] N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the dwellinghouse is located on—

(i) article 2(3) land; or

(ii) a site of special scientific interest;

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or

(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—

(i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or

(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

USE & AMOUNT

The proposed development would provide an increase of internal floor area to the existing dwelling by an additional 43.14 sqm to the ground floor and an additional 52.28 sqm to the first floor. Therefore, a total internal floor area increase of 95.42sqm. The existing dwelling and sizeable plot maintain 4 bedrooms, albeit the existing first-floor bedrooms of the existing dwelling are wholly inefficient and not an effective use of floor area. Of the 95.42 sqm internal area increase proposed, 74.52 sqm would be achievable under the Permitted Development fallback position.

Linking to CP12 and 14, the proposal would also provide the opportunity for a thermal betterment of existing housing stock, through the inclusion of a higher-performing fabric, increased thermal values and increased air tightness.

LAYOUT & SCALE

The existing ridge of the dwelling, at 59.70 AOD, falls below the neighbouring (60.74 AOD) two-storey dwelling by 1.04 meters (1035mm). The proposed ridge has been constrained to this neighbouring level. As a result, the proposed additional storey does not exceed this constraint. The proposed internal ceiling heights also respect the constraints set out under the aforementioned Class AA Permitted Development Rights legislation (h (i) (ii)).

As a result, the proposed additional storey and increased ridge would not be viewed as being overbearing within the immediate setting. Paragraph 135 of the National Planning Policy Framework states:

- *'that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.'*
- *'that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.'*
- *'that developments must be sympathetic to local character and history, including the surrounding built environment.'*

It is considered that by virtue of the location and relationship with the surrounding buildings, the scale and design of the application would not significantly impact upon the street scene or the surrounding area, this would result in the proposed development conserving and enhancing the local character.

APPEARANCE

The proposed works seek to maintain the existing material pallet of the dwelling. The existing pallet consists of:

- Walls – Facing Brick and Horizontal cladding board.
- Roof(s) – Roof Tile.

The proposed pallet consists of:

- Walls – Facing Brick (partially reclaimed from the demolished wall construction) and Horizontal cladding board. The rear extension would see render used.
- Roof(s) – Roof Tile.

LANDSCAPING

Existing boundary treatments would be upheld and maintained. The existing rockery and hardstanding to the rear of the dwelling would be removed, with a new external stair set, retaining and guarding (1.1m) proposed to provide access to the existing upper area of amenity from the existing lower area.

ECOLOGY

As a result of the proposed demolition of the existing roof construction, please refer to the supporting information produced by the respective Consultant/ Ecologist appointed by the applicant and/or supporting information submitted as part of the application.

ACCESS

The proposed development would not alter the existing vehicular/pedestrian access to or from the application site. Therefore, this is not deemed to be material to the application.

The application would also uphold the existing 3 off-street parking spaces required for a 4-bedroom dwelling under SPD Parking Standards. An EV charging point has been proposed to provide both future-proof and additional sustainability betterment.

SUMMARY

The proposed development has been well considered with the aforementioned policies, principles and key considerations. The application primarily seeks to '*promote and support the development of under-utilised land and buildings.*' Furthermore, by virtue of the proposed design, scale and relationship with the surrounding buildings, the application if consented would not significantly impact upon the street scene or the surrounding area. The existing ridge of the dwelling, at 59.70 AOD, falls below the neighbouring (60.74 AOD) two-storey dwelling by 1.04 meters (1035mm). The proposed ridge has been constrained to this neighbouring level. As a result, the proposed additional storey and increased ridge to the existing dwelling would not be viewed as being overbearing within the immediate setting. This would result in the proposed development conserving and enhancing the local character under Paragraph 135 of the NPPF.

Linking to the Local Policies CP12 and 14, the application also provides an opportunity for further sustainability betterments concerning the thermal betterment/upgrade of an existing building/housing stock through both retrofit and new construction.

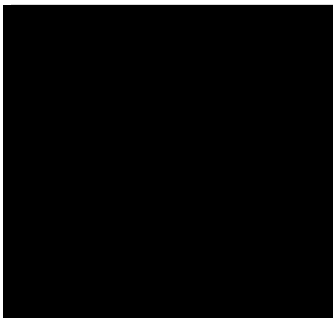
The individual elements of development that that have been proposed to the existing dwelling, have been done so with the partial fallback position of what would be allowable under Class A and Class AA of General Permitted Development Rights had these been exercised by the domestic applicants for the rear single storey extension and additional storey. Of the additional 95.42 sqm internal area increase proposed, 74.52 sqm of this amount would be achievable under the Permitted Development fallback position. The fallback position remains relevant to the application, given that there remains a realistic proposition that this could be implemented.



**SUPPORTING PLANNING STATEMENT
FOR AMENDMENT TO PL/2024/04460
LITTLE BOWERHILL FARM,
457 BOWERHILL LANE, BOWERHILL
MELKSHAM, SN12 6RA.**

1. Planning consent was granted on the 23rd September 2024 for the erection of a self-build rural workers dwelling with associated infrastructure. Clearly establishing the need for the accommodation. However, this did not include secure storage for the vehicles necessary for the worker to carry out his duties.
2. In order to carry out the tending of animal stock on the holding an all-terrain quod bike and 4 x 4 vehicle are essential. The quod bike is also electrically powered and needs to be charged securely inside garaging. It would not be insured if in the open and furthermore the transformer needed for charging is not waterproof. There is a precedent for the provision of secure storage garage in PL/02844/FUL approved on the 22nd June 2022.
3. The attached extract from the Rural Crime Report 2024 by the National Rural Crime Network sets out the latest statistics for theft of machinery and animals from farms. Clearly charging an electric vehicle in the open even alongside the dwelling would be an invitation to theft.
4. It is necessary for the vehicles to be close to hand for the night checks of stock. The reason for this to make the checking of animals and reaction time to emergencies that more efficient at all times especially during lambing and calving.
5. There is also the need to store medications and equipment in a controlled and secure environment. Some medication and vaccines need to be kept in a temperature-controlled environment. Security of medicines is also part of the farm holdings Red Tractor accreditation.
6. Storage of outside work wear and an area to remove PPE and store it undercover is also a requirement. In order to dress and undress, and to hang contaminated clothing between use to drip dry.
7. Safe secure kennelling for working dogs will also be provided within the storage

For and on behalf of E & S Bodman, December 2024



ASHLEY DESIGN LIMITED

The Old Ride – Bath Road – Bradford on Avon - Wiltshire – BA15 2PB
01225 865220 mail@ashleydesign.co.uk



Active Travel England Planning Response Detailed Response to an Application for Planning Permission

From: Planning & Development Division, Active Travel England

To: Wiltshire Council

Application Ref: PL/2023/11188

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

Description of development: 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)

Notice is hereby given that Active Travel England's formal recommendation is as follows:

- a. ~~**No Objection:** ATE has undertaken a detailed assessment of this application and is content with the submission.~~
- b. ~~**Conditional approval:** ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.~~
- c. **Deferral:** ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.
- d. ~~**Refusal:** ATE recommends that the application be refused for the reasons set out in this response.~~

1.0 Background

1.1 This is ATE's first involvement with the Land East of Melksham site, which is subject to an emerging allocation and forms part of a wider development area to the south and east of Melksham. Although all matters are reserved except for access, decisions made at this outline stage will have a permanent influence on the long-term success of the development in delivering a healthy, sustainable and integrated new community, by defining sustainable active travel layouts and connectivity and embedding key active travel principles which cannot be revisited or revised during subsequent stages of the development.

1.2 ATE has considered the application against the criteria set out in its updated planning assessment toolkit, national planning policy and active travel design guidance. It is clear the applicant has committed to a number of encouraging interventions at pre-application and outline stage, however ATE wishes to highlight the following, with particular regard to travel planning, off-site improvements, and the connectivity of the site.

2.0 Key Issues

Trip generation analysis and travel plan targets

2.1 The trip generation and assignment analysis set out in the TA and subsequent Transport Update Notes has a heavy focus on vehicle traffic which, despite helpfully acknowledging a range of trip types and including active travel mode shares, is restricted to a consideration of peak hours of vehicle travel only. ATE requests that a multi-modal trip generation analysis is provided for the entire day, otherwise the application risks setting an artificially low bar for consequent mode shift targets.

2.2 These targets lack ambition in their current form, especially considering the fact that the number of proposed dwellings would exceed the quantum outlined in the relevant emerging Local Plan policy, and they should be increased to better align with the government's target for half of all journeys in towns and cities to be walked, wheeled or cycled by 2030. As it stands, the focus on vehicle traffic and the limited mode shift targets would not be in step with the vision-led approach to transport planning which is currently expected by central government and set out in the most recent revision to the NPPF.

Off-site improvements, public transport strategy and access to the site

2.3 The use of the WHCAR methodology to identify key routes and identify potential interventions is welcomed, and it is clear that the applicant has taken steps to liaise closely with the LPA and LHA in identifying key issues. Nevertheless, the application would benefit from a more in-depth critical analysis of the quality of existing routes against the principles of the National Design Code and guidance set out in LTN 1/20 and Inclusive Mobility, and useful mapping of key routes and facilities may be further improved with photographs of key deficiencies.

2.4 The most up-to-date national guidance on 'walkability' has coalesced around a single common 'walkable' range of 800m (National Design Guide, 2021). It is clear from the distances cited in Table B.1 of the latest Transport Update Note that the vast majority of existing local facilities would fall far outside of this range, and the referenced thresholds of 1.6km and 3.2km, though walkable for some, would serve to exclude a significant

proportion of potential users of the walking/wheeling network. This calls into question the capability for the development to be considered sustainable without significant optimisation of local public transport connectivity and cycling infrastructure, as well as the adequate (and early) provision of on-site services which can internalise a sufficient proportion of trips.

2.5 It is therefore encouraging that a package of proposed improvements/contributions to be made to off-site infrastructure and public transport services has been set forth at this stage of the application. ATE has comments to make on the following aspects:

Eastern Way

2.6 Eastern Way represents a significant barrier to East/West permeability, and the applicant should look to support/provide interventions which restrain high vehicle speeds and promote safe active travel movements across this route, beyond the proposed toucan crossing at the Snarlton Lane/PRoW MELW41 access. Given the breadth of development scheduled to take place to the east, and the strategic nature of the road, ATE is keen to understand Wiltshire's intentions with respect to traffic-calming interventions along this route.

2.7 Outside of the proposed signalised crossing point, the only other ways to cross Eastern Way would be uncontrolled pedestrian crossings at the Sandridge Common Road roundabout and on PRoW MELW27. The latter suffers from a lack of refuge and the protection provided by signal controls, yet represents the most direct pedestrian and cycle desire line between the northern half of the site and more central parts of Melksham. Given that the proposed development exhibits a particular deficiency in terms of East/West cycle permeability, with dedicated cycle access only available via the southern part of the site, ATE considers it particularly important that this crossing and access route be appropriately upgraded to safely accommodate **both** modes.

Public transport strategy

2.8 Triggers for the provision of vital internal bus services should be identified and set at this stage of the application. Should the delivery of an internal service be delayed until a later phase of the development, then poorly equipped existing bus stops should be appropriately upgraded in anticipation of any shortfall in public transport provision.

2.9 As proposed, future bus services would enter and leave the site via the single northern access point, resulting in a limited and rather inconvenient internal loop. Given the scale of development proposed to the south and east of Melksham, ATE would suggest that a much wider masterplanning exercise is necessary to understand future public transport needs for the area, and how expanded and newly funded bus services may be made to successfully integrate with nearby development sites; for example, through the provision of a filtered bus connection leading to areas of development south of the site.

2.10 New stops to be provided within the development should each include raised kerbs, shelters, seating and real-time passenger information, in continuity with the proposed mobility hub.

2.11 Contributions to rail access improvements (Obligation 9) should be tailored/of a sufficient amount to ensure that the expansion and upgrade of cycle parking at Melksham Station is appropriately supported, given the potential increase in rail passengers represented by the proposed development.

Permeability, placemaking and connectivity

2.12 Internally, ATE expects all relevant infrastructure to conform to LTN 1/20 and the principles of the National Model Design Code, and requests to be consulted on further details of layout and design. The following should be particularly noted:

- a. Internal crossings should feature raised tables to prioritise pedestrian movements and footways should be continuous and direct, anticipating potential desire lines.
- b. The Illustrative Masterplan shows a lack of dedicated internal cycle infrastructure, particularly in the east of the site, and segregated routes of appropriate width should be provided along key internal corridors.
- c. The internal layout should be specifically designed to provide multiple active travel connections to the south and east, to improve wider permeability and in anticipation of nearby future development.
- d. Appropriate details of lighting and surface treatments for off-street corridors should be agreed at an early stage; footways and cycleways should be bound and level to accommodate users of all mobilities, and residential layouts should be designed to maximise active frontages and passive surveillance to improve feelings of comfort and safety for more vulnerable users.
- e. Cul-de-sacs should be avoided within the residential layout, in favour of instances of filtered permeability.

Cycle storage

2.13 Appropriate details of cycle storage, in line with the principles outlined in Section 11 of LTN 1/20 and in accordance with up-to-date local standards, must be considered early for each aspect of the development. ATE would request to review further details, once submitted, and these should be secured via an appropriate condition.

2.14 It should be noted that sheds are not the most convenient form of residential cycle storage, and ATE would recommend that cycle parking be located at the front of properties, ensuring convenient access to the highway and sending a clear message that cycling is a viable method of transport from this development.

3.0 Conclusion

3.1 ATE requests that the local planning authority shares this response with the applicant's agent. We would welcome additional details and amendments in line with the above comments, with a view to providing a further response/appropriate wording for conditions as required.

Wiltshire Council Planning Consultation Response

14th February 2024

Revision 19th December 2024

Helen Garside
Principal Conservation Officer
Wiltshire Council Conservation (Central)

Officer's Name: Steven Sims
Officer's Title: Senior Planning Officer

Application No: PL/2023/11188

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)

Land at Blackmore Farm, Sandridge Common, Melksham

Please find following comments in respect of the above application(s).

Recommendations:

<input type="checkbox"/>	No comment
<input type="checkbox"/>	Support in principle subject to amendments to the scheme (as set out below)
<input type="checkbox"/>	Support subject to conditions (as set out below)
<input checked="" type="checkbox"/>	Object (for reasons set out below)
<input type="checkbox"/>	No objections

Revised proposals December 2024:

The scheme has been revised with amendments including changes to the indicative layout to relocate the employment area from the immediate south-east of Blackmore Farm to another area of the site. Previously, the location of employment adjacent to the farm to the SE offered an opportunity at least for a form of development (including the scale, form of layout of buildings) which could have been less at odds with the agricultural character of the farmstead. The replacement with residential development in this area close to and wrapping round the SE boundary of the remaining farmstead will exacerbate the harm from the development overall by specifying a suburban form of development which is out of character with the existing agricultural landscape at close proximity, lending further weight to the conclusion that the development would result in harm to the setting of the farmhouse within the medium range of less than substantial harm.

The issues and conclusions overall remain as set out within my comments below (changed NPPF paragraph numbers noted to reflect the recent revision of the NPPF). Please therefore take these into account as reflecting my current position.

Scope of comments: the following comments relate to the built historic environment.

Policy: From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 66 (PP) requires that **special regard** be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraphs 207-9 (214-6) of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. Paragraph 203 (210) requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance." It is also required that distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. Proposals are required to "demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) "enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development" and "responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting."

Site: the site comprises a large area of agricultural land to the east of Melksham. The fields lie to the south of the A3102 Sandridge Common Road which leads eastwards towards the pronounced ridge occupied by the Sandridge Park estate. The land is level and generally open and any development will be prominent within its surroundings, including when travelling along the main road in either direction, in longer views from the higher land to the east and from the footpaths to the east and west of the site.

At the centre of the site, Blackmore Farmhouse is a grade II listed building. The site wraps around the farmhouse to the east, south and west.

Proposal: the proposal represents a reduced proposal following a previous submission across a slightly wider site which included further land to the east.

Issues: the impact on the significance of the listed farmhouse; impact on the agricultural character of the area.

Assessment: Paragraph 200 (207) requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. The current pre-application is accompanied by an Archaeological and Heritage Assessment which identifies the designated assets affected and assesses the impact of the proposals. The requirements of the NPPF are therefore met in this respect.

The NPPF defines significance as the "value of a heritage asset to this and future generations because of its heritage interest. The interest may be **archaeological, architectural, artistic or historic**. Significance derives not only from a heritage asset's physical presence, but also from its setting." Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place. In this case I agree with the Heritage Assessment which concludes that the significance of the building lies largely with its historic interest, including its fabric, its form, layout and vernacular design and

materials and from the contribution it makes to the understanding and experience of the historic agricultural landscape surrounding Melksham. I also agree with the Assessment that the surrounding land which farms the site has a historic and functional connection with the house that contributes to its significance and its understanding as a farmstead within the rural landscape.

In common with the previous application, the proposals would introduce a suburban form of development which is out of character with the existing agricultural landscape, over a very large area, and would result in the loss of a substantial part of the wider rural setting within which the listed farmhouse is experienced and a consequent diminution of its significance. Given that there would be no direct impact on historic fabric, the harm can be taken as “less than substantial harm” for the purposes of interpreting the NPPF.

On this occasion the omission of built form from the area to the east of the farm does constitute an improvement and allows the farm to retain something of its connection with the surrounding agricultural landscape. Similarly, the introduction of additional landscaping to the south of the boundary to the farm provides some further mitigation.

It is also acknowledged that there has been some erosion of the immediate setting of the house via the loss of much of the historic farmstead and by the construction of the adjacent bungalow, which is out of character in this historic context. However, the area of land covered remains very large and approaching from the north, the farm would become be viewed against a new backdrop of suburban housing development in place of the current agricultural character of the landscape. As a result, there will continue to be a level of harm to the setting of the farmhouse which would result from the proposed development, albeit at the medium/lower end of the spectrum of less than substantial harm.

No heritage benefits are argued or will result from the proposals.

Conclusion: the proposed development would result in harm to the setting and significance of the grade II listed Blackmore Farmhouse. Taking into account the **special regard** required by Section 66 of the Act to be given to the desirability of preserving the setting of listed buildings and the **great weight** ascribed to the conservation of designated assets by paragraph 205 (212) of the NPPF it is clear that the proposals should be subject to a high level of scrutiny.

Paragraph 208 (214) of the NPPF requires that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal” (nb these may include but are not limited to heritage benefits). Paragraph 201 (208) of the NPPF also requires that local authorities take opportunities to avoid or minimise conflict with heritage objectives.

The proposals are also at odds with the requirements of Core Policies 57 and 58.

From the viewpoint of the built historic environment alone there are no heritage benefits which will outweigh the harm caused to the historic environment and I must object to the application.

In due course it will fall to the Case Officer to assess the benefits which will accrue and to weigh these against the heritage harm which will be caused and any other planning constraints and to reach a view on the final planning balance. During this process close scrutiny will need to be given to the level and nature of the need and the opportunities for providing the public benefits which would be delivered either in other ways or on other sites which would have a lesser adverse impact.

tor &CO Briefing note

Project: PL/2023/11188 Land at Blackmore Farm, Melksham Date: 17/12/2024

Subject: NPPF December 2025 Update Reference: 227617

Following consultation earlier in the year, the government last week published the updated version of the National Planning Policy Framework (NPPF). The December 2024 version now supersedes the previous, December 2023, version as a material consideration for decision making with immediate effect.

The NPPF continues to support the clear aim of boosting housebuilding. To this end, and with reference to the circumstances in effect in Wiltshire, it:

- Engages the tilted balance in situations where a local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- Reinstates the requirement for all local planning authorities to demonstrate a five year Housing Land Supply (HLS).
- Requires the HLS to include a 5% buffer.
- Requires HLS to be demonstrated against the Standard Method SM calculation of housing need where the adopted strategic requirement is more than five-year old.

Note that the Standard Method is set out in the PPG and has been updated. For Wiltshire the revised figure is 3,525 dpa (compared to the previous figure of 1,917 dpa).

The latest HLS Statement for Wiltshire (base-dated 1 April 2023, published June 2024) identifies a HLS of 8,193 homes (equivalent to 4.2 years). Against the new SM figure with 5% buffer the position is 2.2 years. There are no transitional arrangements delaying the introduction of the new SM for HLS purposes, other than where a plan is less than five-year old.

A recent, August 2024, appeal decision (Ref: APP/Y3940/W/24/3340811) confirmed that, contrary to the Council's position (4.2 year HLS), the supply is 7,529 homes, which at the time of the appeal equated to 3.85 years HLS, which now equates to 2.03 years HLS under the new SM.

Whilst the draft plan, now submitted for examination, will be examined under the 2023 NPPF, the Council must still demonstrate a five-year HLS on adoption of the plan. It is further notable that the NPPF does introduce a new 20% buffer for the HLS from 1 July 2026, *"where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance."* This provision will shortly apply to Wiltshire, even if the Local Plan is adopted before then.

The government also notes in its consultation response that the restoration of the housing land supply in local plans will ensure *"clear incentives for authorities to maintain a clear pipeline of deliverable sites"*.

In this context, it is essential that sufficient sites are permitted now to secure at least a five-year HLS. Permitting draft allocations must be considered to be a significant benefit; as those allocations have council support, and are demonstrably sustainable according to Wiltshire Council, as supported by the current application, technical work, and absence of objections from statutory consultees. The development of the Land at Blackmore Farm, Melksham, which will provide up to 500 dwellings together with employment, land for a primary school and a mixed-use hub will significantly contribute to this requirement.

In addition to the above, it is worth highlighting a number of other changes between the December 2023 and December 2024 NPPFs. Chapter 2, Paragraph 11, relating to the presumption in favour of sustainable development has been strengthened, in favour of granting planning permission, as follows:

For decision-taking, where policies most important for determining the application are out-of-date (as they are in Wiltshire), granting permission unless two requirements are met (changes on bold).

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a **strong** reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, **having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.***

As confirmed by the application consultation responses received there are no strong reasons, to refuse planning permission. Indeed, it must be agreed that the site is in a sustainable location, given the submitted draft allocation. It must also be agreed that, for plan making purposes, the 'in combination' effects of the allocation have been considered, given the Sustainability Appraisal.

In term of the application, this is accompanied by an Environmental Statement, scoped to cover cumulative effects. This concluded that there are no significant cumulative impacts.

Further, the proposal provides a mix of affordable housing required to meet the identified local needs, with a total provision of 30% of units to be affordable, including Affordable Rented Housing (60%), First Homes (25%); and Shared Ownership (15%).

In addition to be sited in a sustainable location, substantial contributions will be made to enhance provisions for cycling, walking and public transport.

The use of the land and the density proposed is appropriate and makes the efficient use of the land, whilst the form of the development proposed is sympathetic to local area, including the surrounding built environment and landscape setting. This is demonstrated in the Design and Access Statement, supported by other accompanying documentation. Although in outline form, the application reflects local design policies and government guidance on design, with positive feedback received from the independent Design Review Panel, demonstrating that a high quality development set within large areas of landscaped public open space can be developed.

The December 2024 NPPF, supporting guidance and ministerial statements have placed even more emphasis on the need to increase the supply of housing to meet the chronic shortfall. In Wiltshire, substantial benefit must be attributed to the delivery of homes, whilst granting planning permission for an application relating to a submitted draft allocation, in the absence of technical objections and with design panel support, is a robust and justifiable outcome.

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Comment

Highways Department's Comment

Planning Application

Stance

[PL/2023/11188 \(/p...](#)

Comment

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

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

Information

Web Comment Name

Highways Department's Comment

Comment Number

WC-24-12-320694

Text

Having reviewed the latest submissions and development on the overall application there does not appear to be a specific new drawing or document for review. The following comments are provided in the context of NPPF (Dec 2024), DfT 01/22 and Manual for Streets.

The requirement for an emergency access is not one for consultation with the local highway authority in terms of the principle. This is a matter for the local

emergency services to establish the need based on their plans and protocols for the scale of development proposed. In terms of an access that accommodates emergency vehicles, suitable geometry, visibility, construction standards in accordance with Part B will all form part of any technical approval for a highways access onto a public highway should the need be established on human safety grounds by others.

The comments on the officers report suggest that a S106 is preferred for Travel Plan and this would be acceptable. In terms of the latest version of the NPPF, the need for monitoring would appear to be better covered within a legal agreement than by condition.

The need for a School Travel Plan condition or inclusion within the S106 has been rebutted by the applicant. This is due to the fact that the school is intended to form part of a separate application. However, the modelling work and assessment to date for the site has been with school. In effect there should have been a modelled future scenario without school included within all submissions, certainly in the context of the latest 'all future scenarios' with in the NPPF. In terms of the order that buildings could come forward and whether trips from outside the site to the school will be greater has not been fully validated in the work to date. The work and assumptions are based on a complete development operating as per the transport

assessment. If the school is coming forward separately then it would need to redo the Transport Assessment work at that time.

The analysis to date for access and the agreed access point is not relevant in highways terms to the overall layout as it has been a review of the modelled impacts on the wider network in terms of movement. Amendments to the indicative layout in terms of use and building positions do not change the transport assessment carried out to date.

Date Created

17/12/2024

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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-24-12-320659

Text

Good afternoon Steven,
Thank you for the opportunity to respond to the Rights of Way addendum prepared by i-Transport.

I'm not aware that we have a contributions strategy in place. I'm happy to work on preparing one to be included within our next Countryside Access Improvement Plan.

The Rights of Way Addendum raises the point about seeking proportion contributions from all developments, i

would like to draw your attention to PL/2024/07097 which is located south of this site. You will see that contributions have been requested from this proposed development for the same paths and some additions given this sites slightly more southern location. The reason for this is to make sure the Public Rights of Way are improved by either development should one not be given planning permission. If both are given permission, then I would be able to return some of the section 106 contributions back to each developer working on the same percentage per dwelling basis for the rights of way part of the section 106.

we are currently in the process of agreeing a section 106 contribution for Public Rights of Way improvements within the parish of Market Lavington with 14 dwellings providing a contribution of £3,000 equalling a per dwelling contribution of £214.28. The Public Right of way Contribution from this development that is being agreed to is £29,580 or £59.16 I can assure you that the impact on the Public Rights of Way network of 500 dwellings is much greater than that of 14 dwellings so if anything the contributions should be equal to or even higher per dwelling. If the developer agreed to the additional requests which I think works out at £16,500 they would still only be providing a contribution of £92.16 per dwelling. with some of this funding potentially being returned to them should the neighbouring development also be granted planning

permission.

Can I also have confirmation that the requested section 106 contribution towards the restoration of the Wilts and Berks Canal has been accepted.

I also note that no mention has been made of the request for two linking Public Rights of Way from the development to MELW40 please see below for relevant policy on these requested links.

National Planning Policy framework
December 2023

104. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Paul Millard
Countryside Access Development officer

Date Created
16/12/2024

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Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	17/12/2024
Application number:	PL/2024/09725
Proposal:	Outline planning application (with access, layout and landscaping to be approved) for up to 22 dwellings, new access off Corsham Road, public open space, drainage and associated works.
Site address:	Land off Corsham Road, Whitley, Melksham
Case officer:	Isobella Wise

Recommendations:

<input type="checkbox"/>	No comment
<input type="checkbox"/>	Support
<input type="checkbox"/>	No objection
<input type="checkbox"/>	Condition (no objection subject to conditions)
<input checked="" type="checkbox"/>	Objection - further information required
<input type="checkbox"/>	Objection in principle
<input type="checkbox"/>	HRA completed

Further Information Required:

	Issue	Policy/Legislative Compliance	Date Information Requested & Further Information Required	Satisfactorily Addressed (Document & Date)
1.	Hazel dormouse	Habs Regs, CP50, NPPF.	17/12/2024 – Dormouse survey results and recommendations.	NO
2.	Compliance with policy and ecologist recommendations	Habs Regs, CP50, NPPF, Joint Melksham Neighbourhood Plan 2020 - 2026	17/12/2024 - updated Mitigation Measures Plan	NO

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once all the above information has been submitted via the case officer.

Please Note: When resubmitting a revised document, ALL changes must be highlighted to enable review.

Thank you for consulting Ecology, I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

The following documents submitted with the application were reviewed to inform this response:

- Interim Ecological Assessment. October 2024. ProVision.
- Biodiversity Net Gain Assessment. September 2024. ProVision.
- The Statutory Biodiversity Metric Calculation Tool (v1, completed 2 September 2024)
- Statutory Biodiversity Metric Habitat Condition Sheets
- Illustrative Masterplan. Drawing no: AA/21/55/01.

- Planning, Design and Access Statement. October 2024.
- Preliminary Ecological Appraisal. Arbtech.
- Great Crested Newt eDNA Survey. 25 May 2022. Arbtech.
- Bat Activity Survey. 24 September 2023. Arbtech.

The ecology reports set out the results of the following ecological surveys: desk study (2021 and 2024), Phase 1 habitat survey and assessment of habitats to support protected/notable species (July 2021), UKHab survey and updated assessment of habitats to support protected/notable species (July 2024), Phase II surveys comprising bat activity surveys (walked transects and static detectors 2022/2023) and great crested newt Habitat Suitability Index (HSI) and eDNA survey (2022). Surveys for hazel dormouse are ongoing and are expected to complete in summer 2025.

The ecology reports identified several important ecological features relevant to the site and proposals, these are listed below along with a summary of the survey results taken from the ecology reports:

- Habitats - The site comprises an arable field with cereal crops in active rotation and associated boundary vegetation comprising native hedgerows, blackthorn scrub and modified grassland.
- Foraging/commuting bats – the hedgerows and associated site boundary vegetation provide suitable habitat for foraging/commuting bats. Bat activity surveys recorded low levels of bat activity along site boundaries, with no activity observed in the centre of the field. No Annex II species were recorded, and activity was dominated by common species.
- Great crested newt – eDNA surveys were carried out on two of the four ponds present within 250 m of the site, these returned a negative result. The habitats on site provide very limited suitable terrestrial habitat for great crested newts, a rapid risk assessment completed for the proposals determined impacts to great crested newts was highly unlikely.
- Hazel dormouse - The network of hedgerows and surrounding woodland areas provide potential habitat for hazel dormouse, surveys are ongoing.
- Nesting birds – the boundary vegetation provides suitable nesting habitat for common bird species.
- Reptiles - the network of hedgerows provides suitable habitat for reptiles.
- Other mammals (e.g., hedgehog) – boundary vegetation has the potential to support other mammals such as hedgehog.

The majority of boundary vegetation will be retained, however a small section of the western hedgerow will be lost to create a site access. All arable will be lost to built development and new habitats. The Interim Ecological Assessment makes a series of recommendations in Section 5 for measures to be implemented as part of the development, to ensure that sensitive ecological features are not adversely impacted by the works. These comprise, enhancement of existing hedgerows and new hedgerow and scrub planting, protection of retained trees/hedgerows, retention of dark corridors and implementation of a sensitive lighting scheme during construction and operation, precautionary working measures for nesting birds, reptiles and hedgehog.

The submitted documents contains insufficient information to determine potential impacts on hazel dormouse. In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. Hazel dormouse survey results and subsequent recommendations for mitigation/enhancement must therefore be submitted and reviewed by the LPA's ecology team prior to determination of the application.

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of local biodiversity resource and to secure the integrity of local ecological networks. Core

Policy 50 also requires development to seek opportunities to enhance biodiversity, whilst the NPPF encourages applications to deliver measurable net gains (para 186 d). An assessment of the proposals against Core Policy 50 will be completed once the required further information is submitted.

The Joint Melksham Neighbourhood Plan 2020 - 2026 contains the following policies relevant to ecology:

- Policy 7 Allocation of Land at Middle Farm, Corsham Road, Whitley – the site is allocated for approximately 18 dwellings. Requirements relevant to ecology include: a c15m minimum landscaped buffer along the western and eastern boundary of the site incorporating new hedgerow and tree planting; habitat creation that achieves an overall net enhancement to biodiversity on site.
- Policy 13 Biodiversity - Development proposals, including those for field based solar farms. will be expected to deliver at least a 10% improvement in “biodiversity value” within and, where appropriate, beyond the site in order to deliver tangible benefits for biodiversity, including specific attention for protected species.
- Policy 16 Trees and Hedgerows - Existing trees and hedgerows on development sites should be retained where possible and incorporated as placemaking features in new development. Where there is an unavoidable loss of trees on site, the number and type of replacement trees should be informed by the quality and size of trees lost. Integration of existing hedgerows into private curtilage must be avoided where possible.

The submitted biodiversity metric tool indicates the current proposals could achieve a net gain of 13.38% habitat units and 41.10% hedgerow units. The majority of existing hedgerows are expected to be retained and all but a small section will be within the public domain. Landscape buffers and public open space is proposed on the majority of boundaries which allows sufficient space for new planting and biodiversity enhancement. It does seem as though there is sufficient space for the required 15m buffers however this has not been stipulated on the submitted plans. The Mitigation Measures Plan (Appendix F of the Interim Ecological Appraisal) is welcomed, this plan identifies proposed dark corridors, a reptile receptor site and areas of habitat to be lost, retained and enhanced. For clarity the plan should be updated to include the minimum width of the dark corridors and landscape buffers (landscape buffers must be a minimum of 15 m on the eastern and western boundaries), the plan must also include define what the parameters of the dark corridor.

The updated Mitigation Measures Plan will become an ‘approved document’ of any outline permission granted and any reserved matters application must be in compliance with the plan.

Biodiversity Net Gain

Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) this application is required to deliver 10% Biodiversity Net Gain (BNG). The Biodiversity Gain Plan condition will automatically apply if approval is forthcoming.

A completed statutory metric calculation (v1, completed 2 September 2024) confirming the baseline and predicted post- development biodiversity units of site has been submitted (including the condition assessment sheets and maps). Information in the completed on-site baseline habitat tabs is accepted as accurate based on the information submitted. The base value habitat units are confirmed to be 3.20 Habitat units and 2.11 Hedgerow units.

In order for the council to fulfil its BNG monitoring responsibilities. A BNG monitoring contribution will be required and secured via a separate legal agreement.

Conditions to be recommended once the above issues have been addressed.

Final sign off – all matters addressed:

Ecologist	Date
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Comment Landscape's Comment

Planning Application	Stance
PL/2024/09725 (/p...	Object

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

Information

Web Comment Name
Landscape's Comment

Comment Number
WC-24-12-320554

Text
The site sits in the Malmesbury-Corsham Limestone Lowland (16A) Landscape Character Area as defined by the Wiltshire Landscape Character Assessment whose condition is noted as 'Good', strength of character 'moderate', with a strategy to conserve and 'strengthen.' Whilst the applicant has provided a DAS, illustrated masterplan, and indicative streetscene details there is no LVA / LVIA provided that sets out how the scheme design was formed in relation

to its landscape context and the the Landscape mitigation proposed is sufficient to adequately mitigate the impacts of the application on surrounding PRow and prominent visual receptors. I would highlight Core Policy 51 para 6.81:

'...Applications for development which would by its nature, scale, appearance or location have the potential to change local landscape character must be accompanied by a Landscape and Visual Impact Assessment.'

All major development (greater than 10 housing units) should be accompanied by an LVA / LVIA undertaken in accordance with the GLVIA (3rd Edition) by a chartered Landscape Architect registered with the Landscape Institute. This should ensure both the landscape character and visual impacts of the scheme are reviewed and demonstrate an iterative approach that shows how the review of the landscape context has informed the layout of the scheme, influenced the built form (height, scale, rooflines, etc), and mitigated any additional impacts through well integrated structural landscaping and PoS provision.

I would also highlight Core Policy 52 'Green Infrastructure' and the need to provide a 'Green Infrastructure Audit' for new development to set out how the PoS and Landscape design will integrate with the surrounding existing green infrastructure context in order to meet the aims of the Wiltshire GBI Strategy and

the Wiltshire Design Guide.

With regards to the design information provided, whilst the illustrated masterplan suggests a good number of trees to be planted both within rear gardens and within the streetscene the indicative streetscene suggests that the vast majority of these trees will be only 3-4m high which does not provide the adequate scale required of street trees as set out in the Wiltshire Design Guide which states:

'...6.6.6 When designing new landscapes, give plants the space they need to grow without the need for regular pruning, especially broad canopy trees. Specify plants that will fit into the scale and proportion of the space they are intended for.'

3-4m high street trees will be dwarfed (as is quite clearly shown by the street scene illustration) by the adjacent built form, and will not add character and provide additional eco-system service benefits as required by the Wiltshire Design Guide in terms of providing shade and reducing surface water run off.

I would highlight the Wiltshire Design Guides Section 6.7 expectation for creating 'edible landscapes' and the potential for providing a community orchard and / or fruit trees in rear gardens which is also supported by NPPF para 136. The Wiltshire Design Guide also requires that enough soil volume is

provided for each tree in accordance with BS8545, especially in more confined street scene areas.

The Wiltshire Design Guide also requires developers to 'Improve and enhance water management' under expectation 6.5 with a focus on integrating above ground solutions such as rain gardens and swales to 'slow the flow' from source rather than just piping to an attenuation pond. The attenuation pond detailing needs to be attractive with the pond designed for year round water retention as a biodiversity enhancement as well as providing surface water run off storage.

Any landscape plans should also include vision splays and utility lines to show how tree planting has been considered and integrated at an early stage with other technical considerations as per the Wiltshire Design Guide. I am particularly concerned to know whether the main vehicle access onto the B3353 has sufficient hedgerow 'cutback' or whether more of the existing hedge might have to be removed. I would note that this existing hedgerow contains a large amount of Ash that will be susceptible to ash dieback and thus a detailed plan for succession planting to ensure the longevity of this important screening element for the development needs to be developed as part of the overall landscape mitigation scheme.

Note Ends

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16/12/2024

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This is a consultation response to the planning application ref: PL/2024/09725

Outline planning application (with access, layout and landscaping to be approved) for up to 22 dwellings, new access off Corsham Road, public open space, drainage and associated works.

Land off Corsham Road, Whitley, Melksham

Introduction

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community.

As the attached document demonstrates, Royal United Hospitals Bath NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.

It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required.

The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide a services required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

CIL Regulation 122 and 123

The Trust considers that the request made is in accordance with Regulation 122:

“(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and 4
(c) fairly and reasonably related in scale and kind to the development.”

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount **£24,986.00** sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.

Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

Royal United Hospitals Bath NHS Foundation Trust

03/12/2024

Royal United Hospitals Bath NHS Foundation Trust

Consultation Response and Regulation 122 CIL compliance statement

Application Reference: PL/2024/09725

Outline planning application (with access, layout and landscaping to be approved) for up to 22 dwellings, new access off Corsham Road, public open space, drainage and associated works.

Land off Corsham Road, Whitley, Melksham

INTRODUCTION

1. This document provides a summary of the impacts of new housing developments on Royal United Hospitals Bath NHS Foundation Trust's (the RUH) capacity to provide health services, as well as a calculation of the contribution sought to mitigate the impact of the development on the Trust. It provides a sense of the operating scope and environment of the RUH. It explains:
 - The impact and consequences of increasing demand upon the Trust.
 - The context of the Trust and the services it provides.
 - How funding flows within the NHS to show how the Trust is paid for the care it provides to the people in its catchment area
 - How the impact on the capacity to provide health services can be mitigated by way of developer contribution.
 - The relationships RUH has within the health and social care system in Somerset, Wiltshire and the Mendips.

A glossary of terms can be found in Appendix 1.

About the Royal United Hospitals NHS Foundation Trust

2. The Royal United Hospitals NHS Foundation Trust (RUH) is a medium sized district general hospital, which serves a population of approximately five hundred thousand local residents across Bath and North East Somerset (BaNES), West Wiltshire and the Mendips. The Trust is the only provider locally of acute services and delivers a range of specialised services to patients from across the UK.
3. The Trust is currently operating at its maximum capacity, and as the local population grows, is experiencing ever-greater demands on services to meet the needs of the local people. Over the

next years, demand is forecast to continue to rise. This challenge is further exacerbated by the new residential housing increasing the population base for the Trust area for which the Trust does not receive any funding during the first year of the occupation of the development.

4. The Trust is also a vital part of the local economy. The organisation is one of the largest local employers, with over 5500 staff in a huge range of positions, including entry-level roles. In addition, the Trust also provides training and education opportunities, in partnership with local universities and higher education providers.
5. This proposed development will individually and cumulatively have a short and long-term impact on the Trust services and facilities. Without the mitigation of the impact by way of the developer contribution, the impact will have a detrimental socio economic impact making the development unsustainable.

EVIDENCE

Background

6. Royal United Hospitals Bath NHS Foundation Trust (“the Trust”) has a licence to provide healthcare services to a catchment population of around 500,000 people in Bath and the surrounding area. Although run independently, NHS Foundation Trusts remain fully part of the NHS. They have been set up in law under the Health and Social Care (Community Health and Standards) Act 2003 as legally independent organisations called Public Benefit Corporations, with the primary obligation to provide NHS services to NHS patients and users according to NHS principles and standards - free care, based on need and not ability to pay. NHS Foundation Trusts were established as an important part of the government's programme to create a "patient-led" NHS. Their stated purpose is to devolve decision-making from a centralised NHS to local communities in an effort to be more responsive to their needs and wishes. However, they cannot work in isolation, they are bound in law to work closely with partner organisations in their local area.
7. The Trust is a public sector NHS body and is directly accountable to Parliament for the effective use of public funds. The Trust is set up in law, as stated previously, funded from the social security contributions and other State funding, providing services free of charge to affiliated persons of universal coverage. The Trust is a secondary care provider delivering a range of planned and emergency hospital services.
8. The Trust is commissioned to provide healthcare services to the population of Bath and North East Somerset, Wiltshire, Somerset and South Gloucestershire:

9. The Trust delivers a range of services to support its community including:

- Accident and Emergency (A+E)
- Acute Services (A)
- Cancer Services (CR)
- Community Services (CS)
- Diagnostic, Screening and/or Pathology Services (D)
- End of Life Care Services (ELC)
- Patient Transport Services (PTS)
- Radiotherapy Services (R)
- Urgent Care/Walk-in Centre Services/Minor Injuries Unit (U)

In addition, the Trust is separately commissioned to provide specialised care in a number of areas including:

- Cardiology Primary Percutaneous Coronary Intervention (PPCI) (Adults)
- Pulmonary Hypertension: Shared Care (Adults)
- Specialised Rheumatology Services (Adults)
- Breast Radiotherapy Injury Rehabilitation Service (Adult)
- External Beam Radiotherapy Services Delivered as Part of a Radiotherapy Network (Adults)
- Haematopoietic Stem Cell Transplantation (Adult)
- Specialised Human Immunodeficiency Virus Services (Adults)
- Cancer Chemotherapy (Adults)
- Cancer Chemotherapy (Children, Teenagers and Young Adults)
- Cancer Head and Neck (Adults)
- Cancer: Teenage and Young Adults
- Specialised Services for Pain Management (Adults)
- Paediatric Surgery: Chronic Pain
- Paediatric Medicine: Rheumatology
- Paediatric Medicine: Gastroenterology, Hepatology and Nutrition
- Paediatric Oncology
- Neonatal Critical Care
- Complex Gynaecology - Specialist Gynaecological Cancers
- Public Health national screening programmes

10. The Trust, in partnership with local universities and colleges, also plays a major role in education and research.

11. In common with other areas, the local population of the Trust is evolving:
 - There is a growing population of people with more complex needs, in all age groups but in particular growth in an aging population and patients with long-term conditions.
 - There are rising public expectations of public services.
 - Within the Trust's boundaries there is a large student population that is temporary and always changing.
 - Improvements in local transport and infrastructure have resulted in an increased demand for housing from those working out of area.
12. Together the over 5500 dedicated employees of the Trust delivers high quality services from the main major acute hospital site in Combe Park in Bath and a number of community birthing centres and other outpatient clinics within community hospitals across the region.
13. The acute facilities at the main hospital site will be used by the new occupants of this development.
14. The Trust was established as an NHS Foundation Trust in November 2014. NHS Foundation Trusts are part of the NHS and subject to NHS standards, performance ratings and systems of inspection. They have a duty to provide NHS services to NHS patients according to NHS quality standards and principles. They have stronger local ownership and greater involvement of their local communities through their links with their members; local people, patients, carers and staff are all able to become members of their local NHS Foundation Trust. As of 2020 the Trust has 11,000 public members from the local catchment area who are able to take part in the decision making and can take part in Trust elections.
15. Every NHS Foundation Trust is authorised to operate by a licence issued by the Independent Regulator, NHS Improvement. The terms of each NHS Foundation Trust's licence sets out the conditions under which they must operate including:
 - The health services that the Trust is authorised and required to provide to the NHS;
 - The standards to which they must operate and against which the Care Quality Commission will inspect;
 - A list of assets such as buildings, land or equipment that are designated as 'protected' because they are needed to provide required NHS services;
 - The amount of money an NHS Foundation Trust is permitted to borrow.
16. Like all other NHS bodies, the Trust is inspected against national standards by the Care Quality Commission (CQC). The Independent Regulator, NHS Improvement, monitors the Trust to ensure they do not breach the terms of their authorisation. If the Trust significantly breaches

the terms of its authorisation, or finds itself in difficulty, NHS Improvement has a range of intervention powers, including but not limiting to:

- Issuing warning notices;
- Requiring the Board of Governors or Board of Directors to take certain actions;
- Suspending or removing the Board of Governors or members of the Board of Directors.

17. In the most serious cases, where NHS Improvement intervention cannot resolve the breach, the Trust can be dissolved.

THE SHORT AND LONG TERM IMPACT ON THE TRUST'S SERVICES

Impact of Increasing Demand – Operational Services arising from the proposed development

18. Across England, the number of acute beds is one-third less than it was 25 years ago¹, but in contrast to this the number of emergency admissions has seen a 37% increase in the last 10 years². The number of emergency admissions is currently at an all-time high.
19. The Trusts' hospital is operating at nearly full capacity and there are limited opportunities for it to improve the use of its bed base. Whilst the Trust is currently managing to provide the services in a manner that complies with the Quality Requirements of the NHS, there are not sufficient resources within the existing services to accommodate population growth created by the development (individually and cumulatively) without the quality of the service as monitored under the standards set out in the Quality Requirements dropping, and ultimately the Trust facing sanctions for external factors which it is unable to control.
20. In order to maintain adequate standards of care as set out in the NHS Standard Contract quality requirements, it is well evidenced in the Dr Foster Hospital Guide that a key factor to deliver on-time care without delay is the availability of beds to ensure timely patient flow through the hospital. The key level of bed provision should support a maximum bed occupancy of 85%. The 85% occupancy rate is evidenced to result in better care for patients and better outcomes³. This enables patients to be placed in the right bed, under the right team and to get the right clinical care for the duration of their hospital stay (see Appendix 2). Where the right capacity is not available in the right wards for treatment of his/her particular ailment, the patient will be admitted and treated in the best possible alternative location and transferred as space becomes available, but each ward move increases the length of stay for the patient and is known to have a detrimental impact on the quality of care. It also increases the recovery time which in turn

¹ Older people and emergency bed use, Exploring variation. London: King's Fund 2012

² Hospital Episode Statistics. www.hesonline.nhs.uk/Ease/servlet/ContentServer?siteID=1937

³ British Medical Journal- Dynamics of bed use in accommodating emergency admissions: stochastic simulation model

will have detrimental socio economic impact. Consequently, when hospitals run at occupancy rates higher than 85%, patients are at more risk of delays to their treatment, and sub-optimal care and being put at significant risk.

21. Appendix 2 details that the Trust's utilisation of acute bed capacity exceeded the optimal 85% occupancy rate throughout 2019/20. This demonstrates that current occupancy levels are highly unsatisfactory, and the problem will be compounded by an increase in the population, which does not coincide with an increase in the number of bed spaces available at the Hospital. This is the inevitable result where clinical facilities are forced to operate at over-capacity, and is why there is now a very real need to manage demand. Any new residential development will add a further strain on the current acute healthcare system.
22. Appendix 3 shows reference costs and activity for the financial year 2019/20 (2020/21 reference costs will be available in March 2022). During 2019-20:
 - 95, 274 residents attended the Trust's A&E Department (the equivalent of 10 out of 50 residents).
 - 119, 280 residents were admitted to hospital (the equivalent of 13 admissions for every 50 residents).
 - The equivalent of every resident attended an outpatient appointment and/or procedure (501, 955 attendances)
23. In total, for the financial year 2019/20, 17,588 theatre procedures took place in the RUH (NULL, Day Cases, Emergency and Inpatient procedures), 10,708 scopes were undertaken (Inpatient and Outpatient) and there were 40,116 cardiac interventions (Outpatient, Outpatient Procedures, Follow-Up Outpatient Procedures, Non-Elective Inpatients, Day Cases and Elective Inpatients. Additionally, 308,653 radiological examinations or scans took place (Outpatients, GP Patients, A&E Patients, Inpatients and Day Cases).

Impact of Increasing Demand – Capacity

24. Provision of safe hospital-based services relies on sufficient capacity within a suitably sized and skilled clinical workforce and within appropriate physical assets. The Trust provides the majority of healthcare services through employed staff but has sub-contracted agency and/or locum staff for services because of operational pressures that result from the impact of increased demand. Locums are employed at a premium cost. The supply of our clinical professional workforce is nationally determined and there is limited opportunity for the Trust to influence local supply, other than through recruitment and retention. Nationally, many health professions are suffering chronic shortages. The Trust has addressed these workforce shortages by having

to use locum and agency staff. In turn, their shortage has driven up prices to a premium within a national labour market where prices are maintained by annual increases in NHS service demand.

Impact of increasing demand – Quality & Safety Issues

25. The Trust understands that the existing population, future population growth and an increased ageing population will require additional healthcare infrastructure to enable it to continue to meet the increasing demands and complexity of the hospital healthcare needs of the local population.
26. It is not possible for the Trust to predict when planning applications are made and delivered and, therefore, it cannot plan for additional development occupants as a result. The Trust has considered strategies to address population growth across its area and looked at the overall impact of the known increased population to develop a service delivery strategy to serve the future healthcare needs of the growing population. This strategy takes into account the trend for the increased delivery of healthcare out of hospital and into the community. However, the commissioning operates based on previous year's performance and does not take into account potential increase in population created by a prospective developments, housing projections or housing land supply.
27. Despite recent capacity increases, the Trust's hospitals are operating at full capacity and there are limited opportunities to improve this further. NHS provider the Trusts are contractually required to comply with NHS Standard Contract quality requirements. However, at the Trust, there is insufficient operational capacity to accommodate population growth created by the development without reduction in the quality of the service (as outlined by the standards set out in the NHS Standard Contract). Ultimately, the Trust will be sanctioned financially for external factors which it is unable to control.
28. In order to maintain adequate standards of care, a key factor to deliver on-time care without delay is the availability of beds to ensure timely patient flow through the hospital. 85% bed occupancy represents the benchmark for patient safety, and it is inadvisable for bed occupancy to regularly exceed that figure⁴. NHS Improvement states that bed occupancy above 92% leads to accelerated deterioration in A&E performance. An 85% bed occupancy rate results in better care for patients and better outcomes because it enables patients to be placed in the right bed, under the right team and to get the right clinical care for the duration of their hospital stay.

⁴BMA 2017 Beds in the NHS

Where the right capacity is not available in the right ward for the treatment of a particular condition, the patient will be admitted and treated in an alternative ward or department and transferred as a more appropriate bed space becomes available. Multiple bed/ward moves increases the length of stay for the patient and is known to have a detrimental impact on the quality of care and recovery time. Consequently, when hospitals run at occupancy rates higher than 85%, patients are more at risk of delays to their treatment, of receiving sub-optimal care and have a poor experience during their hospital stay.

29. Appendix 2 shows that the Trust's utilisation of acute bed capacity exceeded the optimal 85% occupancy rate for the last four years. This demonstrates that current occupancy levels are unsatisfactorily high, and the problem will be compounded by an increase in the population that does not coincide, with an increase in the number of appropriately-staffed bed spaces available at the hospital. This is an inevitable result where clinical facilities are forced to operate at over-capacity and is why there is now a very real need to increase it. Any new residential development will add a further strain on the current acute healthcare system. Without mitigating the impact, this development will have individual and cumulative detrimental impact on the safety and quality of services.

The Direct Impact on the Provision of Planned and Acute Healthcare Caused by the Proposed Development

30. The existing service delivery infrastructure for acute and planned health care is unable to meet the additional demand generated as a result of the proposed development for **300 dwellings** (individually and cumulatively). The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the population increase.
31. The increased in demand would result in the Trust's failure to deliver consistently the access standards and time frames for some services in line resulting in increased waiting times for care and treatment and deteriorating outcomes for patients. This is most notably in the Emergency Department Performance, particularly bed capacity and the flow of patients through the hospital from admission to discharge. The pressures caused by the increased demand on specifically relates to the Trust's ability to manage within its bed base and maintain timely flow of patients out of the Emergency Department, Medical Assessment Unit and Surgical Assessment Unit to the main inpatient wards⁵. It is essential that the Trust is able to offer a high quality and safe service to patients presenting as an emergency.

⁵ Annual Report 2019-2019

32. The only way that the Trust can maintain the “on time” service delivery without delay and comply with NHS quality requirements is if the developer will mitigate by way of developer contribution towards the cost of providing the necessary capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. Without securing such contributions, the Trust will have no or limited funding to meet healthcare demand arising from each household during the first year of occupation. The health care provided by the Trust would be significantly delayed and compromised, putting the local people at risk. This impact created by this development will have a long term effect on the ability to provide the required services.

MITIGATING THE IMPACT- ASSESSMENT FORMULA

General

33. In any given year, the level of NHS funding is set by central Government through Comprehensive Spending Review process. The process estimates how much funding the NHS will receive from central sources. The monies are then allocated to NHS England/Improvement, which in turn allocate the funds to Integrated Care Boards (ICB)ICB.
34. The Bath and North East Somerset, Swindon and Wiltshire Integrated Care Partnership (ICB) and NHS Bristol, North Somerset and South Gloucestershire Integrated Care Board (BNSSG ICB)) and NHS England commission the Trust to provide acute healthcare services to the local population.
35. The ICBs then commission most services from NHS provider through NHS standard contract and using nationally determined formula. The ICBs commission planned and emergency acute healthcare from the Trust and agree a contract, including activity volumes and values on an annual basis. The ICBs have no responsibility for providing direct healthcare services to the public.
36. The commissioning does not take into consideration the local housing need, housing projections or existing planning permissions. The Trust cannot change or influence this fact in the same way that the Local Authority cannot influence the funding mechanism received from the Government.
37. The Trust is required to provide appropriate health services to all people that present or who are referred to the Trust. There is no option for the Trust to refuse to admit or treat a patient on the grounds of a lack of capacity to provide the service/s. This obligation extends to all services from emergency treatment at A&E to routine/non-urgent referrals. Whilst patients are able in some cases to exercise choice over where they access NHS services, in the case of an emergency

they are taken to their nearest appropriate A&E Department by the ambulance service or where directed by out of hours' service.

38. The most effective way of dealing with the impact is to make sure that acute health services can be carried out without interruption as explained in this consultation response. Without mitigation, the additional demand created by the development will have a deleterious effect on the provision of health services. Mitigation for this increased demand will enable the Trust to maintain required service levels without deterioration in the quality of care provided and patient experience, maintaining clinical space to the maximum by contributing to staffing that keeps patients flowing through the Trust's services. This, in turn, will also produce better outcomes for patients.

Payment System

39. Predominately, the Trust uses the National Tariff system for billing commissioners for services. This tariff is derived from the mandated national cost collection, which all NHS trusts and foundation trusts submit.
40. However, some areas of activity are held at a fixed cost regardless of the volume of activity seen by the Trust
41. Funding for non-elective activity, including A&E attendances is accounted for within the block financial envelopes allocated to the Trust. This is adjusted each year, but not in-year, to reflect changes in activity levels and case mix should there be material changes to relevant services.
42. The planning assumptions undertaken by both the Trust and the commissioners uses the previous years' activity as a basis and reflects changes in demographics using a national growth metric known as IHAMS. These are not amended in-year to reflect any changes in demographics. This means that only those residents currently residing in the area will be taken into consideration. Those prospective residents who will arrive because of a new planning permission are not part of the commissioning process.
43. For 2019/20 the Trust has also agreed a block contract value for outpatient activity. An outpatient block contract will be mandated nationally for all hospitals for 2020/21 in accordance with Government Guidance.
44. A blended block approach has also been proposed nationally for all maternity pathways.

45. The Trust has to achieve 52-week wait standards for elective care. This means that each patient referred to the Trust for elective care should not wait over 52 weeks to commence treatment. If a patient waits for longer than 52 weeks the Trust will be subject to financial sanctions, which is commensurate to the number of breaches.
46. Any new development has the potential to affect the Trust's ability to achieve its performance targets.

Other Possible Funding of Income

47. As a Foundation Trust, there is no routine eligibility for capital allocations from either the Department of Health or local commissioners to provide new capacity to meet additional healthcare demands. The main source of funding for re-investment in maintaining local services is the annual surplus generated by the Trust. The RUH have delivered a surplus in previous years but was not projecting to in 19/20 in this situation there would be no available capital allocation.
48. As a Foundation Trust, there is eligibility to request a loan from the Department of Health's Independent Trust Financing Facility to fund capital development proposals.
49. Loan applications would be subject to existing borrowing limits with existing loan providers and would have to be paid back with interest.
50. Charitable Donations are managed in line with the provisions of the Charities Act. The Charity Trustee oversees the use of any donated funds and in doing so fulfils its responsibility to ensure that all expenditure demonstrates 'Additionality', i.e. that charitable funds are not used to pay for items of equipment or facilities which are needed to deliver day-to-day services.
51. In its modest but effective mitigation, the Trust has carefully considered its funding from the ICB and is requesting only the amount that it cannot obtain through its contracts with ICB or recover retrospectively. The CCG and the Trust are unable to change the existing funding mechanism regardless whether it is a known allocated site or not or subject to planning permission.
52. The calculation will take into consideration, once agreed with the Council, the existing population in the Trust's catchment area, so only the new population which is not already in the Trust's catchment area is taken into consideration in the methodology making the contribution fairly and reasonably related in scale and kind of the development.

53. Further, the Trust holds statistics on all patients and activity generated from specific LSOA area and GP practices and is therefore able to estimate the potential level of activity arising from the proposed development making the methodology directly related to this development.
54. This proposed development comprises of **78 dwellings** and based on the 2011 Census average household size per dwelling, the Trust has calculated that this development will accommodate a new population of **106 residents**.
55. As detailed in the calculations in Appendix 4, **106 residents** are currently generating an average of **29 acute interventions** each per year.

Formula

(Development New Population x % Development Activity Rate per head of Population x Cost per Activity X 80%) + (Development New Population x % Development Activity Rate per head of new Population x 20% (Cost per Activity - Tariff) = Developer Contribution

New population = total population – percentage of existing population in the Trust’s catchment area.

56. The costs consequences of the number of interventions and the costs of them arising from this proposed development are set out in detail in Appendix 4.
57. Due to the payment mechanisms and that the proposed development will create a gap in the funding, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. The Trust will only receive a proportion of commissioner funding to meet each dwelling’s healthcare demand in the first year of occupation due to the preceding year’s outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years (see Appendix 4). Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust’s area.
58. Therefore, the contribution requested for this proposed development of **22 dwellings** is **£24,986.00**. This contribution will be used directly to provide additional services to meet patient demand as indicated in Appendix 4
59. The Trust is happy to negotiate appropriate timing for the payment of the contribution. It is essential however, that the contribution is in place prior to the occupants residing in the development.

60. The Trust is happy to work with the Council and provide any further information it requires. It is happy to negotiate a suitable abatement in relation to the provision of affordable housing on site.

Policy support

61. The Council does not have a specific policy that directly relates to health infrastructure services and facilities. However, Section 70(2) of the TCPA 1990 provides that in determining an application for planning permission, the LPA; “shall have regard to the provisions of the development plan, so far as material to the application, and to any other material consideration”.

62. Paragraph 2 of the NPPF states:

The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions **must** also reflect relevant international obligations and statutory requirements (emphasis added).

The health of communities has been a key element of Government policy for many years. One of the three overarching objectives to be pursued in order to achieve sustainable development is to include ‘b) a social objective – to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being:”(paragraph 8 of NPPF).

Further, the Trust is delivering NHS health care services at the point of demand under the statutory requirement. Paragraph 2 contains an imperative upon the decision makers to reflect statutory obligations.

In addition, the health of communities has been a key element of Government policy for many years and is as stated above reflected in adopted development plan. Please see NPPF Section 2 paragraph 8, Section 8 paragraphs 92 -93 and 96 addition

Notwithstanding above the Local Plan Policy ensures that the developer adequately mitigates the impact it creates.

63. BaNES Local Plan (adopted 2014)

Policy CP13

Infrastructure provision

New developments must be supported by the timely delivery of the required infrastructure to provide balanced and more self-contained communities.

The Council will work in partnership with adjoining authorities, local communities and relevant agencies and providers to ensure that social, physical and green infrastructure is retained and improved for communities.

Developer contributions will be based on the Planning Obligations SPD and its successors.

Infrastructure proposals should not cause harm to the integrity of European wildlife sites which cannot be mitigated.

Summary

64. As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. The contribution is being sought to provide health infrastructure services and facilities needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.
65. Without contributions to maintain the capacity by delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said health infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable as it will have a detrimental socio economic impact.
66. The Trust acknowledges that housing developments are constructed and occupied in phases and therefore is willing to negotiate staged payments of the total sum claimed. The money will be spent to meet the marginal costs of increasing the capacity by direct delivery of healthcare for the additional population. As the calculation is directly linked to the patient address, it is also easily verified. This will include the cost of medical, nursing and other health professional staff, which may be incurred at a premium rate. The money will also meet increases in other direct

costs associated with healthcare delivery, for example, diagnostic examinations, consumables, equipment and maintenance. The lack of mitigation creates greater impact on the capacity to provide health services than the impact to be mitigated by way of contribution.

67. In the circumstances, without the requested contributions to support the increasing the capacity the planning permission should not be granted.

03/12/2024

Appendix 1: Glossary of Terms

- **Accident and emergency care:** [Accident and Emergency Departments](#) may be either major units, providing a 24-hour service seven days a week to which the great majority of emergency ambulance cases are taken, or small units commonly called casualty departments, in which services are often only available for limited hours and which may not deal with emergency ambulance cases.
- **Acute care:** This is a branch of hospital healthcare where a patient receives active but short-term treatment for a severe injury or episode of illness, an urgent medical condition, or during recovery from surgery. In medical terms, care for acute health conditions is the opposite from chronic care, or longer-term care.
- **Block Contract:** An arrangement in which the health services provider (as used in the UK, providers refer to corporate entities such as hospitals and trusts, and not to individuals) is paid an annual fee in installments by the Healthcare Commissioner in return for providing a defined range of services, regardless of the volume of services delivered.
- **Community care:** long-term care for people who are elderly or disabled which is provided within the community rather than in hospitals, especially as implemented in the UK under the National Health Service and Community Care Act of 1990
- **Dr Foster:** Dr Foster Intelligence provides healthcare information and intelligence particularly about the performance of NHS Trusts. Dr Foster uses data-driven methodologies to support organisations to improve quality and efficiency.
- **Emergency care:** Care which is unplanned and/or urgent.
 - **Integrated Care Boards (ICB):** a statutory organisation bringing the NHS together locally to improve population health and establish shared strategic priorities within the NHS. They are responsible for the commissioning of health care services for their local area.
 - **Integrated Care Partnership:** a combination of ICB, Local Authority, NHS Trusts and other Partners who have a duty to prepare plan how the assessed needs in relation to the local authority's area are met.

- **NHS Improvement (NHSI):** NHSI are a health services regulator, they are responsible for overseeing NHS foundation trusts and NHS trusts, as well as independent providers that provide NHS-funded care.
- **Office of National Statistics:** Known as ONS
- **Operational Pressures Escalation Levels (OPEL):** OPEL is a standard metric for Trusts to report levels of pressures nationally using a consistent framework.
- **Planned care:** Medical care that is provided by a specialist or facility upon referral and that requires more specialised knowledge, skill, or equipment that can be provided by the referrer
- **Premium Costs:** Premium costs incurred by an NHS Trust include the supply of agency staff, Locum Medical Staff and payments to deliver services to meet operational pressures which exceed the costs incurred when delivering with substantive staff. It also covers sub-contracting the provision of certain services to third parties to meet demand.

Appendix 2: Extract from Fit for the Future, The Dr Foster Hospital Guide 2012 & RUH Bath Acute Occupancy

HOSPITALS UNDER PRESSURE

KEY FINDINGS

- 1
- 2
- 3
- 4

FULL TO BURSTING

The peak occupancy rate for NHS beds is 92%. For 48 weeks a year most trusts are more than 90% occupied.

SUPPORT IN THE COMMUNITY

A lack of integration with social care and community services is contributing to the pressure on NHS hospitals.

A WORSENING PROBLEM

Rising numbers of frail elderly patients have required an additional 10,000 bed days over the past five years. That is equivalent to two new hospitals.

DECREASED AVAILABILITY

The number of acute and general beds in the NHS has decreased by a third in the past 25 years.¹

TECHNICAL BRIEFING

The number of hospital beds has decreased by a third in the past 25 years¹, as hospital stays have become shorter. However, admissions are rising, especially for groups such as the frail elderly (see page 11). This is one of the main causes for the growing pressure on hospital beds.

The NHS publishes figures for NHS trusts giving the average percentage of hospital beds that are occupied. These figures disguise the highs and lows in occupancy that occur week by week and season by season. According to these figures, the NHS has an average occupancy rate of just over 85%.

When occupancy rates rise above 85% it can start to affect the quality of care provided to patients and the orderly running of the hospital.²

Our analysis calculates the number of patients in hospital each day and compares it to the number of beds the hospital says it has available.

Our figures reveal the extent to which occupancy varies from the low points at weekends and during bank holidays to the high points, when occupancy rates at some hospitals can reach 100%. This analysis shows that the average mid-week occupancy in the NHS is 88%, and that for most of the year most NHS hospitals are experiencing occupancy rates above 90%.

Total Acute Occupancy %	01 - Apr	02 - May	03 - Jun	04 - Jul	05 - Aug	06 - Sep	07 - Oct	08 - Nov	09 - Dec	10 - Jan	11 - Feb	12 - Mar
2018/2019	96.2%	92.3%	92.7%	94.1%	94.1%	94.6%	95.1%	96.1%	90.5%	93.9%	95.7%	94.0%
2019/2020	95.1%	92.5%	92.2%	93.3%	92.8%	95.3%	95.5%	96.6%	94.5%	96.3%	95.8%	82.7%
2020/2021	49.1%	55.5%	78.7%	83.4%	87.2%	88.2%	89.8%	86.2%	86.2%	85.6%	86.6%	84.1%
2021/2022	88.3%	86.1%	87.8%	89.2%	90.0%	90.9%	92.1%	92.6%	89.6%	89.6%	89.2%	91.7%

**The above table includes escalation and IT. It excludes closed and empty beds, maternity and NICU*

Appendix 3: Reference Costs

Activity Type	Trust Level Activity		This LSOA		Activity Costs		Proposed Development			
	Activity 2023/24 6 months activity	% Activity Rate per Annum	Activity	Activity Rate per Annum 6 months	Total Delivery Cost Trust-wide 6 months activity	Delivery Cost per Activity 2023.24 Reference Costs	12 months Activity for proposed Population 6 months formula doubled	Delivery Cost for Planned Dwellings	Premium costs of Delivery $Delivery Cost \times Premium staff cost \times Staff cost \%$	Cost pressure
A&E Attendances	48,128	9.6%	155	9.5%	£ 14,780,084	£ 307.10	6	1742.54131	329.3403077	£ 2,071.9
Non Elective Admissions	27,732	5.5%	127	7.7%	£ 78,937,480	£ 2,846.44	5	£ 13,233.6	2501.150864	£ 15,734.8
Outpatient Appointments (follow up only)	75,380	15.1%	263	16.0%	£ 35,339,760	£ 468.82	10	£ 4,513.7	853.0948342	£ 5,366.8
Diagnostic Imaging (inpatient only)	23,788	4.8%	134	8.2%	£ 7,390,662	£ 310.69	5	£ 1,524.1	288.0476328	£ 1,812.1
Total	175,028		679		£222,767,632		25	21,014	3,972	24,986

Impact per Dwelling	£ 1,921.97
Total Mitigation Request	£ 24,986

Appendix 4: Calculation of contribution requested for this proposed development

[Royal United Hospital Foundation Trust]

Application Reference:	PL/2024/09725
Local Authority / Area	Wiltshire
Population Estimate (LSOAs):	1,639
LSOA (Name and Code):	Wiltshire 021BE01032044
Population Estimate (Trust wide):	500,000
Development Dwellings	22
Development Dwellings EXC Affordable Housing (proxy measure for deducting existing population)	13
Population Multiplier	2.30
Development Population	30

Premium Staff Cost as % of total staff costs	30%
Staff cost as % of total costs	0.63

Activity Type	Trust Level Activity		This LSOA		Activity Costs		Proposed Development			
	Activity 2023/24 6 months activity	% Activity Rate per Annum	Activity	Activity Rate per Annum 6 months	Total Delivery Cost Trust-wide 6 months activity	Delivery Cost per Activity 2023.24 Reference Costs	12 months Activity for proposed Population 6 months formula doubled	Delivery Cost for Planned Dwellings	Premium costs of Delivery Delivery Cost X Premium staff cost X Staff cost %	Cost pressure
A&E Attendances	48,128	9.6%	155	9.5%	£ 14,780,084	£ 307.10	6	1742.54131	329.3403077	£ 2,071.9
Non Elective Admissions	27,732	5.5%	127	7.7%	£ 78,937,480	£ 2,846.44	5	£ 13,233.6	2501.150864	£ 15,734.8
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Diagnostic Imaging (inpatient only)	23,788	4.8%	134	8.2%	£ 7,390,662	£ 310.69	5	£ 1,524.1	288.0476328	£ 1,812.1
Total	175,028		679		£222,767,632		25	21,014	3,972	24,986

Impact per Dwelling	£ 1,921.97
Total Mitigation Request	£ 24,986

Explanatory note: Data used to calculate contribution

Clinical activity recording

All activity undertaken by the Trust is traceable to a patient through the patient's address, NHS number and registered GP which are recorded each time a patient is treated. This data is anonymised, validated and submitted monthly to a national data warehouse so that it is available nationally and publicly. Note this activity count does not represent discrete patients, but the amount of activity undertaken.

Calculating the Trust's claim

The data table above calculates the impact of the development on the Trust's resources and mitigates this by creating a financial claim to meet additional costs. The table is colour-coded to support the reader's understanding of the calculation.

Assumptions and explanations

The Trust's calculation establishes the additional impact the new development will impose on the Trust's resources. To start the calculation, the total population of the development is calculated by multiplying the number of dwellings by the average number of people expected to live in each house. The Trust uses an average number of people per household published by the local council to make this calculation, unless provided with a different average by the development's builder.

However, the total impact of the development is abated to 55.8% of total cost pressure. This abatement recognises that, according to the Trust's specialist planning advice, 55.8% of people moving into the development are new to the county (or, by leaving a void elsewhere, cause others to move into the county) and therefore are not included in

the funding allocation with which the county's clinical commissioning groups buy the Trust's services. In this way, the calculation avoids double counting the impact from existing county residents' demands already anticipated in the Trust's annual plans.

The calculation's steps

Column 1 (light yellow) shows the different types of activity undertaken by the Trust. Column 2 (purple) provides the Trust's total activity in a 12 month period and column 3 is a percentage rate of provision for the county's population.

The first blue column (column 4) shows the amount of activity undertaken by the Trust that originated from the LSOA/ward in which the new development is being constructed. Column 5 shows the percentage rate of provision for that LSOA. All of this data is derived from the Trust's records of patients seen over the 12 month period used for the calculation.

Each activity undertaken by the Trust has a nationally determined cost associated with it. These costs are an average cost of activity across the NHS and are known as 'NHS reference costs'. They are published annually. The Trust uses this average figure for each activity type to calculate the financial impact of caring for new people housed in the development. The reference costs can be found in the first orange column (column 6), entitled "Delivery cost per activity".

The additional activity anticipated as a result of the new population (column 7) is derived from a multiplication of the development's new population by the historical percentage rate of provision for that LSOA (column 5).

The additional impact that will result from the new population (column 8) is a product of multiplying the delivery cost (column 6) by the additional activity (column 7).

However, over and above the reference cost of delivery, due to long-standing, national, workforce shortages, the Trust will face additional cost pressure from employing premium rate staff to meet the additional demand. The cost of this is shown in column 9, “Premium staffing”. This has been calculated by dividing Staff Pay - Premium by the sum of Staff Pay - Substantive and Staff Pay - Premium and multiplying by 100. Thus, to demonstrate total impact, columns 8 and 9 have been added together to show the cost pressure created by the new population for each type of activity (column 10).

From: [Teresa Strange](#)
To: info@limedownsolar.co.uk
Subject: RE: Lime Down Solar Park Update – Advance notice of dates for next stage of consultation on detailed proposals
Date: 23 December 2024 19:25:00
Attachments: [image001.png](#)

Dear Will

Thank you for this notification.

I confirm that Melksham Without Parish Council would like to meet with you in the Near Year, we look forward to hearing more about making arrangements after the Christmas break.

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

ADVANCE NOTICE OF LEAVE:

The parish council office will close for the Christmas break on Friday 20th December and re-open on Monday 6th January.

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 X: [@melkshamwithout](#)

On Instagram: [melkshamwithoutpc](#)

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We do not guarantee that any email is free of viruses or other malware.

From: info@limedownsolar.co.uk <info@limedownsolar.co.uk>

Sent: 17 December 2024 14:04

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

Cc: Lorraine McRandle <office@melkshamwithout-pc.gov.uk>; John Doel <john.doel@melkshamwithout-pc.gov.uk>

Subject: Lime Down Solar Park Update – Advance notice of dates for next stage of consultation on detailed proposals

Dear Teresa Strange,

I am writing to you as Clerk for Melksham Without Parish Council to update you on our emerging plans to carry out the next stage of public consultation on our proposals for Lime Down Solar Park – a solar and energy storage project we are developing in Wiltshire, along with associated infrastructure to connect the project to the national grid at Melksham substation.

Since holding an initial stage of consultation earlier this year, we have continued to shape and refine our proposals for the project in light of feedback we received during that consultation, along with the findings from our ongoing survey and environmental work.

The aim of this second (statutory) stage of consultation is to give local communities and people with an interest in the project the opportunity to find out more and provide feedback on our more detailed proposals.

This statutory consultation will run over seven weeks from **Wednesday 29 January to Wednesday 19 March 2025**, with in-person and online information events anticipated as running throughout February.

We will consider all the views and comments submitted to this second consultation, together with the findings from our ongoing environmental and technical assessments, to help shape the project ahead of submitting an application for development consent to the Planning Inspectorate in Autumn 2025.

How we're consulting

Ahead of consultation launching on 29 January 2025, in accordance with the Planning Act 2008, we will publish a Statement of Community Consultation (SoCC).

The SoCC explains how we intend to carry out statutory consultation with local communities, share information about and invite feedback on the project. The final SoCC we publish will also confirm the full programme of in-person and on-line information events we are holding over the course of the consultation.

We anticipate publishing the SoCC on 14 January 2025, two weeks before consultation starts. From this date it will be made available to view and download from the project website www.limedownsolar.co.uk and printed reference copies will be lodged at a selection of local community venues as follows:

- **Corsham Library**

Springfield Community Campus, Beechfield Road, Corsham, Wiltshire, SN13 9DN

- **Melksham Library**

Melksham Community Campus, Market Place , Melksham, Wiltshire, SN12 6ES

- **Malmesbury Library**

24 Cross Hayes, Malmesbury, Wiltshire, SN16 9BG

- **Chippenham Library**

Timber Street, Chippenham, Wiltshire, SN15 3HJ

Copies of the community consultation documents providing information about what we're consulting on, along with reference copies of technical reports, will be available to view at these same venues from 29 January 2025.

These documents and reports will also be available to view at in-person information events we hold, and the project website will be updated with electronic copies you can view and download.

Requests for copies of community consultation materials in print and digital format can also be made from 29 January 2025 by contacting the community relations team (contact details included below).

Next steps

We would welcome the opportunity to brief you in more detail about what we're consulting on and how people can take part further to the SoCC being published on 14 January 2025.

If this would be of interest to you, please do contact us to discuss the possibility of coordinating an online or in-person briefing, otherwise we will continue to keep you updated as more information about the consultation becomes available.

In the meantime, if you have any questions or would like to discuss anything further, please contact us on the Project freephone **0808 175 6656** or email us at info@limedownsolar.co.uk.

Yours sincerely



Will Threlfall
Senior Project Development Manager
Island Green Power

Construction & Environmental Management Plan

Land off Semington Road, Melksham (Phase 1)

V.7 - 06/01/25

Client/ RP Partner:
Sovereign Network Group
Brabazon House
Golf Course Lane
Bristol
BS34 7PZ

Principal Contractor:
Living Space Housing Ltd
Hayfield House
Arleston Way
Solihull
B90 4LH

Principal Designer:
Living Space Housing Ltd
Hayfield House
Arleston Way
Solihull
B90 4LH

Construction and Environmental Management Plan Revision Sheet

Record of Amendments

Version No.	Date	Brief description of Amendment
1	04.08.2023	Initial Draft Issue.
2	02.01.2024	Site compound location revised.
3	18.09.2024	Site access details updated & supplemental note added in support of C.6(d) (SW pollution). Temporary compound details updated. Contracts Manager name & contact details also updated.
4	20.10.2024	Further update in respect to temporary site access arrangements. Overall programme updated.
5	25.11.2025	Further updated following meeting with and input from Wiltshire Highways.
6	07.12.2024	Further updated to address additional feedback from Wiltshire Highways.
7	06.01.2025	Clarifications added at the request of Case Planning Officer (pages 16, 30, 31 & 33 updated).

Contents:

1.0	Introduction.....	4
2.0	Site Specific Controls.....	12
	Appendix A: Noise Mitigation – Best Practicable Means.....	15
	Appendix B: Relevant Environment Agency Pollution Prevention Guidelines.....	17
	Appendix C: Noise Complaint Procedure.....	18
	Appendix D: Air Quality and Dust Mitigation – Best Practicable Means.....	19
	Appendix E: Prevention, Containment and Cleaning Up Spillages.....	20
	Appendix F: Ecological Appraisal including safe working method statements	
	Appendix G: Traffic Management Plan	
	Appendix H: Site Contact list	
	Appendix I: Road Condition Survey	

1.0 Introduction

1.1 Purpose

This **Construction Environmental Management Plan (CEMP)** has been prepared to provide an actively managed framework needed for the planning and implementation of the Construction Works proposed at Land off Semington Road, Melksham in accordance with the environmental commitments required by the Planning Conditions and Section 106 Agreement in relation to the consented Outline Planning Permission 20/07334/OUT This CEMP should also be read in conjunction with the approved traffic management plan.

The actions set out in this plan are intended as a tool for anticipating, recording, and mitigating any impacts, and it provides generic and specific actions to be undertaken either prior to, or during the Construction Works. Construction Works on site are to be undertaken with due regard to this CEMP. The CEMP is applicable to all staff and operatives working on the project, throughout the construction phase and aims to minimise disturbance to residents and wildlife.

Wherever possible significant ecological features will be retained, strengthened and in some circumstances reinstated and improved. A significant proportion of the mitigation of potential impacts for the proposed development has been incorporated into the scheme design, with ecological constraints being considered during the design process. This CEMP will protect important features during site preparation and the construction phase and will adopt best practice to prevent accidental damage to environmental receptors, (e.g. trees by machinery), to avoid impacts of light, run off and dust, and by adherence to Environment Agency Pollution Prevention Guidelines. Reference should also be made to appendix A, B, C & D.

1.2 Background to the project and site description

The site occupies an area of 2.27 hectares of land, previously used for agricultural purposes. It directly borders the conurbation of Melksham.

1.3 Environmental Policy

Living Space Housing recognises that its activities impact directly on the environment and is therefore committed to:

- ensuring full compliance with any relevant statutory legislation or guidelines with the contract.
- treating all legal obligations as the minimum standard.

Melksham - Construction Environmental Management Plan

- identifying and assessing environmental aspects in advance and ensuring, where possible, that controls are implemented and maintained; and
- putting measures in place to prevent and control pollution incidents.

1.4 Roles and Responsibilities

Members of the Project Team may be assigned specific roles and will be responsible for the correct application of the CEMP. The details of the actions to be taken to implement each aspect of the CEMP will need to be developed and specified by the Contractor in Method Statements or Work Instructions. Individual specialists will be appointed to provide expert advice. The Contractor will identify individuals, along with their role, responsibility, and authority. It should be noted that one person could fulfil several roles.

Operations Director

The Production/ Operations Director has responsibility for the effective resourcing of staff to ensure that the environmental requirements identified in the CEMP are undertaken and to check that construction activities comply with the requirements of the CEMP.

Site Manager

The Site/ Project Manager will be responsible for coordinating and managing all the environmental activities during the Construction phase. The Site Manager's responsibilities include:

- monitor construction activities and performance to ensure compliance with the CEMP and that identified and appropriate control measures are being effective.
- ensure delivery of environmental training to personnel within the project team.
- act as a main point of contact between the regulatory authorities and the project on environmental issues.
- develop and review the CEMP and specialist procedures.
- manage and coordinate work carried out by the environmental specialists.
- lead the appointment of environmental specialists as appropriate.

Environmental Clerk of Works / Consultant (EnviroCW)

The Contractor's ECW (EnviroCW) is responsible for advising on environmental activities on the project, reporting to the Site Manager. The EnviroCW's responsibilities include: -

Melksham - Construction Environmental Management Plan

- monitoring of construction activities and performance to ensure that appropriate environmental control measures are being implemented and are effective.
- provision of advice and liaison with the construction team to ensure that environmental risks are identified, and appropriate controls are developed and included within Method Statements and Risk Assessments; and
- in conjunction with the environmental specialists, overall monitoring of the programme for environmental works, and provision of status reports, as necessary.

Ecological Clerk of Works / Consultant (EcoCW)

The Contractor's (EcoCW) is responsible for advising on ecological activities on the project, reporting to the Site Manager. The EcoCW's responsibilities include:

- Advise on, and monitoring of, construction activities.
- Pre-construction checks for sensitive habitats and protected species
- Micro-siting infrastructure features
- Dewatering and runoff control
- Preparation of Species Protection Plans for Breeding Birds, protected mammals, reptiles, amphibians.
- EPS Licenses
- Pre-construction checks
- Construction exclusion zones
- Monitoring execution and effectiveness of pollution prevention plans
- Water quality sampling
- Retain copies of all ecological reports relevant to site works, relevant planning conditions and any relevant protected species licenses. All reports will be kept in the site office and will be available to refer to at any time.

1.6 Method Statements

Method Statements will be completed by, or on behalf of, the Contractor or Subcontractor by trained engineers or other appropriately experienced personnel, in consultation with on-site environmental staff and environmental specialists from the LPA (where necessary). Their production will include a review of the environmental risks and commitments, as identified in the Environmental Risk Assessment, so that appropriate control measures are developed and included within the construction processes.

Melksham - Construction Environmental Management Plan

Method Statements will be reviewed and approved for use by the Living Space Housing external H&S consultant (TBC) and, where necessary, by an appropriate environmental specialist. Where appropriate, Method Statements will be submitted to the enforcement agencies (Environment Agency, Natural England, Wiltshire District Council's Environmental Health Officer etc). Method Statements shall contain as a minimum:

- any permit or consent requirements.
- work to be undertaken and methods of construction.
- labour and supervision requirements.
- health, safety, and environmental considerations.
- location of the activity and access/egress arrangements.
- plant and materials to be used (including spill kits).

1.8 Environmental Risk Assessments

All activities undertaken on site will be subject to an Environmental Risk Assessment to be carried out by the Contractor or Subcontractor. Environmental Risk Assessment will be undertaken by trained staff following an approved procedure which will:

- identify the significant environmental impacts that can be anticipated.
- assess the environmental risks from these impacts.
- allocate responsible person for actioning required control measures.
- identify the control measures to be taken and re-calculate the risk.
- report where an inappropriate level of residual risk is identified so that action can be taken through design changes, re-scheduling of work or alternative methods of working to reduce the risk to an acceptable level.

The results of an Environmental Risk Assessment and its residual risks are considered acceptable where, using all reasonable endeavours, the severity of outcome is reduced to the lowest practical level; the number of risk exposures are minimised; all reasonably practical mitigating measures have been taken; and the residual risk rating is reduced to a minimum.

The findings of the Environmental Risk Assessment, and in particular the necessary controls, will be explained to all operatives before the commencement of the relevant tasks using an agreed instruction format.

1.9 Relevant Environmental Legislation

The Contractor is required to comply with all relevant legislation for the construction phase of the project. This shall include but is not limited to the following:

- Control of Pollution Act (COPA) 1974.
- Countryside and Rights of Way Act 2000.
- Environmental Protection Act 1990.
- Water Resources Act 1991.
- Environment Act 1995.
- Wildlife and Countryside Act 1981.
- Hazardous Waste (England and Wales) Regulations, 2005.
- List of Wastes (England) Regulations, 2005.

In addition to the above the Contractor will refer to CIRIA Environmental Good Practice on Site C502, Planning Policy Guidance Notes and Environment Agency Pollution Prevention Guidance notes.

1.10 Authorisations and Permissions

All licences, consents and permits which may be required for the construction works will be obtained from the appropriate authority. The obtaining of all such authorisations will be the responsibility of the Contractor.

1.11 Environmental Monitoring and Auditing

Audits

The purpose of environmental auditing is to provide a check that appropriate environmental supervision is taking place, in accordance with statutory requirements and the CEMP. The Environmental Audit will also review the results of monitoring undertaken during construction, in order to identify the need for any additional environmental management or mitigation measures to be implemented.

Internal Audits/Inspections will be undertaken by the ECW to establish that procedures and actions highlighted in the CEMP are being implemented and to confirm conformity with the Contract requirements. An Environmental Audit report will be produced at regular intervals to be agreed between the ECW and Site Manager, certifying compliance with the required standards, and identifying any areas of non-compliance, including remedial actions to be taken. The scope of the Environmental Audit will cover all the environmental aspects and impacts relating to construction. The Audit will comprise of unspecified visits as appropriate.

Melksham - Construction Environmental Management Plan

Non-conforming processes will initiate a Non-Conformance Report, which will identify the nature of the problem, the proposed corrective action taken to avert recurrence of the problem, and verification that the agreed actions have been carried out.

Monitoring

Monitoring of noise, vibration, dust, and water quality will be carried out as agreed with the relevant authority (eg Local Authority or Environment Agency). The Contractor will maintain a register of environmental monitoring.

Training

Regular 'Toolbox Talks' on specialised topics shall supplement the induction course. Toolbox talks shall be used to highlight issues of concern and to disseminate new information not previously provided. They will also offer site personnel with the opportunity to provide feedback.

Toolbox Talks shall include, but will not be limited to, instances where:

- There is a change in existing legislation, which requires an operational change.
- Site inspections or audits have identified corrective actions which require rolling out.
- Work is being undertaken in environmentally sensitive areas.
- There are significant changes in environmental conditions, i.e. heavy rainfall.

The frequency and topics of the Toolbox Talks shall depend upon the phase of construction. They shall be provided as often as necessary to address site-specific environmental requirements.

Toolbox talk topics for environmental shall include, but will not be limited to:

- Ecologically sensitive areas
- Environmental incident and reporting
- Invasive weeds
- Protected species
- Silt and water management.

Melksham - Construction Environmental Management Plan

- Waste management and segregation.

Records of all 'Toolbox Talks' and attendance shall be kept in the site offices.

Specialist Training

Specialist training for specific members of the construction crews will be provided as required. This may include, but will not be limited to:

- Emergency environmental crews
- Waste representatives
- Fuel tanker drivers.

See Appendix F for latest Ecological Report.

1.12 Environmental Emergency Response

A Pollution Incident Control Plan (PICP) will be prepared by the Contractor to incorporate emergency training requirements and the reporting of incidents. The Contractor will carry out the works using reasonable skill and care to avoid and/or minimise environmental incidents. The PICP sets out the precautions to be taken to avoid the discharge of hazardous materials. Occasionally, however, despite stringent measures being in place, uncontrolled releases, pollution incidents (such as spillages) and nuisance events may occur. The PICP will be designed and implemented to contain and limit the effects as far as reasonably practicable by listing the rapid response and other procedures (such as clean-up) to be followed in such an event.

The PICP will principally deal with any potential oil or diesel spillages, as these are considered the most likely accidental events. Other potential incidents could include nuisance complaints regarding noise or dust releases. In addition, the PICP will address the response applicable to an environmental incident, regulatory notification, emergency services and any environmental complaints or enquiries from the general public.

Environmental incidents will be reported to the Production Director and Site Manager at the earliest opportunity and within 24 hours. Environmental incidents must be reported immediately to the Environment Agency 24-hour Emergency Hotline on 0800 80 70 60.

Melksham - Construction Environmental Management Plan

1.13 Related Documents

Table 1 outlines the related documentation which provides additional information or the basis for actions prescribed in this CEMP.

Table 1: Related Documents		
Ref.	Title	Location
21/01046	Notice of Outline planning permission	Site Office
Appendix 1	Site Logistics Plan	Site Office

Each document has been provided with a reference code which is used within this CEMP. Those conditions which will form part of the Planning Permission will be submitted to the appointed contractor and adhered in line with this CEMP. The contractor will update Table 1 once planning conditions are provided by the District Council.

1.14 Programme/Phasing

Construction activity is anticipated to commence from November 2023. The main build contract, however, will start during August 2024. The end date for Phase 1 is March 2026, however, we are aiming to achieve practical completion around October 2025. The initial works will include removal of trees and hedges in accordance with our planning consent. Phase 1 of the build will include forming the access from Semington Road, along with the new estate roads and sewers. A separate construction access point will be used off Townsend Farm (itself accessed from Semington Road) until the BT Openreach diversion works are complete (now delaying the S184 Works).

2.0 Site Specific Controls

2.1 Wheel Wash Facilities

The site management team will implement measures to prevent mud & debris being taken onto areas adjacent to the project site and the public highway.

The measures implemented will be appropriate to the location of the construction work and the degree of mud and debris being produced. Traditionally, wheel washing involved significant water supply, proving unsustainable. It has been proven that the early construction of the road network is much more sustainable. Therefore, water bowsers with jet wash & brushes (with consideration of containment of surface water run-off) will be used throughout the phasing of development and be located within 20m of the site's construction access to accord with the provision of the site access road. Once the site roads are constructed to tarmac base course, the use of road sweepers will also be employed, when deemed necessary. We will however continue to have a jet wash on site as shown in Appendix 1

2.2 Dust Suppression

On-site dust creation will be monitored to ensure that there is no impact to air quality within the vicinity of the development. Nearby sensitive receptors will be identified and construction activities which generate dust will be carried out away from these sensitive receptors.

Activities include but are not limited to the following.

- Earthworks
- Construction Traffic
- Waste Transfer and Movement

Dust suppression techniques will be employed if mitigation is required. Road sweeping and damping down will control the dust during prolonged periods of dry weather, along with the implementation of site speed limits (set at a maximum of 10 M.P.H. as appropriate).

Haul lorries should be adequately sheeted to minimise the release of fine particles into the air.

Melksham - Construction Environmental Management Plan

The main ground works contractor and Developer shall ensure that the local road network is kept clear of mud/debris that might have been tracked from the construction site. Road sweepers will be deployed when necessary. Dust monitoring will form part of the daily site inspections.

2.3 Earthworks

Topsoil will be stripped using an excavator and dumper and placed in temporary bunds. The temporary topsoil bund will be formed using an excavator into steep sides to ensure surface run off from rain fall, the bund surface will be compacted using the bucket of the excavator to prevent ingress of rain fall and deterioration of the topsoil. Stripping of topsoil and subsequent backfilling shall be undertaken progressively to minimise the extent of exposed formation such that excavations requiring backfilling shall remain open only for the minimum period necessary. The bunds will not reach more than 2m in height at any time with side slopes of fill not exceeding 1(v) to 1.5(h) at any stage.

Materials removed from site will be re-used, where possible, with topsoil being reused within the gardens, parks and recreational grounds, sports pitches, and informal green spaces within the development. Any excess materials will be removed from site for reuse or disposal at an appropriately licenced facility.

2.4 Vehicle Emissions

Most plant and machinery used on the site shall be powered by diesel engines. In order to control the emission of excessive exhaust fumes, the contractor shall regularly check and inspect all plant to ensure it is in good working order and is maintained appropriately.

2.5 Noise and Vibration Mitigation

There are several sources of noise and vibration on the development site. In particular; machine drivers, breakers, & grinders/cutters. Construction activities likely to cause undue noise and vibration are to be carried out within designated hours (7.30am-6pm Monday to Friday, 8am-1pm on Saturday). All on site works shall have due regard to BS5228 1 2009+A1 2014 and to ensure minimal disturbance, all necessary vehicles will be fitted with broadband/white noise reversing sirens only.

Vehicles and plant used during construction will be maintained in good and efficient working order. When not in use machinery is to be switched off and not left running.

Acoustic covers will be fitted to appropriate machinery.

Melksham - Construction Environmental Management Plan

2.6 Details of temporary lighting during construction

No external temporary lighting is proposed during the construction works, except some nominal lighting within the Site Compound for the purpose of site security.

Compound lighting will be positioned in such a way as it offers no nuisance or pollution. It will consist of the use of 60W ES Oval Bulkhead White IP54 metal guard (or equal), number and position to be confirmed on site subject to the written agreement of the Local Planning Authority.

2.7 Details of enclosure of working areas

All construction areas will be enclosed and locked at night for both security and safety.

The site compound will have designated storage areas, as well as refuelling areas and welfare facilities.

2.8 Access Arrangements & Condition Survey

All construction areas will be enclosed and locked at night for both security and safety.

The site compound will have designated storage areas, as well as refuelling areas and welfare facilities.

Access to be taken from Townsend Farm, off Semington Road. When the BT Openreach diversion works are complete within Semington Road, works will begin to form the new site access bell-mouth that, in turn, will ultimately serve the new estate distributor road, be this via the pre-existing S184 Temporary Works Agreement, or via the Combined S278/38 Road Adoption Agreement (depending on programme).

A highway condition survey has been undertaken prior to the commencement of development, taking in the principal routes into site. The survey includes the zebra crossing island and kerbs just off the A350 roundabout, the road narrowing island just to the north of the site entrance, the bell-mouth into Townsend Farm, along with the private access road serving Townsend Farm, including the entrance from there into site. These records will inform any remedial works which may be required post-development, which will be undertaken in a timely manner, as required. LSH commit to making good any identified damage/defects as a result of construction traffic activity specifically associated with this development, including the private road serving Townsend Farm. A duplicate copy of the photographic survey will also be submitted to Wiltshire Council Highways Authority.

Melksham - Construction Environmental Management Plan

2.9 Construction Vehicle Delivery Times

While in general site hours particularly will be 07.30 till 18.00 on weekdays and 08:00 to 13:00 on Saturdays, it is envisaged that in general, construction traffic associated with the delivery of materials and plant and removal of surplus and/or waste materials (i.e. other than staff vehicles) will typically arrive and depart between 08:00 to 17:00 on Monday to Friday and between 08:00 and 12:00 on Saturdays.

The Site Manager will be responsible for the proactive management of site logistics.

All deliveries will be pre-booked with 48 hours' notice and be held on a Delivery Schedule. This schedule will be used to prevent congestion on the road network or construction site.

All construction vehicles will physically turn on to the site in order to ensure that the public highway is kept free for general traffic. A turning area will be provided on site that will allow all construction vehicles to leave in a forward gear.

Access to Townsend Farm should not be blocked by construction vehicles and should be kept available at all times for residents.

Appendix A: Noise Mitigation – Best Practicable Means

1. Careful selection of working methods and programme and all on site works shall have due regard to BS5228 1 2009+A1 2014.
2. Selection of quietest working equipment available where possible e.g., electric/battery powered equipment, which is generally quieter than petrol/diesel powered.
3. All equipment shall be maintained in accordance with the manufacturer's specification.
4. All equipment shall be fitted with exhaust silencers to comply with the manufacturer's specification.
5. All equipment fitted with engine covers shall only be operated with those covers closed and fastened to prevent rattling.
6. No equipment shall operate other than at manufacturer's rated working levels; site staff shall not 'rev' equipment unnecessarily.
7. Shutting down of equipment when not in use, i.e., maintain a 'no idling policy.'
8. Where possible plant with directional noise characteristics shall be positioned to minimise noise at adjacent properties.
9. All audible warning systems in use on the site shall be designed to minimise their noise impact and broadband/white noise reversing sirens only.
10. Static machines shall be sited as far away as practicable from inhabited buildings or other noise sensitive locations.
11. Unattended plant outside normal working hours should, if possible, be powered by electricity otherwise acoustic enclosures will be necessary to minimise noise levels.
12. Positioning of equipment behind physical barriers, i.e., existing features, hoarding or purpose-built acoustic barriers.
13. Moving parts of working platforms and other equipment shall be lubricated to control noise when being operated.
14. Seeking to avoid the use of pneumatic breakers and drills when breaking pavements. Alternative methods include chemical slitters or falling weight breakers.
15. Handling of all materials in a manner which minimises noise, including minimising drop heights into hoppers and lorries.
16. Switching all audible warning systems to the minimum setting required by the Health and Safety Executive and using banksmen as an alternative to audible alarms wherever practicable.
17. Planning the routes and times of deliveries to minimise nuisance to local communities.
18. No vehicles shall wait or queue on the public highway with their engines running for any more than 5 minutes.
19. Where operations are required at night, a quiet night-time working ethic will be employed ensuring that all staff have consideration for nearby residents. This will include controls over the use of raised voices and bad language, and controls over the use of radios and telephones.
20. No plant and equipment shall be left running for any more than 5 minutes if not required for immediate use or required to ensure continuity of braking or lighting supply. Any equipment left running when not required for immediate use within this 5-minute period shall be set to engine tick over in order to minimise noise emissions from that equipment wherever possible.
21. Reminding all site employees of their obligation to minimise noise on site by the use of signs and site inductions.
22. Toolbox talks will be carried out to make sure that all site staff are aware of their environmental responsibilities and of the sensitivities of the vicinity. These will also ensure that Best Practicable Means of control are delivered on the site; and
23. Engaging in community liaison to explore ways of minimising noise impacts and increasing local tolerance to noise.

Melksham - Construction Environmental Management Plan

Where cranes are in use on site:

24. Crane drivers will be instructed to operate the crane at all times in as quiet a way as possible, and not to run the crane engine at high speed whilst slewing or moving the crane or carrying out other manoeuvres.
25. Crane spindles, pulley wheels and telescopic sections shall be adequately lubricated in order to prevent screeching or squealing.

Appendix B: Relevant Environment Agency Pollution Guidance

It is considered that the works will be in accordance with the following pollution prevention guidance as a minimum.

<https://www.gov.uk/guidance/pollution-prevention-for-businesses#polluting-substances>

Which contains pollution prevention guidance for businesses in the following areas:

1. [Polluting substances](#)
2. [Activities that produce contaminated water](#)
3. [Correct use of drains](#)
4. [Storing materials, products, and waste](#)
5. [Unloading and moving potential pollutants](#)
6. [Construction, inspection, and maintenance](#)
7. [Set up an environmental management system](#)
8. [Contact the Environment Agency](#)

Please note Individual PPG's while still available were withdrawn in England in December 2015 and should not be used.

Melksham - Construction Environmental Management Plan

Supplementary statement regarding pollution avoidance, to assist with the discharge of Planning Condition No.6(d), linked to OPA: -

- 'EA flood mapping shows that the proposed works are wholly located within Flood Zone 1, representing land with less than a 1 in 1,000 (0.1%) annual probability of river flooding. Therefore, no special considerations are needed in terms of the storage of materials within a designated floodplain for the proposed works.
- There are, however, drainage ditches surrounding the site to the north, south and west. Care will, therefore, be taken when undertaking construction activities close to these existing watercourses to control and reduce the risk of contaminated surface water run-off.
- Where possible, water is to be prevented from entering excavations by using cut-off ditches as appropriate. Any silty water caused by excavation work and other activities, such as wheel washing facilities or run-off from the exposed ground, is not to be pumped directly into watercourses. If required, culverts will be constructed during dry periods wherever possible, with the existing watercourse temporarily diverted or pumped downstream to avoid the works. Silt control measures will be employed as appropriate.
- Fuel, lubricating oils and chemicals will be stored appropriately within the construction compounds, which are located away from any existing watercourses or drainage ditches. The storage areas will be constructed with an impervious base and surrounded with an effective and impervious bund capable of holding the entire store's contents plus 10%. All stores are to be kept locked when not in use. Equipment refuelling will occur within the storage compounds, given that they are remote from any watercourse or drainage ditch. Any leaking or empty drums or chemical containers will be contained immediately.

As the RM drainage strategy drawings now differ from the detailed design strategy, when reviewing C.6 we suggest that the RM drainage strategy drawing be withdrawn and all comments are related to the detailed construction drawings as now submitted as part of a S104 Application.

Appendix C: Noise Complaint Procedure

In the event of any noise complaint from a member of the public the site supervisor, or someone considered by the site supervisor as competent, will investigate the validity of the complaint.

Where the complaint is upheld as valid, action will be taken to mitigate noise levels to an acceptable level. This may include the use of temporary barriers during the operations considered to be causing complaint, or the prohibition of use of an item or items of plant until quieter plant or alternative methods of operation are imposed to reduce the impact.

Where the complaint is not upheld the complaint will be recorded in full detail in the site diary.

A log will be kept of all complaints received, the action taken to investigate the validity of the complaint and any additional noise mitigation measures that are implemented where a complaint is upheld as valid. The log will be provided to the Environmental Health Officer as and when requested.

Appendix D: Air Quality and Dust Mitigation – Best Practicable Means

1. All plant and equipment to be maintained in accordance with appropriate legislation or manufacturers recommendations to ensure emissions to atmosphere are minimised.
2. Engines of plant and machinery and lorries to be turned off at all times when not in use.
3. No burning of material to take place on site.
4. Ensure adequate water supply on site.
5. Ensure run-off water from dust suppression activities is disposed of in accordance with appropriate legal requirement.
6. Wheel washing at the exits from construction areas where there is a potential for dust and mud to be carried on to the highway.
7. Regular visual monitoring of construction activities to identify any significant dust sources.
8. Location of potentially significant dust sources away from construction site boundaries wherever possible.
9. Water suppression in dry conditions to reduce dust emissions (use mobile bowsers or fixed sprayers as appropriate).
10. A speed limit applied to all construction vehicles working on the construction site.
11. Minimising heights for any stockpiles and tipping operations.
12. Avoid double handling of excavated material wherever practicable.
13. Seal or re-vegetate completed earthworks as soon as reasonably practicable after completion.
14. Use of solid hoardings around the site boundary and dust generating activities.
15. Sheeting of loads during transport of dusty/friable material; and
16. Ensure deliveries of bulk cement and other similar powder materials are in enclosed tankers and stored in suitable silos with emission control systems to prevent escape of material and overfilling during delivery.

Where construction activities are close to potentially sensitive receptors, additional dust control procedures should be adopted as appropriate. These may include:

1. Avoiding earthworks during dry weather or provision of additional suppression equipment to control dust.
2. Ensure mixing of cement, grout and other similar materials takes place in locations remote from sensitive receptors or is totally enclosed; and
3. Use increased hording heights around sensitive receptors.

Appendix E: Prevention, Containment and Cleaning up Spillages.

Liquid Storage

Best practicable means will be employed to prevent polluting materials from entering the hydrological systems. This will include specific measures to prevent silt from escaping from excavations.

All oils and fuels will be stored in compliance with the Environmental Management Guidance Oil Storage Regulations for Businesses: 2015 which states that.

- Fuel shall be stored in dedicated bunded, impervious storage areas, away from drains and watercourses.
- Drums over 200 litres shall be stored on drip trays capable of holding 25% of the drum's maximum capacity.
- Fuel tanks shall be stored within a bund capable of holding 110% of their capacity. All pipes and gauges shall be within the wall of the bund.
- Bowsers shall be double skinned and shall be stored in a bund capable of holding 110% of the volume of the bower.
- Small mobile plant shall be placed on drip trays; and
- Spill kits will be available at various points around the site and located next to bowsers and drums.

Consideration will be given to any required surface coatings which contain bitumen or related materials, as being delivered in a hot and ready to lay format. This will avoid the bituminous materials being heated on site.

Material Safety Data Sheets (MSDS) and Control of Substances Hazardous to Health (COSHH) assessments will be implemented and will detail specific storage requirements and any potential reactivity with other chemicals.

Solids

Spillages of dry and dusty materials will be avoided by good housekeeping methods including storing under cover and on suitable surfaces. Skips will be covered where there is a risk of material becoming airborne.

Vehicle operators who deposit mud on the road are potentially liable for a range of offences. A range of powers are available to the police and highways department, primarily under the Highways Act 1980 and the Road Traffic Act 1988.

The following measures will be utilised on site to prevent mud being trafficked onto the highway

during the construction phase.

- Provision of wheel wash for vehicles.
- Ensure drivers adhere to site speed limits – to help retain mud on the vehicle; and
- Routine monitoring of the main highway, road sweepers will be employed on the main highways where problems arise to keep it free of mud.

Dealing With Spills

Spill kits will be available at various points around the site and located next to bowsers and drums.

All contractors will be trained in the use of spill kits.

Should a spill occur, the following will be implemented:

- Work will be stopped immediately.
- All possible ignitions will be extinguished if the spilt material is flammable.
- The spill will be contained using spill kits on land and booms on the stream.
- The source will be identified and sealed as practical.
- Granules/ pads will be used to mop up as much spill as possible.
- The construction site manager will be informed of the spill.
- If the spill enters any adjacent waterbody or drainage system the environment manager must be contacted immediately, who will contact the relevant regulators.
- The granular material and pads and any containment items will be treated as hazardous waste and disposed of accordingly.

An incident report form will be produced and sent to the HS&E department within 24 hours of the incident occurring. If the incident is significant a full investigation will be carried out by the HS&E Advisor and the Regional Environmental Advisor.

Risk of fire water run off

In the case of a fire being attended by the Fire service, significant volumes of water, foam and burnt matter may be washed onto the ground. There is a risk that this may run off into the drainage system and the watercourse.

In this case and in so far as it is safe to do so the site management will monitor fire water runoff and ensure that contaminants are prevented from entering water systems by use of booms and bunds.

Treatment of Effluents

Any connections or discharges to drains and/or controlled waters will not be undertaken without approval and where required, the necessary consent being issued.

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In order to protect drainage systems, they will be drawn up on the Site Plan showing the nature and course of the drainage on site. Surface water drainage will be marked BLUE and foul water drainage will be marked RED. Measures will also be taken to prevent silting of such waters and pollution spill kits made available on site in case of emergency or accidental spillage. Discharges will only be made to drains and sewers where appropriate consents are in place. The principal contractor for each phase of work will be responsible for securing the necessary consents.

Waste

The site will be managed in accordance with good practise guidelines.

Construction dust may be generated as a consequence of ground excavation works. If dry weather is experienced during the construction period, then dust may be generated by the movement of vehicles on the site, remediation works, site clearance, cut and fill operations and grading works.

The project will take measures to control the impact of dust, by applying best practice measures for keeping surfaces damp and evaluating the suitability of weather conditions for performing specific site works.

The principles of industry good practice will be applied to ensure that the potential for fugitive dust emissions is minimised and is not a cause for nuisance complaints from neighbouring properties.

To prevent unacceptable impact from dust re-suspended by construction vehicles, the following mitigation measures will be employed as necessary: damping down dusty surfaces; controlling the speed of mobile plant crossing un-surfaced areas; the use of a mechanical road sweeper on public roads; use of solid perimeter site hoardings and covering of HGVs carrying dusty materials.

Should any activity associated with the construction phase cause, or appear likely to cause, visible dust to be carried towards any sensitive boundary, particularly at nearby properties, the activity giving rise to the emissions will be modified or suspended until the conditions giving rise to the emissions have been resolved.

Storage locations for potentially dusty materials will be located away from the site boundary in so far as practicable.

All dust and air quality complaints will be recorded with work carried out to identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken;

Air pollution, arising from odour, fumes, and smoke, may arise from the following activities:

- Use of heavy plant and machinery; and
- Road vehicles, particularly HGVs.

Pollution to air will be managed in order to reduce impacts to a minimum and to eliminate where practicable, through construction industry good practice, to manage and monitor dust emissions.

Management will be achieved through:

- No fires permitted on site;
- All fuels, oils, and other Volatile Organic Compounds (VOC's) will be stored in secure, sealed, labelled containers;

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- Consideration will be made to using prefabricated materials where possible so that localised air pollution is minimised;
- Vehicles and plant will be switched off when not in use;
- Ensure vehicles and plant are not over loaded to prevent labouring;
- Modern, well-maintained plant and equipment is used; and
- Mains electricity supply will be used in preference to generators where practicable.

Appendix F: Ecological Appraisal Including Safe Working Method Statements

Regarding the setting out of the temporary site compound and any plant/ materials storage, reference will be made to the Tree/ Hedgerow Protection Zones presented in the Biodiversity and Ecological Mitigation Plan (BWB, August 2022). In addition, the site team will be asked to adhere to the guidance included in the Ecological Construction Method Statement (Biodiversity and Ecological Mitigation Plan. Report no: MSW-BWB-ZZ-XX-RP-LE-0005_BEMP), as updated November 2023.

The Contact Details for the Consultant Ecologist for this project are as follows: -

Sarah Stone MCIEEM

Associate Ecologist | BWB Consulting Limited

M 07387 261 300

E Sarah.Stone@bwbconsulting.com

Appendix G: Traffic Management Plan (Construction Phase)

1. The aim is for all construction traffic to gain access via the main approved site access off Semington Road. This access shall be open for use as soon as possible after BT Openreach have lowered their cables. Living Space Housing shall apply pressure to BT to ensure this work is completed as a priority. Until such time as the main approved access is available for use, ALL construction vehicles shall enter the site via the existing Townsend Farm access. A request will be made for all vehicles to approach from the A350 roundabout at the northern end of Semington Road.
2. All vehicle movements on site to be conducted under the instruction and guidance of our competent site staff. The site is a semi-concealed entrance, so care should always be taken when leaving the site.
3. Site working Hours
Mon – Fri 07.30 – 18.00
Sat 08.00 – 13.00

Strictly **No** working or deliveries are permitted outside these hours.

4. All operatives, delivery drivers and visitors must report to the site office prior to entering site for full induction prior to commencing works or making deliveries.
5. On arrival at site, delivery vehicles must pull up in front of the site gates off Semington Road. **NO DELIVERIES TO BLOCK THE RIGHT OF WAY ON ANY OTHER DRIVES OR ENTRANCES ON SEMINGTON ROAD.**
6. Can take rigid wagon and drag vehicles, all suppliers to do full survey before any deliveries. Articulated vehicles only following successful survey.
7. Contractors will have limited on-site parking as directed by the site staff.
8. Strictly no reversing without assistance.
9. All delivery vehicles leaving site must take extreme caution and be mindful that the site has a concealed entrance & that Semington Road is well used.
10. All drivers of vehicles leaving site should ensure that their wheels are cleaned prior to entering highway land, any debris or mud carried onto the Highway should be cleared immediately and suction sweepers to be used as required.
11. All pedestrian routes must always be observed and maintained, all operatives should be made aware of pedestrian routes and the need to adhere to the use of.

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12. Traffic plan to be monitored and updated at regular intervals or as required.

ANY VEHICLES NOT COMPLYING WITH THIS PLAN WILL BE REFUSED ACCESS TO THE SITE.

(Rev V.6) - Following a meeting with representatives of Wiltshire Highways (25.11.24), in view of the ongoing delays likely to be caused by the BT Openreach diversionary works preventing access via the 'S.184' temporary bell-mouth, the alternative primary access to the site will now be via Townsend Farm, located off Semington Road. With immediate effect, the ongoing use of the alternative points of access off Berryfield Lane, (just off Western Way) will not be permitted and suitable signage is to be erected to indicate there is no access for any construction vehicles (to include cars and light axle vehicles).

Going forward, the intention is that all future construction related traffic will now access the site via Townsend Farm (off Semington Road), a scenario which will continue until the BT Openreach diversion works are completed (which has an estimated programme of circa 9 – 12 months), whereafter, the intention would be to utilise the future permanent bell-mouth access point off Semington Road, in line with original expectations, and prior to our knowledge that the BT Openreach works would need at least nine months to complete. All traffic will be encouraged to come from the motorway, to avoid build-up from the more urban areas surrounding the site. Construction signage will also be strategically placed to provide directions for visitors and material deliveries etc.

The full compound set-up is to be located on land assigned for Phase 2 (see below). This will be worked around the requirements of the Archaeology Consultant and the ongoing WSI. The Townsend Farm access will lead to a temporary 'haul' road sited on the footprint of what will later become the private rear amenity gardens that at due to serve Plot's 1 and 2.



Melksham - Construction Environmental Management Plan

Notes under V7 Revision:

Townsend Farm (non-adopted), is located off Semington Road, immediately north east of the proposed development site. As stated, vehicular access at this point would ultimately direct construction traffic to the rear of Plot No's 1 and 2, using land that, ultimately, is to be used as the private rear amenity space serving these 2no bungalows. This link will provide access to the main internal site distributor road, and with this, facilitate access to the site cabins, materials drop off and storage areas, on-site parking, welfare facilities etc.

Discussions are currently ongoing with BT Openreach. The intention had been to create the temporary 'S184' entrance by locally diverting the new access road around the existing BT inspection chamber which is located within the footpath along Semington Road, directly on the desire line of the proposed site access bell-mouth. This would then allow BT Openreach to spend as much time as considered reasonably necessary to undertake all necessary plant diversion work. Wiltshire Highways dismissed this option.

Under normal circumstances, when lowering a footpath by around 125mm to construct a new 'S184' temporary site access, BT Openreach will allow a contractor to carry out 'temporary works' such as the installation of concrete protection and/ or steel plates. In this instance, as some of the fibre optic cables are known to serve the local Police Station, the statutory authority has subsequently indicated a reluctance to allow LSH to implement any planned temporary works. We are also being advised that diverting the existing below ground BT Openreach equipment is likely to take between 9 – 12 months to implement on a permanent basis.

As a revision to what was stated in the original CEMP, due to the reasons explained above, preference now needs to be given to using Townsend Farm as the primary means of temporary site access until the BT Openreach diversion works are completed. The on-site facilities and management procedures have also been updated to cater for this. Provision will also be made to allow vehicles to leave site in a forward gear. Record photographs have been taken to record the condition of the roadway known as Townsend Farm and a sum of money has also been set aside to make good any damage caused by construction vehicles whilst this access route is being used.

If BT Openreach are able to confirm they can lower their equipment as an advanced or 'stage one' exercise, when carrying out the overall diversion works, in turn, this may allow us to bring forward the date when the 'S184' Semington Road access can be used in isolation. Until then LSH/ Harkmac Construction Ltd remain happy to consult directly with Wiltshire Council Highways in order to manage these updated circumstances.

In addition to Townsend Farm, there are 2no existing accesses off Berryfield Lane in total; both benefit from established use, and constitute permitted development. Historically, they would have facilitated access for the farmer's tractors, together with plant and machinery. Berryfield Lane is classified as an adopted carriageway. In view of the proximity to the A350 Western Way, and the fact the lane is narrow, Wiltshire Highways have specifically asked that these alternative access points are not to be used and the appropriate signage erected to indicate 'No Construction Traffic'.

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Plan extract to denote location of the proposed site entrance via Townsend Farm, off Semington Road.

For any larger vehicles, this option would, primarily, be employed in combination with a banksman to ensure safe access and egress. Advance arrangements would also be made with site management in respect of plant and material deliveries. The Plan below also denotes the indicative masterplan for the second phase. By the time this comes on board the new 'permanent' site access bell-mouth will be fully in place. This will be delivered under a combined S278/ S38 Legal Agreement working in conjunction with Wiltshire Council Highways Department.

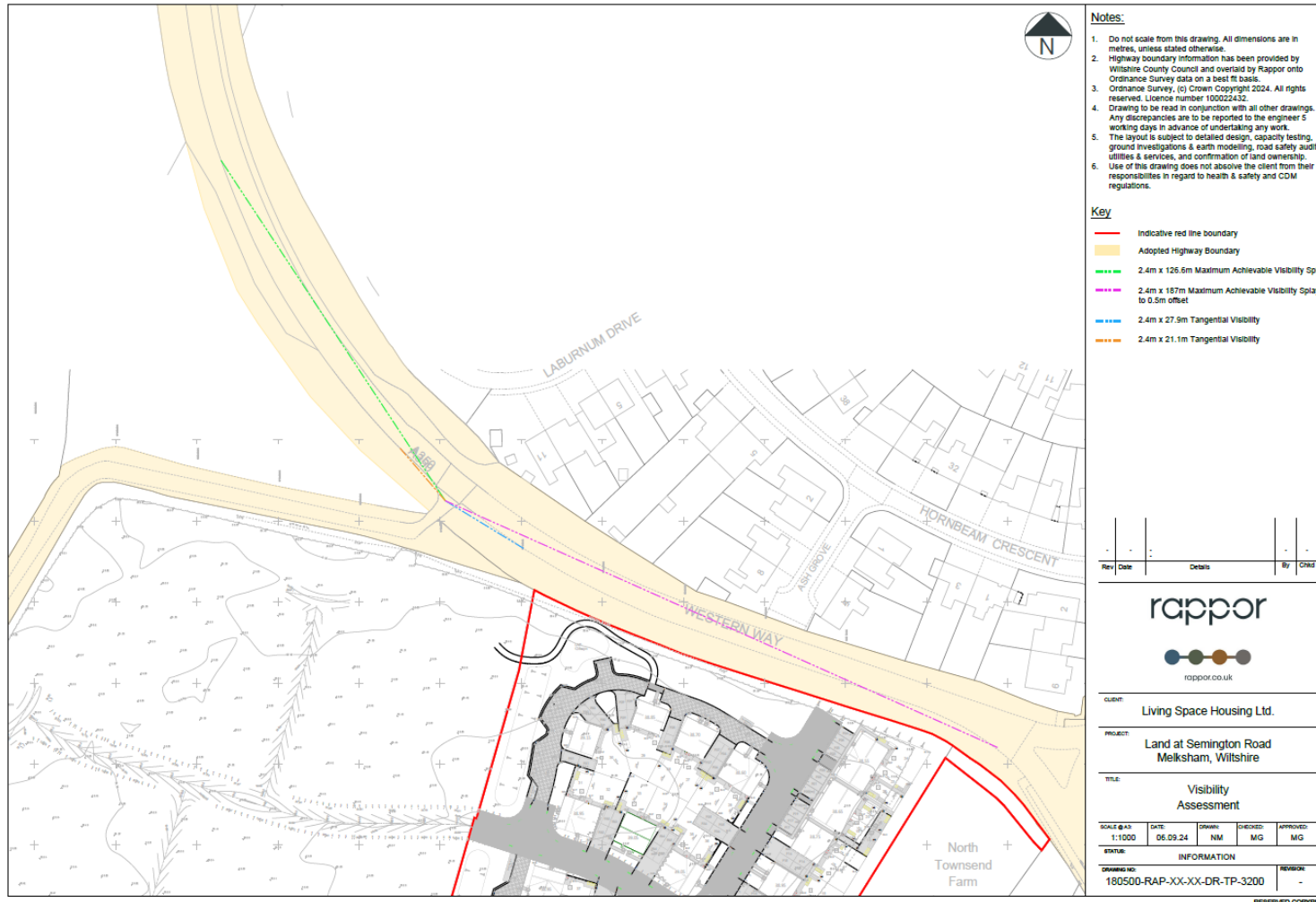


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Selected Photographs of the alternative Townsend Farm access located directly off Semington Road. Representatives of the site-based LSH construction management team will introduce themselves to the residents who live on Townsend Farm, and contact details will be provided to allow ongoing lines of communication to be fully established. This will be in addition to any pre-existing dialogue. As stated earlier, a commitment will also be made that any damage caused to the existing carriageway by construction related vehicles will also be made good. Wiltshire Highways have confirmed that, as an established point of access, there will be no need to apply for a separate S184 Agreement.

Melksham - Construction Environmental Management Plan



Visibility Assessment for alternative secondary site entrance off Berryfields Lane (yellow hatch denotes adoptable highway). As requested during a meeting with representatives of Wiltshire Highways (25.11.24) access restrictions will now be implemented and appropriate signage erected to advise that this route is no longer to be used by any construction related vehicles associated with the LSH Phase 1 residential development works. This is to include cars and light axle vehicles. N.b., The site team have been asked to ensure resident access be maintained to Townsend Farm at all times.

APPENDIX H: SITE CONTACT SHEET

Please see the hierarchy of contact names and numbers for any complaints at Semington Road, Melksham.

Name	Position	Phone No.	Email
Mike Sawyer	Site Manager	07944797908	msawyer@livingspacehousing.co.uk
TBC	Assistant Site Manager		
TBC	Banksman		
Rob Fletcher	Contracts Manager	07966936933	rfletcher@hayfieldhomes.co.uk
Shane Robinson	Production Director	07890 969256	srobinson@livingspacehousing.co.uk

APPENDIX I: Road Condition Survey

<https://www.dropbox.com/scl/fi/vh3scqu2wblhtob8mqzmqj/Travel-Plan.pdf?rlkey=hle3aiacfobiuhyq1gjq1a0vs&dl=0>

Additional dilapidation photographs have been taken in respect of Townsend Farm & surrounding roads.

From: [O'Donoghue, Ruaridh](#)
To: [Luke Webb](#)
Cc: [Alan Baines](#); [Horan, Chris](#); [Cleave, Julie](#); [Teresa Strange](#)
Subject: RE: Request for change to planning condition 20/07334/OUT Land West of Semington Road
Date: 19 December 2024 08:19:52
Attachments: [image005.png](#)
[image006.png](#)
[image008.png](#)

Dear Luke,

Please could the CEMP be amended as set out in the below email.

Kind regards,

Ruaridh O'Donoghue BA (Hons) MA TP
Principal Planning Officer
Development Management

Wiltshire Council

Tel: 01225 716761

Email: ruaridh.odonoghue@wiltshire.gov.uk

Web: www.wiltshire.gov.uk

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From: Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>
Sent: 18 December 2024 12:39
To: O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>
Cc: Alan Baines <alan.baines@melkshamwithout-pc.gov.uk>; Horan, Chris <Chris.Horan@wiltshire.gov.uk>; Luke Webb <lwebb@livingspacehousing.co.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: RE: Request for change to planning condition 20/07334/OUT Land West of Semington Road

Hi Ruaridh,

Further to my email below, I note that I have a formal DOC on Arcus for the CEMP. Therefore, if it's not too late please can all references to 'Melksham Road' be replaced with 'Semington Road'. Also can a sentence be added stating that access to Townsend Farm should not be blocked by construction vehicles and should be available at all times for residents.

Thank you,

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: Cleave, Julie

Sent: 18 December 2024 12:24

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

Cc: Alan Baines <alan.baines@melkshamwithout-pc.gov.uk>; O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>; Horan, Chris <Chris.Horan@wiltshire.gov.uk>; Luke Webb <lwebb@livingspacehousing.co.uk>

Subject: RE: Request for change to planning condition 20/07334/OUT Land West of Semington Road

Hi Teresa,

Sorry yes I have already confirmed acceptance of V6 of the CEMP as all references to access via Berryfield Lane were removed as requested. Access to existing properties should not be blocked irrespective of whether or not it is included in the CEMP.

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: 12 December 2024 17:26

To: Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>

Cc: Alan Baines <alan.baines@melkshamwithout-pc.gov.uk>; O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>; Horan, Chris <Chris.Horan@wiltshire.gov.uk>; Luke Webb <lwebb@livingspacehousing.co.uk>

Subject: FW: Request for change to planning condition 20/07334/OUT Land West of Semington Road

Hi Julie

Has this v6 been approved?

It still talks about them not blocking access to drives etc on Semington Road, but no mention of not blocking access to residents of Townsend Farm – please see photos from this week, this is something we requested when we saw V4 and met with Luke Webb or Living Spaces this afternoon. Andy Thompson says that the site manager says its not their site operatives, but who else can it be? The barrier is blocking access too.

It still talks about Melksham Road, and they mean Semington Road.

Can this be addressed please?

Thanks, Teresa

Teresa Strange
Clerk & Responsible Financial Officer
Melksham Without Parish Council
First Floor
Melksham Community Campus
Market Place, Melksham
Wiltshire, SN12 6ES
01225 705700
www.melkshamwithout-pc.gov.uk

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The parish council office will close for the Christmas break on Friday 20th December and re-open on Monday 6th January.

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.

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From: Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>

Sent: 12 December 2024 16:39

To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>; Rose, Martin <martin.rose@wiltshire.gov.uk>

Cc: Alan Baines <alan.baines@melkshamwithout-pc.gov.uk>

Subject: RE: Request for change to planning condition 20/07334/OUT Land West of Semington Road

Hi Teresa,

Thank you for providing an update on the bus stop on Semington Road.

As requested please find attached the latest version of the CEMP (V6).

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: 12 December 2024 15:06

To: O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>; Rose, Martin <martin.rose@wiltshire.gov.uk>; Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>

From: [Holmes, Perry](#)
To: [Teresa Strange](#); [Clewer, Richard](#); [Botterill, Nick](#)
Cc: [Joe McCann](#); [Melksham News](#); [brian.mathew.mp@parliament.uk](#); [pointswest@bbc.co.uk](#); [westcountry@itv.com](#); [wiltshire@bbc.co.uk](#); [John Baker2](#)
Subject: RE: URGENT REQUEST FOR STOP NOTICE/PLANNING ENFORCEMENT - Land west of Semington Road, Melksham
Date: 19 December 2024 13:41:50
Attachments: [image002.png](#)
[image003.png](#)

Dear Teresa

Thank you for raising these concerns with me.

I have discussed this with the relevant officers. Any enforcement action is an operational decision for Wiltshire Council. At this stage, the situation is being monitored and is being kept under review. The council will continue to do this and consider what enforcement action if any that it would be appropriate to take.

Kind regards,

Perry

Perry Holmes



Director Legal and Governance / Monitoring Officer
Wiltshire Council, County Hall, Bythesea Road, Trowbridge, BA14 8JN
T. 01225 713052 | Email: perry.holmes@wiltshire.gov.uk

PA noel.spiers@wiltshire.gov.uk

Wiltshire Council

Web: www.wiltshire.gov.uk

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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: 09 December 2024 15:05
To: Clewer, Richard <Richard.Clewer@wiltshire.gov.uk>; Botterill, Nick <Nick.Botterill@wiltshire.gov.uk>; Holmes, Perry <Perry.Holmes@wiltshire.gov.uk>

Cc: Joe McCann <Joe@wiltshirepublications.co.uk>; Melksham News <news@melkshamnews.co.uk>; brian.mathew.mp@parliament.uk; pointswest@bbc.co.uk; westcountry@itv.com; wiltshire@bbc.co.uk; John Baker2 <John.Baker2@newsquest.co.uk>
Subject: URGENT REQUEST FOR STOP NOTICE/PLANNING ENFORCEMENT - Land west of Semington Road, Melksham

Dear Cllr Clewer, Cllr Botterill & Perry Holmes

Melksham Without Parish Council has been consistently asking for planning enforcement action and a Stop Notice for the development by Living Spaces for Sovereign Homes as they have been using everything but the authorised site access since August.

Any attempts by Planning Enforcement have been ignored by the developer, who continues to flout the planning permission agreed upon, and any discussions/agreements with you seem ignored.

The parish council is calling on you to now put a stop to them carrying on with this development until their correct site access is opened up and able to be used.

This is making a huge impact on the residents of Townsend Farm, Semington Road, Berryfield Park and Berryfield Lane – none of who should have been affected by this development construction at all. Photo and video evidence available.

The developers are also using the busy A350, with no permission at all, which is causing a health and safety concern.

The parish council are insisting that you now take some action.

Your references:

Planning Enforcement ref: ENF/2024/00838

Planning Application: Land west of Semington Road, 50 dwellings
20/07334/OUT Outline application
PL/2023/00808 Reserved matters

Regards, 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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Semington Parish Neighbourhood Plan 2023- 2038

Submission Version

A Report to Wiltshire Council on the Examination of the Semington
Parish Neighbourhood Plan

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

johnslaterplanning@gmail.com

21st November 2024

Contents

	Page
Executive Summary	3
Introduction	4
The Examiner's Role	4
The Examination Process	5
The Consultation Process	6
Regulation 16 Consultation	7
The Basic Conditions	7
Compliance with the Development Plan	7
Compliance with European and Human Rights Legislation	9
The Neighbourhood Plan: An Overview	9
The Neighbourhood Plan Policies	12
The Referendum Area	22
Summary	22

Executive Summary

My examination has concluded that the Semington Parish Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Refer throughout the document to the Conservation of Habitats and Species Regulations 2017 (as amended) and remove all other policy references to the Habitat Regulations from all other policies.
- Remove reference to businesses “being of a size appropriate to the actively rural nature of the parish to be supported “in terms of business development and set the threshold of harm to the highway network to “severe residual cumulative impact”.
- Set the threshold of harm relating to mobile technology to “significant”.
- Remove the protection to land adjacent to local green space.
- Only require connections to the public rights of way network to instances where it is “feasible and practical” and to link requirements to make contributions to the enhancement of the public rights of way network to where the contribution meets the criteria set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- Remove all requirements relating to net biodiversity gain.
- Remove reference to an “**active** rural landscape” and remove key viewpoints 5,6,7,8,23 and 24.
- Widen the scope of the design policy to cover all developments in the parish and encourage the use of Building for Healthy Life 12 Design Assessment Tools.
- Pre application community engagement to be “encouraged” rather than “required”.
- The Auction Field to be allocated for approximately 40 residential units and a village shop with no direct access from the A361.
- Remove requirements for renewable energy infrastructure to demonstrate public support.

The referendum area does not need to be extended beyond the plan area.

Introduction

1. Neighbourhood planning is a process introduced by the Localism Act 2011, and it allows local communities the opportunity to create the policies which will shape the places where they live and work. A neighbourhood plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Wiltshire Core Strategy, the Wiltshire Housing Site Allocations Plan and the saved policies of the West Wiltshire District Plan 1st Alteration. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken by a Neighbourhood Development Planning Steering Group under the supervision of Semington Parish Council.
3. This report is the outcome of my examination of the Submission Version of the Semington Parish Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by Wiltshire Council.

The Examiner’s Role

4. I was appointed by Wiltshire Council in September 2024, with the agreement of Semington Parish Council to conduct this examination.
5. For me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 46 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Wiltshire Council and Semington Parish Council, and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
 - That the plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the plan should proceed to referendum, if modified.
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements

7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the designated Semington Parish Neighbourhood Plan area.
8. In examining the Plan, the Independent Examiner is expected to address the following questions
 - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has it been developed and submitted by a qualifying body?
9. Subject to the omission of several key viewpoints shown on Map 9 and described in the Key Viewpoint Report which cover land outside the designated area, I am able to confirm that the Plan will only relate to the development and use of land, covering the area designated by Wiltshire Council, for the Semington Parish Neighbourhood Plan, on 27th September 2021.
10. I can also confirm that it does specify the period over which the plan has effect, namely the period from 2023 up to 2038.
11. I can confirm that the plan does not contain policies dealing with any “excluded development”.
12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
13. I am satisfied that Semington Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

The Examination Process

14. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case. In this case I am satisfied that a public hearing was not required.
15. I am required to give reasons for each of my recommendations and provide a summary of my main conclusions.
16. I carried out an unaccompanied visit to Semington on Tuesday 8th October 2024 – it was a very wet day. Upon arriving at the parish from the south, I orientated myself by first visiting the allocation site known as the Auction Field before then driving the length of the village, down the High Street and across the Semington

Brook and the Kennet and Avon Canal before turning round in the access to the Air Ambulance airfield.

17. I then drove down Church Street to Manor Farm, before venturing along Pound Lane and St George's Road where I was able to see the recent residential development and the conversion of the former Workhouse. I then discovered the hamlet of Littleton before crossing the parish boundary and visiting Seend Head, where I parked up and walked across the fields to the viewpoints on the parish boundary by the bridge over Semington Brook.
18. I then returned to Semington village where I visited each of the local green spaces before walking across the footpath from Pound Lane to the swing bridge on the Kennet and Avon Canal and then walked a section of the towpath.
19. Before I left the village, via the A350, I saw each of the other possible housing sites, which were assessed as alternative sites in the Strategic Environmental Assessment before making a final visit to the Auction Field. In total, I spent over two hours in the parish.
20. Following my site visits, I prepared a document seeking clarification on various matters, which I sent to both the Parish Council and Wiltshire Council, entitled Initial Comments of the Independent Examiner, dated 11th October 2024. I received responses from Wiltshire Council on 28th and 29th October 2024 and from Semington Parish Council on 30th October 2024. All these documents have been placed on the respective websites.

The Consultation Process

21. The Steering Group, when embarking on preparing the neighbourhood plan, drew upon some of the previous work that has been conducted by the Parish Council to establish the community's views on future development and its priorities. Indeed, prior to the formal neighbourhood area designation, there was an initial exploratory drop-in session held in the village, on 21st July 2021, which was attended by over 30 residents.
22. The first community drop in event was held on Saturday 5th March 2022 which was helpful in informing the draft vision and objectives of the plan.
23. The Steering Group also attended the village fete on 23rd July 2022, where residents were presented with a slideshow of 24 key views, a climate change questionnaire and a consultation on village green spaces. The volunteers also attended the village dog show in September 2022. A follow-up second community drop in consultation event was held on 22nd April 2023.
24. In addition to consultation with the residents, the Parish Council separately consulted the landowners who had put sites forward, during a call for sites exercise carried out in conjunction with Wiltshire Council. It also consulted owners of the proposed local green spaces and residents of properties proposed to be included as non-designated heritage assets. There was a survey conducted of the local business community including those working from home.

25. All these consultations informed the preparation of the Pre-Submission version of the neighbourhood plan which was the subject of a six-week consultation, known as the Regulation 14 consultation, which ran from 1st February to 15th March 2024. In total 67 residents responded to an online survey and there were eight responses received from statutory consultees and a further 8 responses submitted on behalf of landowners. These are set out in a spreadsheet which is available as part of the evidence base by following the link in Appendix 14 of the Consultation Statement which also explains how the policies were amended in the light of consultation responses.

Regulation 16 Consultation

26. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over a 6-week period, between 7th August 2024 and 24th September 2024. This consultation was organised by Wiltshire Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

27. In total, 11 responses were received from Wiltshire Council, National Highways, Environment Agency, Canal and River Trust, Historic England, Ashford Homes, Cala Homes (Thames) Ltd, Hollins Strategic Land, Wain Estates (Land) Ltd, Ministry of Defence, and Melksham Without Parish Council

28. I have carefully read all the correspondence, and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the overall plan.

The Basic Conditions

29. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

30. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -

- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 as amended?

Compliance with the Development Plan

31. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the adopted Wiltshire Core Strategy, the saved policies of the West Wiltshire 1st Alteration and the Wiltshire Housing Site Allocations Local Plan which was adopted on 25th February 2020. Wiltshire Council has stated that all Core Strategy policies should be treated as strategic policies for the purpose of the basic conditions.
32. Core Policy 1 sets out a Settlement Strategy for Wiltshire and this is expanded in Core Policy 15 which identifies Semington as a large village in the Melksham Community Area. Policy 1 states that development will be limited in large villages to that needed to meet the housing needs of the settlement and improve employment opportunities, services and facilities. Being a large village, the village will retain a settlement boundary.
33. Core Policy 2 states that for large villages, such as Semington, there will be a presumption in favour of sustainable development within the limits of development, which can only be amended by neighbourhood plans or a Site Allocation DPD. The Semington settlement boundary was last reviewed as part of the Wiltshire Housing Site Allocations Plan in 2020.
34. Core Policy 16 promotes the Melksham Canal Link which would link the Kennet and Avon Canal to the proposed restored Wilts and Berks Canal.
35. Core Policy 45 is aimed at meeting local housing need and Core Policy 48 deals with Supporting Rural Life and covers the areas outside the defined limits of Large Villages and this only allows new housing if required for agricultural or forestry or other persons employed in business essential to the countryside.
36. Other relevant policies are Core Policy 49: Protection of Rural Services and Community Facilities, Core Policy 50: Biodiversity and Geodiversity, Core Policy 51: Landscape which requires any new development to preserve, conserve and where possible enhance landscape character, and Core Policy 52: Green Infrastructure and Core Policy 57: Ensuring High Quality Design and Place Shaping as well as Core Policy 58- Ensuring the Conservation of the Historic Environment.
37. I am satisfied that the neighbourhood plan, as a whole, is in general conformity with the strategic policies in the Wiltshire Core Strategy.
38. Wiltshire Council has embarked on the preparation of a new local plan which will have a plan period 2020 to 2038. That plan has been the subject of its Regulation 19 consultation and I understand that it is intended that the plan should be submitted to the Secretary of State before the end of 2024. This is only evolving policy which has not yet been through its public examination and this is not the development plan that the neighbourhood plan is required to be in general conformity with, for the purpose of basic conditions. However, it is based on up-to-date evidence, and it is indicating a direction of travel, particularly in terms of housing numbers.

39. This will extend the local plan period to 2038 which will coincide with the end date of this neighbourhood plan. In terms of Semington, the new plan is proposing a housing requirement of 53 dwellings up to the end of the new plan period. Once the new local plan is adopted, it will take precedence, if there is any conflict with the neighbourhood plan, as it will be the most recently adopted development plan.

Compliance with European and Human Rights Legislation

40. Wiltshire Council issued a Screening Determination, in a report dated September 2023 that concluded that a full strategic environmental assessment, as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would be required.

41. A full Environmental Report was prepared by the consultancy AECOM based on the post Regulation 14 version of the neighbourhood plan, which was dated July 2024. The assessment followed the usual methodology and assessed four sites as reasonable alternatives in terms of the proposed housing site allocation namely

- site 2 Pound Lane
- site 4 Semington Turnpike
- site 1 land adjacent Church Street and High Street
- site 6 land at High Street

42. These sites were assessed against a range of SEA topics.

43. The consultants chose to rely upon the reasoning given by the Steering Group as to why the plan has chosen option 2 as the preferred site. Its justification was based on the outcome of a consultation exercise which followed the production of the AECOM Site Options and Assessment Report for Semington which had been published in February 2023. I do need to point out that expression of public support following that consultation was prior to the conducting of the SEA exercise and therefore the findings of the SEA would not have been able to influence the choice of this site.

44. I am however satisfied that the statutory steps have been taken which accord with the requirements of the Environmental Assessment of Plans and Projects Regulations 2004 (The SEA Regs).

45. The Council, as competent authority, in February 2024 screened the plan under the Conservation of Habitats and Species Regulations. This screening report concluded that the plan could result in a likely significant effect on a nearby European site, namely the Bath and Bradford on Avon Bats SAC, either alone or in combination with other plans and projects. The report then went on to carry out an Appropriate Assessment which stated that subject to inter alia the inclusion of Policy SEM1 “it is deemed possible to conclude, beyond reasonable scientific doubt that there would be no adverse effects on the SAC alone or in combination with other plans and projects as a result of the Semington NP”. I am advised that Natural England agrees with that conclusion.

46. I am satisfied that the basic conditions regarding compliance with European legislation, including the basic condition regarding compliance with the Habitats

Regulations are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

47. I wish to congratulate the Steering Group on its approach to the preparation of a neighbourhood plan. Work in the parish which only started in 2021. I particularly wish to commend the breadth of the evidence base which has accompanied the submission version of the neighbourhood plan.
48. One of the strengths of the neighbourhood plan making system is that it offers the community the opportunity to decide which sites to allocate for new development. It has done so after comparing alternative sites which have been put forward through a call for sites and this choice has been informed by an objective site assessment process. But it is for the community, rather than the landowners and the developers to identify where housing growth should be taking place in its village.
49. The Semington Parish Neighbourhood Plan is not required to find sites for additional housing, bearing in mind the quantum of new development that has taken place over recent years, or which currently has planning permission. The recognition that a much sought after village shop could be delivered as a planning benefit clearly has persuaded the community to accommodate another new housing site. It has also influenced the location of the allocation site in the neighbourhood plan, despite the representations made on behalf of other landowners. In these rival submissions, the developers point to possible increases in housing figures as a result of possible changes to the Standard Methodology. In my view such matters must first await the government's response to the NPPF consultation, and the outcome of the Wiltshire Local Plan Examination. The examination of a parish neighbourhood plan is not the right place for that debate. I have no basis for suggesting a higher housing requirement than the plan currently promotes. No doubt the promoters of the alternative sites will continue to promote their potential schemes through the local plan process.
50. I would also like to commend the work conducted as part of the Semington Parish Character Statement which is intended to be an appendix to the plan. The document clearly describes the different character areas within the village and highlights elements which illustrate the local distinctiveness which is sought through its design policies.
51. There is one area where I have taken a contrary position to that which is put forward in the plan and I appreciate that my conclusions will be a disappointment to the authors of the plan. It is important to recognise that it is the wording of the policies that will be used by others, such as planning officers and appeal inspectors, when determining planning applications. They need to be clear as to what is the expectations of the policies, especially in terms of the protection of the characteristics of the area, which must be based on evidence and an understanding as to the unique nature and character of the village and its setting.

52. The Parish Council has placed great weight on its description of the character of Semington as “**actively rural**”. That phrase appears in numerous places and in different policies in the plan. I appreciate that it is an adjective which has strong connotations for the Parish Council, but I need to be satisfied that it is an accurate description, with specific policy implications that a decision maker will both understand and be able to interpret, establishing its expectations arising from that choice of words, when it comes to determining a planning application. Would they recognise what is meant by its “active rural character”, how is it unique to Semington and how should it be a determining factor when considering a planning application, compared to what is generally understood as “rural character”?

53. I sought clarification in my Initial Comments document and asked the Steering Group how the use of that term is intended to differentiate development in the parish from other rural areas which are not described as “actively rural”. This is the response:

“Actively rural” has 2 overlapping components. Firstly, it is a realistic description of the parish in that is not only predominantly rural in nature, but also remains agricultural in the land is still actively farmed with the landowners working across the wider parish that surrounds the three settlements of Semington, Little Marsh and Littleton. There are also other agricultural based businesses within the parish. This is of huge importance to the Parish Council that this remains the case. Our opposition to the speculative developments we have faced over the last 10 years have been as much about maintaining a viable agricultural base as it is about keeping housing development as organic as possible.

Secondly it is also a realistic description of life in the parish where residents are physically active in the community and environment. The parish has a large number of public rights of way and no one in the parish lives far from easy access to the countryside and the natural world thus “actively rural” also means maintaining and improving access to our large rights of way network which includes farmland and canal and rivers walks. Working with local landowners is a priority for the Parish Council to keep paths open and make improvements such as replacing stiles with kissing gates so that less mobile parishioners can use more of the network. Hence it is a priority for the Parish Council to resist suburbanisation and seek to maintain our community’s ready connection with nature and agricultural heritage. This guides the Parish Council’s decision-making when we consider any development and associated issues such as access, signage, lighting and rights of way.”

54. I have given this topic much thought and whilst the recognition of the role of agriculture in the local environment, whether it be for economic or landscape purposes, does not in itself differentiate the character of Semington parish from other rural areas. In my experience, most rural areas will to be some extent actively farmed. Similarly, the proximity of the countryside with its rights of way network is no different within this parish compared to other rural parishes, in my opinion.

55. I can understand the Parish Council's desire to resist suburbanisation but that can be achieved through, for example, establishing a settlement boundary policy which determines where countryside policies will and will not apply. I do not see that the use of the term “actively rural character” offers any greater protection to the countryside areas than would otherwise be covered by rural planning policies which are set out in the NPPF and the Core Strategy. I have seen no convincing evidence to justify imposing more restrictive planning policies in the plan area either in terms of economic activity, landscape, recreation or other measures which would support taking a different approach than say, other nearby parishes. I have concluded that the reference to “actively rural nature” does not provide the decision maker with the necessary clarity as to how development proposals should be determined, nor has it been supported by convincing evidence justifying a higher threshold, in terms of development management in Semington parish. I will therefore be recommending that reference to “actively rural” nature be changed to remove reference to “actively”. That will remove any ambiguity in terms of how issues around the rural nature of the parish should be dealt with.
56. Overall, I am satisfied that the neighbourhood plan, if modified in accordance with my recommendations, will meet the basic condition of delivering sustainable development. The plan has made a significant site allocation for a residential development that is expected to deliver a village shop to meet the community’s shopping needs and has policies aimed at supporting local businesses and seeking to protect heritage and landscape areas particularly close to the Kennet and Avon Canal and Semington Brook.
57. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the text. These changes are likely because of my recommendations, in order that the plan will still read as a coherent planning document. There has been a range of very helpful suggestions on improvements to the supporting text put forward by Wiltshire Council in its Regulation 16 consultation, but I am not able to make recommendations which do not relate to meeting the basic conditions test as set out in the legislation. I would urge the Parish Council and Wiltshire planners to work closely together to incorporate the appropriate changes which will ensure that the text of the Referendum Version of the neighbourhood plan matches the policy, once amended in line with my recommendations.

The Neighbourhood Development Plan Policies

Policy SEM 1: Bath and Bradford on Avon Bats SAC

58. As a matter of the accuracy of the policy drafting, Wiltshire Council has pointed out the legislation should be referred to as the Conservation of Habitats and Species Regulations 2017 (as amended). I will recommend that change be made throughout the document.

59. This is an important overarching policy, arising largely from the screening and assessment work carried out under the Habitats Regulations, primarily due to the fact that the southwest corner of the parish is located within the “grey hatched medium risk zone” set out in the Trowbridge Bat Mitigation Strategy. That zoning reflects the existence of woodland to the east and southeast of Trowbridge which are known to support a large and internationally significant breeding population of Beckstein bats as well as greater horseshoe, lesser horseshoe and barbastelle bats.
60. This policy is therefore acting as the trigger for the consideration of development proposals, where appropriate, to have to address the need to avoid or reduce the impact of development on the Special Area of Conservation. This may require the carrying out of an appropriate assessment at planning application stage.
61. I believe the inclusion of this policy, which will apply to all development proposals within the neighbourhood area, allows the proper consideration of these matters, where appropriate. The inclusion of this as a standalone policy renders all subsequent references to the need to comply with the Habitat Regulations, in other policies, mere duplication, which will effectively become unnecessary duplication.
62. I raised this issue with Wiltshire Council, as the Competent Authority in my initial comments. In its response, it confirmed that “There is probably no need for the habitats regulation compliance requirements to be repeated in every policy.” I will therefore be recommending the removal of such references in other policies, in my subsequent recommendations.

Recommendation

Replace legislation reference ‘Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ with ‘Conservation of Habitats and Species Regulations 2017 (as amended)’ throughout the plan.

Policy SEM 2: Support for Rural Businesses and Workspace

63. The policy, offering support for the expansion and diversification of existing economic enterprises, reflects the national policy position, however the limitations to “enterprises which are of a size appropriate to the actively rural nature of the parish” does not reflect the Secretary of State’s aspiration set out in paragraph 88 of the NPPF which states that plans “should enable the sustainable growth and expansion of *all* types of business in rural areas”. I will therefore be recommending that this caveat be removed.
64. Furthermore, the requirement that proposals should have “no detrimental impact on the rural highway network” is, in my view, setting the threshold too low. Paragraph 115 of the Framework states that “development should only be prevented or refused on highway grounds if... the residual cumulative impact on the road network would be severe”. I will propose an amendment to reflect this higher threshold which will ensure the policy meets the basic conditions.
65. I have no concerns in relation to the second element to the policy but the sensitivity of sites due to the heritage, biodiversity or landscape sensitivities being avoided, can be caveated “unless any harm is adequately mitigated”.
66. In line with my earlier comments the final element to the policy can be removed.

Recommendations

***In 1, delete “(of a size appropriate to the actively rural nature of the Parish)” and replace “detrimental” with “severe residual cumulative”
At the end of 2. add “unless any harm is adequately mitigated”
Delete 4.***

Policy SEM 3: Communications Infrastructure

67. My only concern with the policy criteria is that the threshold for assessing the effects on the surrounding built or natural environment, is set too low in the context of a policy seeking to improve the performance of the mobile phone network. I will recommend that the presumption in support of such equipment should be changed so long as it does “not *significantly* adversely affect” its surroundings.
68. Again, the last requirement can be deleted.

Recommendations

***In 3. insert “significantly” before “adversely”
Delete 4.***

Policy SEM 4: Local Green Space Designation

69. As a matter of drafting, I believe the clarity of the policy could be improved by identifying the five sites which the policy is designating as local green space.
70. I am satisfied that each of the sites meets the criteria set out in paragraph 106 of the NPPF. Wiltshire Council has pointed out in its Regulation 16 comments that the High Street Green Space is adopted highway. That status would not rule out its identification as local green space, but it could mean that works affecting that area could be the subject of highway rather than planning powers. I am satisfied that this part of the public realm in the heart of the village will be valued by the local community.
71. The NPPF sets out that policies for managing development within a local green space should be consistent with those for Green Belts. That is set out in the first element of the policy. I therefore believe that the second element, which supports developments that would positively enhance the beneficial uses of the spaces could be construed as not compatible with the overarching requirement as set out in paragraph 107 of the Framework so I will adopt a form of words that ensures that that two elements are complementary.
72. The Paragraph 107 requirements relate only to land within the designated local green space and does not offer protection to land adjacent to such spaces. I will therefore be recommending the final section of the policy be deleted as it is inconsistent with the national policy covering local green space, along with reference to the habitat regulations.

Recommendation

Replace the policy with “The following areas are designated Local Green Space, as shown on Map 6

- ***LGS 1 High Street Green Space***
- ***LGS 2. Wessex Close Play Area***

- **LGS 3. Ragged Smock**
- **LGS 4. Recreation Ground**
- **LGS 5. Littleton Scouts Field**

Policies for managing development within these areas should be consistent with those for Green Belts including development that would positively enhance the beneficial use of these spaces, provided their openness is preserved”

Policy SEM 5: Public Rights of Way and Cycle Network

73. The first part of the policy seeks to ensure that development proposals can, where possible, enhance the use of the network “through layout, access and landscape treatment”. However, this could be seen as being too prescriptive and I propose that those elements be quoted as examples of how enhancements can be achieved.
74. Similarly, there will be some developments that will not require the creation of routeways for walking and cycling. I propose to clarify that this requirement should relate to new residential development, where it is feasible and practical to create these linkages.
75. I appreciate the policy requirement to make a contribution to the right of way network is caveated “where appropriate”. Such a contribution could only be legally accepted if it meets the criteria set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 which requires that contributions must meet the following tests:
- Necessary to make the development acceptable in planning terms.
 - Directly related to the development
 - Fairly and related in scale and kind to the development.
76. The Steering Group clarified that it would only see the policy applying to major developments, but I will add the above three criteria to ensure that any contributions meet the statutory tests.
77. Again, the final element of the policy can be removed.

Recommendations

- In 1. the last line replace “Network” with “Networks, for example”***
At the end of 2. insert “where it is feasible and practicable to do so”
In 3. replace “appropriate” with “it is necessary to make the development acceptable in planning terms, where it is directly related to the development and where the contribution is fairly related in scale and kind to the development.”
Delete 5.

Policy SEM 6: Green and Blue Infrastructure and Nature Recovery

78. Wiltshire Council has made some helpful suggestions relating to the mapping for example reference to the Melksham Link Project and has proposed a form of wording to explain how the “enhancement opportunities” shown on Map 8 should be dealt with. I propose to make the necessary changes in line with their recommendations.

79. There will be occasions where it is not possible to retain existing trees or indeed the entirety of hedgerows, for example, if it is necessary to create an access. I will suggest the policy is caveated by the insertion “where possible”.
80. Since the introduction of net biodiversity provisions in the Environment Act, the role of planning policy in terms of net biodiversity has changed. The most up-to-date advice is now set out in the Planning Practice Guidance and states:
“Plan makers should be aware of the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provisions of the statutory framework. It will also be inappropriate for the plan and supplementary planning documents to include policies or guidance which are incompatible with the framework, for example by applying biodiversity net gain to exempt development”.
81. It goes on to say that plan makers should not seek a higher percentage the statutory 10% unless justified. I will therefore be proposing the final element of the policy be deleted as it does not add to the statutory requirements which will already apply in the parish.

Recommendations

Add the Melksham Link project to Map 8.

Replace the last sentence of 2. with “Appropriate development proposals will be given positive weight in favour of granting planning approval where it is demonstrated that the Network will be extended through realising the Enhancement Opportunity at Map 8: the delivery of new or extended woodland that retains water and sequesters carbon and tree cover to reduce overheating is secured.”

Delete 4.

Policy SEM 7: Protecting Semington’s Actively Rural Landscape

82. I have previously addressed the issue of the description of the parish's “actively rural landscape,” I will be consistent with my recommendations and propose the removal of all reference to “**actively** rural landscape”.
83. I do have a concern that the policy relies upon the settlement boundary that was drawn by the Wiltshire Housing Site Allocations Plan in 2020, and the neighbourhood plan has not sought to review the boundary, despite the recent developments that have taken place off St. George’s Road.
84. Under the terms of this policy, any planning application on that site would, according to the policy, be treated as development in the countryside rather than as being now within the village envelope. The Parish Council recognises the desirability of conducting a review but has not sought to bring forward a revised settlement boundary at this stage. In my view, that puts a decision maker in a less than satisfactory position and I would strongly urge the Parish Council to conduct an early review to ensure that the settlement boundary reflects the situation on the ground in terms of the pattern of development.
85. I do not feel that it is within my remit as an examiner to recommend a new boundary, which has not been the subject of public consultation. I will propose to clarify that this policy only provides for development outside the built-up area

of the village of Semington rather than relying on an out of date settlement boundary.

86. I have no concerns regarding the three expectations which are set out on the first element of the policy.
87. The plan goes on to identify an area of high landscape sensitivity as shown on Map 10. This draws upon the evidence contained within the Landscape and Visual Appraisal that was commissioned as part of the neighbourhood plan exercise. The analysis set out in chapter 6 identifies this area, although based on the methodology, the area has only medium value, but I do accept that this can be a matter for local discretion as to what is considered a particularly valued landscape and I am satisfied, notwithstanding the comments made on behalf of Cala Homes, that the community can choose through the application of this policy to place the greatest weight on the protection of these areas, shown as A and B in Map 10 namely the landscape along the Kennet and Avon Canal and the Semington Brook. That would concur with the conclusion I came to during my site visit to Semington parish. I understand that the neighbouring parish is promoting a similar designation on its side of the parish boundary.
88. I now turn to the identification of key views. It is a basic tenant of a neighbourhood plan policy that it can only establish planning policies over land within the plan area. I have identified several viewpoints which are shown on land where the viewpoint is on, or close to the boundary, but the direction of view is across land beyond the parish boundary. That applies to viewpoints 5,6,7 and 8.
89. The Parish Council acknowledges that it cannot determine policy for land in another parish, but it stresses that the enjoyment of views out of the parish are important to parishioners. It states that by setting out the significance of these views they do not seek to determine policy for those areas, but my reading of the policy expectation is that proposals which would affect those views should not cause undue harm to the natural history, landscape features that contribute to their values. When these views are across land in a neighbouring parish, I must recommend that these 4 viewpoints be removed from the mapping. Equally viewpoints 23 and 24 which identify viewpoints in the Key Views Report, looking into the parish from higher ground are positioned on land well beyond the parish boundary also cannot be retained in the plan.
90. On the question of the mapping, I have commended the use of “what 3 words” as a tool does allow a precise location to identified. This is a novel method which allowed me to locate with certainty the position of the viewpoints although I have identified that the numbering needs to be checked namely on viewpoints 3,14 and 15. I have also noted that the scale of the mapping could be improved as it is currently at too small a scale to be able to identify the positions with confidence.

Recommendations

Remove “Actively” from the policy title and from the first sentence of 1. In 1. replace “settlement boundary” with “built up area In 2. A) delete “actively” and delete 2e)

***In 4. Change “22” to “16” and remove viewpoints 5,6,7 and 8 and 23 and 24 from Map 9 and renumber viewpoints accordingly within the Local Key Views Report.
Delete 5.***

Policy SEM 8: Design and Local Distinctiveness

91. The first element to the policy covers the principle of allowing residential development within the village settlement boundary which is already covered by local plan policy. It goes on to qualify that support to only allow developments that respect the character and local distinctiveness of Semington. That requirement should cover not just residential development taking place within the settlement boundary but in fact any development that takes place within the parish. I will therefore be proposing an amendment that reflects the overarching design and local distinctiveness sought through the title of this policy.
92. The second element to the policy encourages applicants to reflect on the local guidance produced, which I understand should refer not to the Parish Character and Design Statement but rather to the Semington Parish Character Statement. That document should be an appendix to the neighbourhood plan.
93. The third element of the policy states that major residential schemes should use the Building for a Healthy Life 12 Design Assessment Tool. This is an appraisal resource which is referred to in paragraph 138 of the Framework. However, I am advised that Wiltshire Council does not have any assessors and whilst I can see a role for encouraging the use of this tool, as a means of engaging with the local community, the determination of planning applications within this one parish cannot be dependent upon achieving a requisite number of red, amber or green scores.
94. Similarly, a neighbourhood plan policy cannot dictate what documents are required to be submitted with the planning application. That is the role of the Local Validation Checklist, as specified by the Town and Country Planning Development Management Procedure Order 2015.
95. The final element of the policy related to the habitats regulations can also be removed.

Recommendations

Delete 1.

In 2. after “demonstrate” insert “their proposal reflects the character and local distinctiveness of Semington and

Delete “and Design”

In 3. replace “should” with “are encouraged to” and in the final sentence replace “should” with “are encouraged to” and insert “ideally” before “should be submitted as part of application documents”

Delete 4.

Policy SEM 9: Pre-Application Community Engagement

96. The plan text rightly points to the importance accorded by the NPPF to “proportionate, proactive and effective engagement with the community at the pre application stage”. However, it is not a pre-requisite, and an acceptable planning application could not be refused solely on the failure to engage in pre application discussions. I will retain the aspiration of the policy but rather pointing it to be a policy that relies, not upon compulsion, but encouragement. Equally this applies to the content of Design and Access Statements where applicants are again to be encouraged but cannot be required to address these issues in the Design and Access Statement.

Recommendations

- In 1. replace “should” with “are encouraged to” and delete “and Design”
In 2 replace “it should” with “applicants are encouraged to”***

Policy SEM 10: Land to the west of Turnpike Close (the Auction Field)

97. I commend the Parish Council for the pragmatic approach it has taken to the question of this site allocation. The strategic housing requirements which Semington has been asked to contribute, have already been exceeded, both in respect of the Wiltshire Core Strategy but also in terms of the emerging local plan. The neighbourhood plan could legitimately have chosen not to identify additional land for housing, but instead it has sought to address the community’s desire to deliver a new village shop through a mixed-use allocation.
98. As drafted the neighbourhood plan is choosing to make an allocation for the development of just a village shop but the policy recognises that this community resource could be delivered alongside up to 40 dwellings. I consider that it will be more accurate to describe the allocation as a “residential development of approximately 40 units and a village shop.” I believe that this description provides greater flexibility in terms of the number and size of the new homes. I note that is the wording sought by the promoters of the site, Hollins Strategic Land.
99. I note the need for a site-specific flood risk assessment and I understand that as well as being over one hectare in area, the site is, in part, subject to a risk of groundwater flooding as well as surface water flooding. As the Environment Agency has pointed out reference should also be made to the Wiltshire Strategic Flood Risk Assessment in identifying areas at flood risk.
100. I am satisfied that the case has been made that the shop unit should be completed and being capable of occupation, before the occupation of the first home on the site is justifiable as that is the reason why the community has chosen to allocate housing on this site. I am not persuaded that viability issues require a different approach as this would undermine confidence in the neighbourhood plan making process. I am confident that the developer would be able to manage its cash flow to secure the early delivery of the shop unit.

101. Following my previous comments on the pre application protocol the policy should be worded to “encourage” rather than “require” such community engagement.
102. In terms of the requirements for the access I note the wording of the policy refers to the safe access, but Wiltshire Council has made clear its concerns that that access should not be directly on to the A361 due to a policy presumption against the creation of a new development access onto national routes outside of settlements. It does note that a single priority junction would be adequate, and a right turn lane may be required which could impact the right turn lane into Turnpike Close.
103. I do place weight on the fact that Wiltshire Council acknowledges that with modest adjustment the existing right turn lane into Turnpike Close maybe a preferred option.
104. For the purpose of this examination, I am satisfied that the allocation can be made and is capable of being served by an acceptable access, especially if utilising the existing access at the eastern end of the site, rather than directly onto the A361. I will be making a recommendation presuming against a direct access from the A361. This will require a change to the concept masterplanning framework shown in Map 14.
105. The development will be required to comply with Policy SEM 1 which will require carrying out a habitats regulations assessment at the development management stage. I will also add the requirements of the MOD Safeguarding Department that as the site lies within the height and bird strike safeguarding zone that the detail of the site must have no impact on the operation and capability of RAF Keevil.

Recommendations

In 1. after “development of” insert “approximately 40 dwellings and”

In 2. delete the first sentence

In 3. replace “must” with “will be expected to”

In final requirement in 3 replace a) with d) and after “vehicular” insert “access, which should not be directly from the A361 (which is part of the national primary road network where there is a presumption against new development being served directly off it, in the case of land outside built up areas)”

Delete 5. and replace with a new 3e. “The site lies within the height and bird strike safeguarding zone of RAF Keevil and the development should not impact on the operation and capability of that military airfield”

Policy SEM 11: Community Facilities

106. I note that the Somerset Arms public house is still included in the list of community facilities. Clearly its long-term future is open to doubt, but I believe the tests set out in the second element with the policy will allow issues of

economic viability to be assessed at decision making stage if an alternative use is promoted.

Recommendation

Delete 4.

Policy SEM12: Sustainable Construction

107. I am conscious that the starting point within the policy is to reduce energy usage through passive measures such as building orientation. This is in line with the approach recommended by the Secretary of State in paragraph 159 of the NPPF.
108. However, going beyond this to prescribe matters, such as high levels of insulation, are matters which are properly covered by the Building Regulations. The remainder of the policy seeks to *encourage* low carbon technology. I intend to propose a range of modifications that ensures that the objectives of the policy are one of encouragement rather than imposing requirements. This is in line with the expectations of the Steering Group as set out in its response to my Initial Comments document. With these amendments I am satisfied that the policy would not contravene the Secretary of State's Written Ministerial Statement dated 13th December 2023 dealing with local energy efficiency standards.
109. I note that Wiltshire has included the requirement to submit a Sustainable Energy Statement in its local validation list. It is therefore not necessary for it to form a requirement used for the determination of a planning application, rather than the document which is required to be submitted with a proposal. I understand that it derives from a Core Strategy policy that already applies in Semington.
110. I do not believe the requirement to include space for working at home as part of a building design is sufficiently precise as to be capable of being used by a decision maker – would it, for example, cover use of a spare bedroom or an expectation as to how a family room would be used? The requirements for including electric car charging points is now incorporated in the Building Regulations (Part S).

Recommendation

In 1. delete “; and fabric first measures such as high levels of insulation and lighting”

In 2 replace “shall also” with “are encouraged to”. In the third sentence, after “applicants” replace “should” with “are encouraged to “

In 3. replace “shall” with “are encouraged to”

Delete 4.and 5.

Delete 7.

Policy SEM 13: Standalone Renewable Energy Generation

111. My primary concern with this policy is whether a decision maker still needs to gauge whether local community support exists for the proposal. The new Government announced on 8th July 2024 that the footnotes 57 and 58 to paragraph 163 of the NPPF, which referred to the need to demonstrate

community support no longer applied. I will therefore propose that this element to the policy be deleted as it no longer reflects Secretary of State policy, along with the final element related to HRA issues.

112. The MOD Safeguarding Department has made important representations on this policy in view of the proximity of the parish to The Keevil Airfield and I will be recommending that any development of this type should not compromise, restrict or otherwise degrade the operational capability of Keevil Airfield

Recommendations

Delete 1c and 3.

Replace 1 c) with “development does not compromise, restrict or otherwise degrade the operational capability of Keevil Airfield”

The Referendum Area

113. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. I concluded that the area of the Semington Parish Neighbourhood Plan as designated by Wiltshire Council on 27th September 2021 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

114. I congratulate Semington Parish Council on reaching this important stage in the preparation of the neighbourhood plan. The plan has been produced in a short period of time and has been based on a significant evidence base.
115. I appreciate that the Parish Council will be disappointed with some of my recommendations, but these changes have been required to allow me to conclude that the plan will meet the basic conditions.
116. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
117. I am therefore delighted to recommend to Wiltshire Council that the Semington Parish Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS.
John Slater Planning Ltd
21st November 2024

DRAFT SEMINGTON PARISH NEIGHBOURHOOD PLAN 2023-2038 DECISION STATEMENT (PROCEEDING TO REFERENDUM)

1. INTRODUCTION

- 1.1. Pursuant to the Wiltshire Council constitution and in particular Part 3D, the Director of Planning within whose remit Spatial Planning falls is authorised to make decisions on Neighbourhood Plan proposals following the examination of a Neighbourhood Plan proposal in accordance with the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) and all other relevant legislation.

2. BACKGROUND

- 2.1. The designated area for the draft Semington Parish Neighbourhood Plan, comprises the whole of the parish of Semington Parish Council. On 28th September 2021 Wiltshire Council formally approved that the Semington, Little Marsh and Littleton Neighbourhood Area (i.e., the land within the parish of Semington) be designated in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.2. Semington Parish Council – the ‘qualifying body’, submitted their draft Semington Parish Neighbourhood Plan, 2023-2038 along with supporting documents, to Wiltshire Council on 25th July 2024 for consultation, independent examination and the remaining stages of the draft Plan’s preparation in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.3. Following submission of the draft Semington Parish Neighbourhood Plan, Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 7th August 2024 to 24th September 2024.
- 2.4. In September 2024, Wiltshire Council appointed an independent neighbourhood planning examiner, John Slater, to examine the draft Plan and consider whether it should proceed to referendum.
- 2.5. The examiner’s report was received in November 2024 and concluded that subject to making the modifications recommended in the report, that the draft Semington Parish Neighbourhood Plan, meets the Basic Conditions and should proceed to referendum. The examiner also recommended that the Semington, Little Marsh and Littleton Neighbourhood Area (the parish area) is an appropriate area within which to hold a referendum.

2.6. In accordance with legislation, Wiltshire Council must consider each of the recommendations made in the examiner's report, decide what action to take in response to each recommendation and what modifications should be made to the draft Plan in order to be satisfied that it meets the Basic Conditions and is compatible with Convention Rights. If the authority is satisfied, then a referendum must be held. Consideration also needs to be given as to whether to extend the area to which the referendum is to take place.

3. DECISION AND REASONS

3.1. Wiltshire Council must be satisfied that the draft neighbourhood plan meets the Basic Conditions, is compatible with the Convention rights and complies with the provision made by or under sections 61E (2), 61J and 61L of the Town and Country Planning Act 1990, or that the draft order would meet those conditions, be compatible with those rights and comply with that provision if modifications were made to the draft order.

3.2. Wiltshire Council has considered the examiner's recommendations and reasons for them. Wiltshire Council has decided to make the examiner's modifications with additional modifications by the Council to the draft Semington Parish Neighbourhood Plan, for the purpose of correcting errors (which includes amendments necessary to achieve accuracy and consistency in the wording of policies and supporting text) and to ensure that it meets legal requirements, including the Basic Conditions as set out in legislation. **Appendix 1** sets out these modifications, together with the reasons for them.

3.3. The Council is satisfied that the draft Neighbourhood Plan, as modified, complies with the legal requirements and can proceed to referendum.

3.4. The Council also agrees with the examiner that the referendum area should reflect the extent of the parish of Semington.

3.5. I declare that I have no private interest in respect of this matter that would prevent me from making this decision.

Signed:



Nic Thomas
Director of Planning
Planning
Wiltshire Council

Dated: 13th December 2024

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner's recommendations and to correct errors

Guidance for using this document

The following table sets out the modifications that are required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024), hereafter referred to as the draft 'SPNP', together with the explanation and reason for modification. This should be read alongside the report dated 21st November 2024 of the independent neighbourhood planning examiner, John Slater to Wiltshire Council on the draft SPNP.

Throughout the table, specific changes that are required are shown as follows:

- text in **bold and underlined** identifies new text to be added to the Plan.
- text that is shown as ~~red strikethrough~~ identifies text to be deleted from the Plan.

The relevant paragraph, policy and page numbering relates to the draft SPNP, as submitted to Wiltshire Council. For each change, the table sets out the examiner's recommendation as set out in his report together with the modification that is required to be made to the draft neighbourhood plan. Some additional changes are also included that are not in the examiner's report to correct errors, such as typographical errors.

As a result of some modifications, consequential amendments may be required to the final draft SPNP to be published for the purposes of the referendum. These can include changing section headings, amending the contents page, renumbering paragraphs or pages and ensuring that supporting appendices and other documents align with the final version of the Plan.

APPENDIX 1

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Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
R1	12	Throughout document	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>References to “actively rural nature” be changed to remove reference to “actively”.</p> <p><u>REQUIRED MODIFICATION:</u></p> <p>Remove the text referring to ‘actively’ when used in ‘actively rural nature’ in the bulleted locations as follows:</p> <ul style="list-style-type: none"> • On page 4, in ‘Contents’ section remove ‘Actively’ in the text, as follows: <p>POLICY 7: Protecting Semington’s Actively Rural Landscape</p> <ul style="list-style-type: none"> • On page 5, paragraph 1.1, in the second sentence remove ‘actively from text, as follows: <p>Those that live or work here in Semington value its community spirit, local facilities, its ‘actively rural’ character and the beautiful natural environment.</p> <ul style="list-style-type: none"> • On page 15, paragraph 4.5, remove the first sentence, as follows: <p>‘The character of Semington is described by the Parish Council as ‘actively rural’.’</p> <ul style="list-style-type: none"> • On page 18, Vision, third paragraph, in the second sentence remove ‘actively’ from the text, as follows: 	For clarity and accuracy and to meet the basic conditions.

APPENDIX 1

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Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>'Green space, natural features and heritage sites will be protected and maintained, and infrastructure changes will have minimal impact on the actively rural character of the parish.'</p> <ul style="list-style-type: none"> On page 18, sixth paragraph, first sentence, as follows: <p>The parish will continue to welcome a wide range of small businesses from farming (which underpins our actively rural character) to light engineering, tourism and services.</p>	
R2	N/A	Page 4, Contents	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>For consistency in Policy naming throughout the plan, add 'SEM' to all policy titles in the contents.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Add 'SEM' to all Policy titles in the 'Contents' section, as follows: <p>POLICY SEM 1: Bath and Bradford on Avon Bats SAC POLICY SEM 2: Support for Rural Businesses and Workspace POLICY SEM 3: Communications Infrastructure POLICY SEM 4: Local Green Space Designation POLICY SEM 5: Public Rights of Way and Cycle Network POLICY SEM 6: Green Blue Infrastructure and Nature Recovery POLICY SEM 7: Protecting Semington's Actively Rural Landscape POLICY SEM 8: Design and Local Distinctiveness POLICY SEM 9: Pre-application Community Engagement POLICY SEM 10: Land to the west of Turnpike Close (the Auction Field)</p>	For clarity and accuracy.

APPENDIX 1

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Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			POLICY SEM 11: Community Facilities POLICY SEM 12: Sustainable Construction POLICY SEM 13: Standalone Renewable Energy Generation	
R3	13	Page 20, Policy SEM 1: Bath and Bradford on Avon Bats SAC	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Replace legislation reference ‘Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ with ‘Conservation of Habitats and Species Regulations 2017 (as amended)’ throughout the plan.</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Capitalise the word Policy in the policy title for consistency with other policies titling</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in ‘Policy SEM 1: Bath and Bradford on Avon Bats SAC’, as follows: <p>POLICY olicy SEM 1: Bath and Bradford on Avon Bats SAC</p> <p>Where appropriate, all development proposals must demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) (Amendment) (EU Exit) Regulations 2019, and demonstrate how the Bat SAC Planning Guidance for Wiltshire (2015) and the Trowbridge Bat Mitigation Strategy (TBMS 2020) Supplementary Planning Document, or any subsequent iterations, have informed proposals which must avoid or reduce the potential adverse impact on the Bath and Bradford on Avon Bats Special Area of Conservation.</p>	For clarity and accuracy and to meet the basic conditions.

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Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
R4	13	Page 20 Footnote ²¹	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Replace legislation reference ‘Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ with ‘Conservation of Habitats and Species Regulations 2017 (as amended)’ throughout the plan.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend footnote reference 21 on page 20, as follows: <p>²¹ The HRA has been carried out to comply with Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended) (Amendment) (EU Exit) Regulations 2019.</p>	For clarity and accuracy.
R5	14	Page 21, POLICY SEM 2: Support for Rural Businesses and Workspace	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In Policy SEM 2, bullet point 1 delete “(of a size appropriate to the actively rural nature of the Parish)” and replace “detrimental” with “severe residual cumulative”</p> <p>At the end of bullet point 2 of the Policy add “unless any harm is adequately mitigated”</p> <p>In Policy SEM 2, delete bullet point 4.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in ‘POLICY SEM 2: Support for Rural Businesses and Workspace’, as follows: 	For clarity and accuracy and to meet the basic conditions.

APPENDIX 1

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Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>POLICY SEM 2: Support for Rural Businesses and Workspace</p> <p>1. Proposals for the expansion or diversification of existing small-scale economic enterprises (of a size appropriate to the actively rural nature of the Parish) will be supported, providing the proposals accord with all other relevant policies of the development plan and have no detrimental severe residual cumulative impact on the rural highway network.</p> <p>2. All new employment development should respect the character of its surroundings in terms of scale, massing, design and landscaping. It should avoid harming the inherent qualities of the surrounding area by including appropriate mitigation against any excessive noise and light pollution, and must safeguard residential amenity and road safety. Sites that are particularly sensitive due to their heritage, biodiversity or landscape sensitivity should be avoided unless any harm is adequately mitigated.</p> <p>3. Insofar as planning permission is required, building alterations to enable working from home will be supported provided there will be no unacceptable impact on the residential amenities of residential properties nearby.</p> <p>4. Proposals must also demonstrate compliance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Policy SEM 1.</p>	
R6	14	Page 23, POLICY SEM 3: Communications Infrastructure	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In Policy SEM 3, bullet point 3. insert “significantly” before “adversely”</p> <p>Delete bullet point 4.</p>	For clarity and accuracy and to meet the basic conditions.

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			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in 'POLICY SEM 3: Communications Infrastructure', as follows: <p>POLICY SEM 3: Communications Infrastructure</p> <p>1. Where planning permission is required, development proposals to improve the mobile phone coverage and internet connections in the plan area shall be supported.</p> <p>2. All new dwellings and business premises in the parish should be enabled to ensure a superfast broadband connection can be installed on an open access basis, and designed to enable future repair or upgrading.</p> <p>3. Proposals for new or improved mobile phone infrastructure should be permitted, providing that the proposals do not significantly adversely affect the surrounding built or natural environment (including the setting of heritage assets and key views).</p> <p>4. Proposals must also demonstrate compliance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Policy SEM 1.</p>	
R7	14	Page 24, POLICY SEM 4: Local Green Space Designation	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Replace Policy SEM 4 with "The following areas are designated Local Green Space, as shown on Map 6</p> <ul style="list-style-type: none"> LGS 1 High Street Green Space LGS 2. Wessex Close Play Area 	For clarity and accuracy and to meet the basic conditions.

APPENDIX 1

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Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<ul style="list-style-type: none"> • LGS 3. Ragged Smock • LGS 4. Recreation Ground • LGS 5. Littleton Scouts Field <p>Policies for managing development within these areas should be consistent with those for Green Belts including development that would positively enhance the beneficial use of these spaces, provided their openness is preserved”</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend the text in ‘POLICY SEM 4: Local Green Space Designation’, as follows: <p>POLICY SEM 4: Local Green Space Designation</p> <p>1. The areas shown as Local Green Spaces (LGS) on Map 6, and listed below, have been assessed as meeting national criteria and are therefore designated for the strongest protection. Policies for managing development within these areas should be consistent with those for Green Belts.</p> <p>2. Development that would positively enhance the beneficial use of these spaces, such as to provide improved access or to allow opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity, will be supported, provided their openness is preserved. List of The following areas are designated Local Green Spaces, (also shown on Map 6):</p> <ul style="list-style-type: none"> • LGS 1. High Street Green Space • LGS 2. Wessex Close Play Area • LGS 3. Ragged Smock 	

APPENDIX 1

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Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<ul style="list-style-type: none"> • LGS 4. Recreation Ground • LGS 5. Littleton Scouts Field <p>3. No development will be permitted within or immediately adjoining the Local Green Spaces that would undermine their reason for designation. Any proposals supported by this policy must demonstrate compliance with Habitats Regulations and Policy SEM 1.</p> <p>Any proposals supported by this policy must demonstrate compliance with Habitats Regulations and Policy SEM 1.</p> <p><u>Policies for managing development within these areas should be consistent with those for Green Belts including development that would positively enhance the beneficial use of these spaces, provided their openness is preserved.</u></p>	
R8	15	Page 26, POLICY SEM 5: Public Rights of Way and Cycle Network	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In Policy SEM 5, bullet point 1, replace “Network” with “Networks, for example”</p> <p>At the end of bullet point 2 of the Policy insert “where it is feasible and practicable to do so”</p> <p>In bullet point 3 of the Policy replace “appropriate” with “it is necessary to make the development acceptable in planning terms, where it is directly related to the development and where the contribution is fairly related in scale and kind to the development.”</p>	For clarity and accuracy and to meet the basic conditions.

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Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner’s recommendations and to correct errors

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			<p>Delete bullet point 5 of Policy SEM 5.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in ‘POLICY SEM 5: Public Rights of Way and Cycle Network’, as follows: <p>POLICY SEM 5: Public Rights of Way and Cycle Network</p> <p>1. Development proposals on land that lies within or adjacent to the Public Rights of Way and Cycle Network as shown on Map 7, should sustain, and where possible, enhance the multifunctionality of the Networks <u>s for example</u> through layout, access and landscape treatment.</p> <p>2. All proposals will be expected to integrate routeways for walking and cycling connections into the wider village and parish network <u>where it is feasible and practicable to do so.</u></p> <p>3. Development proposals should make an appropriate contribution to the improvement and/or extension of the network where <u>it is necessary to make the development acceptable in planning terms, where it is directly related to the development and where the contribution is fairly related in scale and kind to the development.</u> appropriate.</p> <p>5. Proposals must also demonstrate compliance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Policy SEM 1.</p>	

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner’s recommendations and to correct errors

Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
R9	16	Page 27, Map 8: Green and Blue Infrastructure (GBI)	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Add the Melksham Canal Link project to Map 8 regarding Wiltshire Core Strategy Core Policy 16 - which, if and when delivered, would create a significant GBI corridor in close proximity to the neighbourhood area. Add this canal link in as an enhancement opportunity.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Add the Melksham Canal Link Project (Wiltshire Core Strategy Core Policy 16) as shown on the following link (https://www.wiltshire.gov.uk/media/377/Bradford-on-Avon-Melksham-Trowbridge-and-Westbury-Community-Areas/pdf/Bradford_on_Avon_Melksham_Trowbridge_and_Westbury.pdf?m=1574344971367) to the draft plans Map 8: Green and Blue Infrastructure (GBI) as an enhancement opportunity. 	For clarity and accuracy.
R10	16	Page 28, POLICY SEM 6: Green and Blue Infrastructure and Nature Recovery	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In Policy SEM 6 replace the last sentence of bullet point 2. with “Appropriate development proposals will be given positive weight in favour of granting planning approval where it is demonstrated that the Network will be extended through realising the Enhancement Opportunity at Map 8: the delivery of new or extended woodland that retains water and sequesters carbon and tree cover to reduce overheating is secured.”</p> <p>Delete bullet point 4 of Policy SEM 6.</p>	For clarity and accuracy and to meet the basic conditions.

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner’s recommendations and to correct errors

Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in ‘POLICY SEM 6: Green and Blue Infrastructure and Nature Recovery’, as follows: <p>POLICY SEM 6: Green and Blue Infrastructure and Nature Recovery</p> <p>1. The Neighbourhood Plan identifies a Green and Blue Infrastructure (GBI) Network for the purpose of promoting nature protection and recovery as well as the necessary mitigation of climate change. The Network encompasses significant assets including Semington Brook and associated floodplain, the corridor of the Kennet & Avon Canal as shown on Map 8 together with the strong network of hedgerows and hedgerow trees.</p> <p>2. Development proposals must maintain and improve the GBI of the parish in the design of their layouts and landscaping schemes, linking into and extending the Network where possible. This includes the retention of existing trees and hedgerows as an integral part of development proposals. This includes appropriate measures to secure their protection during any construction works. Ideally, appropriate development proposals that will lead to the extension of the Network. <u>Appropriate development proposals will be given positive weight in favour of granting planning approval where it is demonstrated that the Network will be extended through realising the Enhancement Opportunity at Map 8: the delivery of new or extended woodland that retains water and sequesters carbon and tree cover to reduce overheating is secured.</u></p> <p>3. Proposals that will lead to the loss of land lying within the Network and that will undermine its integrity or functionality will be resisted, unless suitable alternative provision can be provided.</p>	

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner's recommendations and to correct errors

Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			4. Proposals must secure a net gain for biodiversity as calculated to reflect the latest local or national policy and advice through planning conditions or planning obligations. Ideally, proposals will go beyond the minimum Biodiversity Net Gain requirement.	
R11	17	Local Key Views Report, Viewpoints 3,14 and 15	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>Check the What3Words numbering on viewpoints 3,14 and 15.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Check the What3Words numbering on the viewpoints in the Local Key Views Report. In particular viewpoints 3,14 and 15 to ensure they provide an accurate location of the views displayed in the report. 	For clarity and accuracy.
R12	17	Local Key Views Report, Page 4, Map 1 – Valued views from within the Semington Parish Neighbourhood Plan Area	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>The scale of the mapping could be improved as it is currently too small to identify the positions with confidence.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend 'Map 1 – Valued views from within the Semington Parish Neighbourhood Plan Area' in the Local Key Views Report to clearly show the location of the key views. If the location of the views cannot be seen clearly on one map, consider separating this into two maps. 	For clarity and accuracy.

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner’s recommendations and to correct errors

Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<ul style="list-style-type: none"> On page 29 of the Neighbourhood Plan, replace Map 9: Locally Valued Key Views with this new updated clearer map. 	
R13	17	Page 29, Policy SEM 7: Protecting Semington’s Actively Rural Landscape And Map 9: Locally Valued Key Views	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In Policy SEM 7. Remove “Actively” from the Policy title and from the first sentence of bullet point 1.</p> <p>In bullet point 1 of Policy SEM 7 replace “settlement boundary” with “built up area</p> <p>In bullet point 2 of Policy SEM 7, in a delete “actively” and delete 2e</p> <p>In bullet point 4 of Policy SEM 7, change “22” to “16”</p> <p>Delete bullet point 5 of Policy SEM 7.</p> <p>Remove viewpoints 5,6,7 and 8 and 23 and 24 from Map 9: Locally Valued Key Views and renumber viewpoints accordingly within the Local Key Views Report.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in ‘POLICY SEM 7: Protecting Semington’s Actively Rural Landscape’, as follows: <p>POLICY SEM 7: Protecting Semington’s Actively Rural Landscape</p> <p>1. Development proposals outside the Semington settlement boundary built up area that accord with local and national policies for development in the countryside, will be supported where proposals singularly and cumulatively, maintain the actively rural</p>	For clarity and accuracy and to meet the basic conditions.

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner's recommendations and to correct errors

Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>landscape and a sensitive settlement edge. New development will, where appropriate, be expected to:</p> <ul style="list-style-type: none"> a. respect and respond to the landscape character sensitivities of the area as identified in the Semington Landscape and Visual Appraisal; and, b. maintain and enhance the overall green and blue infrastructure network; and, c. maintain the rural setting of smaller settlements and of farmsteads outside Semington village. <p>2. The Neighbourhood Plan shows an area of high landscape sensitivity, as shown on Map 10. Development in this area will only be supported where it:</p> <ul style="list-style-type: none"> a. maintains the actively rural landscape, the generally open character of the countryside and a sensitive settlement edge; b. minimises urbanising effects, artificial lighting and traffic movements; c. retains important elements of the green and blue infrastructure network and the rural landscape such as the Kennet & Avon Canal, hedgerows and trees and views; d. does not adversely impact the existing landscape and recreational value of the countryside; e. demonstrates compliance with Habitats Regulations and Policy SEM 1.3. The nationally promoted and recognised route of the Kennet & Avon Canal, and its setting, is a key feature in this area of high landscape sensitivity and must be protected. Development proposals which include new buildings, structures and land 	

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner’s recommendations and to correct errors

Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>uses that would undermine the rural, undeveloped nature of the setting to the Canal will not be permitted.</p> <p>4. The Neighbourhood Plan identifies 22 16 key views on Map 9. Proposals for development should take into account the key views and should not cause undue harm to the natural or historic landscape features that contribute to their acknowledged value.</p> <p>5. Proposals must also demonstrate compliance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Policy SEM 1.</p> <ul style="list-style-type: none"> • In ‘Map 9: Locally Valued Key Views’ remove viewpoints 5,6,7,8, 23 and 24. • Renumber viewpoints accordingly in Map 9. • Adjust the numbering of the viewpoints in the ‘Local Key Views Report’ taking account of these changes 	
R14	18	Page 33, Policy SEM 8: Design and Local Distinctiveness	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In Policy SEM 8, delete bullet point 1.</p> <p>In bullet point 2 of Policy SEM 8 after “demonstrate” insert “their proposal reflects the character and local distinctiveness of Semington and Delete “and Design”</p> <p>In bullet point 3 of Policy SEM 8 replace “should” with “are encouraged to” and in the final sentence replace “should” with “are encouraged to” and insert “ideally” before “should be submitted as part of application documents”</p>	For clarity and accuracy and to meet the basic conditions.

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner's recommendations and to correct errors

Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>Delete bullet point 4 of Policy SEM 8.</p> <p><u>REQUIRED MODIFICATIONS:</u></p> <ul style="list-style-type: none"> Amend the text in 'POLICY SEM 8: Design and Local Distinctiveness', as follows: <p>POLICY SEM 8: Design and Local Distinctiveness</p> <p>1. In accordance with the Wiltshire Local Plan, support will be given to appropriate limited housing development within the village settlement boundary (see Map 3) which respects the character and local distinctiveness of Semington and which would help to maintain the vitality of the village.</p> <p>2. As well as proposals for development demonstrating regard to national design guides and requirements in the Wiltshire Design Guide, applicants should also demonstrate <u>their proposal reflects the character and local distinctiveness of Semington and</u> that they have properly understood and responded to the recorded key design characteristics / heritage and development cues of the relevant character area in the design of their proposals as set out in the Semington Parish Character and Design Statement. This includes designated and locally valued non-designated heritage assets.</p> <p>3. Development proposals for 10 dwellings or more should <u>are encouraged to</u> also use the 'Building for a Healthy Life 12' design assessment tool (or equivalent methodology). As a guide, development should seek to achieve a score of no 'reds', design out all 'ambers' and achieve a majority of 'greens'. A 'Building for a Healthy</p>	

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner’s recommendations and to correct errors

Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>Life’ Assessment should are encouraged to be included within the Design and Access Statement and ideally should be submitted as part of application documents.</p> <p>4. Proposals must also demonstrate compliance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Policy SEM1.</p>	
R15	19	Page 37, Policy SEM 9: Pre-Application Community Engagement	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In, bullet point 1. of Policy SEM 9 replace “should” with “are encouraged to” and delete “and Design”</p> <p>In bullet point 2 of Policy SEM 9 replace “it should” with “applicants are encouraged to”</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in ‘POLICY SEM 9: Pre-application Community Engagement’, as follows: <p>POLICY SEM 9: Pre-application Community Engagement</p> <p>1. In line with National Planning Policy, applications should are encouraged to demonstrate proportionate, proactive and effective engagement with the community at the pre-submission stage. Particularly with regard to design issues drawing on the Semington Parish Character and Design Statement.</p> <p>2. Where a Design and Access Statement is required as part of a planning application, it should applicants are encouraged to describe how the local community has been engaged in the process of preparing an application, and how input from the community</p>	For clarity and accuracy and to meet the basic conditions.

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner's recommendations and to correct errors

Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>has shaped the design of proposals where possible. Potential applicants are therefore encouraged to follow the procedure set out in the Semington Parish Community Pre-Application Engagement Protocol (see appendix 1) and the Wiltshire Council Statement of Community Involvement (2020 and any subsequent updates).</p> <p>3. Pre-application community engagement is also encouraged for Reserved Matters Applications as well as Outline or Full.</p>	
R16	20	Page 38, Policy SEM 10: Land to the west of Turnpike Close (the Auction Field)	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In bullet point 1 of Policy SEM 10 after “development of” insert “approximately 40 dwellings and”</p> <p>In bullet point 2 of Policy SEM 10 delete the first sentence</p> <p>In bullet point 3 of Policy SEM 10 replace “must” with “will be expected to”</p> <p>In the final requirement in bullet point 3 of Policy SEM 10 replace a) with d) and after “vehicular” insert “access, which should not be directly from the A361 (which is part of the national primary road network where there is a presumption against new development being served directly off it, in the case of land outside built up areas)”</p> <p>Delete 5. and replace with a new 3e. “The site lies within the height and bird strike safeguarding zone of RAF Keevil and the development should not impact on the operation and capability of that military airfield”</p> <p><u>REQUIRED MODIFICATION:</u></p>	For clarity and accuracy and to meet the basic conditions.

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner's recommendations and to correct errors

Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<ul style="list-style-type: none"> • Amend the text in 'POLICY SEM 10: Land to the west of Turnpike Close (the Auction Field)', as follows: POLICY SEM 10: Land to the west of Turnpike Close (the Auction Field) <ol style="list-style-type: none"> 1. Land to the west of Turnpike Close, (known locally as the Auction Field) as defined on Map 13, is allocated for the development approximately 40 dwellings and of a village shop (use class F2(a)). 2. To enable the provision of the village shop, up to 40 dwellings will be supported on the site. The housing proposal should: <ol style="list-style-type: none"> a. Meet local needs, as identified in the Semington Parish Housing Needs Survey (2021), the Swindon and Wiltshire SHMA 2017, and any subsequent updates, this should include at least 30% affordable homes (or higher in line with the Wiltshire Development Plan); b. Include a site-specific flood risk assessment. All proposed development will need to pass the sequential test from all sources of flooding. When preparing flood risk assessments, local flood risk sources must be considered, not only information available from the Environment Agency, c. Meet the requirements of the Semington Character and Design Statement in terms of the design, layout, form, heights and materials. The development should reflect the existing low-medium density character of the wider area; and, d. Not be occupied until the village shop is constructed and capable of occupation for its intended use (secured by planning condition). 	

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner's recommendations and to correct errors

Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>3. The development proposal must <u>will be expected to</u> be informed by robust and meaningful community engagement, in accordance with the Semington Pre-Application Engagement Protocol. The overall development of the site should be informed by the site design principles and concept masterplanning framework set out in the Semington Design Codes and Masterplanning Report and illustrated on map 14, should include the following key features (secured by planning condition where appropriate):</p> <p>a. High quality open space, including recreation areas;</p> <p>b. Retention of trees and hedgerows with the provision of new areas of landscaping to provide an appropriate buffer from the A361 and existing development;</p> <p>c. Pedestrian and cycle linkages through the site particularly linking into the existing Public Right of Way network and to facilitate access to key facilities in the village (including the new village shop) via the east and northern site boundaries; and,</p> <p><u>ad.</u> Safe access, including vehicular <u>access, which should not be directly from the A361 (which is part of the national primary road network where there is a presumption against new development being served directly off it, in the case of land outside built up areas)</u>, and the provision of sufficient car and cycle parking which is appropriately sited within the development.</p> <p><u>e. The site lies within the height and bird strike safeguarding zone of RAF Keevil and the development should not impact on the operation and capability of that military airfield.</u></p>	

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner's recommendations and to correct errors

Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>4. In line with Policy SEM12, a Sustainable Energy Statement should be submitted to demonstrate measures to adapt to climate change impacts</p> <p>5. Compliance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 through adherence to the TBMS (2020, or latest iteration) must be demonstrated through a project level Habitats Regulations Assessment with regards to potential impacts on the Bath and Bradford on Avon Special Bats Special Area of Conservation as set out in policy SEM 1.</p>	
R17	21	Page 42, Policy SEM 11: Community Facilities	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In Policy SEM 11 delete bullet point 4.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in 'POLICY SEM 11: Community Facilities' as follows: <p>POLICY SEM 11: Community Facilities</p> <p>1. The Neighbourhood Plan identifies the following buildings as community facilities:</p> <ol style="list-style-type: none"> Semington Village Hall (as a location for a number of important community services and group meetings); St George's Church; St George's C of E Primary School; Somerset Arms Public House. 	For clarity and accuracy and to meet the basic conditions.

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner’s recommendations and to correct errors

Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>2. Proposals that will harm or result in the loss of a local community facility as defined above, will only be supported where it can be demonstrated that the site/building is no longer required or no longer economically viable for an equivalent or alternative community use, or where an equivalent facility is available.</p> <p>3. Development proposals for new, replacement, extended and/or improved community facilities and open space will be supported, including:</p> <ul style="list-style-type: none"> a. a village shop; b. facilities for children and young people; c. enhancements to the Village Hall, including EV charging facilities in the carpark; d. allotments. <p>4. Proposals must also demonstrate compliance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Policy SEM1.</p>	
R18	21	Page 43, Policy SEM 12: Sustainable Construction	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In bullet point 1 of Policy SEM 12 delete “; and fabric first measures such as high levels of insulation and lighting”</p> <p>In bullet point 2 of Policy SEM 12 replace “shall also” with “are encouraged to”. In the third sentence, after “applicants” replace “should” with “are encouraged to”</p>	For clarity and accuracy and to meet the basic conditions.

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner’s recommendations and to correct errors

Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>In bullet point 3 of Policy SEM 12 replace “shall” with “are encouraged to”</p> <p>Delete bullet points 4, 5 and 7 of Policy SEM 12.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in ‘POLICY SEM 12: Sustainable Construction’ as follows: <p>POLICY SEM 12: Sustainable Construction</p> <p>1. Development should be designed to reduce greenhouse gas emissions in their operation through the Energy Hierarchy. Firstly, development should seek to reduce energy demand through passive measures such as orientation and fenestration arrangements; and fabric first measures such as high levels of insulation and lighting. Then low-carbon, electrified solutions for space and water heating are encouraged that are highly efficient such as heat-pumps. Finally, renewable technologies such as roof mounted solar PV is supported to help meet regulated and unregulated energy demand. Through this approach developers should aspire to net zero carbon in operation (as defined by industry best practice).</p> <p>2. Development proposals shall also <u>are encouraged to</u> consider the impact of embodied carbon from the demolition and construction processes. Where appropriate, the re-use and repurposing of existing buildings is supported and encouraged, particularly buildings of a traditional rural nature. In all development, applicants should <u>are encouraged to</u> demonstrate consideration of how the substructure, superstructure and external materials have been designed so as to target low-carbon solutions. Benchmarking proposals against respected industry standards such as the RIBA 2030 Climate Challenge is encouraged.</p>	

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner's recommendations and to correct errors

Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>3. To reflect our changing climate, developments shall are encouraged to incorporate measures to adapt to climate change impacts such as overheating, flood risk and water scarcity. Nature-based solutions are particularly encouraged as these offer co-benefits with improved GBI and biodiversity enhancements.</p> <p>4. Major development applications should submit a Sustainable Energy Statement to demonstrate compliance with this policy as well as with Wiltshire and national objectives of meeting climate change targets. The Statement shall include sections on operational energy / carbon embodied carbon, climate change adaptation and sustainable transport.</p> <p>5. Development shall include space for working from home as part of building design and secure cycle storage and electric vehicle charge points at every home.</p> <p>6.4. Insofar as planning permission is required, retrofitting low carbon and renewable technologies, as well as energy efficiency measures in existing buildings will be supported and significant weight will be given to the benefits of development resulting in improvements to energy efficiency and reduction in carbon emissions in existing buildings. Proposals for energy efficient measures in listed buildings, should consider the advice from Historic England (Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency) and demonstrate that the maximum level of energy efficiency, energy generation and reduction in CO₂ impacts have been achieved whilst conserving the historical significance of the building and / or its setting.</p> <p>7. Proposals must also demonstrate compliance with Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Policy SEM1.</p>	

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner’s recommendations and to correct errors

Ref number	Page in examiner’s report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
R19	22	Page 45, Policy SEM 13: Standalone Renewable Energy Generation	<p><u>EXAMINER RECOMMENDATION:</u></p> <p>In Policy SEM 13, replace bullet point 1 c) with “development does not compromise, restrict or otherwise degrade the operational capability of Keevil Airfield”</p> <p>In Policy SEM 13 delete bullet point 3.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend the text in ‘POLICY SEM 13: Standalone Renewable Energy Generation’ as follows: <p>POLICY SEM 13 – Standalone Renewable Energy Generation</p> <p>1. Proposals for standalone renewable energy developments, including renewable energy storage, will be supported in principle where it can be demonstrated that:</p> <ol style="list-style-type: none"> a. the siting and scale of the proposal is appropriate to its setting; b. the proposal does not create an unacceptable impact on local amenity, and on a feature of natural or biodiversity importance; and, c. there is support from the local community. <u>development does not compromise, restrict or otherwise degrade the operational capability of Keevil Airfield</u> <p>2. Other existing, permitted or proposed similar developments in the locality will be taken into account so that cumulative impacts are considered.</p>	For clarity and accuracy and to meet the basic conditions.

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner's recommendations and to correct errors

Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>3. Proposals must also demonstrate compliance with Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Policy SEM1.</p>	
R20	N/A	Front cover, Page 3, Summary – quick read, Page 4 second paragraph Page headers through plan	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Update the front cover of the draft plan to reflect that this is an updated version of the SPNP and remove any references to the submission version.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Replace the text on the front cover to ensure this reflects the updated version of the draft SPNP as follows: <p>Semington Parish Draft Neighbourhood Plan 2023- 2038 Submission <u>Referendum</u> Version June 2024</p> <ul style="list-style-type: none"> Amend the first paragraph under the 'Summary – Quick Read' heading as follows: <p>What am I looking at?</p> <p>This is the <u>referendum</u>-submission version of the Semington Neighbourhood Development Plan. It has been produced following many months of public meetings, consultations, research and surveys, so we hope it reflects how our community wants to see the parish developing in future.</p> <ul style="list-style-type: none"> Amend the second paragraph on page 4 as follows: 	For clarity and accuracy.

APPENDIX 1

Modifications required to be made to the draft Semington Parish Neighbourhood Plan 2023-2038 (submission version June 2024) in response to the Examiner's recommendations and to correct errors

Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			<p>This is the referendum-submission version of the Neighbourhood Plan and together with its associated documentation is to be used for its intended purpose only.</p> <ul style="list-style-type: none"> Amend the headers throughout the document as follows: <p>Semington Neighbourhood Plan Submission-Referendum-Version-June-2024</p>	
R21	N/A	Page 11, Paragraph 3.4 – fourth sentence	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Amend the text in the fourth sentence of paragraph 3.4 by replacing 'new' with 'draft'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in the fourth sentence of paragraph 3.4 as follows: <p>A new draft Local Plan was consulted upon in Autumn 2023, with submission of the Local Plan to the Secretary of State for examination expected to be in Q4 of 2024 and adoption of the Plan aimed for by the end quarter 3 of 2025 according to the Wiltshire Council Local Development Scheme, March 2024.</p>	For clarity and accuracy.
R22	N/A	Page 12, Footnote reference ¹⁰	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Remove unnecessary reference to the Holt Neighbourhood Plan in footnote reference ¹⁰ as follows:</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in footnote reference ¹⁰ as follows: 	For clarity and accuracy.

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Ref number	Page in examiner's report	Related draft SPNP page / section	Recommendation and proposed modification	Reason for modification
			¹⁰ In the Wiltshire Council Core Strategy (p. 43) Large Villages are defined as settlements with a limited range of employment, services and facilities. The Holt Neighbourhood Plan suggests that, typically, a large village will have a combination of a population of 1000 plus, with local employment, a shop, a PO, a primary school, church(es), a village hall, pub(s), a mobile library, reasonable transport links, some leisure and recreational facilities, and developable land. Many, but by no means all, of these are features of Semington which does not feel like a large village to those who live there.	
R23	N/A	Page 12, Map 3: Village Settlement Boundary (2024)	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Amend the title of Map 3 Village Settlement Boundary (2024) by replacing 'Village' with 'Semington'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the title of 'Map 3: Village Settlement Boundary (2024)' as follows: <p>Map 3: Village <u>Semington</u> Settlement Boundary (2024)</p>	For clarity and accuracy.
R24	N/A	Page 13, Paragraph 3.8	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Remove unnecessary text relating to a previous housing allocation from paragraph 3.8</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in Paragraph 3.8 as follows: 	For clarity and accuracy.

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			<p>3.8. As mentioned above, the emerging draft Wiltshire Local Plan¹¹ was published for consultation in the Autumn 2023. Of particular relevance for Semington is a neighbourhood area housing requirement for 53 dwellings¹² during the Plan period up to 2038 (this is an increase of 28 from a figure provided in 2021). At the time of writing, in the current period (2020 to 2038) 25 new houses have been built and occupied, there is full planning permission for 19 additional houses, and outline planning permission for a further 26. This is a total of 70; 37 of these are affordable homes. Though the overall requirement has been met and exceeded – this is not considered a ceiling and the Local Plan makes clear that through Neighbourhood Plans, communities can potentially allocate site(s)s 'should a local need be identified'.</p>	
R25	N/A	Page 13, Paragraph 3.10	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Update the neighbourhood area designation date of 30th September 2021 in paragraph 3.10 to the correct date of 28th September 2021.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in paragraph 3.10 as follows: <p>3.10. The Semington Neighbourhood Plan adds local detail to supplement national and Wiltshire planning policies and ensures a responsive and positive community input into the planning system. An application to Wiltshire Council for the designation of the Neighbourhood Plan Area was approved on September 28³⁰th 2021. Map 1 on page 5 shows that this covers the whole of Semington parish.</p>	For clarity and accuracy.

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R26	N/A	Page 25, Map 6: Local Green Spaces	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>The boundary of this site shown on Map 6 needs to be amended so that it does not include adopted highway.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Ensure the mapping of LGS4: Recreation Ground is accurate and does not include adopted highway. 	For clarity and accuracy.
R27	N/A	Page 27, Map 7: Rights of Way	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>The Mid Wilts Way is shown on the map as using SEMI31 AND SEMI32 and therefore along the A361. Wiltshire Council's OS map shows it as using the quiet lane to the east of this. The accuracy of the map needs to be confirmed</p> <p>The map contains a blue solid line which is not included in the key. This needs to be added to the key with a description.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Ensure the mapping of the Mid Wilts Way is accurate according to (https://experience.arcgis.com/experience/88c3030c2e864645aaec7dc3e0ac4cb6/page/Page/) • Add information to the key for the solid blue line with a description 	For clarity and accuracy.

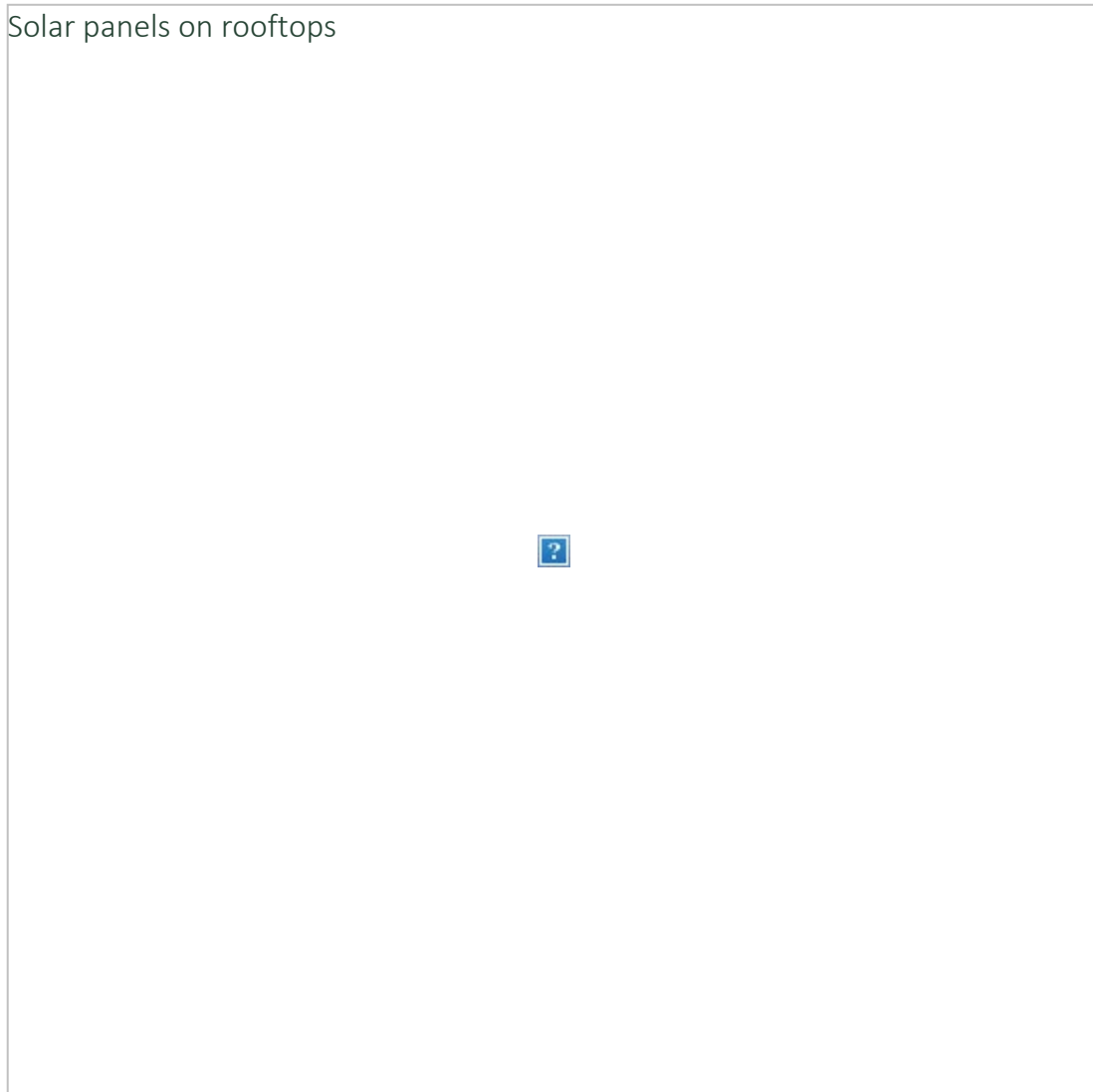
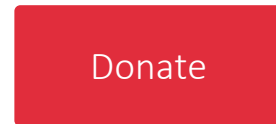
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R28	N/A	Page 46, Paragraph 7.5	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Amend the text to reflect the fact that Neighbourhood Plan policies will form part of the Development Plan.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the text in paragraph 7.5 as follows: <p>7.5. The planning authority, Wiltshire Council, will use a combination of the adopted Development Plan, <u>including</u> and Neighbourhood Plan policies to inform and determine its planning application decisions. Semington Parish Council is a statutory consultee on planning applications made in the parish. It will seek to ensure that the Neighbourhood Plan policies have been identified and applied correctly by applicants and by officers in their decision reports.</p>	For clarity and accuracy.
R29	N/A	Whole document	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Check and amend as necessary the page numbering, section/sub-section headings, source information, figures, maps, appendices and any supporting text referring to any amendments made to the draft plan.</p>	Consequential amendments

From: [Lola Karpf](#)
To: [Teresa Strange](#)
Subject: Call on your MP now to kickstart rooftop solar
Date: 07 January 2025 16:05:13

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Dear friend,

Rooftop solar is finally coming to parliament in 2025.

MPs will soon have the chance to vote on the [Sunshine Bill](#), requiring all new homes to be fitted with solar panels. Solar energy has the power to cut sky-high bills and tackle the cost-of-living crisis, while taking urgent action on the climate emergency – a win for people, nature and the countryside.

But we need your help to make sure enough MPs show up to parliament on 17 January to vote in favour of rooftop solar.

[Send a message to your MP today](#)

CPRE has long campaigned for a rooftop solar revolution and our research shows that 60% of the UK's solar targets could be delivered on rooftops.

This is an untapped opportunity, and the Sunshine Bill would set the UK on the critical path to achieving the government's target of at least 95% clean power by 2030.

Time is running out to ensure that enough MPs know about the Sunshine Bill and turn up to parliament on 17 January to vote in favour of rooftop solar.

This is a critical time for rooftop solar and your voice counts – taking action now will let your MP know that this is important to their constituents and will make them more likely to show up for the debate.

Will you email your MP and urge them to support the [Sunshine Bill](#)?

[Take action now](#)

Thank you,

Lola

Lola Karpf

Campaigns and Content Officer | CPRE The countryside charity





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Fundraising Standards Board



green curve



From: [Wilts & Berks Canal Trust](#)
To: [Teresa Strange](#)
Subject: WBCT Oasis Campaign
Date: 06 January 2025 13:20:13

Wilts & Berks Canal Trust



Dear Member,

Happy New Year to you and your family.

The Trust is concerned about the plans currently submitted for the re-development of the Oasis site in Swindon which ignore the need to provide an adequate routing for the re-establishment of the W&B Canal.

Sign this Petition

As you will probably know, we have launched a petition which currently has 870 signatures. Please would you also sign this petition and share it to friends and family via email, facebook or any other media you fancy.

<https://chng.it/nRrVKCFMkX>

Email the Council

Several members of the Trust have written objecting to these plans, and the Trust would be very grateful if you, too, would write accordingly to:

SDevelopmentControl@swindon.gov.uk

Please feel free to copy and paste the following message in your email:

Objection to Oasis planning applications

•S/OUT/24/1426 (housing scheme by the Oasis)

•S/OUT/24/1247 (industrial site north of Hawksworth)

I note plans currently submitted for the redevelopment of the Oasis site ignore the needs for reserved routing for the re-establishment of the Wilts & Berks Canal through this part of Swindon. Permitting this development as proposed would preclude this happening for several generations, thereby denying the residents of Swindon of the manifold advantages a restored Wilts & Berks Canal would confer on them.

I urge the Planning Committee to reject these applications until modified in but comparatively minor degree to permit the eventual rebuilding of the canal through this area.

The developers have been aware of this opportunity for over a decade now, but have apparently deliberately chosen to ignore the needs of a restored W&B Canal in the fine detail of their plans – the current plans should be rejected until they incorporate an effective future route for a restored canal.

Thank you for your support.

Regards

Mike



Mike Gibbin Chief Executive Officer

t: 0845 625 1977

e: mike.gibbin@wbct.org.uk

w: <https://www.wbct.org.uk>

Restoring 70 miles of canal and towpath for the benefit of local communities, wildlife and leisure.
The Wilts & Berks Canal Trust. Registered Charity No 299595, Limited Company No 2267719

Dauntsey Lock Canal Centre
Dauntsey Lock
Chippenham, SN15 4HD
United Kingdom

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