AGENDA Planning 14th September 2026 FIN 3
AGENDA ITEM 06a Clerk note on NPPF 9
AGENDA ITEM 06b Proposed statement to submit to applications 13
AGENDA ITEM 06c - MWPC_Wiltshire_Local_Plan_Scoping_Response_Draft_for_Planning_Committee_14_September_2026 19
AGENDA ITEM 6c - Local Plan - to note Gypsies & Traveller DPD ceased and now part of Local Plan 41
AGENDA ITEM 07a Additional Consultation comments from Melksham Without Parish Council on the Proposal at Semington Road, Berryfield, Melksham 42
AGENDA ITEM 07a NOTES OF MEETING with Bellway 24 June 2026 47
AGENDA ITEM 07a Possible bus request for the Bellway application 51
AGENDA ITEM 07b Comments on New Inn car park_Redacted 54
AGENDA ITEM 07b Resident comments on New Inn car park application_Redacted 55
AGENDA ITEM 09a - Building Heights on Land North of Berryfield - Lane_Redacted 61
AGENDA ITEM 09d - Mobility Hub on MWPC land for community centre query 62
AGENDA ITEM 09d - Community Hub Concept Plan 65
AGENDA ITEM 09d Blackmore Farm play area s106 discussions 66
AGENDA ITEM 09d - Blackmore Farm GL2543 LP 10 The Green LEAP Proposals 71
AGENDA ITEM 09d Letter in response to Highways- query ph2 to eastern way 72
AGENDA ITEM 09d Prior Notification Demolition of Buildings at Blackmore Farm 78

AGENDA ITEM 09e - MWPC view of highway comments - from Highways committee 10th aug 80
AGENDA ITEM 09e Letter in response to consultees 20.08.26 (1) 83
AGENDA ITEM 09i Let AW_PC_030926 90
AGENDA ITEM 09i Middle Farm correspondence 93
AGENDA ITEM 10a TPO 00018 Melksham W.O Letter 95
AGENDA ITEM 10a TPO 00018 Order Provisional 97
AGENDA ITEM 10a TPO 00018 Site Plan 100
AGENDA ITEM 10b TPO request Brampton Court 101
AGENDA ITEM 10b Trees on Brampton Court subject of TPO request 102
AGENDA ITEM 11a EN010168-002283-9.54 Applicant's Response to the Examining Authority's Second Written Questions 105
AGENDA ITEM 11d Corsham FEL correspondence 110
AGENDA ITEM 11e 11.06.2026 Battery Energy Storage Explained - ESN 113
AGENDA ITEM 12b Brian Mathew email to SoS re Snarlton Farm Appeal 129
AGENDA ITEM 12c APPEAL DECISION - 6001365 Chapel Lane 130
AGENDA ITEM 12d Appeal - Notification of Written Reps Part 2 Appeal 136
AGENDA ITEM 14b i Semington Road Melksham signage plan 137
AGENDA ITEM 14b i Street names chosen for Townsend Farm 138
AGENDA ITEM 14b ii NOTES OF MEETING WITH PEGASUS 146
AGENDA ITEM 14b ii P22-2806 Parish Council Letter 14.08.26 149
AGENDA ITEM 14b ii P22-2806_DE_00_Parish_Presentation 152
AGENDA ITEM 14bi Notes of meeting with Living Spaces 14 July 26 159
AGENDA ITEM 14c Correspondence re s106 draft agreement 161
AGENDA ITEM 14c ii Correspondence re s106 obligations 162

AGENDA ITEM 14c i Correspondence regarding S106 contributions for Berryfield Lane 165
AGENDA ITEM 11b Brockleaze Addendum 11 Final 170
AGENDA ITEM 11b Brockleaze Addendum 11A Final 208
AGENDA ITEM 11b Brockleaze Addendum 12 Final 212
AGENDA ITEM 11d Corsham Community Energy Conversation 232
AGENDA ITEM 12b Appeal Decision - Secretary of State Decision 277

MELKSHAM WITHOUT PARISH COUNCIL
Clerk: Mrs Teresa Strange

First Floor
Melksham Community Campus,
Market Place, Melksham,
Wiltshire, SN12 6ES
Tel: 01225 705700

Email: clerk@melkshamwithout-pc.gov.uk
Web: www.melkshamwithout-pc.gov.uk

Tuesday 8th September 2026

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

You are summoned to attend the Planning Committee Meeting which will be held on **Monday 14th September 2026 at 7.00pm** at **Melksham Without Parish Council Offices (First Floor), Melksham Community Campus, Market Place, SN12 6ES** to consider the agenda below:

**PLEASE NOTE THAT THERE IS WORK BEING UNDERTAKEN IN THE CAMPUS CARPARK SO LEAVE PLENTY OF TIME TO ARRIVE AND FIND A PARKING SPACE AS THERE WILL BE FEWER SPACES AVAILABLE THAN USUAL. YOU MAY NEED TO USE ALTERNATIVE CAR PARKS IN THE AREA.**

**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=88020988123

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.
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. **Planning Policy:**
   a. To note new NPPF (National Planning Policy Framework) published on Monday 17th August 2026
   b. To agree statement to be submitted to current and new major planning applications to reflect the new Planning context at national, Wiltshire and local level and professional advice, following principles agreed at Full Council meeting on 7th September 2026.
   c. **Wiltshire Council Local Plan:**
      - To consider additional comments to submit to Local Plan scoping consultation (including detailed questions).
      - To agree who will represent the parish council at future meetings with Wiltshire Council
7. **To consider the following new Planning Applications, including Permission in Principle applications received within the required timeframe (14 days):**
   a. **PL/2026/04916 - Land west of Semington Road, Melksham**. Outline application for up to 225 dwellings, with access from Semington Road, along with public open space and landscape buffers to incorporate existing rights of way and to accommodate the route of the proposed Melksham Link Canal (under separate application W/12/01080/FUL). Demolition and clearance of all existing buildings and structures on the site. All matters reserved other than vehicular access from Semington Road. Applicant name: c/o Savills **Comments by: 1 October 2026**
      - To agree a suitable timescale for meeting with the Developer
   b. **PL/2026/05002** - **Car Park North of The New Inn, Semington Road, Berryfield, SN12 6DT** Outline permission with some matters reserved for Proposed 3 New Dwellings & Alteration of Existing Car Park (access only). Applicant name: Harvard Limited. **Comments by: 24 September 2026**

c. **PL/2026/04901** - **10 Birch Grove, Bowerhill, Melksham, SN12 6SB** Householder planning permission Proposed single storey front extension & internal alterations. Applicant name: Mr & Mrs Letchumanan. **Comments by: 16 September 2026**

d. **PL/2026/02476** - **Land North of 16, Berryfield Park, Melksham** Removal/variation of conditions: Variation of condition 5 (Window Acoustic Performance) & 15 (Approved Plans) relating to applicaton14/05698/FUL. Applicant name: Mr David Robinson. **Comments by: 17 September 2026**

e. **PL/2026/05437** - **Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS** Hedgerow removal notice. The proposed removal of hedgerow is anticipated following the Outline consent approved in 2025 (LPA Ref: PL/2023/11188), as demonstrated in the approved parameters plan, access and temporary construction access plans and ecology figures. Applicant name: BDW Trading Ltd. **Comments by 18 September 2026**

f. **PL/2026/04556** - **39 Bader Park, Bowerhill, Melksham, SN12 6UF**. Householder planning permission Proposed single storey wooden container. Applicant name: Mr Ayres **Comments by: 02 October 2026**

g. **PL/2026/05225** - **Mavern House, Corsham Road, Shaw, Melksham, SN12 8EH**. Full planning permission: Two single-storey extensions and internal alterations, plus the installation of a new fire escape stair, to provide three additional en-suite bedrooms, new reception area, an enhanced main entrance, and improved safety provisions. Applicant name: Welford Healthcare **Comments by: 09 October 2026**

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

a. **PL/2025/07044** **Former Countrywide Site, Bradford Road, Melksham**: Full planning permission - Construction of a new discount foodstore, car parking, access and landscaping on land at Bradford Road, Melksham. Applicant: Aldi Stores Ltd. **Comments by: 18 September 2026**

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

a. **PL/2025/00626** **Land North of Berryfield Lane, Melksham, SN12 6DT:** Outline planning application for up to 68 dwellings and formation of new access and associated works (All matters reserved other than access). Comments by 16th July 2026
   - To note the outcome of the Western Area Planning Committee, on Wednesday 19th August 2026.

b. **PL/2025/07391** - Land South of Western Way, Melksham, Wiltshire. Reserved Matters (appearance, landscaping, layout and scale) for 210 residential dwellings (Use Class C3), along with associated open space, landscaping, and parking, pursuant to Condition 2 of Outline Planning Permission ref. PL/2022/08504. Applicant name: BWD Trading. Note: Joint Melksham Neighbourhood Plan allocation 7.3

PL/2026/01378 Discharge of Condition 18 (Construction Management Statement) of PL/2022/08504
PL/2026/01660 Discharge of Condition 19 (Noise Protection Scheme) of PL/2022/08504

c. **PL/2024/10345 (FULL)** and **PL/2025/09780 (OUT)** **Land north of the A3102, Melksham (New Road Farm).** 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

d. **PL/2026/01555 - Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS**. A reserved matters application (appearance, layout, scale and landscaping) for 229 dwellings and associated infrastructure – Reserved Matters pursuant to Outline permission PL/2023/11188 Applicant name: BDW Trading Ltd (David Wilson Redrow South West).

- To note meeting planned with the Developer ahead of Wiltshire Council planning committee. Date to be confirmed
- To consider submitting comments on PL/2026/05372 Discharge of condition 14 of PL/2023/11188 (Community Hub Concept Plan/Mobility Hub)
- To note response submitted on the play area specification

e. **PL/2026/02966 - Blackmore Farm, Sandridge Common, Melksham, SN12 7QS *(East of Blackmore)*** Outline planning application for the erection of up to 275 dwellings (including affordable housing), associated infrastructure, landscape and biodiversity enhancements, with all matters reserved except for the main access from Sandridge Common. Applicant name: Gleeson Land.

f. **PL/2025/06749 - Land North of Bath Road (A365), Melksham (Adjacent to Melksham Oak Community School)** Outline planning application (with all matters except access reserved) for mixed use development comprising residential (up to 205 dwellings), land reserved for expansion of secondary school, public open space, landscaping and associated engineering works. Applicant Name: Hannick Homes & Developments Ltd

g. **PL/2026/03551 - Melksham Library, Lowbourne, Melksham**. Wiltshire Council R3 - 55 extra care flats (C3) with ancillary care facilities, landscaping, access drive and parking, and related works including demolition of existing buildings. Applicant: Wiltshire Council. Note: Joint Melksham Neighbourhood Plan site allocation 7.2

h. **PL/2025/06105 Land at Bowerhill Lane, Bowerhill, Melksham (*Old Loves Farm*)** Outline Planning Permission: Erection of up to 50 No. dwellings and associated works. Applicant name: The Silverwood Partnership.

- To consider feedback from meeting of Clerk and Planning Officer

i. **PL/2024/09725 Land off Corsham Road, Whitley, Melksham (Middle Farm)** 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. Note: Joint Melksham Neighbourhood Plan site allocation 7.5

- To consider correspondence from applicant
- To consider requesting withdrawal of call-in

**10. Tree Preservation Order (TPO)**

a. To consider commenting on the Tree Preservation Order (TPO/2026/00018) for Land North of Bath Road (A365) Melksham (deadline 17th September 2026)

b. To consider requesting a Tree Preservation Order for trees at Brampton Court, Bowerhill

**11. Proposed Energy Installations**

a. Lime Down Solar (LDS)

- To note Planning Inspectorate updates on the Lime Down Solar Project

https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010168/project-updates

- To note the question from the Examining Authority to the applicant about why Whitley was discounted for location of the BESS and the applicant's response.

b. PL/2025/05552 **Land South of Brockleaze, Neston, Corsham, SN13 9TE**. Full planning permission: Battery Energy Storage System with associated infrastructure.

- To support and submit the Eleventh Addendum, Addendum 11A and Twelfth Addendum to CAWS Document on Brockleaze BESS

c. Cable Route for Norrington Spring Park Project (Aureos for SSEN Distribution) and Studley Solar Farm (DNOC for Verdant Energy)

d. To note Corsham Future Energy Landscape Final report and correspondence with CAWS

e. To note the Battery Energy Storage System (BESS) Explained document from Regen.

f. To consider Wiltshire Council response to 12 recommendations from the parish council (if received).

**12. Appeals**

a. To note appeal decisions (if determined)

b. To note the outcome (approval) of the Snarlton Farm appeal (PL/2024/07097) and the letter sent from MP Brain Mathew to the Secretary of State for Housing, Communities and Local Government.

c. To note the outcome (dismissal) of the 52E Chapel Lane Appeal (PL/2023/05883)

d. To note start of written representations appeal for 554 Canal Bridge, Semington (PL/2026/02084).

e. To note the appeal hearing for Whistle Mead Solar Farm (PL/2023/01914) starts on 22nd September at County Hall, Trowbridge.

**13. Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.

**14. S106 Agreements and Developer meetings: *(Standing Item)***

a. Updates on ongoing and new S106 Agreements
   i. Pathfinder Place - Updates on S278 and S38 works
   ii. To note any S106 decisions made under delegated powers

b. Contact with developers:
   i. Living Space development behind Townsend Farm, Semington Road PL/20/07334 (Phase 1) & PL/2022/08155 (Phase 2)
      - To approve the notes of the meeting held with the developer on Tuesday 14th July 2026
      - To note the planned street names for Phase 1
   ii. Folly Lane and First Lane Shaw/Whitley
      - To approve the notes of the meeting held with the developer on Wednesday 12th August 2026
   iii. Gompels Warehouse
      - To note meeting arranged ahead of reserved matters application for Tuesday 22nd September 2026 at 4pm
   iv. Wales and West Gas main replacement
      - To approve notes of meeting held on Thursday 10th September at 10am

c. Transparency of draft s106 agreements:
   i. To consider correspondence with Wiltshire Council (if received)
   ii. To consider clarification sought regarding securing Healthcare, Highway and Community Building contributions.

Copy to all Councillors

# AGENDA ITEM 06a

# National Planning Policy Framework (NPPF) 2026

## Clerk's Note:

The Government published a new National Planning Policy Framework (NPPF) on 17 August 2026. The new framework represents the most significant restructuring of national planning policy for many years and can be viewed on the Government website: https://www.gov.uk/government/publications/national-planning-policy-framework--2.

It should be noted that the NPPF is still very new, and guidance, commentary and interpretation are continuing to emerge. The Clerk is due to attend a forthcoming planning training session on the implications of the new framework run by the SLCC, and further updates may be brought to Members as understanding of the changes develops.

### National and Local Planning Policies Now Separated

One of the most significant changes is the separation of planning policy into:

- **Plan-Making Policies**, used when preparing Local Plans and Neighbourhood Plans; and
- **National Decision-Making Policies (NDMPs)**, used when determining planning applications.

The intention is that matters which are national in scope are increasingly dealt with through national policy, reducing the need for local planning authorities to reproduce similar policies within Local Plans. Existing local policies that conflict with national policy may attract only limited weight.

### Implications for Wiltshire's Local Plan

Planning consultant Vaughan Thompson has advised that, in theory, this new structure should allow local planning authorities to spend less time preparing policies that duplicate national planning policy and more time focusing on genuinely local issues. This could allow greater emphasis on matters such as site allocations, infrastructure requirements, settlement boundaries, placemaking, design expectations and the masterplanning of major growth areas. Whether this is achieved in practice remains to be seen.

### Neighbourhood Plans Remain Protected

Although the former Paragraph 14 neighbourhood plan protection has been replaced as part of the restructuring of the NPPF, protection remains through **Policy S6**. This continues protection for qualifying neighbourhood plans made within the previous five years which contain allocations to meet their identified housing requirement.

Neighbourhood Plans therefore remain an important part of the planning system and are expected to focus increasingly on locally specific matters not already addressed through national policy. However, at the time of writing there has been no further announcement from Government regarding future funding arrangements for neighbourhood planning, and it remains unclear what support will be available for future reviews or new neighbourhood plans.

## Development and Existing Settlements

The new policy framework places emphasis on development being physically well related to existing settlements and supported by appropriate infrastructure. These considerations are likely to remain important factors when assessing future development proposals.

## Connectivity

During consideration of application PL/2025/00626 at Berryfield Lane, Wiltshire Council officers included a Department for Transport Connectivity Tool assessment within their presentation to Western Area Planning Committee. The officer report itself does not refer to the Connectivity Tool, most likely because it was prepared before publication of the revised NPPF, with the Committee meeting taking place only two days later on 19 August 2026. The Committee presentation included connectivity scores for the site, however no explanation was provided as to how those scores should be interpreted or what benchmarks were being used to assess whether a site is highly connected, moderately connected or poorly connected. The inclusion of the tool does, however, suggest that connectivity may become an increasingly important consideration when assessing whether development is well connected and physically related to existing settlements.

Extract from Western Area Planning Committee presentation on Land North of Berryfield Lane:

# Connectivity Tool




**Overall**

| Type | National score |
|---|---|
| Overall (except driving) | 51 |
| Public transport | 53 |
| Walking | 46 |
| Cycling | 58 |
| Driving | 80 |

## Cumulative Impact

As part of the consultation on the draft NPPF, Melksham Without submitted comments seeking stronger recognition of cumulative impacts and the combined effects of multiple developments on infrastructure, transport, landscape, flooding and other shared systems. Whilst the Parish Council did not expect all of its suggestions to be adopted nationally, a number of the specific measures proposed do not appear in the final document. This reinforces the importance of addressing cumulative impacts through the emerging Wiltshire Local Plan and any future review of the Joint Melksham Neighbourhood Plan.

## Potential Wiltshire Local Plan Consultation Point

Members may wish to seek greater clarity from Wiltshire Council regarding how the Department for Transport Connectivity Tool will be used in future planning decisions and Local Plan site assessments, including how connectivity scores are interpreted, whether any benchmarks or thresholds are applied, and how such assessments relate to the NPPF requirement for development to be physically well-related to existing settlements. The Berryfield Lane application demonstrates that the tool is already being presented to Planning Committee Members, but its practical interpretation and weight in decision-making remain unclear.

This is the update from the SLCC for parish and town councils:

# New National Planning Policy Framework (NPPF) – What Has Changed?

3 September 2026

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The majority of the changes detailed in the new National Planning Policy Framework (NPPF) reflect the proposals contained in the draft NPPF published in December 2025, but include several new ones following the consultation. Noteworthy changes to the sector, include:

- A strengthened presumption in favour of development within settlement (it also includes a new national definition of a settlement).
- Expanded geographical coverage of 'well connected' train stations to those in the top 80 Travel to Work Areas (TTWAs) by Gross Value Added from the top 60. Within 'well connected' stations there will be 'default yes' for development (the top 80 TTWAs can be found **here**).
- Permits local plans to set higher energy efficiency standards than national building standards.
- Greater protection of 'key community assets' such as pubs and music venues.
- Strengthened protection for National Parks and National Landscapes.
- Stated neighbourhood plans must 'have regard to' national decision-making policies, not 'accord with' them as is in the previous draft.
- Strengthens support for proposals promoting good health, preventing ill health or reducing health inequalities (such as the provision of new recreation facilities, meeting places, and opportunities to grow or purchase healthier food).
- Explicitly recognises need to consider the safety of women and girls in design.

I have also emailed you an email with links from #planoraks.

# AGENDA ITEM 06b

## To agree statement to be submitted to current and new major planning applications

### 1. Existing speculative major applications

**Melksham Without Parish Council – updated planning position**

Melksham Without Parish Council has reviewed its position on this application in light of the significant changes in the **national, Wiltshire and Melksham area planning context** since its original comments were submitted.

These changes include:

- publication of the revised **National Planning Policy Framework on 17 August 2026**;
- withdrawal of the previous draft **Wiltshire Local Plan** and the approach now being taken to Wiltshire's housing land supply position;
- the recent appeal decisions at **Snarlton Farm and Woodrow, both within Melksham Without parish**; and
- the recent decision on the **Land at Berryfield Lane** application considered by the Western Area Planning Committee on **19 August 2026**.

The Parish Council recognises that these changes affect the present planning balance and, in particular, the weight which can presently be placed on arguments based solely upon housing numbers and the speculative nature of development.

**However, the Parish Council wishes to reaffirm its previously expressed position that this proposal is speculative and is not plan-led. The site was not identified for development through the adopted Wiltshire Core Strategy, JMNP2 or the withdrawn draft Wiltshire Local Plan.**

The Parish Council recognises that the **Wiltshire Core Strategy is now considered out of date in important respects**, particularly in relation to housing supply and the current planning balance. By contrast, **JMNP2 was made in August 2025 and is the most recent and locally specific development plan document for the Melksham area**.

Following withdrawal of the draft Wiltshire Local Plan, JMNP2 remains a particularly important part of the statutory Development Plan for the Melksham area. Although the changed housing-land-supply position and national planning context may affect the weight that can presently be placed on arguments about housing numbers and speculative development alone, **JMNP2 remains in force and continues to be an important planning tool**, with its policies remaining highly relevant to the **form and design of development, infrastructure, green space, heritage, settlement separation and other locally important planning matters**.

The Parish Council therefore maintains its previous objection and asks that its earlier representations continue to be taken into account.

In the changed planning context, the Council places particular emphasis upon:

- **cumulative and concurrent impact**, with existing development, approved schemes, current planning applications, pre-application proposals and other known major developments considered in the round, using a holistic and consistent approach rather than treating each proposal in isolation;
- **consistency and coordination between developments**, including the approach to highway access and junction treatment on key corridors such as the **A365 and A3102**, so that comparable developments are assessed consistently and opportunities for coordinated solutions are not lost;
- **connectivity between proposed developments**, irrespective of the stage each proposal has reached, including appropriate highway, walking, cycling, public transport, green infrastructure and other strategic connections where these would contribute to a coherent overall development pattern;
- **highway and transport capacity**;
- **infrastructure requirements**, including education, health, community facilities, drainage, water capacity, utilities and energy infrastructure;
- **robust parameter plans and comprehensive masterplanning at outline stage**;
- **securing the mitigation and infrastructure necessary to address the impacts of development**;
- landscape, heritage, green infrastructure and settlement identity; and
- maintaining appropriate separation between settlements.

**MWPC's response to the Wiltshire Local Plan Scoping Consultation is seeking a long-term, infrastructure-led spatial strategy for the wider Melksham area, with cumulative impact properly assessed and infrastructure planned strategically rather than development being considered through a succession of individual applications in isolation.**

Accordingly, while recognising the current planning balance, **MWPC does not withdraw its previous concerns and objections** and asks Wiltshire Council to determine the application having full regard to the above matters and the continuing policies of JMNP2.

## 2. Major applications on sites identified in the withdrawn draft Local Plan

**Melksham Without Parish Council – updated planning position**

Melksham Without Parish Council has reviewed its position on this application in light of the significant changes in the **national, Wiltshire and Melksham area planning context**.

These changes include:

- publication of the revised **National Planning Policy Framework on 17 August 2026**;
- withdrawal of the previous draft **Wiltshire Local Plan** and the approach now being taken to Wiltshire's housing land supply position;
- the recent appeal decisions at **Snarlton Farm and Woodrow, both within Melksham Without parish**; and
- the recent decision on the **Land at Berryfield Lane** application considered by the Western Area Planning Committee on **19 August 2026**.

The Parish Council recognises that the **Wiltshire Core Strategy is now considered out of date in important respects**, particularly in relation to housing supply and the current planning balance. **JMNP2, made in August 2025, is the most recent and locally specific development plan document for the Melksham area** and remains an important part of the statutory Development Plan.

In this case, the application site had been identified as a proposed allocation through the previous draft Wiltshire Local Plan process and the Parish Council had previously **supported the principle of development at this location**, subject to the detailed planning, infrastructure and mitigation requirements raised in its representations.

The withdrawal of the draft Local Plan means that the proposed allocation no longer has the status it would have obtained through an adopted Local Plan. **The Parish Council does not, however, consider that the withdrawal of the Local Plan should in itself reverse MWPC's previous in-principle support for development at this location.**

At the same time, that support should not be interpreted as unconditional support for the application as presently submitted. The wider planning context has changed significantly and there is now a greater amount of development built, permitted, committed or proposed across the Melksham area.

MWPC therefore asks that the proposal is assessed particularly against:

- **cumulative and concurrent impact**, with existing development, approved schemes, current planning applications, pre-application proposals and other known major developments considered in the round, using a holistic and consistent approach rather than treating each proposal in isolation;

- **consistency and coordination between developments**, including highway access and junction treatment on key corridors such as the **A365 and A3102**;
- **connectivity between proposed developments**, irrespective of the stage each proposal has reached;
- **highway and transport capacity**;
- **infrastructure requirements**, including education, health, community facilities, drainage, water capacity, utilities and energy infrastructure;
- **robust parameter plans and comprehensive masterplanning at outline stage**;
- **securing the mitigation and infrastructure necessary to address the impacts of development**;
- landscape, heritage, green infrastructure and settlement identity;
- maintaining appropriate separation between settlements; and
- the continuing policies and evidence base of JMNP2.

JMNP2 remains in force and continues to be an important planning tool, with its policies remaining highly relevant to the **form and design of development, infrastructure, green space, heritage, settlement separation and other locally important planning matters**.

**MWPC's response to the Wiltshire Local Plan Scoping Consultation is seeking a long-term, infrastructure-led spatial strategy for the wider Melksham area, with cumulative impact properly assessed and infrastructure planned strategically rather than development being considered through a succession of individual applications in isolation.**

**MWPC therefore continues to support the principle of development at this location, but that support is subject to the detailed form, scale, phasing, infrastructure requirements, cumulative impacts and mitigation being demonstrated to be acceptable.**

## 3. Brand-new major planning applications and pre-application proposals

**Melksham Without Parish Council – current planning position**

This proposal has come forward at a time of significant change in the **national, Wiltshire and Melksham area planning context**.

These changes include:

- publication of the revised **National Planning Policy Framework on 17 August 2026**;
- withdrawal of the previous draft **Wiltshire Local Plan** and the approach now being taken to Wiltshire's housing land supply position;
- the recent appeal decisions at **Snarlton Farm and Woodrow, both within Melksham Without parish**; and
- the recent decision on the **Land at Berryfield Lane** application considered by the Western Area Planning Committee on **19 August 2026**.

The Parish Council recognises that the **Wiltshire Core Strategy is now considered out of date in important respects**, particularly in relation to housing supply and the current planning balance. At the same time, **JMNP2 was made in August 2025 and is the most recent and locally specific development plan document for the Melksham area**.

**The site was not identified for development through the adopted Wiltshire Core Strategy, JMNP2 or the withdrawn draft Wiltshire Local Plan.**

Following withdrawal of the draft Wiltshire Local Plan, JMNP2 remains a particularly important part of the statutory Development Plan for the Melksham area. Although the changed housing-land-supply position and national planning context may affect the weight that can presently be placed on arguments about housing numbers and speculative development alone, **JMNP2 remains in force and continues to be an important planning tool**, with its policies remaining highly relevant to the **form and design of development, infrastructure, green space, heritage, settlement separation and other locally important planning matters**.

MWPC recognises the implications of the current housing supply position and the planning balance which now applies. However, **the existence of a housing land supply shortfall does not mean that every location put forward for major development is necessarily appropriate**, nor does it remove the need to consider how individual proposals fit into the long-term planning of the wider Melksham area.

The Parish Council will therefore assess this proposal on its individual merits, having particular regard to:

- **cumulative and concurrent impact**, with existing development, approved schemes, current planning applications, pre-application proposals and other known major developments considered in the round, using a holistic and consistent approach rather than treating each proposal in isolation;

- **consistency and coordination between developments**, including the approach to highway access and junction treatment on key corridors such as the **A365 and A3102**, so that comparable developments are assessed consistently and opportunities for coordinated solutions are not lost;
- **connectivity between proposed developments**, irrespective of the stage each proposal has reached, including appropriate highway, walking, cycling, public transport, green infrastructure and other strategic connections where these would contribute to a coherent overall development pattern;
- **highway and transport capacity**;
- **infrastructure requirements**, including education, health, community facilities, drainage, water capacity, utilities and energy infrastructure;
- **robust parameter plans and comprehensive masterplanning at outline stage**;
- **securing the mitigation and infrastructure necessary to address the impacts of development**;
- landscape, heritage, green infrastructure and settlement identity;
- maintaining appropriate separation between settlements;
- whether the location represents sustainable and coherent growth rather than piecemeal outward expansion; and
- the relationship with strategic infrastructure and safeguarded transport corridors where relevant.

**MWPC's response to the Wiltshire Local Plan Scoping Consultation is seeking a long-term, infrastructure-led spatial strategy for the wider Melksham area, with cumulative impact properly assessed and infrastructure planned strategically rather than development being considered through a succession of individual applications in isolation.**

**The Parish Council will therefore reach its formal view on the proposal on the basis of its particular merits and evidenced impacts, whilst also considering how it fits within the cumulative and strategic planning needs of the wider Melksham area.**

# AGENDA ITEM 06c
# Wiltshire Local Plan Scoping Consultation

**Draft response - Melksham Without Parish Council**

*For Planning Committee consideration - Monday 14 September 2026*

**Clerk's Note:**

This draft response is still a working document, there may be further things to add.

It takes the principles agreed at the Full Council meeting on Monday 7th September and relates them to the specific questions in the scoping consultation.

I have then gone through responses of the parish council to the withdrawn Local Plan process, and other consultations such as to the NPPF, the Wiltshire Council Local Transport Plan, the School Places Strategy and picked up projects/issues you have discussed in the past such as the lack of Cemetery spaces, lack of post 16 education opportunities in Melksham, if the secondary school provision is enough for more housing numbers, the NHS 10 year plan etc – I have added these in, the views are all those that parish council has previously resolved. Plus a request for Shaw & Whitley to be considered for Conservation status at the request of Councillor Richardson (and added The Spa as previously requested by the parish council).

## Question 1 - What are the key local challenges, priorities and opportunities relevant for the future development of Wiltshire?

Melksham Without Parish Council considers that one of the principal challenges for the new Local Plan is ensuring that future growth is plan-led and infrastructure-led, rather than continuing through a succession of individual developments which cumulatively place increasing pressure upon existing communities and infrastructure.

This is particularly important in the wider Melksham area, where substantial development has already taken place and further housing is built, under construction, permitted, allocated, subject to live applications or known through pre-application activity.

The starting point for planning future growth should therefore be a transparent understanding of everything already built, committed and reasonably foreseeable.

The Council considers that the new Local Plan should establish a long-term vision for what the wider Melksham area should become over the next 15-20 years. Housing, employment, transport, education, healthcare, community facilities, water and drainage, utilities, energy, digital connectivity, green infrastructure, recreation, heritage and local character, and settlement separation need to be planned together rather than dealt with separately.

MWPC's own priorities are based upon taking a holistic view, joining up the dots and looking at the bigger picture, with a particular commitment to securing the right infrastructure, including community facilities, health and education provision.

*Evidence/source: MWPC Objectives & Priorities 2025/26 and 2026/27.*

## Cumulative growth

A key issue for Melksham is cumulative impact.

Development should not be assessed only site by site. The Local Plan should consider the combined effects of:

- development already completed;
- development under construction;
- existing planning permissions;
- sites allocated or proposed through the withdrawn Wiltshire Local Plan, together with allocations in the made Joint Melksham Neighbourhood Plan;
- live planning applications;
- significant known pre-application proposals;
- reasonably foreseeable changes to existing sites, including brownfield land likely to become available during the Plan period as a result of business closure, relocation, restructuring or redevelopment; and
- other reasonably foreseeable development.

This should be a forward-looking exercise, not simply a snapshot of land formally available at the date the evidence is prepared.

Where there is credible evidence that a significant site is likely to change use or become available within the Plan period, that potential should be taken into account in the spatial strategy and cumulative assessment.

In Melksham, previous experience with the former Cooper Tires site demonstrates why this matters. Plans for closure meant that the future availability of a very significant brownfield site could reasonably have been foreseen during the previous plan-making period. Current proposals involving relocation of existing businesses and supermarkets may similarly create future brownfield opportunities which should be reflected in long-term spatial planning.

The cumulative effects of growth should be considered across:

- highways and junctions;
- public transport;
- rail;
- walking and cycling;
- education;
- healthcare;
- drainage and water supply;
- utilities;
- energy infrastructure;
- digital infrastructure;
- community facilities;
- open space;
- sport and recreation;
- landscape;
- heritage and local character;
- green infrastructure;
- settlement identity and coalescence;
- air quality; and
- construction impacts.

Cumulative impact should include not only the combined scale and pressure created by development, but also the need for consistency and coordination between adjoining or related sites. Separate applications should not result in fragmented or conflicting access arrangements, junction designs, walking and cycling links, public transport provision, community infrastructure, open space, landscaping or other mitigation.

Where developments are adjoining or functionally related, the Local Plan should require coordinated masterplanning and, where appropriate, consistent design parameters, access arrangements, infrastructure standards and delivery mechanisms so that the combined development functions as one coherent place rather than a collection of disconnected schemes.

This is particularly important where several developers are promoting adjoining or nearby sites. On the ground they form one expanding community even if the planning system deals with them through separate applications.

*Evidence/source: MWPC Full Council principles agreed 8 September 2026; subsequent detailed drafting under delegated authority for Planning Committee consideration.*

## Infrastructure delivery

Infrastructure capacity and delivery are a particular priority.

Historic experience in Melksham demonstrates that housing can be occupied substantially in advance of associated schools, play provision, community facilities and transport improvements. The new Plan therefore needs clear infrastructure requirements, phasing and trigger points, together with realistic funding and delivery mechanisms and transparent monitoring.

MWPC has previously raised the importance of monitoring planning obligations and ensuring that infrastructure is delivered in step with development rather than after communities are already established.

The Local Plan and Infrastructure Delivery Plan should distinguish clearly between infrastructure which is merely identified and infrastructure which has a credible route to delivery, including:

- who will deliver it;
- estimated cost;
- funding source;
- developer contribution mechanism;
- land requirements;
- dependencies;
- phasing;
- trigger points; and
- monitoring.

The experience of the Melksham Cemetery extension and the Melksham Bypass demonstrates why this matters. MWPC has previously queried what inclusion within an Infrastructure Delivery Plan means in practice if there is no certainty that funding will be allocated or the project delivered.

## Education

Education must be treated as strategic infrastructure and should encompass the whole education pathway:

- early years;
- primary;
- secondary;
- SEND;
- post-16 and further education, including sixth-form, college, vocational and apprenticeship provision; and
- higher/university-level education.

School-place planning should be forward-looking and cumulative rather than based principally upon a snapshot of current spare places.

Wiltshire's own School Places Strategy says that commissioning should begin with a thorough understanding of the needs and aspirations of the local community and should involve strategic planning based upon evidence and clear implementation processes.

It also recognises the importance of sufficient choice of school places and a proactive, positive and collaborative approach to meeting the needs of existing and new communities.

This is particularly important for Melksham because Wiltshire's previous School Places Strategy identified that substantial Local Plan growth would create a significant shortfall in secondary places and that future secondary provision would require careful consideration.

MWPC therefore considers that the new Local Plan should revisit the long-term secondary education strategy for Melksham and properly test alternatives, potentially including:

- a new secondary school;
- satellite provision;
- alternative post-16 arrangements which release capacity;
- further expansion where evidence demonstrates that this is educationally and operationally appropriate; or
- another strategic solution.

It should not simply assume further expansion of Melksham Oak without testing reasonable alternatives.

The evidence should separately address early years and SEND requirements as well as mainstream school places.

### Further and higher education

The Local Plan should also consider education beyond school age.

There is university-level provision within Wiltshire, including provision through Wiltshire College & University Centre and partnerships with higher education providers. The issue is therefore not that Wiltshire has no higher education provision, but whether the range, location, capacity and accessibility of further and higher education will meet future population, employment and skills needs.

For Melksham specifically, MWPC has previously raised concern that local young people have limited post-16 choice and often need to travel outside the town for college provision.

The Local Plan should therefore consider:

- access to post-16 and further education;
- sixth-form and college provision;
- apprenticeships;
- vocational and technical training;
- higher and university-level education;
- skills required by existing and future businesses;
- whether satellite or specialist provision could be appropriate in major growth areas; and
- sustainable transport links to existing provision elsewhere.

Education and employment planning should be considered together so that skills provision supports the economic strategy.

### Employment

Employment provision is another major concern.

MWPC considers current employment land provision in the Melksham area to be woefully inadequate in relation to the scale of housing and population growth which has already taken place and is proposed.

The Local Plan should therefore identify and safeguard a substantially greater supply of appropriately located employment land in the Melksham area.

This should not simply be assessed as a county-wide number of hectares. Evidence and policy should consider:

- the actual amount of employment land available locally;

- its quality and suitability;
- occupancy and vacancies;
- losses of employment land;
- existing business requirements;
- expansion requirements;
- inward investment;
- changing employment patterns;
- business relocation opportunities;
- the type of employment land required;
- accessibility by sustainable transport;
- freight requirements; and
- the relationship between population growth and local job growth.

MWPC previously sought to strengthen Melksham's place-shaping priorities by calling for optimisation of existing employment sites and new employment land to allow existing businesses to expand and attract inward investment.

A better balance between homes and jobs would reduce out-commuting, strengthen the local economy and make sustainable transport planning more achievable.

### Transport and connectivity

Transport needs to be planned with growth, not after housing sites have been selected.

This includes:

- the A350;
- A365;
- A3102;
- key junctions;
- rural routes affected by displacement;
- the proposed Melksham Eastern Bypass;
- bus services;
- rail;
- walking and cycling;
- freight;
- HGV parking and driver facilities;
- routes to schools;
- access to employment; and
- cross-boundary travel.

The Local Plan should be prepared in direct alignment with Wiltshire's Local Transport Plan, LTP4, so that land-use planning and transport planning are one coordinated process.

The Local Plan should also align with Local Cycling and Walking Infrastructure Plans (LCWIPs), the Bus Service Improvement Plan, Melksham and east Melksham bus strategies, rail strategies, freight work, school travel plans and other relevant transport evidence.

Where an LCWIP or other transport strategy identifies a scheme required to support growth, that should feed directly into Local Plan site requirements and, where appropriate, section 106, CIL or other infrastructure funding.

### Public transport information

Public transport infrastructure should include not only routes and services but also the information necessary to make those services usable.

MWPC has a current objective to extend Real Time Information at bus shelters across the parish and town.

The Local Plan should recognise modern passenger information as part of sustainable transport infrastructure, including appropriate real-time information at bus stops and shelters serving significant new development.

### Bath & Wiltshire Metro and rail

MWPC supports the principle of improved strategic rail and public transport connectivity through the Bath & Wiltshire Metro concept, without at this stage endorsing every technical detail of a particular scheme.

The concept seeks to link future growth more closely to the rail network, including better Melksham rail provision, more walkable communities and less reliance on private cars. It also links rail improvement with brownfield regeneration opportunities such as the former Cooper Tires site and Upside Yard.

The Local Plan should therefore safeguard opportunities for future rail improvement and ensure that improved transport provision is considered at the earliest stages of deciding where development should go.

### Freight and Bowerhill

Freight requires specific consideration.

MWPC has raised concerns about the cumulative effects of freight routing in and around Bowerhill and the A365, particularly alongside Melksham Oak, housing growth, employment development and the proposed Eastern Bypass.

MWPC has also been seeking suitable HGV parking and driver facilities at Bowerhill Industrial Estate for a number of years.

If additional employment land is to be provided, the freight and servicing infrastructure necessary to support it must be planned at the same time.

### Healthcare

Healthcare capacity must be treated as a strategic and cross-boundary infrastructure issue.

The Wiltshire baseline recognises that the NHS Bath, Swindon and Wiltshire Integrated Care Board covers Bath and North East Somerset, Swindon and Wiltshire and includes the Royal United Hospital at Bath. It also notes that the ICB and its partners are well placed to identify the implications of Local Plan growth for healthcare infrastructure and services.

This matters particularly for Melksham and west Wiltshire because acute healthcare demand does not stop at Wiltshire's administrative boundary.

The Royal United Hospitals Bath NHS Foundation Trust has stated in a planning consultation response for development at Whitley that it serves around 500,000 people across Bath and North East Somerset, West Wiltshire and the Mendips and that it was operating at maximum capacity.

The same representation stated that housing development has both individual and cumulative short- and long-term impacts upon the Trust's services and facilities.

It also explained that existing acute and planned healthcare infrastructure cannot absorb additional population growth without impacts upon service quality.

For the particular Whitley development of 22 dwellings, the RUH sought a section 106 contribution of £24,986 towards the additional demand generated.

The Local Plan should therefore assess healthcare on a functional catchment basis, involving:

- the BSW ICB;
- local GP and primary-care providers;
- Royal United Hospitals Bath NHS Foundation Trust;
- community-health providers;
- other hospital providers serving Wiltshire residents; and
- neighbouring authorities including Bath & North East Somerset Council where appropriate.

## Government 10 Year Health Plan

Healthcare evidence and infrastructure planning should also look forward to changes occurring during the Local Plan period.

The Government's 10 Year Health Plan for England: Fit for the Future is based around three major shifts:

- hospital to community;
- analogue to digital; and
- sickness to prevention.

Wiltshire's own baseline already refers to the Plan and recognises its emphasis on shifting care into communities, digital services and prevention.

These changes fall directly within the timeframe in which the Local Plan will operate.

The Local Plan should therefore consider what this changing health model means spatially for Wiltshire and the Melksham area, including possible requirements for:

- GP provision;
- community and neighbourhood health facilities;
- diagnostics;
- outpatient care;
- preventative-health infrastructure;
- digital healthcare;
- transport access; and
- continuing acute-hospital provision.

The move towards community-based healthcare should not be used to assume that acute capacity will cease to be a concern. The RUH evidence already demonstrates pressure arising from west Wiltshire housing growth.

## Digital connectivity - including healthcare

Reliable high-speed broadband should therefore be treated as essential infrastructure.

It is important for:

- home working;
- rural businesses;
- inward investment;
- education;
- skills and training;
- access to public services;
- social inclusion; and
- increasingly, healthcare.

MWPC has previously expressly identified high-speed broadband as a priority for rural areas, particularly for people working at home and for attracting employment.

Obtaining higher-speed internet access across the parish is also one of MWPC's current long-term objectives.

The Government's shift from analogue to digital healthcare strengthens this requirement. Poor connectivity could increasingly become a barrier to accessing health services as well as employment and education.

The Local Plan should ensure that new housing and employment development is provided with appropriate high-speed digital infrastructure from the outset and should also consider gaps affecting existing rural communities.

## Settlement identity, boundaries and coalescence

Settlement identity is a major concern.

Further incremental growth should not cause Melksham, Bowerhill, Berryfield, Shaw, Whitley, Beanacre and surrounding rural communities gradually to merge into one another.

The Local Plan should consider settlement classification, settlement boundaries and strategic separation together rather than treating them as unrelated matters.

MWPC has highlighted that around 1,300 homes east of Melksham are either already approved or progressing through the planning system, yet are outside the current Melksham and Bowerhill settlement boundary.

The emerging settlement pattern therefore cannot be understood simply by looking at historic settlement boundaries.

There is also a specific issue with Berryfield. It is identified as a Small Village in the adopted Core Strategy, where only very limited development would normally be anticipated, but it has no defined settlement boundary and has nevertheless experienced substantial development.

MWPC considers that the new Local Plan should examine whether smaller settlements such as Berryfield and Beanacre should have defined settlement boundaries, providing greater clarity over the extent of the settlement, the distinction between the built-up area and surrounding countryside and how future development should be managed.

## Shaw and Whitley

MWPC welcomes the fact that the recent Settlement Facilities Survey has assessed Shaw and Whitley separately.

MWPC considers that this approach should continue through the new Local Plan.

Although Shaw and Whitley are grouped together as a Large Village in the adopted Core Strategy, they are distinct settlements with different character, facilities, identities and development pressures.

MWPC therefore considers that Shaw and Whitley should be treated as separate settlements in the new Local Plan.

## Strategic separation around the Melksham area

The evidence should assess the remaining physical separation between settlements across the wider Melksham area, not just between Melksham and Bowerhill.

Particular attention should be given to the gaps between:

- Melksham and Bowerhill;
- Melksham and Berryfield;
- Berryfield and Semington;
- Bowerhill and Seend; and
- Whitley and Gastard/Chapel Knapp, and the rural communities further to the north where development pressure could erode their separate identity.

MWPC has highlighted that development has progressively reduced some of these gaps and that settlement identity, settlement boundaries and strategic separation must therefore be considered together.

Where land continues to perform an important separation function, the evidence should identify it clearly and assess the appropriate mechanism for protecting it, including strategic gaps, green wedges or other suitable policy tools.

Some important gaps cross parish and neighbourhood-plan boundaries and therefore cannot always be protected comprehensively through one neighbourhood plan.

MWPC has already made this point to Wiltshire Council, including the example of the open land separating Holt, Bradford on Avon and east Trowbridge, where Green Belt performs a strategic separation function across administrative boundaries.

## Rural communities

Rural communities should not simply be treated as extensions of the nearest town.

Their own needs should be considered in relation to settlement identity, local services, employment, transport, digital connectivity, education, drainage, utilities, housing, heritage, landscape and community facilities.

Evidence should also be forward-looking. A facilities survey showing what exists today does not necessarily demonstrate what will remain available throughout a 15-20 year planning period.

Wiltshire Council has confirmed that its current Settlement Facilities Survey is a snapshot of existing facilities and does not capture future facilities associated with planned development that has yet to receive permission. That is understandable for the purpose of the survey itself, but the wider Local Plan evidence base must subsequently take account of committed growth, emerging communities and reasonably foreseeable future provision.

## Open space, sport, recreation and young people

Open space should be considered alongside sport and recreation rather than simply as an amount of undeveloped land.

The evidence base should bring together the relevant Open Space Assessment, Playing Pitch Strategy and local evidence and consider future requirements arising from population growth.

This should include:

- amenity green space;
- accessible natural green space;
- informal recreation;
- children's play;
- facilities for teenagers and young people;
- allotments;
- football pitches;
- cricket;
- rugby;
- hockey;
- artificial grass pitches;
- 3G pitches;
- changing facilities;
- ancillary facilities;
- accessibility;
- pitch quality; and
- long-term management.

MWPC's current objectives specifically include facilitating the identified need for additional 3G pitch provision in the Melksham community area and increasing facilities for children and young people.

The Local Plan should therefore ensure that the needs of older children and teenagers are not overlooked in favour of only traditional equipped children's play.

Provision should be based on evidence of quantity, quality and accessibility and should translate into clear land and contribution requirements for new development.

### Community facilities and community safety

New communities need proper community facilities.

Village halls and community centres should be designed into development from the outline/masterplanning stage with adequate site area, access, parking, relationship with neighbouring housing, servicing and flexibility of use.

MWPC has practical experience of community facilities becoming difficult to deliver appropriately because these details were not resolved early enough.

Public-realm and development design should also support community safety and help design out crime and antisocial behaviour.

### Cemetery and burial provision

Cemetery and burial provision should be recognised as essential community infrastructure.

Wiltshire's existing infrastructure framework already identifies new or expanded cemetery provision in Melksham as necessary to meet burial-space needs arising from cumulative development.

Current evidence demonstrates extremely limited remaining capacity at Melksham Cemetery.

The Local Plan should therefore consider traditional burial, natural burial, ashes/interment, cemetery extension, new cemetery provision, crematorium provision where justified, land safeguarding, costs and delivery mechanisms.

An infrastructure need should not disappear simply because funding has not yet been allocated.

## Question 2 - How do you think we should meet development needs and where should we focus growth?

MWPC does not support a spatial strategy based principally upon successive outward extensions to existing towns.

Wiltshire should instead prepare an infrastructure-led, place-based spatial strategy which:

1. understands everything already delivered and committed;
2. takes account of reasonably foreseeable development and land-use change;
3. identifies existing infrastructure deficits;
4. establishes remaining infrastructure headroom;
5. determines the infrastructure needed for further growth;
6. protects settlement identity and strategic gaps;
7. maximises appropriate brownfield and regeneration opportunities;
8. plans employment alongside housing;
9. integrates transport and land-use planning; and
10. only then identifies the most sustainable locations for additional development.

For the wider Melksham area, Wiltshire should begin with a comprehensive map showing completed development, development under construction, permissions, sites identified through the withdrawn Wiltshire Local Plan, JMNP2 allocations, live applications, known significant pre-applications, current and foreseeable brownfield opportunities, employment land, schools, health facilities, transport, utilities, heritage and local character, landscape, open space, green infrastructure, settlement boundaries and strategic gaps, and safeguarded infrastructure corridors.

This is particularly important because approximately 1,300 homes east of Melksham are already approved or progressing through the planning system outside the existing Melksham and Bowerhill settlement boundary.

## A long-term plan for the wider Melksham area

The scale and complexity of growth around Melksham warrants consideration of a strategic masterplan, Area Action Plan or equivalent place-based framework.

The question should not simply be where the next housing allocation can be fitted around Melksham.

The question should be: What should the wider Melksham area look like at the end of the Plan period, and what infrastructure, employment, services and environmental protections are necessary to make that outcome sustainable?

## Existing settlements

Growth around existing settlements should only occur where cumulative effects can be supported. Land availability alone should not determine where growth goes.

Growth should be limited where it would result in settlement coalescence, prejudice the proposed Eastern Bypass, worsen unacceptable highway congestion, create unsustainable school journeys, overload healthcare, create drainage or water-capacity problems, increase car dependency, harm landscape, heritage or local character, overload community, recreation or sports infrastructure, or worsen an existing infrastructure deficit without a credible delivery solution.

## Brownfield and regeneration

The Local Plan should maximise suitable brownfield and regeneration opportunities.

This must be a forward-looking assessment, not a snapshot restricted to sites that happen to be vacant or marketed when the evidence is prepared.

The Plan should consider currently vacant or underused land, former industrial land, town-centre opportunities, riverside opportunities, businesses known or reasonably likely to close or relocate, supermarket and commercial relocations which could release existing sites, sites likely to become obsolete or underused during the Plan period and other previously developed land reasonably expected to become available.

The former Cooper Tires site is an important Melksham example of why long-term planning should take account of foreseeable site changes rather than waiting for land formally to become vacant.

Business relocation may sometimes provide a double benefit: releasing an existing brownfield site for regeneration whilst allowing the business to expand or modernise at a more suitable employment location.

## New settlement

MWPC considers that Wiltshire should genuinely assess the option of one or more new settlements.

MWPC does not consider it sustainable simply to continue expanding existing towns in successive directions. If Wiltshire's housing requirement is sufficiently large, a properly planned new settlement may provide an alternative to continual outward expansion or "donuting" of existing towns.

However, it should only be considered genuinely sustainable if it is of sufficient scale to function as a proper community and is comprehensively planned with strong rail and/or high-quality public transport, a proper centre, shops and services, substantial employment, primary and secondary schools, early years and SEND provision, healthcare, community facilities, sport and recreation, open space and green infrastructure, utilities, high-speed broadband, walking and cycling networks and sufficient housing to sustain those services.

A new settlement must not simply be a very large housing estate where supporting infrastructure is promised later.

### Housing and employment

Housing distribution should be influenced by employment opportunities. Places which take substantial housing growth should not become increasingly dependent upon residents travelling elsewhere for work.

For Melksham, further housing growth should be accompanied by a significant improvement in the amount, range and accessibility of employment land.

### Education should influence growth locations

The ability to provide sustainable education infrastructure should influence the spatial strategy. Housing should not be allocated first with school places addressed afterwards.

The location and scale of growth should be considered alongside existing school capacity, future pupil yield, the location of new provision, safe walking and cycling routes, secondary-school strategy, SEND and post-16 and further education provision.

### Sustainable transport

Growth should be focused where meaningful sustainable transport can actually be provided.

A site's sustainability should not be determined by a numerical connectivity score without understanding what that score means in practice.

Assessment should include actual bus frequency, evening and Sunday services, reliability, rail frequency and reliability, safe walking and cycling routes, access to jobs, schools, healthcare and shops/services, and connectivity with adjoining development.

Transport interventions needed to make a location sustainable should be identified before allocation, with a credible funding and delivery mechanism.

## Question 3 - What do you think locally specific policies could and should cover in the Wiltshire Local Plan?

The new-style Local Plan is intended to concentrate on matters which genuinely require a Wiltshire or local approach rather than repeating national policy. MWPC considers the following particularly appropriate.

### Strategic Separation Policy

The Local Plan should contain a Strategic Separation Policy identifying and protecting important gaps between settlements.

This is particularly necessary where gaps cross parish or neighbourhood-plan boundaries and cannot be fully protected through one neighbourhood plan.

For the Melksham area, particular attention should be given to the gaps between Melksham and Bowerhill; Melksham and Berryfield; Berryfield and Semington; Bowerhill and Seend; and Whitley and Gastard/Chapel Knapp, and the rural communities further to the north where development pressure could erode their separate identity.

The policy should protect the separate identity of Melksham, Bowerhill, Berryfield, Shaw, Whitley, Beanacre and surrounding rural communities.

It could use strategic gaps, green wedges or another suitable locally specific mechanism.

### Cumulative Growth and Infrastructure Coordination Policy

This should be a separate policy from Strategic Separation.

A Cumulative Growth and Infrastructure Coordination Policy could require:

- related development to be assessed cumulatively;
- coordination between adjoining or nearby sites;

- consideration of completed, committed, proposed and reasonably foreseeable development;
- consistent and coordinated access, junction, walking, cycling and public transport arrangements where sites are adjoining or functionally related;
- cumulative assessment of education, health, drainage, utilities, open space, community infrastructure and other mitigation;
- coordinated masterplanning and consistent design parameters where appropriate; and
- explicit links between growth, infrastructure capacity, funding, phasing and delivery.

The aim should be to prevent separate planning applications from producing fragmented or contradictory infrastructure and place-making outcomes.

### Settlement boundaries and hierarchy

The Local Plan should establish a clear relationship between settlement classification and settlement boundaries.

It should consider whether smaller settlements such as Berryfield and Beanacre should have defined settlement boundaries.

Shaw and Whitley should also be considered separately rather than automatically continuing their historic combined classification.

### Infrastructure-led development

Strategic development should have clearly defined requirements for transport, education, healthcare, utilities, drainage, community facilities, sport, open space, broadband and other necessary infrastructure. Delivery should be linked to appropriate occupation triggers.

### Infrastructure monitoring

Planning obligations and infrastructure requirements should be transparently monitored. The public should be able to understand what was secured, how much money has been received, what it is for, when infrastructure is due and whether it has been delivered.

### Strategic masterplanning and parameter plans

Major and interrelated sites should be comprehensively masterplanned. Essential infrastructure, community facilities, walking and cycling routes and connections should not be allowed to disappear or become compromised through piecemeal applications.

### Employment land

A locally specific policy should require an appropriate balance between housing and employment and should ensure that employment land is provided in the right locations, in sufficient quantity and for the right types of employment use.

For Melksham, additional appropriately located employment land is particularly important, but the Local Plan should avoid allocating land in a way which does not reflect actual local business and employment needs.

The evidence should identify the type of employment space required, including whether there is demand for manufacturing, warehousing and distribution, industrial uses, offices, smaller business units, expansion space for existing employers and other specialist employment uses.

Employment allocations should then be matched to appropriate access, servicing and transport infrastructure.

The experience at Blackmore Farm is relevant. Employment land there was constrained in the type of use that could realistically be accommodated because the appropriate access for larger industrial, manufacturing or warehouse uses could not be secured from the Eastern Way roundabout.

The result demonstrates why it is not sufficient simply to allocate a number of hectares as "employment land" if the access arrangements, planning use and site design mean that the land cannot meet the actual employment needs of the area.

The Local Plan should therefore ensure employment provision is based on the right amount, right type, right location and right access.

### Transport safeguarding

Strategic transport and infrastructure corridors should be safeguarded, including the proposed Melksham Eastern Bypass, the Melksham Link Canal and land necessary to enable future rail and public transport improvements.

### LTP4 and LCWIPs

Local Plan policies should align with LTP4 and relevant LCWIPs. Where identified walking or cycling infrastructure is necessary to support a development, appropriate delivery or contributions should be secured through section 106, CIL or other funding mechanisms.

### Schools and safe routes

The Local Plan should ensure that school provision and safe routes to school are planned at the same time as housing. Land and contributions should be secured early rather than waiting until existing capacity has been exhausted.

### Digital connectivity

New housing and employment development should incorporate reliable high-speed broadband/fibre infrastructure from the outset. The importance of digital connectivity now extends beyond employment and home working into education, public services and increasingly digital healthcare.

### Sport, recreation, playing pitches and allotments

Policies should support delivery of needs identified through Wiltshire's Open Space Assessment, Playing Pitch Strategy and relevant local evidence. Provision should include, where evidence demonstrates need, football, cricket, rugby, hockey, 3G/artificial pitches, children's play, youth provision, informal recreation, allotments and accessible natural green space. Developer contributions should be linked clearly to evidence of need and actual delivery.

### Community facilities

Village halls and community centres should be properly planned at outline/masterplan stage with sufficient land, access, parking and appropriate relationships with surrounding housing.

### Cemetery and burial infrastructure

Where evidence demonstrates need, the Local Plan should identify or safeguard appropriate land for cemetery, burial and related provision.

### Dark skies and lighting

Rural character and ecological corridors should receive appropriate protection from unnecessary light pollution.

### Trees and hedgerows

Policies should address long-term management as well as initial retention.

### Community safety

Design policy should promote safe, overlooked public spaces and routes and support designing out crime and antisocial behaviour.

### Heritage and local character

MWPC considers that Shaw, Whitley and The Spa warrant further assessment of their historic character, including whether Conservation Area designation or another appropriate form of protection would be justified.

### Neighbourhood Plans

The Local Plan should work positively with made Neighbourhood Plans, including JMNP2, and use their evidence rather than unnecessarily duplicating it.

### If Wiltshire asks for one new locally specific policy

If one particular new policy is sought, MWPC considers Strategic Separation the clearest candidate. It addresses a genuinely local and cross-boundary problem which neighbourhood plans cannot always resolve on their own.

The separate issue of cumulative growth and infrastructure coordination should nevertheless also be addressed through its own policy or policy mechanism.

## Question 4 - What evidence do you think is needed to inform the Plan? Do you have thoughts on how it should be prepared?

Evidence should be current, transparent, cumulative and forward-looking.

It should not merely describe conditions at one date in 2026 if development already permitted or progressing will materially change those conditions before or during implementation of the Local Plan.

Existing robust evidence should be reused and updated where appropriate, including neighbourhood-plan evidence and work already undertaken by different Wiltshire Council services.

### Whole-area Melksham evidence

A comprehensive wider Melksham evidence map should show completed development; construction; permissions; sites identified through the withdrawn Wiltshire Local Plan; JMNP2 allocations; live applications; known significant pre-applications; current brownfield sites; reasonably foreseeable future brownfield opportunities arising from closure, relocation, restructuring or redevelopment; future land availability; employment land; transport infrastructure; bus corridors; rail; walking and cycling networks; schools; healthcare; community facilities; sport and recreation; utilities; drainage; water; energy infrastructure; digital infrastructure; landscape; heritage and local character; green infrastructure; settlement boundaries; settlement gaps; safeguarded corridors; and flood risk.

### Forward-looking land availability and brownfield evidence

Brownfield evidence should not be limited to land that happens to be vacant, marketed or formally available at the point the study is undertaken.

The evidence should identify significant sites which are reasonably likely to become available during the Local Plan period because of known business closure, relocation, restructuring, changing operational requirements, supermarket or retail relocation, redevelopment, or land becoming obsolete or underused.

The former Cooper Tires site demonstrates the importance of this approach in Melksham. Long-term spatial planning should anticipate credible and foreseeable changes rather than waiting until a significant site is already vacant.

## Settlement hierarchy and settlement-boundary evidence

The settlement hierarchy evidence should not rely solely upon a snapshot of facilities which exist today.

Wiltshire Council has explained that its Settlement Facilities Survey is a factual snapshot of current facilities and does not capture future provision associated with planned development which has yet to be granted permission. That may be appropriate for the narrow purposes of the survey itself, but it is not sufficient on its own for a Local Plan which must look many years ahead.

The subsequent evidence base should therefore take account of committed development, live major applications, sites progressing from the withdrawn Local Plan, emerging communities, future facilities associated with those communities, changes in settlement form and reasonably foreseeable development during the Plan period.

This is particularly important east of Melksham, where approximately 1,300 homes are already approved or are the subject of live applications yet sit outside the current Melksham and Bowerhill settlement boundary.

## Berryfield and Beanacre

The evidence should consider whether smaller settlements without defined settlement boundaries are more exposed to development pressure.

Berryfield is a particular example. Although identified as a Small Village, it has experienced substantial development despite having no defined settlement boundary.

MWPC considers the Local Plan should assess whether Berryfield and Beanacre should have defined settlement boundaries, providing greater clarity over the extent of the built-up area, the relationship with surrounding countryside, settlement identity and how future development should be managed.

## Strategic separation around the Melksham area

The evidence should assess the remaining physical separation between settlements across the wider Melksham area.

Particular attention should be given to the gaps between:

- Melksham and Bowerhill;
- Melksham and Berryfield;
- Berryfield and Semington;
- Bowerhill and Seend; and
- Whitley and Gastard/Chapel Knapp, and the rural communities further to the north where development pressure could erode their separate identity.

MWPC has highlighted that development has progressively reduced some of these gaps and that settlement identity, settlement boundaries and strategic separation must therefore be considered together.

Where land continues to perform an important separation function, the evidence should identify it clearly and assess the appropriate mechanism for protecting it.

## Shaw and Whitley

The evidence should assess Shaw and Whitley separately. Although historically grouped together in the Core Strategy, the recent facilities work has shown that they can be assessed individually. MWPC considers this should continue through the settlement-hierarchy review because the two settlements have different character, facilities, identities and development pressures.

## Housing

Housing evidence should transparently show completions, commitments, permissions, allocations, windfalls, neighbourhood-plan allocations, sites progressing from the withdrawn Local Plan and realistic delivery assumptions.

The evidence should avoid double-counting and should make clear how much growth the wider area has already absorbed before identifying a further requirement.

## Employment

Employment evidence should be prepared at an appropriately local level.

For Melksham it should assess existing employment land, occupancy, availability, quality, losses, business requirements, likely expansion, inward investment, employment sectors, potential relocation, commuting patterns, job growth, the relationship between housing/population growth and local employment, and the type of employment use actually required.

Employment evidence should distinguish between different uses and assess whether allocated sites are genuinely capable of accommodating the types of businesses for which there is local demand, including the necessary highway access, servicing, HGV movements and other infrastructure.

It should not be assumed that land allocated nominally for employment will meet identified need if site access or planning restrictions mean it can only accommodate office-type uses when the local requirement is for industrial, manufacturing or warehousing space.

The Blackmore Farm experience demonstrates why the relationship between employment use and suitable access should be established before land is relied upon as part of the employment supply.

## Education

Education evidence should assess cumulative demand arising from existing development, construction, permissions, allocations, live applications, future strategic growth and the Plan as a whole.

It should not rely solely upon current surplus places. The Local Plan should forecast when capacity will be exhausted and plan land, funding and delivery in advance.

Evidence should separately assess early years; primary; secondary; SEND; post-16 and further education, including sixth-form, college, vocational and apprenticeship provision; and higher education and skills.

The earlier School Places Strategy identified a significant future secondary-place issue for Melksham. The new evidence should therefore test reasonable alternatives for secondary provision rather than deferring the issue until capacity has already been used.

## Further/higher education and skills

The evidence base should assess further education, higher education, university-level provision within Wiltshire, apprenticeships, vocational and technical training, specialist skills provision, future workforce needs and sustainable access to provision.

It should consider whether areas experiencing substantial population and employment growth require additional local or satellite provision.

## Transport

Transport evidence should align explicitly with LTP4, LCWIPs, the Bus Service Improvement Plan, local Melksham bus strategies, rail studies, freight strategies, school travel work, strategic highway studies and cross-boundary transport evidence.

Cumulative modelling should include the A350, A365, A3102, key junctions and relevant rural routes.

## Active travel and LCWIPs

For each growth area the evidence should identify relevant LCWIP or other walking/cycling schemes and establish what is required, estimated cost, land requirements, delivery body, priority, timing and appropriate contribution mechanisms.

The purpose should be to translate strategy into actual infrastructure delivery through site requirements, section 106, CIL or other funding as appropriate.

## Public transport

Evidence should assess not just whether a bus route passes a site but the actual quality and usability of the service, including frequency, reliability, evening services, Sunday services, interchange, access to rail, RTI/passenger information and long-term funding and delivery.

## Connectivity Tool

Wiltshire should explain how the DfT Connectivity Tool and associated scores will be used. Numerical scores should be transparent and tested against real-world conditions including actual bus and train timetables, journey frequency, service hours, safe walking and cycling routes, barriers, and access to employment, schools, healthcare and day-to-day services.

## Freight

Evidence should assess HGV routing, effects upon Bowerhill, A365/A350 interactions, industrial-estate access, HGV parking, driver welfare facilities, displacement caused by restrictions elsewhere and the relationship with the proposed Eastern Bypass.

## Health and healthcare

Healthcare evidence should be prepared on a functional catchment basis.

It should include GP capacity, primary care, community health, acute care, hospital capacity, pharmacy, health workforce, demographic change, ageing, population growth, funding, developer contributions and cumulative demand.

Existing planning-application representations from health providers should be treated as evidence rather than repeatedly rediscovering the same issue site by site.

The RUH has already stated in relation to development at Whitley that it serves West Wiltshire and that new housing has individual and cumulative effects upon its services.

The Trust also states that population growth from development cannot simply be incorporated into its funding arrangements when Local Plan housing trajectories and planning permissions arise.

The Local Plan evidence should therefore involve BSW ICB, RUH Bath, local GPs, community-health providers, other hospital providers and neighbouring authorities including BANES where appropriate.

## Future health model

The evidence base should also align with the Government's 10 Year Health Plan for England. Wiltshire's own baseline identifies the national direction towards community-based care, digital services and prevention.

As these changes will occur within the Local Plan period, the evidence should consider future requirements for neighbourhood healthcare, community-health centres, diagnostics, outpatient services, prevention, GP/primary-care provision, digital health, acute hospital capacity and accessible transport.

The national move towards community care should not be used as a reason to disregard existing acute-care pressures.

## Digital connectivity

The evidence should map broadband speeds, fibre availability, rural gaps, employment-area gaps, mobile connectivity where relevant and future infrastructure requirements.

Digital connectivity should be assessed against the needs of businesses, home workers, education, young people, public services and digital healthcare.

As the health system moves further towards digital access, reliable broadband increasingly forms part of the infrastructure necessary to give communities practical access to healthcare.

### Water, drainage and flood risk

Evidence should assess cumulative water supply, wastewater, sewer capacity, surface-water drainage, groundwater, flood risk and climate-change impacts. Infrastructure constraints should genuinely influence the spatial strategy.

### Energy and utilities

Evidence should address electricity-grid capacity, gas where relevant, renewable-energy infrastructure, BESS, National Grid infrastructure and capacity required to support growth.

### Open space, sport and recreation

The Local Plan evidence should update and bring together Wiltshire's Open Space Assessment, Playing Pitch Strategy and relevant local evidence.

It should assess quantity, quality, capacity, accessibility, current deficiencies, future population growth, land requirements, improvement requirements, costs and delivery.

This should include children's play, youth facilities, informal recreation, allotments, football, cricket, rugby, hockey, grass pitches, artificial pitches, 3G pitches, changing facilities and ancillary provision.

For Melksham this should specifically take account of the identified need for additional 3G pitch provision, together with cricket and other playing-pitch requirements and the needs of children and teenagers.

Where an evidence base identifies a need, the Local Plan should translate it into site requirements, land safeguarding and/or developer contribution requirements rather than leaving it in a separate strategy document.

### Heritage and local character

Further evidence should examine Shaw, Whitley and The Spa, including whether Conservation Area designation or another appropriate form of protection would be justified.

Heritage evidence should also feed into the wider spatial strategy rather than being considered only when individual applications are submitted.

### Cemetery and burial provision

Evidence should update remaining cemetery capacity, projected demand across the Plan period, traditional burial, natural burial, ashes/interment, potential extension land, new cemetery options, crematorium provision, land availability, costs and delivery.

### Infrastructure deficit and headroom

The evidence should establish not only what infrastructure a future development creates a need for, but what existing infrastructure deficit already exists, how much capacity has been consumed by historic development, what committed capacity is already allocated, what remaining headroom exists and what infrastructure must be delivered before further growth can sustainably be accommodated.

### Infrastructure Delivery Plan

For strategic infrastructure, the IDP should identify the project, why it is needed, cost, responsible body, funding source, developer contribution mechanism, land required, phasing, delivery trigger, dependencies and realistic likelihood of delivery.

Projects should not simply appear on a list without a credible route to implementation.

## Question 5 - Do you have any further thoughts on what the Wiltshire Local Plan should contain?

MWPC considers that success should not be measured simply by the number of homes delivered.

A successful Local Plan should demonstrate that growth results in properly connected, well-served, distinctive and sustainable communities, with the necessary employment, transport, social and environmental infrastructure delivered alongside housing.

For the wider Melksham area, the Plan should provide an integrated strategic framework, potentially through an Area Action Plan, strategic masterplan, place-based framework or equivalent mechanism.

This should establish what the area is intended to look like at the end of the Plan period rather than allowing its form to emerge from successive unrelated applications.

The Local Plan should contain meaningful measurable outcomes covering not just housing completions but also employment land delivered; the right type of employment land delivered; local jobs; schools and school capacity; post-16, further and higher education access; healthcare; transport infrastructure; bus and rail provision; walking and cycling schemes; RTI/public transport information; high-speed broadband; community facilities; children's and youth facilities; playing pitches and sport; open space; water and drainage; utilities; cemetery capacity; heritage and local character; settlement separation; and timely infrastructure delivery.

The Plan should also be forward-looking in its approach to land availability. Sites which are reasonably expected to change use or become available during the Plan period should be considered as part of the strategic picture rather than only once redevelopment becomes imminent.

Where infrastructure identified through an existing adopted or recognised planning framework remains necessary, that need should not disappear from the new Local Plan unless updated evidence demonstrates that it is no longer required.

The Local Plan should also work positively alongside made Neighbourhood Plans. JMNP2 is part of the Development Plan and contains extensive recent local evidence which should inform the strategic framework.

## Question 6 - How should we engage?

MWPC considers that engagement should be early, continuous, place-based, accessible and genuinely capable of influencing the Plan.

Engagement should not principally take place after preferred spatial options or packages of sites have already been formed.

Town and parish councils hold significant local knowledge. In areas such as Melksham they have also invested substantial time and resources in neighbourhood planning, infrastructure evidence, transport work, planning application monitoring, community engagement and understanding cumulative impacts.

They should therefore be involved early enough to influence growth strategy, site selection, settlement hierarchy and boundaries, infrastructure requirements, transport, education, healthcare, employment, strategic gaps, landscape, heritage and community infrastructure.

### Regular Melksham round-table

MWPC strongly supports the proposed regular Local Plan round-table for Melksham.

Cllr Ian Thorn has proposed that this involve both Melksham parishes, the Wiltshire Local Plan team, local Wiltshire councillors and other locally relevant participants and that it should meet regularly in Melksham throughout preparation of the Local Plan.

MWPC considers these discussions should involve relevant Wiltshire services when necessary, including Strategic Planning, Transport Planning, Highways, Education, infrastructure, environment, health partners and other services relevant to the issues being discussed.

This should help avoid housing, transport, schools, employment and infrastructure being considered in separate departmental silos.

### Public engagement in growth areas

Areas expected to accommodate significant development should have dedicated public engagement.

MWPC previously raised concern that Melksham was omitted from the first programme of public events despite the scale of development pressure and high local interest. Cllr Thorn subsequently confirmed that one of the consultation events at the next stage would be held in Melksham. MWPC welcomes that commitment.

Accessible local venues such as the Melksham Community Campus should be used. Market-day sessions can also reach residents who would not normally attend a formal planning event.

### Local media

Wiltshire Council should proactively use established local media.

For the Melksham area this should specifically include Melksham News. It provides an established local means of reaching people who may not routinely visit Wiltshire Council's website or consultation portal.

Its sister publications serving Warminster and Westbury provide an existing community-media network which could also assist Local Plan engagement elsewhere in west Wiltshire.

Wiltshire should similarly identify trusted local newspapers and community publications in other parts of the county.

### Town and parish council channels

Wiltshire should actively use local council and community communication networks, including town and parish newsletters, websites, social media, community noticeboards, Area Boards, local community groups, schools and colleges, businesses, transport-user groups, neighbourhood-plan networks, voluntary organisations, sports clubs, village halls and other trusted local networks.

### Digital and face-to-face engagement

Engagement should use a mixture of online consultation, interactive mapping, webinars, social media, workshops, exhibitions, public meetings, printed material, community newspapers and face-to-face events.

The scoping document itself recognises the value of combining digital and in-person engagement and ensuring that people who cannot easily access digital tools are not excluded.

### Accessibility and seldom-heard groups

Particular attention should be given to people who may be less likely to respond to a traditional planning consultation, including people without good digital access, older residents, younger people, families, people with disabilities, rural residents, people in rented accommodation, residents in areas experiencing deprivation, commuters, home workers and people whose first experience of planning is usually when an application appears close to their home.

### Consultation timescales

Consultation periods must allow meaningful democratic participation.

Town and parish councils need sufficient time to receive and understand consultation documents, seek views locally, place the matter on a public meeting agenda, debate it in public, obtain further information where necessary and agree a formal response.

Key workshops and briefings should therefore occur early enough within consultation periods to inform council responses.

## Feedback after consultation

Wiltshire should clearly explain after each consultation stage who was consulted, how consultation was undertaken, the main issues raised, what was changed as a result and, where suggestions were not accepted, why.

That feedback loop is essential if residents and local councils are to see that engagement is genuinely helping shape the Local Plan rather than simply recording responses.

## Key evidence referred to in this draft

- MWPC Full Council report on the Local Plan and current planning context, 8 September 2026;
- MWPC Objectives & Priorities for 2025/26 and 2026/27;
- Wiltshire Local Plan Scoping Document and Baseline Survey of Area 2026-2045;
- Joint Melksham Neighbourhood Plan 2 and supporting evidence;
- MWPC response to the Wiltshire School Places Strategy 2023-2027 and subsequent correspondence;
- MWPC response to the previous draft Wiltshire Local Plan;
- MWPC LTP4 Draft Delivery Plan response, local bus strategy material and Bath & Wiltshire Metro correspondence;
- Royal United Hospitals Bath NHS Foundation Trust planning consultation response for Land off Corsham Road, Whitley;
- Wiltshire Council Settlement Facilities Survey correspondence with MWPC; and
- Wiltshire open space, playing pitch and other infrastructure evidence referred to in the response.

**Teresa Strange**

**From:** Strategic Planning <StrategicPlanning@wiltshire.gov.uk>
**Sent:** 11 August 2026 16:09
**Subject:** Update on Gypsies and Travellers Development Plan Document

Good Afternoon,

We are writing to update you on the Gypsies and Travellers Development Plan Document (Plan), following your response to the 'regulation 19' consultation in 2024 and our subsequent communications about the Plan's progress in 2025 to ensure you are aware of its position. You may already have received a notification about preparation of a new Local Plan for Wiltshire in recent weeks, known as the Wiltshire Local Plan.

Following decisions made earlier this year, work on the Gypsies and Travellers Plan has now ceased. Instead, the housing needs of all of Wiltshire's communities including the Gypsy and Traveller community will be addressed through a new Local Plan, which will include the necessary policies and site allocations to guide development. It will be developed through future consultation and engagement with all communities across Wiltshire, the first of which will be a scoping consultation in September this year. An updated evidence base will be prepared to support the new Local Plan, which is scheduled for adoption in 2029.

To find out more about the Wiltshire Local Plan please visit our website:
https://www.wiltshire.gov.uk/wiltshire-local-plan

**Strategic Planning**
Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire BA14 8JN
Wiltshire Council




Planning Tel: 0300 456 0114
Email: strategicplanning@wiltshire.gov.uk
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Outlook

# RE: Consultation comments from Melksham Without Parish Council on the Proposal at Semington Road, Berryfield, Melksham


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

**Date** Mon 27/07/2026 16:30

**To** southamptonplanning@savills.com <southamptonplanning@savills.com>

**Cc** Jon Gateley <jon.gateley@savills.com>; andrew.griffin@wiltshire.gov.uk <andrew.griffin@wiltshire.gov.uk>; Fiona Dey <office@melkshamwithout-pc.gov.uk>


Dear Consultation team

**Supplementary comments from Melksham Without Parish Council**

Further to the notes of the meeting held with Bellway and Savills on 24 June 2026, which have already been submitted as the Parish Council's initial response to the public consultation, the Council wishes to make the following additional comments.

The Parish Council remains concerned about the cumulative impact of further residential development at Berryfield. The village has already experienced substantial housing growth, with consequent pressures on roads, schools, healthcare, community facilities, drainage, public transport and local green space. Bellway's proposals should therefore be assessed alongside all recently completed, committed and proposed developments in the Berryfield and wider Melksham area, rather than in isolation.

**Walking and cycling routes to schools**

The Parish Council requests that Bellway undertakes a comprehensive assessment of safe walking and cycling routes from the development to local schools and early-years settings.

This should include routes to:

- Aloeric Primary School;
- Bowerhill Primary School;
- Semington School;
- Melksham Oak Community School;
- the proposed Pathfinder Place primary school; and
- existing early-years and pre-school providers.

The assessment should consider the routes families are realistically likely to use, including informal desire lines, rather than relying solely on indirect routes identified through desktop mapping.

Particular attention should be given to:

- narrow or missing footways along Semington Road;
- safe crossing points on Semington Road and the A350;
- routes suitable for children, pushchairs, scooters, adapted cycles and accompanied younger children;
- the absence of early-years provision at Aloeric Primary School; and
- the possibility that families may need to make linked journeys to different early-years and school settings.

The Council does not consider that education contributions alone would address these concerns. Safe and practical routes must be identified and delivered before homes are occupied.

**Public rights of way and recreational routes**

The Parish Council welcomes Bellway's stated intention to retain and enhance existing public rights of way. However, further detail is required regarding what those enhancements would comprise.

The development should provide an integrated network of attractive, direct and accessible walking and cycling routes connecting with:

- the existing public rights-of-way network;
- Berryfield;

- the Berryfield allotments;
- Semington Road;
- Melksham town centre;
- local schools;
- adjoining developments; and
- the future Wilts & Berks Canal towpath.

The layout should include circular recreational walking routes within and around the site and should avoid creating isolated paths or routes that terminate without a useful onward connection.
Paths should be appropriately surfaced, sufficiently wide, accessible and designed for year-round use. Suitable seating, litter bins, wayfinding and long-term maintenance arrangements should also be provided.
Bellway should meet the costs of any necessary public-path diversions, dedications, legal orders or off-site works. The Parish Council requests continued involvement in discussions regarding the detailed rights-of-way proposals.

**Semington Road walking and cycling improvements**
The Parish Council welcomes Bellway's offer to assist with assessing the costs of the improvements identified through the Walk Wheel Cycle Trust review of Semington Road.
The Council would wish this to lead to a firm commitment to fund and deliver appropriate works, rather than being limited to a cost assessment.
Improvements should include consideration of:

- missing and narrow footways;
- safer pedestrian crossings;
- safer routes to schools;
- cycle-route improvements;
- access to bus stops; and
- connections between the proposed development and existing communities.

Wiltshire Council should also consider whether lawful Section 106 contributions from developments in the Berryfield and Semington Road area can be pooled to deliver a coherent package of improvements, rather than a series of disconnected works.

**Timing of infrastructure**
Essential highway, walking, cycling, drainage, public transport and rights-of-way improvements should be completed before first occupation, or in accordance with an early and clearly defined occupation trigger.
The Council would not support a situation where homes are occupied before safe routes, crossings and other necessary infrastructure are available.

**Separation between Berryfield and Melksham**
The Parish Council remains concerned that landscaped open space within a housing development is not equivalent to the existing open fields between Berryfield and Melksham.
Bellway should provide further information explaining:

- how the proposed landscape gap would be permanently protected from future development;
- who would own and maintain the land;
- how the open character of the area would be retained;
- the extent and timing of structural landscape planting;
- how important views would be protected; and
- how the area would avoid becoming dominated by drainage infrastructure, formal play equipment or other urbanising features.

The safeguarded canal corridor and adjoining open space should be protected through an appropriate legal agreement and long-term management plan.

**Education and early-years provision**
The education assessment should consider early-years and special educational needs and disabilities provision, as well as mainstream primary and secondary school places.
Any contributions should be directed towards facilities that will genuinely serve the development. The assessment should also consider how children and families will travel safely to those facilities.

The Parish Council considers that education infrastructure should be available in advance of, or alongside, residential occupation rather than being delivered only after demand has arisen.

**Public transport**
The development should make a meaningful contribution towards improved bus services serving Berryfield and Melksham, including service frequency and evening and weekend provision.
Safe, direct and accessible routes should be provided to existing and any proposed bus stops. Bus-stop infrastructure should include:

- shelters;
- proper seating rather than perch-style seats;
- raised kerbs where required; and
- provision for future real-time passenger information.
-

**Construction access**
The Parish Council reiterates that Berryfield Lane and its junction with the A350 must not be used by construction traffic or as a general vehicular access to the development.
This restriction should apply to construction vehicles, contractors' vehicles, deliveries and temporary traffic arrangements.
Any emergency access from Berryfield Lane must be designed and legally controlled so that it cannot subsequently become a general residential access.
A Construction Traffic Management Plan should be agreed before development begins and should include approved routes, hours of operation, wheel washing, highway-condition surveys and obligations to repair any damage caused.

**Drainage and flood risk**
Bellway should fully investigate existing drainage and groundwater conditions affecting the site and surrounding area.
The assessment should consider existing flooding and drainage concerns at:

- the Berryfield Park and Semington Road junction;
- Berryfield Lane near the New Inn;
- Berryfield Brook; and
- surrounding properties and land.

Where development or highway works involve excavation, Bellway should investigate opportunities to improve existing drainage problems, rather than simply demonstrating that the development would not make them worse.
Further information is also required regarding the proposed permanent water features within the safeguarded canal corridor, including safety, water quality, maintenance, ownership and their relationship with the future canal.

**Community facilities and recreation**
The development will create additional demand for Berryfield Village Hall and other local community facilities.
A proportionate Section 106 contribution should therefore be made towards improvements to Berryfield Village Hall, including the proposed covered outdoor community space and improved connection between the hall and its outside area.
The development should also provide facilities for older children and teenagers, not solely equipped play areas for younger children. This should include consideration of informal recreation space, a multi-use games area, social seating or a teen shelter.
Play and recreation spaces should be safely located, well overlooked and connected by accessible paths.

**Healthcare**
Any healthcare contribution should be directed towards GP and healthcare provision serving Melksham and the residents of the proposed development.
The Parish Council would be concerned if contributions were dispersed elsewhere within the wider Primary Care Network without clear evidence that this would mitigate the local impact of the development.

**Design, biodiversity and sustainability**
The Parish Council requests that the detailed proposals include:

- affordable housing distributed throughout the development and designed to be tenure blind;
- self-enforcing 20 mph residential streets;
- solar panels and battery-ready infrastructure;
- electric-vehicle charging;
- bird, bat and bee bricks;
- reptile refuges where appropriate;
- connected wildlife corridors;
- play areas with good natural surveillance; and
- clear adoption and long-term maintenance arrangements for open space, drainage features, paths and play facilities.
-

These comments are submitted in addition to, and should be read alongside, the Parish Council's previously submitted meeting notes. The Parish Council would welcome continued engagement with Bellway as the masterplan and supporting assessments are developed.

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

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Want to keep in touch?
Follow us on facebook: Melksham Without Parish Council or Teresa Strange (Clerk) for additional community news
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**From:** Fiona Dey <office@melkshamwithout-pc.gov.uk>
**Sent:** 16 July 2026 14:23
**To:** southamptonplanning@savills.com
**Cc:** Jon Gateley <jon.gateley@savills.com>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; andrew.griffin@wiltshire.gov.uk
**Subject:** Consultation comments from Melksham Without Parish Council on the Proposal at Semington Road, Berryfield, Melksham

Dear Consultation Team,

Please find attached the notes from a pre-application meeting between Melksham Without Parish Council and representatives from Savills and Bellway Homes. At our Planning Committee meeting held on Monday 13th July 2026, it was resolved that these should be submitted as our comments on the consultation.

We also expect to be sending some further comments in the near future.

Kind regards
Fiona

Fiona Dey
Parish Officer
Melksham Without Parish Council
First Floor
Melksham Community Campus
Market Place, Melksham
Wiltshire, SN12 6ES
01225 705700
office@melkshamwithout-pc.gov.uk
www.melkshamwithout-pc.gov.uk

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

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**NOTES OF MEETING WITH BELLWAY & SAVILLS**
**ON WEDNESDAY 24th JUNE 2026 AT 2:00PM**
**RE: Proposal at Semington Road**

**Present:** Councillor Richard Wood (Chair of Planning)
Councillor Alan Baines (Vice Chair of Planning)
Councillor David Pafford (Vice Chair of Council)
Councillor Mark Harris (Planning Committee Member)
Councillor Martin Franks (Planning Committee Member)

Saffi Rabey (Melksham Town Council, Chair of Planning)

Teresa Strange (Clerk, Melksham Without)
Fiona Dey (Parish Officer, Melksham Without)

Robert James, National Projects Director, Bellway Homes
Jon Gately, Planning Director, Savills

**Introduction**
Bellway explained that they wished to introduce proposals for residential development on land between Semington Road and Berryfield Lane ahead of a public consultation event and the submission of a planning application.

They noted that, following the withdrawal of the Wiltshire Local Plan, market towns such as Melksham were likely to continue to accommodate future housing growth and they considered this site capable of delivering a high-quality extension to the town.

**Proposed Development**
Bellway outlined proposals for approximately **195 dwellings**, including policy-compliant affordable housing, with vehicular access from Semington Road. The development would include landscaped public open space, two equipped play areas and retention and enhancement of existing public rights of way.

Bellway advised that the masterplan had been designed around several key principles:

- creating a distinctive canalside development;
- safeguarding the future Wilts & Berks Canal corridor;
- maintaining permanent open space between Berryfield and Melksham;
- providing a mix of housing types; and
- integrating nature throughout the development.

Bellway explained that the intention was to create a development that would be noticeably different from a conventional housing estate, taking advantage of the proposed Wilts & Berks Canal corridor to create a distinctive place with a strong landscape setting. They stated that the aim was to "raise the bar" in terms of design quality and create a development that residents would want to visit as well as live in**.**

**Separation between Melksham and Berryfield**
Councillors expressed concern that Berryfield had experienced significant housing growth in recent years and felt that the village was overdeveloped. They highlighted the cumulative impact of existing and committed developments on local

infrastructure, community facilities and the character of the village, and emphasised the importance of ensuring that any further development was supported by appropriate infrastructure and maintained a clear separation between Berryfield and Melksham.

Bellway acknowledged these concerns and advised that the proposals had been developed with a substantial area of open space (~10 acres) and the safeguarded canal corridor to provide a permanent landscape buffer between Berryfield and Melksham. Members felt that that the open space within the development was not equivalent to the existing open fields.

**Canal Project**
Members sought clarification regarding the relationship between the housing development and the proposed Wilts & Berks Canal. Bellway explained that the housing proposals had been designed around the safeguarded canal corridor and that the layout had been amended to accommodate it. Prior to the Canal being built, it was planned that the route incorporated permanent water features, as opposed to dry attenuation ponds.

They advised that:
- the canal route would remain safeguarded;
- housing would be set back from the corridor;
- the canal crossing had been repositioned to avoid important trees;
- the development would provide interim landscaping until the canal is delivered;
- drainage proposals would complement the future canal.

Bellway stated that they had worked closely with the Wilts and Berks Canal Trust throughout the preparation of the proposals**.**

**Design Quality**
Bellway explained that they wished to deliver a high-quality development with a distinctive character. Reference was made to examples of previous Bellway developments incorporating attractive public open spaces, sustainable drainage features and landscaping. Councillors commented that the quality of materials, public realm and landscaping would be particularly important if the development was to achieve the aspirations outlined in the presentation.

**Affordable Housing**
Bellway stated that the amount of affordable housing had not been decided but would be in the range 30%-40%.

Discussion took place regarding the range of affordable homes previously delivered at Bowood View, including apartments, bungalows, houses, social rented and shared ownership properties. Bellway advised that affordable homes would not be concentrated into a single area but would generally be distributed across the site.

**Access and Highways**
Considerable discussion took place regarding the proposed access arrangements. Bellway advised that:
- the principal vehicular access would be from Semington Road;
- the junction had been positioned close to the existing bus stops;
- alterations would be made to the existing traffic calming measures;

Discussion also took place regarding emergency access. Bellway indicated that emergency access arrangements could potentially be considered from Berryfield Lane if required through the detailed design process, although no secondary vehicular access was currently proposed.

Members strongly advised that Berryfield Lane and its junction onto the A350 must not be used for construction traffic or residential traffic. Bellway noted the advice and commented that construction access arrangements would form part of the planning application and Construction Management Plan.

**Walking and Cycling**
Discussion took place regarding walking and cycling connections into Melksham town centre, local schools and surrounding communities. Bellway stated that existing public rights of way would be retained and enhanced, with new pedestrian and cycle links incorporated into the development.

Members highlighted the need for good pedestrian access from the development to the allotments in Berryfield.

The possibility of a contribution towards the cost of legal orders to divert Right of Ways were discussed.

Bellway offered that they could help with assessing the cost of solutions proposed by the Walk Wheel Cycle Trust from the holistic review of Semington Road.

**Community Facilities**
Councillors asked what community benefits the development might provide. Bellway explained that Section 106 obligations would be agreed with Wiltshire Council and could include contributions towards:

- education;
- healthcare;
- transport;
- community facilities;
- public open space.

Reference was made to the contributions previously secured through the Bowood View development, including funding for the village hall. A contribution towards expansion of the village hall was discussed.

**Public Consultation**
Bellway confirmed that a public consultation event would be held in Berryfield Village Hall on 10th July 2026 1pm-5pm and 7.45pm – 9pm. Comments are invited until 24th July 2026. They encouraged councillors and residents to attend and provide feedback before the planning application was finalised.

Bellway stated that comments received during consultation would be reviewed and, where appropriate, incorporated into the final proposals before submission.

**Timescale**
Bellway outlined the anticipated programme:

- Public consultation – July 2026.

- Planning application submission – Summer 2026.
- Wiltshire Council consultation – Summer/Autumn 2026.
- Planning determination – Winter 2026/27.
- Start on site – approximately 2028.
- First occupations – approximately 2029.
- Completion of the development – approximately 2033.

Members felt that the timescale was optimistic.

Meeting closed at 4:15pm

## Teresa Strange

**From:** Teresa Strange
**Sent:** 07 September 2026 14:12
**To:** 'Graham Ellis'
**Subject:** RE: And any thoughts/additions for this one?

Thanks Graham
Both replies are useful
The parish council will be submitting their comments on the Belway development for 225 houses on Semington Road a week Monday, and your thoughts on a new service can be useful info to consider as part of request for that.
All the best, Teresa

---

**From:** Graham Ellis <graham@sn12.net>
**Sent:** 07 September 2026 04:02
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Subject:** Re: And any thoughts/additions for this one?

Musing rather than more, but please share with councillors (and beyond) as / if appropriate. Also written in the middle of the night and liable to be full of typos!

_____

Whilst with you ore writing to various transport parties, as MWPC, the real (and financial) responsibility surly lies with the utilities / developers who are “ripping up the road”. By putting a financial responsibility onto them to fund adequate alternatives, might they look for alternative work systems that are shorter in duration and less disruptive?

On Semington Road, open in one direction for a limited number of weeks. I would be tempted to suggest an extra minibus or scheduled taxi from Melksham out via the A350 to the Hampden Park West then back in via the old road, berryfield corner to tjhe town, Observation (no numbers - sorry) suggests that many people at these stops are headed for Melksham and it would provide the outbound service for them (running from Leekes, perhaps, or provocatively from the railway station) and getting people back home to the very stop they joined the inward services at on their way into the town. Heading south, timed to connect at a stop such as the Market Place with the x34? Headed on for Chippenham, also change at the Market Place?

On Whitley - bit of a different issue as many of the passengers from there are headed for Bath and putting on an extra service in and out of Melksham would not be as effective for them as for most of the Semington Road people. Again - just from personal observation which is not scientific / statistically good data. I WOULD be tempted to suggest an extra vehicle for “the duration” to boost the very thin 69 service, running Melksham (Market Place) via Atworth and Purlpit to a loop around Whitley and back into Melksham. I do not see that it would be practical for this service to run into Bath; sorry, pragmatically a change at the Purlplt / Atworth corner seems inevitable.

Neither of these services would in any way be well loaded and they will be disproportionatly for the less able physically, mentally and financially. Cost per journey high, lots of empty runs - have to wonder if provision might come from the vehicle fleet that services Melksham House school during the day bearing in mind the load metrics. “On demand” tempting but it would require people, perhaps, to have smart phones and a learning and information curve that would be a steep one and for - what - a couple of months.

___

Longer term and with all those houses going in on Semington Road, the hourly bus considered for East Melksham (Station - East Melksham - Bowerhill Industry - Police Station might usefully loop back up Semington Road and provide services such as new housing to Station and to the various doctor / medical facilities.

Also longer term, 271/2/3 seem to get busier all the time, and a “274” that takes over the 69, Melkshan to Corsham leg but runs on direct into Bath every hour could perhaps be how things might go. Supplemnent the x31, sort out Melksham to Corsham which I would see as a flow that could be much further built, etc.

Interesting to see on Brian Mathew’s survey / issues board at the Food and River festival that someone has written on “buses to station” and other have put ticks alongside it. All that someone wrote “more 20 mph zones”, someone else wrote “no 20 mph zones” and both got a whole string of ticks!

Graham

Graham Ellis
48 Spa Road, Melksham, SN12 7NY
graham@sn12.net
07974 925928 or 01225 708225
My emailling policy: https://grahamellis.uk/email

> On 4 Sep 2026, at 15:24, Teresa Strange <clerk@melkshamwithout-pc.gov.uk> wrote:
>
> Any thoughts on this Graham?
> Good to see you last night!
> All the best, Teresa
>
> Teresa Strange
> Clerk & Responsible Financial Officer
> Melksham Without Parish Council
> First Floor
> Melksham Community Campus
> Market Place, Melksham
> Wiltshire, SN12 6ES
> 01225 705700
> www.melkshamwithout-pc.gov.uk

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<Agenda Item 12b Impact on residents from road closures.pdf>

## Teresa Strange

**From:** [redacted]
**Sent:** 27 August 2026 22:33
**To:** Teresa Strange; MWPC
**Cc:** Fiona Dey; Marianne Rossi
**Subject:** Re: Car Park North of The New Inn, Semington Road, Berryfields, Melksham, SN12 6DT : Consultation - PL/2026/05002

What a joke.
Last Friday afternoon the X34 bus couldn't get through due to the overspill from the car park. Ending up hitting 3 parked cars on Semington Road.
Where are the supposed patrons of the pub supposed to park??
@Teresa Strange Is this being discussed on 14th September ?

Regards

[redacted]

---

**From:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Sent:** Thursday, August 27, 2026 5:19 pm
**To:** MWPC <MWPC@melkshamwithout-pc.gov.uk>
**Cc:** Fiona Dey <office@melkshamwithout-pc.gov.uk>; Marianne Rossi <admin@melkshamwithout-pc.gov.uk>
**Subject:** FW: Car Park North of The New Inn, Semington Road, Berryfields, Melksham, SN12 6DT : Consultation - PL/2026/05002

Dear Councillors
For your information, rather than wait for the weekly list, and it's a long bank holiday weekend, please see below for a new planning application for 3 dwellings in the New Inn car park on Semington Road.
Kind regards, Teresa
-

---

**From:** Wiltshire Council <planning@sf.wiltshire.gov.uk>
**Sent:** 27 August 2026 14:25
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Subject:** Car Park North of The New Inn, Semington Road, Berryfields, Melksham, SN12 6DT : Consultation - PL/2026/05002

Wiltshire Council

## Teresa Strange

**From:** [redacted]
**Sent:** 28 August 2026 10:18
**To:** Teresa Strange
**Subject:** Re: PL/2026/05002 objection

Teressa,

Just a thought, the pub car park is regularly full and cars are parked on the road around 5-6pm on a Friday. People from Land Rover and BMW regularly meet up for after work drinks. Last Friday, 21/08/26 it was so bad with the car park full and cars parked on both sides of the road that a bus struggled to get through and ended up crashing into some residents parked cars. It was chaos trying to get through.

Regards,
[redacted]

> On 28 Aug 2026, at 09:47, Teresa Strange <clerk@melkshamwithout-pc.gov.uk> wrote:
>
> Hi [redacted]
> Thankyou for the comments, which I will pass on to the parish council when they consider the application – they are only statutory consultees and not the decision makers – that is Wiltshire Council. I note that in the application they state that they meet the Wiltshire Council parking standards for pubs, but nevertheless, those points can still be made and the parish council are consultees precisely for their local knowledge.
> I am just checking on this application, and the comments that you have sent to us on the one for the 225 houses by Bellway, that they have gone to Wiltshire Council.
> You can either put your comments on their online portal, OR you can email to developmentmanagement@wiltshire.gov.uk quoting the relevant planning application number, if that is an easier way to do it.
> You can revisit the planning portal – just go to Wiltshire Council, Planning and then "search planning applications" during the life of the application and you will be able to see other comments submitted, this includes the comments of other statutory consultees, so for this one the Highways Officer.
>
> All the best, Teresa
>
> Teresa Strange
> Clerk & Responsible Financial Officer
> Melksham Without Parish Council
> First Floor
> Melksham Community Campus
> Market Place, Melksham
> Wiltshire, SN12 6ES
> 01225 705700
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**From:** [redacted]
**Sent:** 27 August 2026 22:38
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Subject:** PL/2026/05002 objection

## Objection to Planning Application PL/2026/05002
## Proposed erection of three dwellings at The New Inn, Melksham

## Dear Planning Officer,

I wish to formally object to planning application **PL/2026/05002**, which proposes the construction of three houses on land currently forming part of the car park serving The New Inn.

My objection is principally based on the **loss of essential parking provision, the resulting displacement of vehicles onto surrounding roads, highway safety concerns and the existing lack of available on-street parking in the immediate area.**

## 1. Loss of an important and well-used pub car park

The car park is not surplus or unused land. It is an established and regularly used facility serving The New Inn.

In particular, the car park is **regularly full on Friday and Saturday evenings**, when the pub experiences its busiest periods. There is therefore a clear and demonstrable demand for the existing parking provision.

Removing a substantial part of this car park to accommodate three houses would inevitably reduce the amount of parking available to customers and visitors.

This is particularly concerning because there is **no realistic alternative supply of parking immediately surrounding the pub** capable of absorbing the displaced vehicles.

## 2. Existing on-street parking capacity is inadequate

The surrounding roads do not have sufficient spare capacity to accommodate vehicles displaced from the pub car park.

On busy Friday and Saturday evenings, vehicles are already parked in the surrounding streets and available kerbside space is extremely limited. There is consequently a significant risk that customers will be forced to park further away, park inconsiderately or obstruct parts of the highway.

The proposal should therefore not be assessed on the assumption that displaced vehicles can simply transfer to nearby streets.

The relevant question is whether there is **actual spare parking capacity at the times when the pub generates its greatest demand**. In my experience as a local resident, there is not.

## 3. Highway safety

The loss of the parking spaces is likely to result in additional on-street parking and increased vehicle movements around the pub and surrounding residential streets.

This could lead to:

1. vehicles parking partially on pavements or verges;
2. obstruction of the carriageway;
3. reduced visibility for vehicles exiting driveways and junctions;
4. difficulty for larger vehicles, including emergency vehicles;
5. increased conflict between pedestrians and vehicles;
6. vehicles circulating around the area looking for parking; and
7. additional congestion during the pub's busiest periods.

These impacts are particularly important during Friday and Saturday evenings, when parking demand is greatest.

The highway implications should therefore be assessed using **real-world peak parking demand**, rather than relying solely on average weekday conditions or theoretical parking availability.

## 4. The proposed development would compound an existing problem

This proposal would remove parking capacity from an established business at precisely the time when that capacity is most needed.

The existing situation already demonstrates that parking demand can exceed the available spaces. The development would make that situation worse rather than simply creating a new, theoretical parking issue.

The Council should consider the **cumulative effect of the loss of parking and the additional vehicle movements generated by three new dwellings**.

## 5. Adequacy of the parking assessment

I would ask the Council to scrutinise carefully any parking survey or transport statement submitted in support of this application.

Any survey should take account of the actual operating characteristics of the pub and should include **Friday and Saturday evening periods**, when the car park is routinely at or near capacity.

A survey undertaken during quieter daytime or weekday periods would not provide an accurate representation of the parking conditions experienced by local residents and the pub's customers.

I would also ask the Council to establish:

1. the current number of spaces in the car park;
2. the number of spaces that would be lost;
3. the maximum occupancy of the car park;
4. the occupancy specifically on Friday and Saturday evenings;
5. the availability of alternative public and on-street parking at those times;
6. where displaced vehicles are realistically expected to park; and
7. whether emergency and service vehicles can continue to access the surrounding roads safely when parking demand is at its peak.

## 6. Impact on the continued operation of the public house

The New Inn is an established local pub and the car park is an important part of its operation.

Adequate parking is particularly important for a pub because customers may be arriving from outside the immediate residential area. If sufficient parking is not available, customers may be discouraged from using the business or may instead park in surrounding residential streets.

The proposal therefore has the potential to adversely affect the operation of an existing local business while transferring the consequences of the lost parking provision to neighbouring residents.

## 7. Residential amenity

The additional on-street parking that would inevitably result from the loss of the car park would also affect neighbouring residents.

Residents should not be expected to lose access to already limited kerbside parking because an existing, functioning pub car park has been redeveloped for housing.

There is also likely to be increased vehicle activity associated with the three new dwellings, adding further pressure to the local highway network.

## 8. Need for a robust evidence-based assessment

I respectfully request that the application is not determined solely on the basis that the proposed houses can provide parking within their own plots.

The issue is the **loss of existing parking serving an established business** and the consequences that this will have for the wider area.

The fact that the proposed houses may each have their own parking does not replace the parking being removed from the pub.

The Council should therefore require the applicant to demonstrate, with appropriate evidence, that:

1. the existing pub parking is genuinely surplus to requirements;
2. the loss of the spaces will not harm the operation of the public house;
3. sufficient alternative parking exists within a reasonable walking distance;
4. alternative parking is actually available during peak pub trading periods;
5. displaced vehicles will not create highway safety problems; and
6. the development will not result in unacceptable parking pressure on surrounding residential streets.

## Conclusion

I believe that the proposed development would result in the **unacceptable loss of an established and heavily used parking facility**.

The car park is regularly full on Friday and Saturday evenings and there is insufficient capacity on the surrounding roads to accommodate the vehicles that would be displaced.

The proposal would therefore risk increasing parking congestion, obstruction and highway safety problems while adversely affecting neighbouring residents and potentially the operation of the public house.

I respectfully ask Wiltshire Council to **refuse planning permission for application PL/2026/05002** on the grounds that the development would result in an unacceptable loss of parking provision and associated adverse impacts on highway safety and residential amenity.

If the Council is minded to approve the application, I request that the parking and highway implications are fully investigated before a decision is made, including a properly timed parking survey covering **Friday and Saturday evening peak periods**.

**Yours Faithfully**

[redacted]

## Teresa Strange

**From:** Martin Haffenden
**Sent:** 10 September 2026 07:55
**To:** Teresa Strange; MWPC
**Cc:** Fiona Dey; Marianne Rossi
**Subject:** Re: Planning – summary from Monday's Full Council discussion

Hi Teresa

Please can you add a comment to the planning agenda for Monday regarding the Martin Grant/Tor development at Berryfield Lane.

A revised Building Heights Parameter Plan has been uploaded by the developer which shows some 2.5 storey development being allowed in the western most field where the houses would overlook bungalows along Berryfield Lane.
My understanding was that the BHPP was being amended for the whole site to be 2 storey maximum. They have complied on the eastern field but not on the western field.

Regards
Martin

Regards

Martin Haffenden









## Teresa Strange

**From:** Teresa Strange
**Sent:** 11 September 2026 14:15
**To:** Developmentmanagement
**Cc:** Fiona Dey
**Subject:** FW: Blackmore Farm – Mobility Hub / Community Hub Clarification PL/2026/05372. related to REM PL/2026/01555
**Attachments:** Community Hub Concept Plan.pdf

Dear Development Management
Please upload this email to the comments on this application PL/2026/05372 and for the Reserved Matters for this application as related PL/2026/01555.
We particularly do not want the discharge of conditions approved at present until this is clarified.
Many thanks,
Teresa Strange
Melksham Without parish council

---

**From:** Teresa Strange
**Sent:** 11 September 2026 14:02
**To:** 'Hughes, Cecelia' <cecelia.hughes@dwh.co.uk>; 'Callum Warren' <callum.warren@tfa-ltd.co.uk>
**Cc:** Alex Jelley <alex.jelley@ceresproperty.co.uk>
**Subject:** Blackmore Farm – Mobility Hub / Community Hub Clarification PL/2026/05372.

Dear Cecelia,

I hope you are well.

Whilst reviewing the recently submitted drawings relating to the LEAP, I came across the discharge of condition application for the Community Hub Concept Plan / Mobility Hub at Blackmore Farm, which is due to be considered by Melksham Without Parish Council at its Planning Committee meeting on Monday evening.

The Parish Council had not been notified of this discharge application and therefore only became aware of it by chance. The application is currently listed under planning application PL/2026/05372.

Having reviewed the concept plan, I am unclear whether I have misunderstood what is being proposed, or whether assumptions have been made regarding the future use of the 0.4ha parcel of land intended to transfer to the Parish Council.

It appears that the proposed Mobility Hub may be located within this land parcel. If that is the case, I would be grateful if you could clarify how this is intended to work, as the Parish Council has not previously been consulted on the inclusion of a Mobility Hub within the land that is proposed to transfer to its ownership.

As you may recall, we were still awaiting the information you kindly offered regarding the size and footprint of the Bromham Community Centre, to assist the Parish Council in considering how a future community building might be accommodated on the site. It was therefore surprising to see a concept plan that appears to establish not only the location and footprint of the community building, but also the inclusion and positioning of a Mobility Hub and associated infrastructure within the same area.

The current concept plan appears to make a number of assumptions, including:

- The size and shape of the future community building.
- The location of that building within the site.
- The relationship between the building, parking, open space and surrounding facilities.
- The inclusion and location of a Mobility Hub within land intended to transfer to the Parish Council.

Whilst the Parish Council supports the principle of delivering a community facility on the site, it has not yet had the opportunity to consider the detailed layout of the wider parcel of land. For example, the Council may wish to provide associated outdoor space for community use, such as a patio or terrace area, informal gathering space, landscaping, community gardens, or additional open space around the building. The inclusion of a Mobility Hub within this land parcel could therefore have significant implications for how the site is ultimately planned and used.

I would therefore welcome clarification on:

- Whether the Mobility Hub is intended to sit on land that will transfer to the Parish Council.
- How responsibility for any Mobility Hub assets would operate if they are located on Parish Council land.
- Which elements would remain the responsibility of the developer, management company, service provider or Parish Council.
- How the proposed car parking provision has been calculated.
- Whether there is any additional information available to explain the assumptions that have informed the concept plan.
- Whether the layout shown is intended to be illustrative only, or whether it is expected to form part of the future design and operation of the land transfer area.

The Parish Council will be considering this matter on Monday evening and it would be extremely helpful if you could provide any clarification, plans or background information before then. Equally, if I have misunderstood the purpose of the discharge application or the intention of the drawing, please do let me know.

Many thanks for your help.

Kind regards,

Teresa

Teresa Strange
Clerk & Responsible Financial Officer
Melksham Without Parish Council
First Floor
Melksham Community Campus
Market Place, Melksham
Wiltshire, SN12 6ES
01225 705700
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**From:** Teresa Strange
**Sent:** 29 January 2026 11:48
**To:** 'Hughes, Cecelia' <cecelia.hughes@dwh.co.uk>; Callum Warren <callum.warren@tfa-ltd.co.uk>
**Cc:** Fiona Dey <office@melkshamwithout-pc.gov.uk>
**Subject:** RE: *EXTERNAL:To see how the proposed community centre would sit on your plan

Thanks Cecelia
I think on the Community Hub, we just want to see how it would fit in the space, as this is the time to raise it if it doesn't!
All the best, Teresa

---

**From:** Hughes, Cecelia <cecelia.hughes@dwh.co.uk>
**Sent:** 29 January 2026 11:33
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; Callum Warren <callum.warren@tfa-ltd.co.uk>
**Cc:** Fiona Dey <office@melkshamwithout-pc.gov.uk>
**Subject:** RE: *EXTERNAL:To see how the proposed community centre would sit on your plan

Dear Teresa,

Callum and I were speaking yesterday, about our application and the meeting held in December at which our proposals were discussed.

We are endeavouring to get our application in very shortly and I wanted to give you our assurance that we recall the points raised and the need to consider them. Some of these matters may sit aside our application to the extent for example that we are not applying to develop The Hub, whereas some items we can consider after our submission and once Consultees have responded (eg traffic calming).

I just wanted to give you confidence that we are committed to working with you in the progression of this scheme.

Many thanks

**Cecelia Hughes BA(Hons) BTP MSc MRTPI**




**KEY:**

- SITE BOUNDARY 0.4HA
- COMMUNITY CENTRE INDICATIVE AREA 400SQM
- INDICATIVE SITE ACCESS (SUBJECT TO JUNCTION SPACING)
- INDICATIVE PEDESTRIAN CONNECTIONS
- PARKING - AREA TO CONTAIN UP TO 80 PARKING SPACES, INCLUDING DISABLED AND EV SPACES, ALONG WITH ASSOCIATED LANDSCAPING
- MOBILITY HUB - TO CONTAIN SECURE BIKE PARKING SPACES AND EV CAR PARKING
- MOBILITY HUB BUS STOPS - TO CONTAIN REAL TIME INFORMATION BOARD

Issue:

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DRAFT

# PHASE 1, LAND AT BLACKMORE FARM, MELKSHAM - COMMUNITY HUB - CONCEPT PLAN

| PEGASUSGROUP.CO.UK | TEAM/DRAWN BY: THA | APPROVED BY: STH | DATE: 14/08/2026 | SCALE: 1-500@A2 | DRWG: P25-2391_DE_02__20 | CLIENT: BARRATT REDROW |

PEGASUS GROUP

## Teresa Strange

**From:** Teresa Strange
**Sent:** 07 September 2026 17:02
**To:** 'Wilcock, Lance'
**Cc:** Geeson, Daniel; Marianne Rossi
**Subject:** RE: *EXTERNAL:RE: Blackmore Farm S106 submission 2 of 3

Hi Lance,
Thank you for sending these over and for the opportunity to comment.
To answer your question, no, the Parish Council's preference is still very much that we **do not want wooden equipment**.
The same developer (managed by Cecilia) has recently installed timber play equipment at another development in Melksham Without. However, that play area was not one that the Parish Council was able to secure for transfer through the S106 agreement and therefore it is not a site that we will be taking over or maintaining in the future.
For play areas that are intended to be transferred to the Parish Council, our clear preference is for metal equipment because of the reduced long-term maintenance requirements, increased durability and lower whole-life costs

In terms of surfacing, our preference would be for **wetpour throughout the play area**, rather than a mixture of surfacing types.
We have found **mulch-type surfacing** to be problematic over time because weeds establish within it, requiring ongoing weed treatment. If it is pressure washed to clean it, the surface tends to break down and pull apart. For that reason, our preference would be for wetpour throughout the play area rather than mulch-based safety surfacing. We also prefer the wetpour to extend beyond the fence line by around 30cm to provide a clean edge around the play area. This makes maintenance much easier, as larger mowers can be taken right up to the fence line without the need for regular strimming. Where strimming is required, it often damages the fencing and, if not carried out regularly, long grass and weeds quickly build up around the perimeter. We have also found reinforced grass surfacing to be problematic during prolonged hot, dry weather. The grass often disappears altogether, leaving a worn surface which, in our experience, can become more of a trip hazard than a play surface.

More generally, the Parish Council is only proposed to take on the LEAP itself and not the surrounding public open space. We are therefore keen to avoid arrangements that leave the Council maintaining small pockets of grass within the play area whilst a management company is maintaining the surrounding open space. In our experience, having different maintenance responsibilities within the same area can lead to confusion and service issues. For similar reasons, we would prefer any litter bins to be located **outside** the play area fence. This allows them to be emptied by the management company as part of the wider open space maintenance regime rather than creating separate responsibilities for a small area within the site. Keeping maintenance responsibilities as straightforward as possible helps avoid confusion and ensures the site remains well maintained in the longer term.

In terms of fencing, our preference would be for **dark green powder-coated metal bow-top fencing**. We have found this to be durable, easy to maintain and visually softer within the landscape than black fencing, whilst still providing a clearly defined and secure play area.

With regard to the additional equipment, we agree that another significant item should be included.
We note that the current proposals already include a pod/basket swing, which is something the Parish Council supports. We have found basket swings to be particularly inclusive equipment, as they appeal to a wide range of users, including younger children, tweens and teenagers, and encourage both individual and social play. We are also aware of the "Make Space for Girls" initiative, which I believe Danny is familiar with. One of the key messages is the importance of providing facilities that appeal to girls and encourage them to continue using

public spaces as they get older. Basket swings, social seating opportunities and equipment that encourages gathering as well as active play can help achieve this. Given that a basket swing is already proposed, we would support the addition of a further swing set. A traditional double swing would be a good addition, and it may be worth considering a combination of seat types, for example a standard flat seat and a cradle seat for younger children. We also like some of the newer inclusive toddler swing designs which incorporate a facing parent, grandparent or older sibling seat. These can work very well from both an inclusive and family-play perspective and allow younger children to interact and play alongside family members.

I hope that helps and please let me know if you would like any further comments. Images of the swing suggestion, with a flat swing next to it. And below, what we would like, and what we don't like in terms of safety surfacing oversailing the fence, rather than finishing inside the fence.









Kind regards,
**Teresa Strange**
Clerk & Responsible Financial Officer
Melksham Without Parish Council
01225 705700

---

**From:** Wilcock, Lance <Lance.Wilcock@wiltshire.gov.uk>
**Sent:** 02 September 2026 19:19
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Cc:** Geeson, Daniel <Daniel.Geeson@wiltshire.gov.uk>
**Subject:** RE: *EXTERNAL:RE: Blackmore Farm S106 submission 2 of 3

Hi Teresa,

I hope you're well.

I'm messaging regarding some LEAP proposals (attached) that I've received from the applicant in relation to phase 1 at Blackmore Farm (outline PL/2023/11188, reserved matters PL/2026/01555). This is for the LEAP

near ‘The Green’ (next to The Hub). This LEAP will be subject to transfer to the Parish Council at a later date, along with a commuted sum, in accordance with the S106.

Danny and I have discussed the attached and have the following comments:

- We would like to see an additional piece of ‘significant’ equipment included, such as a double swing – this could be with two flat seats or a flat seat and a cradle seat for younger children.

- You’ll see from my previous comments in the email chain below that I’ve mentioned where both metal and wooden versions of a certain type of equipment are available, we would be looking for the metal versions due to the higher long-term maintenance costs associated with wooden equipment. Where safety surfacing is required, we would be looking for this to be Wetpour, since we consider this to be the gold standard for safety surfacing. The current proposals seem to include wood for the equipment and a rubber safety surface Junglemulch, as well as reinforced grass surfacing beneath the play equipment (I recall you saying that you didn’t want grass inside any play area?). You’ll see from Cecelia’s comments in the email below that she believes wood is the Parish Council’s preferred choice of material for the equipment. Is this correct? Danny and I are of the opinion that if wood is to be used then a Robinia wood should be used since this is far more durable than standard wooden equipment.

I’d appreciate if you could take a look at the attached proposals, as well as the points raised above, and let me know if these are acceptable or not.

Once I have your comments then I will get back to Cecelia.

Thanks,

Lance.

**Lance Wilcock**
**Senior Technical Officer**
Highway Operations

Wiltshire Council

Tel: 01225 716656
Email: lance.wilcock@wiltshire.gov.uk
Website: www.wiltshire.gov.uk

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**From:** Hughes, Cecelia <cecelia.hughes@dwh.co.uk>
**Sent:** 24 August 2026 18:08
**To:** Wilcock, Lance <Lance.Wilcock@wiltshire.gov.uk>
**Cc:** cilands106 <cilands106@wiltshire.gov.uk>; alex.jelley@ceresproperty.co.uk; Fennell, Jack <Jack.Fennell@dwh.co.uk>
**Subject:** RE: *EXTERNAL:RE: Blackmore Farm S106 submission 2 of 3

Dear Lance,

Please find attached the LEAP play area details submitted with our RMs.

Please note that the play equipment shown is wood which is preferred by Melksham Without PC which is expecting to take this area with a Commuted Sum. This plan therefore confirms both their preference for wooden equipment and defines by the use of the fence, the area we are expecting to offer to transfer to them which they may or may not wish to take.

We look forward to hearing from you.

Many thanks

**Cecelia Hughes BA(Hons) BTP MSc MRTPI**
**Planning Manager**
**Email: cecelia.hughes@dwh.co.uk**
**Switchboard: 01454 278000**
**David Wilson Redrow South West | Wellington House, Unit 1, West Point Court, Great Park Road, Bradley Stoke, Bristol, BS32 4PY**

**Upcoming leave 03.09-20.09.**

---

**From:** Wilcock, Lance <Lance.Wilcock@wiltshire.gov.uk>
**Sent:** 10 August 2026 11:09
**To:** Hughes, Cecelia <cecelia.hughes@dwh.co.uk>
**Cc:** cilands106 <cilands106@wiltshire.gov.uk>; alex.jelley@ceresproperty.co.uk
**Subject:** *EXTERNAL:RE: Blackmore Farm S106 submission 2 of 3

Hi Cecelia,

Thank you for providing the Landscape Proposals and LEMP documents.

Whilst I'm happy that the LEMP satisfies the Management Scheme obligation for phase 1 under paragraph 1 of Schedule 2, the Landscape Proposals will require additional details surrounding the LEAP play area, shown within the attached Landscape Proposals sheet 5, to satisfy the Landscape Plan obligation for phase 1.

These details should include the equipment within the LEAP, including fencing, benches and bins, and the materials used. We will be looking for high value equipment to be provided and where both metal and wooden versions of a certain type of equipment are available, we would be looking for the metal versions due to the higher long-term maintenance costs associated with wooden equipment. Where safety surfacing is required, we would be looking for this to be wetpour. I've attached the Wiltshire Council Play Specification for further guidance.

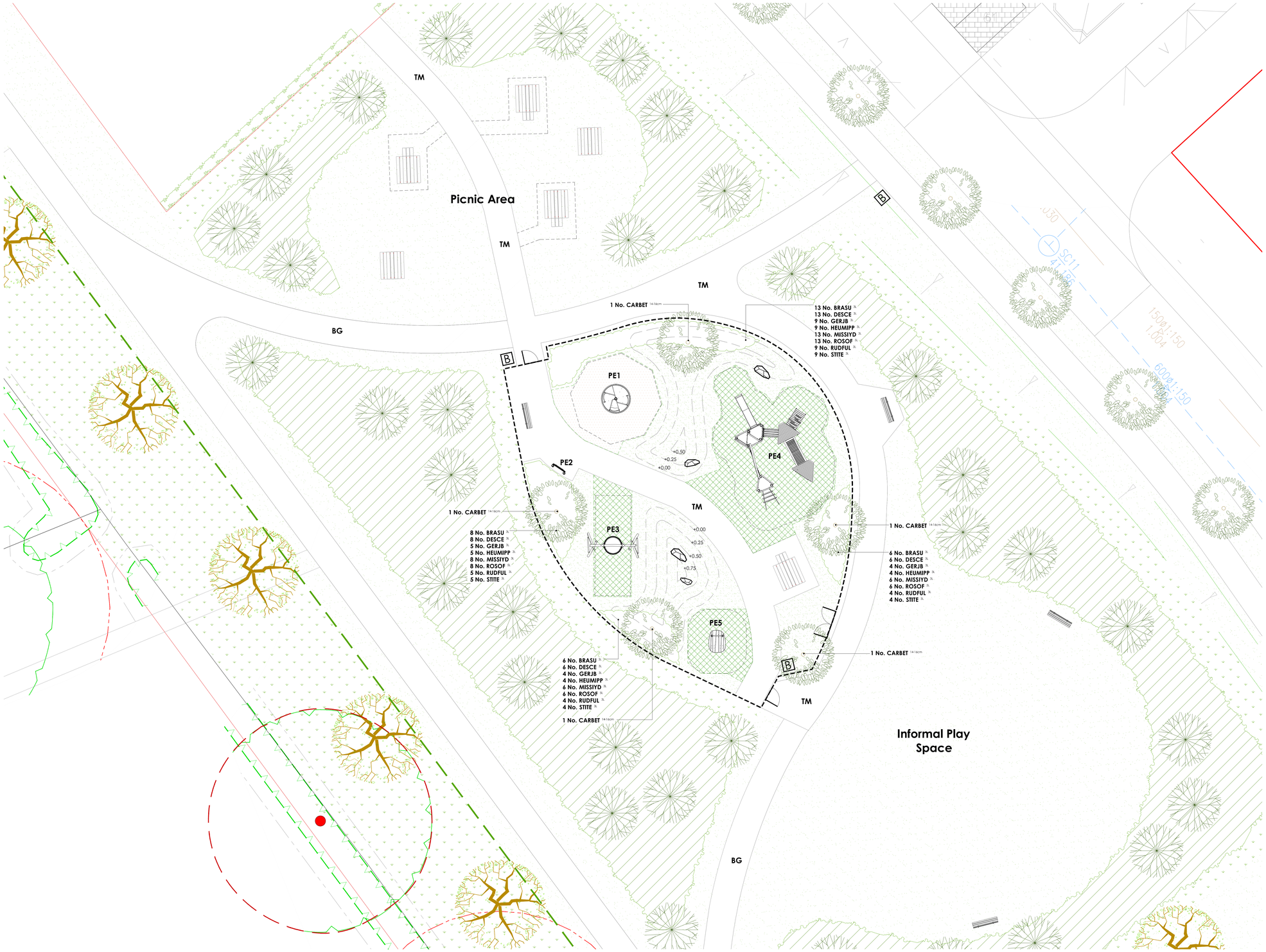
These details should also be resubmitted for the REM application PL/2026/01555 so that they can be assessed and approved, as per the Play Areas definition in the S106.

Apologies if these details have already been submitted but missed.

Thank you,

Lance.

**Lance Wilcock**
**Senior Technical Officer**




## Play Area Key

Seat: Rosbin Seat (Ref:BX17-40011), supplied with arm rests and to be root fixed, in colour black. As supplied by Broxap or similar approved.

Litter Bin: Derby Weyburn (Ref: BX45 2550-S) steel litter bin as supplied by Broxap or similar approved.

Inclusive Picnic Bench: Land Picnic Bench with wheelchair access (Ref: BX31 2002-EXT) to be root fixed, treated softwood. As supplied by Broxap or similar approved.

TM — Tarmac surfacing with ppc edging.

Reinforced grass surfacing beneath play equipment as indicated . Play manufacturers to detail in accordance with EN 1176.

Rubber Safety Surface Junglemulch as supplied by PlaySmart.co.uk or similar approved. (Colour: Original)

Bow-top Railings - 1.0m high. (Colour: Black - RAL 1005).

Pedestrian Gate - 1.0m high x 1.1m wide bow-top self-closing gate, anti-trap to BS EN 1176. (Colour: Yellow - RAL 1023)

Maintenance Gate - 1.0m high x 2.7m wide bow-top double-leaf maintenance gate, to be lockable. (Colour: Black - RAL 1005) anti-trap to BS EN 1176.

## Play Equipment Schedule

### LEAP

PE1. Inclusive Roundabout(Ref: J2409) Experience: Spinning, balancing, gathering.

PE2. Pixel Board (Ref: J3426) Experience: Tactile Stimulation, handling, meeting.

PE3. Pod Seat Timber Swing (Ref: J491) Experience: Swinging, meeting.

PE4. Multiplay equipment(Ref: J4947) Experience: Climbing, sliding, balancing, crawling, meeting.

PE5. Lily Pad (Ref: J49105) Experience: Rocking, swinging and balancing.

All play equipment as supplied by Proludic Ltd(www.proludic.co.uk) or similar product from an approved manufacturer. All equipment to be installed with appropriate area and depth of safety surfacing in line with manufacturer guidelines.

Boulders for climbing and seating. To be smooth with no sharp edges, to a maximum height of 0.4m above ground level, and a minimum depth/width of 0.6m. Installed to play manufacturers details in accordance with EN 1176.

Earth Play Mounds - Earthmodelling shall take place using the subsoil previously stored on site and laid in 300mm layers at a time, and consolidated as work proceeds. Prior to top soil spreading, the subsoil surface shall be loosened using a single line ripper to a depth of 450mm at 1.0m centres. Topsoil shall be spread evenly over the formation levels in layers not exceeding 150mm to a depth of 150mm for grass and 300mm for shrubs. All slopes shall be graded with a rigid blade grader and consolidated to proposed levels. The gradient of the slopes shall be smooth-flowing, no steeper than 1:3 and marrying with all existing levels.

## Plant Schedule

**Trees**

| Abbr | Species | Supply | Size | Girth | Number |
|---|---|---|---|---|---|
| CARBET | Carpinus betulus | EHTA1 RB | 425-600cm | 14-16cm | 5 |
| | | | | | Total :5 |

**Shrubs - Play Area**

| Abbr | Species | Pot Size | Height | Habit | Density | Area | Number |
|---|---|---|---|---|---|---|---|
| BRASU | Brachyglottis 'Sunshine' | 3L | 30-40cm | Bushy | 0.6Ctr | 10.66m² | 33 |
| DESCE | Deschampsia cespitosa 'Goldtau' | 3L | | Full Pot | 0.6Ctr | 10.66m² | 33 |
| GERJB | Geranium 'Johnson's Blue' | 3L | | Full Pot | 0.6Ctr | 7.11m² | 22 |
| HEUMIPP | Heuchera micrantha 'Palace Purple' | 3L | 30-40cm | Full Pot | 0.6Ctr | 7.11m² | 22 |
| MISSIYD | Miscanthus sinensis 'Yakushima Dwarf' | 3L | | Full Pot | 0.6Ctr | 10.66m² | 33 |
| RUDFUL | Rudbeckia fulgida deamii | 3L | | Full Pot | 0.6Ctr | 7.11m² | 22 |
| STITE | Stipa tenuissima | 3L | | Full Pot | 0.6Ctr | 7.11m² | 22 |
| ROSOF | Rosmarinus officinalis | 5L | 40-60cm | Bushy | 0.6Ctr | 10.66m² | 33 |
| | | | | | | Total :71.08m² | Total :220 |

**Drawing to be read in conjunction with GL2543 SP 01 Landscape Specification.**



**PE1.** Inclusive Roundabout (Ref: J2409)



**PE2.** Pixel Board (Ref: J3426)



**PE3.** Pod Seat Timber Swing (Ref: J491)



**PE4.** Wooden multiplay equipment with slide, tunnel, climbing wall and playhouse (Ref: J4947)



**PE5.** Lily Pad (Ref: J49105)

Scale Bar
0m 2m 4m 6m 8m 10m


Landscape Institute Registered Practice
tel: 01530 265688 | email: info@golbyandluck.co.uk | web: www.golbyandluck.co.uk


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Location Plan

| Rev | Date | Notes | Init. |
|---|---|---|---|

Project
Land at Blackmore Farm
Melksham

Drawing title
'The Green ' - LEAP Proposals

Status
**PLANNING**

Client
DW Redrow South West

| Scale | Drawn By | Checked By |
|---|---|---|
| 1:100 @ A0 | HJ | AL |

| Date | Reference |
|---|---|
| 07/07/2026 | **GL2543 LP 10** |

golby+luck
landscape architects

19 August 2026

**Delivered by Email (Alex.jelley@ceresproperty obo Wiltshire and Developmentmanagement@wiltshire.co.uk )**

Development Management
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Dear Alex

**APPLICATION REF: PL/2026/01555: LAND AT BLACKMORE FARM, MELKSHAM**

On behalf of our client, BDW Trading Ltd, we are pleased to submit revised and additional documentation in support of the above application following receipt of Highways comments.

This resubmission is supported by the following reports/plans:

| Report | Author |
|---|---|
| Site Location Plan (dwg no. P25-2391-DE-02-B-11) | Pegasus Group |
| Site Layout Sheet 1 (dwg no. P25-2391-DE-02-N-01-1) | Pegasus Group |
| Site Layout Sheet 2 (dwg no. P25-2391-DE-02-N-01-2) | Pegasus Group |
| House Pack Barratts (dwg no. P25-2391-DE-03B) | Pegasus Group |
| Apartment Block (dwg no. P2391-DE-04A) | Pegasus Group |
| Car Parking Schedule | Pegasus Group |
| Enclosure Details (dwg no. P25-2391-DE-06-A-01) | Pegasus Group |
| Materials Plan (dwg no. P25-2391-DE-02-F-01-14) | Pegasus Group |
| Streetscenes (dwg no. P25-2391-DE-05A) | Pegasus Group |
| Adoption & Management Plan (Sheet 1 of 2) (dwg no. P25-2391-DE-02-C-01-8) | Pegasus Group |
| Adoption & Management Plan (sheet 2 of 2) (dwg no. P25-2391-DE-02-C-01-5) | Pegasus Group |
| Affordable Housing Layout (dwg no. P25-2391-DE-01-D-01-12) | Pegasus Group |
| Parking Strategy (dwg no. P25-2391-DE-02-B-01-7) | Pegasus Group |

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BS1 4QP
T 0117 989 7000 turley.co.uk

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| | |
|---|---|
| M4(2) Compliance Plan (dwg no. P25-2391-DE-02-1-01-13 ) | Pegasus Group |
| Garden Plot Size Plan (dwg no. P25-2391-DE-02-B-01-7) | Pegasus Group |
| Refuse Strategy (dwg no. P25-2391-DE-02-C-01-8) | Pegasus Group |
| Movement Strategy (Sheet 1 of 2) (dwg no. P25-2391-DE-02-C-01-10) | Pegasus Group |
| Movement Strategy (Sheet 2 of 2) (dwg no. P25-2391-DE-02-D-01-5) | Pegasus Group |
| Storey Heights (dwg no. P25-2391-DE-02-C-01-15) | Pegasus Group |
| EV Strategy (dwg no. P25-2391-DE-02-C-01-16) | Pegasus Group |
| External Works (Sheet 1 of 2)(dwg no. P25-2391-DE-02-D-01-4) | Pegasus Group |
| External Works (Sheet 2 of 2) (dwg no. P25-2391-DE-02-D-01-9) | Pegasus Group |
| Landscape General Arrangement (dwg no. GL2543 GA 01B) | Golby & Luck |
| Landscape Proposals (dwg no. GL2543 LP 01B to GL2543 LP 09B) | Golby & Luck |
| Drainage Technical Note (Ref. 10466-TN-002) | Phoenix |
| Proposed Manhole Schedules (ref. 10466-103-01D) | Phoenix |
| Proposed Manhole Schedules (ref. 10466-103-02D) | Phoenix |
| Phase 1 Site Wide Levels (ref. 10466-105-01D) | Phoenix |
| Phase 1 Site Wide Levels (ref. 10466-105-02D) | Phoenix |
| Phase 1 Site Wide Levels (ref. 10466-105-03D) | Phoenix |
| Phase 1 Site Wide Levels (ref. 10466-105-04D) | Phoenix |
| Phase 1 Site Wide Levels (ref. 10466-105-05D) | Phoenix |
| Phase 1 Site Wide Levels (ref. 10466-105-06D) | Phoenix |
| Bioretention Verge Details (dwg no. 10466-112-01) | Phoenix |
| Phase 1 Site Wide Drainage (dwg no. 10466-106-01C) | Phoenix |
| Phase 1 Site Wide Drainage (dwg no. 10466-106-02C) | Phoenix |
| Phase 1 Site Wide Drainage (dwg no. 10466-106-03C) | Phoenix |
| Phase 1 Site Wide Drainage (dwg no. 10466-106-04C) | Phoenix |
| Phase 1 Site Wide Drainage (dwg no. 10466-106-05C) | Phoenix |
| Phase 1 Site Wide Drainage (dwg no. 10466-106-06C) | Phoenix |
| SuDS Standard Details (ref. 10466-113-01) | Phoenix |
| Exceedance Glows (Ref. 10466-210-01A) | Phoenix |

| | |
|---|---|
| Exceedance Glows (Ref. 10466-210-02A) | Phoenix |
| Proposed Highway Long sections (dwg no. 10466-102-01D) | Phoenix |
| Proposed Highway Long sections (dwg no. 10466-102-02E) | Phoenix |
| Proposed Highway Long sections (dwg no. 10466-102-03D) | Phoenix |
| Proposed Highway Long sections (dwg no. 10466-102-04D) | Phoenix |
| Refuse Vehicle (dwg no. 10466-405-01A) | Phoenix |
| Bus tracking (Dwg no. 10366-405-02A) | Phoenix |
| Visibility Splay Layout (dwg no. 10466-122-01A) | Phoenix |
| Visibility Splay Layout (dwg no. 10466-122-02A) | Phoenix |
| Visibility Splay Layout (dwg no. 10466-122-03A) | Phoenix |

**HIGHWAYS**

The Applicant addresses the points raised in the Highway response (received 12.08.2026) in turn below.

Cycleway connections links MELW27

The Applicant has amended the site layout to incorporate a 3m-wide cycle path in the vicinity of Plots 212–220, in accordance with the Highway Officer's request. Following a detail review of the layout, the inclusion of a 3m shared user path as proposed by the Highway Officer, would have implications on the deliverability of units on the scheme. In addition, one comment refers to delivering a 3m SUP to provide a connection towards the puffin crossing, however, this land is outside of the Applicants ownership and therefore unable to ensure it's deliverability. It is therefore considered that the improvements are considered to be an appropriate compromise.

Pedestrian and Cycleway Links

The Applicant does not agree that a change in surfacing is necessary. The proposed hoggin surface is considered appropriate to the character and landscape context of this part of the site and would provide a suitable and usable pedestrian/cycle connection. The proposed treatment also avoids introducing a more formal urbanised surface into this area.

The eastern boundary footways are proposed as mown paths in response to the ecological sensitivities of this part of the site. The Applicant considers that this approach provides an appropriate balance between maintaining the required pedestrian connectivity and protecting the landscape and ecological characteristics of the site. On this basis, the Applicant does not consider a more formal hard surface to be appropriate.

Cycle parking

The revised layout incorporates sheds serving the 5-bedroom dwellings, providing dedicated space for cycle storage. The Applicant considers that the revised provision addresses the Highway Officer's comments and provides cycle parking in accordance with the relevant Wiltshire standards.

Issues relating to Phasing and next steps

The Highway Officer refers to the requirement for a 6.5m carriageway connecting to the roundabout on Eastern Way and notes the omission of this information from the submitted details.

The Applicant is bringing the development forward in phases, in accordance with the approved phasing plan. The 6.5m carriageway connection to the Eastern Way roundabout is proposed to be delivered as part of Phase 2. Accordingly, this element does not form part of the infrastructure proposed for delivery within the current phase.

Bus tracking/ Road hierarchy

The Applicant's highways consultant has undertaken additional bus tracking using an Enviro 300, meeting the specifications set out by Oxford Bus, for the proposed site. This further assessment demonstrates that the bus is able to track through the site satisfactorily.

Bus Route Loop

The Applicant notes that the Transport Update Note referred to by the Highway Officer was prepared in support of the Outline Application and does not form part of the approved detailed design for the current application. The Applicant therefore considers that the assessment of the current Reserved Matters proposals should be based principally upon the approved parameters and requirements of the Outline Permission and the detailed proposals now submitted.

Additional Bus stop A2102

The Applicant has sought to provide bus stops within the site in accordance with the approved principles established through the Outline Application. The provision of additional bus stops along the A2102 did not form part of the approved highway strategy for the Outline Application. The Applicant therefore does not consider that the provision of additional stops along the A2102 is necessary or justified as part of the current Reserved Matters application.

Traffic calming – vertical deflection

The Applicant does not propose vertical deflection measures as part of the development. Instead, the revised layout incorporates horizontal traffic-calming measures, including build-outs, which are considered sufficient to assist in controlling vehicle speeds whilst maintaining an appropriate route for buses and other vehicles.

Traffic calming – straight sections

In response to comments provided, the Applicant has amended the traffic calming measures to include 5no. build outs by plots 26, 44, 59, 66 and 113 and can confirm that no build outs are shown along the bus route. "The proposed build-outs comprise a combination of hardstanding, grass and rain garden areas, with no trees proposed within the immediate vicinity that would prejudice highway visibility or vehicle movements.

Car Parking – schedule

A revised car parking schedule has been provided with the submission, identifying the proposed parking provision for each dwelling. The Applicant considers that this addresses the Highway Officer's request and provides a clear basis for assessing the parking provision across the development.

Car Parking – Layby

The visitor parking bays have been widened to 2.4m and relocated to ensure that they are appropriately separated from the proposed junctions. The Applicant considers that the revised arrangement addresses the Highway Officer's concerns regarding bay width and proximity to junctions.

Refuse Vehicle

A revised refuse vehicle tracking plan has been submitted under drawing reference 10466-405-01A. The plan incorporates the amendments requested by the Highway Officer, including an enlarged turning head and revised swept paths. The Applicant considers that the revised tracking demonstrates that the refuse vehicle can satisfactorily manoeuvre within the proposed highway layout.

Service margins

Following receipt of the Highway Officer's comments, the Applicant has reviewed the relevant Wiltshire highway guidance together with comparable developments, including Ashton Park. This review has not identified a general requirement for an 8m minimum carriageway width in the circumstances proposed. The Applicant has therefore retained the proposed 7m-wide shared-surface street. The Applicant considers this width to be appropriate having regard to the function of the street, the anticipated traffic movements and the tracking undertaken in support of the application.

Visibility Splays

Revised forward visibility and junction visibility splays have been incorporated into the submission and are shown on drawing ref. 10466-122-01A to 03A. The Applicant considers that the revised layout therefore addresses the Highway Officer's comments in relation to visibility.

No trees within public highway

The Management and Adoption Plan has been revised to remove the trees from the areas proposed for adoption as public highway. The trees themselves have been retained in these locations in response to the Landscape Officer's comments dated 11 May 2026. The revised arrangement therefore seeks to address the Highway Officer's concern regarding trees within the adopted highway whilst retaining the landscape mitigation requested through the landscape review.

Gradients of 1:100 and drainage

The attenuation areas and associated drainage arrangements have been amended in response to the Highway Officer's comments. The revised proposals incorporate the requested 1:100 gradient, as shown on drawing ref. 10466-105-01D to 06D. The Applicant considers that this addresses the comments raised in respect of gradients and drainage.

**SUMMARY**

Overall, the Applicant has carefully considered the Highway Officer’s comments and has amended the proposals where necessary and appropriate, having regard to the comments received from other Council consultees. The revised submission incorporates a number of amendments in response to the matters raised, including revisions to cycle connections, traffic-calming measures, parking provision, refuse vehicle tracking, visibility splays, highway adoption arrangements and site gradients.

The Applicant therefore considers that the revised proposals satisfactorily address the matters raised by the Highway Officer, having regard to the comments of other consultees where appropriate, and that there are no outstanding highway matters preventing the application from being approved.

The Applicant looks forward to continuing to work collaboratively with officers to progress the application and deliver a sustainable scheme that provides genuine and positive benefits for the local community.

We would be grateful for formal acknowledgement of the revised application material and would welcome the opportunity to meet with officers to discuss the proposals further. Please could you provide a suitable date for a meeting at your earliest convenience.

Should you have any questions or wish to discuss any aspect of the revised proposals in more detail, please do not hesitate to contact me or my colleague, Mykena Mortimer-Davies, at Mykena.mortimer-davies@turley.co.uk.

Your sincerely

**Claire Hawkes**
**Associate Director**
claire.hawkes@turley.co.uk.

Outlook

## Fw: Land at Blackmore Farm, Melksham : Consultation - PL/2026/05146

**From** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Date** Mon 17/08/2026 17:44
**To** Fiona Dey <office@melkshamwithout-pc.gov.uk>

---

**From:** Wiltshire Council <planning@sf.wiltshire.gov.uk>
**Sent:** Monday, August 17, 2026 15:08
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Subject:** Land at Blackmore Farm, Melksham : Consultation - PL/2026/05146

Wiltshire Council

| **Wiltshire Council Planning Consultation Response** | |
|---|---|
| **Officer's Name:** | **Steven Sims** |
| **Direct Line:** | **01225 770238** |
| **Application No:** | **PL/2026/05146** |
| **Application Type:** | **Prior notification: Demolition** |
| **Proposal:** | **Prior Notification for the proposed demolition of agricultural buildings** |
| **Site Address:** | **Land at Blackmore Farm, Melksham** |

For your information, a Prior Notification has been received in respect of the above.

Plans are available to view on our website at https://development.wiltshire.gov.uk/pr3/s/planning-application/a0iQ300000NW8hx.

Please note that Prior Notifications are not open for public comment, as they are assessed against national criteria and do not follow the standard consultation process.

Many thanks,

Development Management

Case Officer: Steven Sims

Phone number: 01225 770238

Email address: steven.sims@wiltshire.gov.uk

[ ref:a0iQ300000NW8hxIAD;389511b10591c1ddfc52878e5aff5c75:ref ]

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## Teresa Strange

| | |
|---|---|
| **From:** | Teresa Strange |
| **Sent:** | 03 September 2026 18:27 |
| **To:** | Developmentmanagement; Alex Jelley; Wiltshire, Mark |
| **Cc:** | Fiona Dey; Nick.Holder@wiltshire.gov.uk; CEO; saffi.rabey@melksham-tc.gov.uk; Committee Clerk |
| **Subject:** | MWPC view on Highways comments for Land East of Blackmore Farm PL/2026/02966 – Land East of Blackmore Farm |
| **Attachments:** | 26 02966 Highway recommendations.docx |

**Development Management** – please consider these additional comments as submission for **PL/2026/02966 – Land East of Blackmore Farm**

Dear Alex, Mark and Melksham Town Council colleagues,

I am writing on behalf of Melksham Without Parish Council following consideration of the Highways consultation response dated 10 July 2026 in relation to **PL/2026/02966 – Land East of Blackmore Farm** (attached for ease of reference)
The Parish Council has a number of concerns regarding the conclusions reached in the Highways response and would be grateful if these could be reviewed before the application is determined.

Firstly, the Parish Council does not agree with the conclusion that a roundabout is not required on the A3102/Sandridge Common Road.
We note that the Highways response refers to modelling of the 2031 scenario including the proposed development and committed development at Phase 1. However, it is not sufficiently clear from the response what has been included within the cumulative assessment.
Immediately adjoining this application is the approved Phase 1 Blackmore Farm development of 500 dwellings, for which a roundabout was originally proposed in connection with development in this location. Directly opposite is New Road Farm, for 295 dwellings and a children's nursery, together with the Lidl development adjoining the 500-home development to the west.
Could the Highway Authority therefore please confirm explicitly whether each of these developments, including the traffic associated with the proposed nursery, together with any other committed development likely to affect this section of the highway network, has been included within the traffic modelling and cumulative assessment?

We also note that the Traffic Impact Assessment section of the Highways response refers to the "Ashton Park development" as one of the elements used in the 2031 cumulative analysis. Ashton Park is associated with development at Trowbridge rather than Melksham, so we would be grateful for clarification as to why it has been referenced in this assessment and whether this reference is correct. This raises a wider concern as to whether the correct committed developments have been included within the cumulative modelling. We would therefore be grateful for confirmation of precisely which developments were included, together with the assumptions applied.

If the nearby developments referred to above have not been fully included, we would question whether it is appropriate to conclude that a roundabout is unnecessary until the combined and cumulative effect of development in this part of Melksham has been properly assessed.
This is particularly relevant given that the Highways response itself identifies the A3102 Lowbourne arm of the Sandridge Road/Forest Road/Club Access junction as having an RFC of 0.86 in the 2031 proposed and committed development scenario, whilst also noting that an RFC of 0.85 or above is approaching maximum capacity.

We are also concerned by the references within the Highways response to connections to Eastern Way. As we understand the proposals, these connections are for walking and cycling only, rather than vehicular access. We would therefore appreciate clarification, as the present wording could give the misleading impression that the development has a vehicular connection to Eastern Way.

Finally, the Highways response makes no reference to the proposed route of the Melksham Bypass, which passes through the application site. The Parish Council considers this a significant omission, given the potential for development of this land to prejudice the future delivery of the route.
Whilst we appreciate that the safeguarding policy contained within the withdrawn Wiltshire Local Plan may no longer carry policy weight, that does not mean that the strategic intention to deliver the route has disappeared. The bypass would ultimately be a National Highways project, but considerable work has already been undertaken by Wiltshire Council in developing the business case for the scheme, and Wiltshire Council's future budget planning identifies Community Infrastructure Levy (CIL) expenditure towards this work. The importance of the route is also reflected in Priority Statement 1 of the Joint Melksham Neighbourhood Plan 2.

The proposed bypass is not simply a local highway improvement. It has wider strategic importance as part of the ambition for an improved route between Gloucester and the south coast through the Western Gateway area. In that context, we are particularly concerned that a development of this scale could be permitted across the proposed route without the implications for its future delivery being explicitly addressed within the Highway Authority's consultation response.
Could you therefore please confirm:

1. whether the proposed Melksham Bypass route has been taken into account in the highways assessment of PL/2026/02966;
2. whether the relevant Wiltshire Council teams responsible for the development of the bypass business case have been consulted on this application; and
3. what consideration has been given to ensuring that development of this site would not prejudice or materially increase the cost of delivering the bypass in the future.

In light of the above, the Parish Council would ask that the Highway Authority reviews its consultation response, in particular the cumulative traffic assessment, the conclusion regarding the need for a roundabout, and the implications of the development for the proposed Melksham Bypass, before the application is determined.

With many thanks,
Teresa

Teresa Strange
Clerk & Responsible Financial Officer
Melksham Without Parish Council
First Floor
Melksham Community Campus
Market Place, Melksham
Wiltshire, SN12 6ES
01225 705700
www.melkshamwithout-pc.gov.uk

**Wellbeing Statement** I may send emails outside office hours but never with any expectation of response. Please just get back to me when you can within your own working hours. Thank you.

Want to keep in touch?
Follow us on facebook: Melksham Without Parish Council or Teresa Strange (Clerk) for additional community news
On 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.

20 August 2026

**Delivered by Email (Isobella.wise@wiltshire.gov.uk)**

Development Management
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Dear Isobella

**APPLICATION REF: PL/2026/02966: LAND EAST OF BLACKMORE FARM, MELKSHAM**

On behalf of our client, Gleeson Land, we are pleased to submit additional information in relation to outline planning application PL/2026/02966 at Land east of Blackmore Farm, Melksham ("the Site").

The planning application seeks outline planning permission for residential development, associated public open space and landscape enhancements at the Site. An extension of time until 30 September 2026 has been agreed as of 20 August 2026.

This submission includes technical responses in the form of notes and amended plans that respond specifically to the comments raised by consultees. We are keen to work with the Council and key stakeholders to respond positively to the comments made to date and address points raised where possible to refine the scheme.

This resubmission is supported by the following reports/plans:

| Report | Author |
|---|---|
| Design Consultee Response Letter | Origin 3 |
| Parameter Plan - Composite | Origin 3 |
| Response to Natural England consultation | EAD Ecology |
| Archaeological Mitigation Area Plan (dwg no. edp9278_d035) | EDP |
| Transport Response Note | I-Transport |
| Access Drawing(s)<br>• ITB12069-GA-075<br>• ITB12069-GA-066G<br>• ITB12069-GA-076 | I-Transport |

40 Queen Square
Bristol
BS1 4QP
T 0117 989 7000 turley.co.uk

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The table below summarises the consultee responses received and our corresponding responses.

| Consultee | Summary of Consultee response | Applicant Response |
|---|---|---|
| Urban Design | Objection due to the lack of high-quality design and place-shaping requirements.<br>Layout<br>• Suggests that alternative parking solutions should be explored to ensure parking is discreetly integrated within the urban form.<br>Access and Movement<br>• Suggests several amends to the scheme including additional pedestrian and/or cycle connections to the north and south.<br>Drainage<br>• Suggests a revision to the drainage strategy to ensure compliance with the DEFRA SuDS.<br>• Expanding the street hierarchy drawings to include minimum dimensions and demonstrate how sustainable drainage systems and street tree planting are integrated.<br>Landscaping<br>• Recommends distributing the allotment space throughout the site.<br>• Recommends the relocation of the southern play area to a central, over-looking position.<br>Character<br>• Recommends a looser, more fragmented structure consistent with the rural character.<br>• Requests the provision of a Design Principles Plan.<br>Parameter Plan<br>• Requests the provision of additional parameters plans and a sketch layout. | A Design Note has been prepared and submitted with this resubmission by Origin 3, responding to the various queries raised by the consultee and demonstrating the Site's suitability.<br><br>The Applicant also wishes to clarify that the application seeks Outline Planning Permission, with only detailed access off Sandridge Common forming part of the application. The illustrative Masterplan is intended to demonstrate one way in which the development could be accommodated within the identified parameters and should not be treated as the final design.<br><br>The information submitted in support of the application demonstrates that the development can achieve good design and comply with relevant planning policies. Detailed matters, including building design, materials, landscaping, streets and spaces, can be appropriately established and assessed through the subsequent Reserved Matters applications.<br><br>With regard to the request for a Design Review Panel and separate Design Principles Plan, the Applicant notes that neither is identified as a mandatory requirement for the submission or determination of an Outline planning application. The current application seeks to establish the key development parameters, as set out in the submitted Composite Parameter Plan, with detailed design matters reserved for consideration at the Reserved Matters stage. It is therefore considered more appropriate for any detailed design review, if required, to take place when the detailed design proposals are sufficiently developed to enable meaningful assessment. |
| Highways (10/07/2026) | No objection and a request for additional information relating to:<br>• Proposed site access vehicle visibility splays and pedestrian visibility splays. | In response to this request, the Applicant has provided the pedestrian and vehicle visibility splays from the proposed site access and swept path drawings for a 11.3m refuse vehicle and 12m single-decker bus. The drawings demonstrate that sufficient visibility is achievable from the proposed |

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| | • Swept Path drawings for the proposed site access for a large refuse vehicle and a bus.<br>• Confirmation as to how the connection to Phase 1 site will be secured. | site access whilst the swept path drawings demonstrate sufficient space for these large vehicles.<br><br>The access points serving the Phase 1 site are intended to be secured through an appropriately worded S106 planning obligation. |
| Public Right of Way<br>(18/06/2026) | The response provided comments on the scheme, including requests for amends, such as:<br>• Connection onto public bridleway MELW40 behind Lopes Close. | The Applicant has investigated options for providing a public bridleway behind Lopes Close. However, this is not proposed due to potential impacts on the residential amenity of properties along Lopes Close, impacts on the veteran tree to the south, and the need for any connection in this location to avoid the tree's Root Protection Area (RPA). |
| | • A dedicated bridleway from MELW40 into the development to provide an alternative route. | Given the limited availability of equestrian facilities in close proximity to the Site, the development is not anticipated to generate significant additional demand for equestrian journeys. On this basis, a bridleway is not proposed. |
| | • Third connection from the proposal to the North of the Eight Acre Plantation. | The Applicant agrees to provide a connection at this location, and a proposed location has been identified on the revised Composite Parameter Plan. |
| | • Amendments to the surfacing of MELW26 to a 2m width. Culvert to be provided over Clackers bridge tributary. | The proposed development seeks to continue the approach utilised in Phase 1, where the path remains as a footpath for countryside access and surfacing is not proposed in this location. |
| | • Removal of stiles no longer required for the control of livestock. | The Applicant notes this requirement and agrees that it can be secured through a suitably worded planning condition. |
| | • Diversion of MELW26 in proximity to the oak tree. | No diversion is required, the path will remain as a rural countryside path on its definitive alignment and will not be surfaced as part of the proposals. |
| | • S106 contribution of £150 per dwelling to improve the surrounding PRoW network. | The Applicant does not consider that the proposed S106 contribution currently meets the tests set out in paragraph 57 of the CIL Regulations. A summary of how the contribution has been calculated and details of where the funds would be spent are required before the contribution can be agreed. |
| | • Site at MELW26 will need to be replaced with a more accessible piece of furniture. | The Applicant agrees to provide a financial contribution towards countryside access furniture upgrades. |

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| Active Travel England (26/06/2026) | The response stated a deferral was required until further information was provided. A summary of the requests is provided below.<br>• Lack of information to demonstrate that appropriate pedestrian and cycle connectivity between the two developments will be secured.<br>• Maximise permeability to the surrounding PRoW network<br>• Movement and Access Parameter Plan<br>• Connectivity to MELW41<br>• Absence of cycleway provision on Sandridge Common. | As set out above, the Applicant proposes to secure the connections serving the Phase 1 site through appropriately worded S106 planning obligations. The detailed wording of these obligations will be progressed through discussions with the Case Officer.<br>The proposed development also provides an additional connection to MELKW40 through the southern part of the Site, as set out in the response above.<br>The Application does not propose a separate Movement and Access Parameter Plan, as the Composite Parameter Plan is considered sufficient to establish the proposed movement and access arrangements and associated parameters.<br>The south-eastern corner of the Site is proposed for ecological habitat enhancement, incorporating a managed footpath which does not propose a direct connection to MELW41. However, the application provides several opportunities for enhanced connectivity up to the Applicants boundary.<br>There is insufficient space within Sandridge Common to accommodate a shared-use cycleway. The proposed development seeks to widen the existing footway to provide a 2 m-wide footway, connecting to the new footway to be provided as part of the Phase 1 development. |
| Natural England (16/07/2026) | Objection pending further information relating to baseline grassland habitats, presentation of bat activity data and clarification of ecological buffer widths. | The Ecology Note responds to comments provided by Natural England on the information submitted to date. This includes justification for why the provision of separate botanical species for each field, the use of heat maps to understand the spatial distribution of bat activity, and the implementation of the Trowbridge and Westbury Bat Mitigation Strategy guidance are not considered suitable.<br>The Note also provides further detail regarding the proposed ecological buffer widths along the eastern corridor and adjacent to the existing woodland. It is agreed that the detailed design and implementation of these buffers will be |

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| | | demonstrated through subsequent Reserved Matters submissions. The Ecological Parameter Plan provided in support of this application provides an appropriate framework to ensure that these buffers are incorporated and delivered appropriately as part of the detailed design. |
| Archaeology (17/06/2026) | No objection, subject to the implementation of a condition to secure an Archaeological Management Plan or secure the open area excavation of Area 6. | The Applicant's Archaeology Consultant has discussed the proposed condition wording with the Council's Archaeology Advisor, with a view to focusing the scope of archaeological mitigation on those trenches in which Romano-British archaeology was identified, while excluding areas demonstrated by the evaluation trenching to be little to no relevance. |
| Landscape (23/06/2026) | No objection, subject to the implementation of conditions requiring 20% canopy cover (in line with Cornwall Calculator) and Urban Greening factor (UGF) of 0.5. | The Applicant fully supports the principle of delivering meaningful green infrastructure and biodiversity enhancements across the Site. However, we consider that requiring the development to meet 10% Biodiversity Net Gain (BNG), a separate UGF target and 20% canopy cover risks unnecessarily duplicating requirements and restricting the most appropriate landscape solution for the Site.<br><br>The Site will already be required to deliver a minimum 10% BNG, with that requirement being achieved through extensive areas of on-site habitat creation and enhancement. These measures will inevitably overlap with the proposed urban greening and tree planting, and therefore contribute towards the wider green infrastructure objectives of the scheme.<br><br>The requirement for UGF and 20% canopy cover is not covered by adopted policy in Wiltshire. In this context, we question the justification for imposing three separate numerical requirements where there is considerable overlap between the outcomes being sought. It would be more proportionate to assess the scheme holistically, taking account of the BNG provision, tree planting, canopy contribution and wider landscape and ecological enhancements.<br><br>We would therefore respectfully request that the requirement for both a separate UGF target and 20% canopy cover is reconsidered, and that the |

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| | landscape strategy is instead assessed on the overall quality and extent of green infrastructure and biodiversity enhancement being delivered on the Site. |

We note the following consultee responses had no objection, subject to conditions or financial contributions in some instances:

- Education,
- North Wiltshire Swifts (Local Conservation Group),
- Housing Enabling Team,
- Public Open Space, and
- Waste.

Following a detailed review of the RUHB NHS Foundation Trust response, the Applicant notes that several references appear to relate to another development. The Applicant would therefore be grateful if a revised response could be provided for the current application, to ensure that the consultation response accurately reflects the proposals and can be retained for the Applicant's records and used to track any relevant planning obligations.

**OUTSTANDING RESPONSES**

The consultation deadline for the application closed on 26 June 2026. There remain a number of outstanding statutory consultee responses including:

- Lead Local Flood Authority,
- Arboriculture,
- Public Protection,
- Climate Officer, and
- Wessex Water.

The Applicant appreciates that consultees are managing a significant workload, however, an update on the anticipated timescales for receipt of the outstanding responses would be appreciated. This will assist the Applicant in understanding the remaining consultation requirements and allow sufficient time to consider and respond to any comments raised.

**SUMMARY**

We trust this letter has provided you with a summary of the key areas of the submission. We would direct you to the individual reports for detailed responses to specific consultee comments and assessments to the revised proposals.

The applicant will continue to work with officers to deliver a sustainable scheme that provides genuine positive benefits to the local community.

We look forward to receiving formal acknowledgment of the revised application material and provide a date for a meeting to discuss the application further.

If you have any questions or would like to discuss the above in more detail, please do not hesitate to contact myself or my colleague Mykena Mortimer - Davies (Mykena.mortimer-davies@turley.co.uk)

Your sincerely

**Claire Hawkes**
**Associate Director**
claire.hawkes@turley.co.uk.

3rd September 2026

Ms T. Strange
Clerk & Responsible Financial Officer
Melksham Without Parish Council
First Floor
Melksham Community Campus
Market Place
Melksham
Wiltshire SN12 6ES

*R22-053*

Dear Teresa

**Land at Middle Farm, Corsham Road, Whitley**
**Outline Planning Application (Ref: PL/2024/09725)**

Thank you for providing the Parish Council's further comments on the application. We have appreciated the constructive engagement with the Parish Council throughout this process and the time members have given to discussing the proposals with us. It is clear from those discussions that we share the same objective which is to secure an appropriate first phase of development which delivers much-needed housing whilst enabling the remainder of the Policy 7.5 allocation to come forward comprehensively.

We have considered the Parish Council's remaining concerns carefully and hope the following provides the reassurance required to enable the call-in request to be withdrawn.

1. **Flood Risk and Drainage**

The Parish Council's concerns regarding existing flooding to the south of the site are understood. Importantly, however, the application has been assessed by Wiltshire Council's Lead Local Flood Authority, which raises no objection to the outline application, subject to appropriate pre-commencement conditions.

Those conditions require a detailed surface water drainage strategy, ground investigations and soakaway testing, together with appropriate implementation, management and maintenance arrangements. The Council's drainage requirements also specifically require exceedance routes to demonstrate how existing properties to the south will be protected.

There is therefore no outstanding technical objection on drainage grounds and the detailed matters identified by the drainage authority can appropriately be dealt with through the conditions it has recommended. A new comprehensive Flood Risk Assessment and drainage strategy will also accompany the future application for the wider allocation.

2. **Affordable Housing**

We acknowledge the discrepancy identified between the illustrative masterplan and the draft Heads of Terms and apologise for any confusion this has caused.

For clarity, the applicant is committed to providing 40% affordable housing, as stated within the draft Heads of Terms. This is above the 30% policy requirement referred to by the Parish Council. The reference to six affordable dwellings/27% on the illustrative masterplan is an outdated annotation and will be corrected.

3. **Corsham Road Access and Pedestrian Crossing**

We are pleased to confirm that Wiltshire Council Highways has confirmed that the proposed Corsham Road access is sufficient to serve both the current 22 dwellings and the wider allocation of up to 55 dwellings. The Highway Officer has also confirmed that the vehicular access arrangements for both the current and future development are accepted and that the proposals will ensure that development of the wider allocation is not prejudiced.

The pedestrian improvements are similarly capable of being secured. Highways requires, by condition, the provision of a pedestrian crossing on Corsham Road and a new 2m-wide footway connecting the site with the existing footway to the south. These works must be agreed with the Highway Authority and completed before occupation of the development.

There is therefore now considerable certainty regarding both the principle and delivery of these improvements.

4. **Comprehensive Development of the Allocation**

We fully understand the Parish Council's wish to ensure that this application does not compromise the remainder of the Policy 7.5 allocation. This has also been an important consideration for the applicant.

As members will recall from our previous meetings, a masterplan for the wider allocation has already been prepared and presented to the Parish Council to demonstrate how the land can be comprehensively developed. The applicant owns both parts of the allocation and intends to progress a further application for the wider site in the near future.

The current application deliberately seeks approval of access only, leaving layout reserved for later determination. This provides maximum flexibility to ensure that the detailed design of the current site can respond appropriately to the wider scheme. The submitted information also safeguards the continuation of the estate road into the adjoining land and Wiltshire Council Highways has expressly confirmed that the proposals will not prejudice development of the wider allocation.

We do not therefore consider that it would be appropriate or necessary to establish a binding timetable or detailed layout for Plot B through this application. Those matters will properly be considered through the forthcoming application for the wider allocation.

5. **Play Provision**

The current 22-dwelling scheme is not of a scale which justifies a formal equipped play area. It does, however, provide public open space and a natural play area.

As part of the future comprehensive scheme, the recreational requirements arising from the wider allocation will be considered as a whole and the applicant anticipates that this will include an appropriately located equipped play facility. Importantly, nothing within the current outline application prevents that provision coming forward as part of the wider development.

6. **Section 106 Agreement and Next Steps**

The applicant has already prepared draft Heads of Terms covering affordable housing, public open space, pedestrian and highway improvements and the other necessary obligations.

We understand that Wiltshire Council's legal team cannot be instructed to prepare the formal Section 106 Agreement until the application progresses towards a recommendation for approval. The precise wording,

triggers and enforcement mechanisms sought by the Parish Council will therefore necessarily be settled through that process. In that context, maintaining the call-in pending sight of the final Section 106 provisions risks preventing the application from reaching the very stage at which those provisions can be formally drafted and agreed.

We hope the above demonstrates how far the application has evolved in response to both the Parish Council and Wiltshire Council's technical consultees. The applicant has sought throughout to work positively with the Parish Council and remains committed to bringing forward the remainder of the allocation as soon as practicable.

With no objections from either the Highway Authority or Lead Local Flood Authority, 40% affordable housing proposed, the access confirmed as suitable for the wider allocation, pedestrian improvements secured and the future development of the adjoining land safeguarded, we hope that the Parish Council can now support the application and withdraw its call-in request, allowing the application to progress towards a recommendation for approval and the formal drafting of the Section 106 Agreement.

We would, of course, be very happy to continue our dialogue with the Parish Council as the wider proposals progress.

Yours sincerely

**Alison Whalley** BA (Hons) DipTP MRTPI
alison@rawplanning.co.uk
Mobile: 07841 417344

*cc: Isobella Wise – Wiltshire Council*

Outlook

## RE: Middle Farm, Corsham Road – PL/2024/09725

**From** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Date** Fri 04/09/2026 16:47
**To** Alison Whalley <Alison@rawplanning.co.uk>
**Cc** Wise, Isobella <isobella.wise@wiltshire.gov.uk>; Abi Leeder <absleeder@hotmail.co.uk>; Clinton Dicks <c.westlands.lane@outlook.com>; Fiona Dey <office@melkshamwithout-pc.gov.uk>

Thanks Alison
We will take a look.
We have a planning committee meeting on Monday 14th September, so as only a week away probably the best forum for the council to discuss and agree a response to you.
With kind regards, Teresa

---

**From:** Alison Whalley <Alison@rawplanning.co.uk>
**Sent:** 03 September 2026 18:19
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Cc:** Wise, Isobella <isobella.wise@wiltshire.gov.uk>; Abi Leeder <absleeder@hotmail.co.uk>; Clinton Dicks <c.westlands.lane@outlook.com>
**Subject:** Middle Farm, Corsham Road – PL/2024/09725
**Importance:** High

Hi Teresa,

Further to the Parish Council's recent comments, please find attached a letter which responds to the remaining points raised.

We have appreciated the constructive discussions we have had with the Parish Council throughout the application and I hope the letter provides the reassurance members are seeking. In particular, a number of the matters raised have now been confirmed by the Council's technical officers or can be appropriately secured through conditions and the Section 106 Agreement.

We are keen to keep the application moving and reach the point where the Parish Council feels able to support the application and withdraw the call-in request. This would allow the application to progress towards a recommendation and enable the formal Section 106 process to commence.

I would be grateful if you could circulate the attached to members and, as always, I am very happy to discuss any points with you or the Parish Council.

Best wishes,
Alison

**Alison Whalley BA (Hons) DipTP MRTPI**
**Director**
**M:** 07841 417344
**E:** alison@rawplanning.co.uk
**W:** www.rawplanning.co.uk

RAW Planning Ltd,
Registered Office: 4 Woodleys Yard, West Street, Aldbourne, Marlborough, Wiltshire SN8 2BL.
Registered in England & Wales, Company Number 11899496.

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

Development Services
Wiltshire Council
www.wiltshire.gov.uk
Tel: 0300 456 0114

planningtrees@wiltshire.gov.uk

**20 August 2026**

**IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

Dear Sir/Madam

**Wiltshire Council – Land North of Bath Road (A365), Melksham**
**Tree Preservation Order – TPO/2026/00018**

Under the terms of the Town & Country Planning (Trees) Regulations 2012, this is a formal notice to let you know that the Council made the above Tree Preservation Order which took effect, on a provisional basis, on **20 August 2026.**

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

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

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

The reason the Council has made this Order: **To preserve and protect the characteristics and values provided by veteran and significant trees.** The Council will consider whether the Order should be confirmed within 6 months from the date of being made, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by **17 September 2026.** Your comments must comply with Part 2, Section 6 of the Town and Country Planning (Tree Preservation Order) (England) Regulations 2012, a copy of which is printed overleaf. Send your comments to myself at planningtrees@wiltshire.gov.uk . All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

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

Yours faithfully

*Kate Tate*

Arboricultural Officer
Email: kate.tate@wiltshire.gov.uk
Telephone:

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

Objections and representations

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

(a) shall be made in writing and -

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

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

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

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

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

# TOWN AND COUNTRY PLANNING ACT 1990

## Wiltshire Council – Land North of Bath Road (A365), Melksham

**Provisional Tree Preservation Order TPO/2026/00018 Wiltshire Council**, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, as amended in the Town and Country Planning (Tree Preservation)(England) Regulations 2012, make the following Order:

Citation
This Order may be cited as **Land North of Bath Road (A365), Melksham**

Tree Preservation Order: **TPO Reference TPO/2026/00018**

Interpretation

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

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

Effect

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

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

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

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of, any tree specified in the Schedule of this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

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

Dated this 20 day of August 2026.

*Kate Tate*

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

**SCHEDULE**

**SPECIFICATION OF TREES**

**Wiltshire Council – Land North of Bath Road (A365), Melksham Tree Preservation Order TPO/2026/00018**

**TREES SPECIFIED INDIVIDUALLY**

(encircled in green on the map)

| *Reference on map* | *Description* | *Situation** |
|---|---|---|
| T1 | Oak | Land North of Bath Road (A365), Melksham |
| T2 | Oak | Land North of Bath Road (A365), Melksham |
| T3 | Oak | Land North of Bath Road (A365), Melksham |
| T4 | Oak | Land North of Bath Road (A365), Melksham |
| T5 | Oak | Land North of Bath Road (A365), Melksham |
| T6 | Oak | Land North of Bath Road (A365), Melksham |
| T7 | Oak | Land North of Bath Road (A365), Melksham |
| T8 | Oak | Land North of Bath Road (A365), Melksham |
| T9 | Oak | Land North of Bath Road (A365), Melksham |
| T10 | Oak | Land North of Bath Road (A365), Melksham |
| T11 | Oak | Land North of Bath Road (A365), Melksham |
| T12 | Oak | Land North of Bath Road (A365), Melksham |
| T13 | Oak | Land North of Bath Road (A365), Melksham |

**TREES SPECIFIED BY REFERENCE TO AN AREA**

(within a dotted black line on the map)

| *Reference on map* | *Description* | *Situation** |
|---|---|---|

**GROUP OF TREES**

(within a broken black line on the map)

| *Reference on map* | *Description* | *Situation** |
|---|---|---|
| | | |

**WOODLANDS**

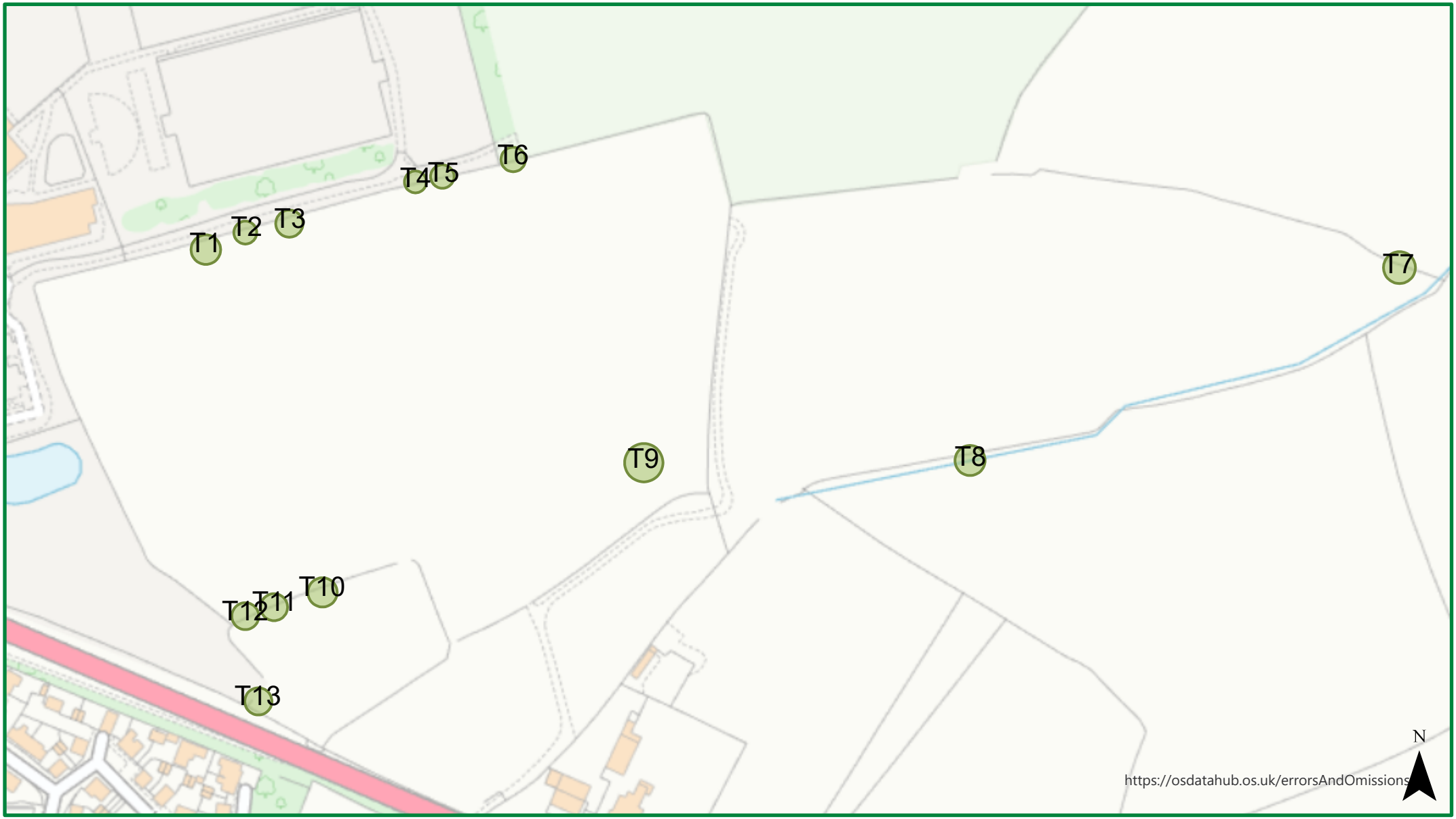
(within a continuous black line on the map)

| *Reference on map* | *Description* | *Situation** |
|---|---|---|
| | | |

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

Wiltshire Council

Land North of Bath Road (A356) Melksham




19/08/2026

392269E 162414N m

1:2,500

AGENDA ITEM 10a TPO 00018 Site Plan

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Outlook

## Tree Preservation Orders for Brampton Court

**From** Mark Harris <mark.harris@melkshamwithout-pc.gov.uk>
**Date** Fri 31/07/2026 15:02
**To** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; Fiona Dey <office@melkshamwithout-pc.gov.uk>; Marianne Rossi <admin@melkshamwithout-pc.gov.uk>
**Cc** John Glover <john.glover@melkshamwithout-pc.gov.uk>; David Pafford <david.pafford@melkshamwithout-pc.gov.uk>

5 attachments (19 MB)
20260730_154604.jpg; 20260730_154621.jpg; 20260730_154637.jpg; 20260730_154656.jpg; 20260730_154732.jpg;

I would like to request TPOs be placed on the remaining trees in Brampton Court. Two have already been cut down to stumps and one heavily pollarded by householders who may, **or may not**, own the land these trees stand on.

As far as I can tell the strip of land between the road and pavement on the West side of Brampton Court is Wiltshire Council amenity land and ID Verde cut the grass. One tree has been reduced to a stump and another severely pollarded by a private contractor, although it is already showing signs of recovery. The same cannot be said for the stump, which is gently rotting away.

The piece of land on the East side where a tree was cut down recently is owned by the householder (not shown in photos).

Please let me know if you need any further information/photos to progress this.

Many thanks.

Kind regards,

Mark H.

Cllr Mark Harris
Bowerhill Ward
Melksham Without Parish Council

Trees on Brampton Court subject of TPO request











Lime Down
Solar Park

# The Applicant's Response to the Examining Authority's Second Written Questions

**August 2026**

**Revision 1**

**Planning Inspectorate Reference: EN010168**

**Document Reference: EXAM/9.54**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

| ExQ | Respondent | Question | Applicant's Response |
|---|---|---|---|
| | | | **Selection Assessment [REP2-043]** and summarised in Table 2. |
| ALT2.3 | The Applicant | **Site Selection Process – Consistency Q3**<br><br>In the ES Chapter 4 [APP-056], it is not clear that a consistent methodology was applied to the cable route corridor (CRC) selection process. Paragraph 4.6.4 appears to add an additional criterion (road verge) to allow a further route to be considered. The applicant is asked to explain why the use of road verge was added to cater for Route 4, and if the use of the road verge was considered for any other route, and if not, why not. | To clarify, the road verge referred to at paragraph 4.6.4 of **ES Volume 1, Chapter 4 Alternatives and Design Evolution [APP-056]** is a description of the route along the A350.<br><br>The criteria applied at the initial optioneering stage was the same for all of the four routes. The A350 was added as it could have utilised an existing north south route along exiting infrastructure which could have avoided the identified constraints while following the route selection methodology.<br><br>Use of the road verge was considered for all routes with the extent of verge depending on how the potential cable route interacted with the alignment of the road network. |
| ALT2.4 | The Applicant | **Site Selection Process – Consistency Q4**<br><br>ES Chapter 4 [APP-056] sets out why land at Melksham was discounted for the location of the BESS Area. However, it is not clear what weighting was applied to those concerns bulleted in paragraphs 4.7.3 and 4.7.4 that led | In comparing the location near Melksham to the locations in Lime Down D, the Applicant considered the environmental constraints identified with baseline survey and assessment work carried out to date.<br><br>The Land at Melksham Substation forms a south facing slope to the north of Whitley, rising from approximately 62m AOD along the southern edge of the Site, to approximately 80m AOD along the northern edge. As a |

| ExQ | Respondent | Question | Applicant's Response |
|---|---|---|---|
| | | to Melksham being discounted over the environmental concerns of siting the BESS Area at Lime Down D.<br><br>The applicant is asked to provide further detail as to the weighting that was applied when weighing up siting the BESS at Melksham or at Lime Down D. | result, the BESS Area, as well as mitigation measures required to screen it, would likely cause adverse effects on the intact character of the rural agricultural landscape which forms the setting on Whitley, as well as views from Whitley and from further south, and local Public Rights of Way.<br><br>Land at Melksham Substation is adjacent to a Roman road to the north. There are also four Grade II listed buildings to the south of the Land at Melksham Substation positioned along the north side of Top Lane: Pear Tree Inn (NHLE 1364121), Northey's Farm (NHLE 1285547), Whitley House (NHLE 1021775) and Barn to Rear of Whitley House (NHLE 1285548).<br><br>All four listed buildings have a visual relationship with the proposed BESS site. Due to the proximity to the listed buildings, the rising topography and height of the proposed BESS, there would be potential for the Scheme to cause an indirect impact that could not be mitigated to these assets i.e. impact to elements of their setting that contribute to their significance. Northey's Farm (NHLE 1285547) has a historical relationship with land within the proposed BESS site. Introducing BESS infrastructure would have had a detrimental effect on the way the building is currently appreciated, namely, as a historic farm |

| ExQ | Respondent | Question | Applicant's Response |
|---|---|---|---|
| | | | building set directly next to its associated and a largely intact historic field system.<br><br>The site also has a visual relationship with the prominent Grade II* listed Christ Church (NHLE 1194686), which is located to the south of the site in Shaw.<br><br>As set out under paragraph 4.7.2 of **ES Volume 1, Chapter 4: Alternatives and Design Evolution [APP-056],** the land at Lime Down D represented the option with fewer overall effects that the Land at Melksham Substation because it is centrally located within Solar PV Sites, well screened, is not close to many residential receptors and is in close proximity to other built infrastructure (existing railway line).<br><br>Overall, the location of the BESS Area within Lime Down D had lower potential for significant effects.<br><br>It was considered that implementing the BESS Area at the Land at Melksham Substation would likely result in significant effects and that mitigation and avoidance would not be possible.<br><br>Feedback at non-statutory consultation highlighted also noted particular concern for the visual impact of the proposed BESS area on the villages of Whitley and Shaw, in particular at Top Lane. |

| ExQ | Respondent | Question | Applicant's Response |
|---|---|---|---|
| | | | Furthermore, the Applicant confirms that the design of the Scheme's battery infrastructure has been proactively informed by the National Fire Chiefs Council (NFCC) guidance, which was progressing through development at the time of the Non-Statutory Consultation in 2024. Due consideration was given to this guidance, which at the time was forthcoming and is now in effect and applied at Lime Down D, which would have resulted in significant design implications for the Whitley BESS site. As stated the Scheme now adheres to the 2026 NFCC revised guidance as secured through the **Outline Battery Safety Management Plan [REP3-106].**<br><br>The Applicant identified that applying the latest fire safety standards at the Whitley BESS site would have presented design and engineering difficulties. Specifically, a scenario for BESS unit spacing of up to 6m at the time mandated by NFCC to prevent fire propagation would have been more difficult to implement effectively with the site's topography. To achieve a safe and compliant layout, the Whitley site would have required large amounts of terracing and groundworks of the terrain to create the level platforms necessary for the battery containers and their foundations. This would have resulted in a greater environmental and landscape impact compared to the preferred BESS location at Lime Down D. |

## Teresa Strange

**From:** LeQuesne, Caroline <Caroline.LeQuesne@wiltshire.gov.uk>
**Sent:** 24 August 2026 13:07
**To:** CAWS
**Cc:** phil.alford@wiltshire.gov.uk; Teresa Strange; CAWS
**Subject:** Re: Corsham FEL final report

Hi Peter,

Please see the reply from Ellie,

Thank you for your response to the Corsham FEL report. It's good to hear that CAWS welcomes the recognition of the cumulative impact noted within. This was clear from our engagement. Unfortunately, there is no additional data on where people live that we can share. The only means of identifying where people live came from the optional demographic question relating to postcode, which only 109 respondents completed. As these questions are anonymous, they also cannot be attributed to the individual survey responses. We recognise this is a limitation of this survey, and it was rectified in future surveys in other areas, so we now ask all respondents as mandatory to list where they live by parish area rather than postcode. As you note, the current working group of 12 individuals cannot by themselves represent an entire community. However, the process of engagement has identified some general support through multiple workshops, the two surveys and informal engagement events that does go beyond 12 people (in addition to the noted concerns). The working group is therefore not the only support in the community, but it represents the people who are taking more of an active role at this stage. To reassure you, as part of any usual planning process for a community energy scheme, further community engagement would be required if any project is taken forward further, and site-specific / localised engagement is a key part of that.

Thank you for your feedback, and continued engagement in this process. As the Future Energy Landscapes process has now concluded in this area, your feedback has been passed on to the working group as well.

Best,
Ellie

Regards,

Caroline

**Caroline Le Quesne**
**Engagement and Partnership Lead, Central** (Bradford on Avon, Trowbridge, Warminster, Melksham, Devizes and Pewsey)
Communities - Engagement & Partnerships

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**From:** CAWS <whitley.and.shaw@gmail.com>
**Sent:** 12 August 2026 3:50 PM
**To:** LeQuesne, Caroline <Caroline.LeQuesne@wiltshire.gov.uk>
**Cc:** Alford, Phil <Phil.Alford@wiltshire.gov.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; CAWS <whitley.andshaw@gmail.com>
**Subject:** Re: Corsham FEL final report

Dear Ellie and Caroline
Thank you for sharing the final report of the Corsham Community Energy Conversation.
CAWS welcomes the report's clear recognition of the cumulative impact already being experienced by the communities of Shaw, Whitley, Beanacre and Atworth. We particularly welcome the decision not to take forward the potential sites along the southern boundary of Corsham parish. This demonstrates the value of involving residents who live outside the parish boundary but would be among those most directly affected by development within it.
We do, however, have some questions about how the engagement results are being interpreted. The report records 128 responses to the second survey, but only 109 respondents completed the demographic questions. Of those, 50% were from the broad SN12 area and 44% from SN13, described as "Corsham and surrounding villages".
It is therefore not possible from the published information to establish how many respondents lived within Corsham civil parish, or how many came specifically from Shaw and Whitley. We would be grateful if these figures could be provided, if the information is available.
We also note that only 33% of survey respondents said they would like a community energy project in the Corsham area. A further 22% were unsure and 45% said no. When asked which possible areas should be investigated, 54% selected none of them. These findings appear to demonstrate interest among a relatively small core group rather than broader community support for a project.
We recognise that this remains an exploratory process and that the report does not itself authorise any development. Nevertheless, it would be helpful to clarify that the working group of 12 interested individuals is not intended to be representative of Corsham parish or neighbouring communities and that no community mandate for a particular project or site is being claimed.
CAWS would welcome continued involvement as the work develops. In particular, we ask to be consulted at an early stage if the potential wind-turbine area near Neston, or any other proposal that could affect Shaw and Whitley, is considered further. Any future consultation should distinguish clearly between Corsham parish residents, residents of neighbouring parishes and those living closest to a proposed site.
We hope these comments are helpful and would be pleased to continue contributing constructively to the conversation.
Kind Regards
Peter Richardson
CAWS Chair

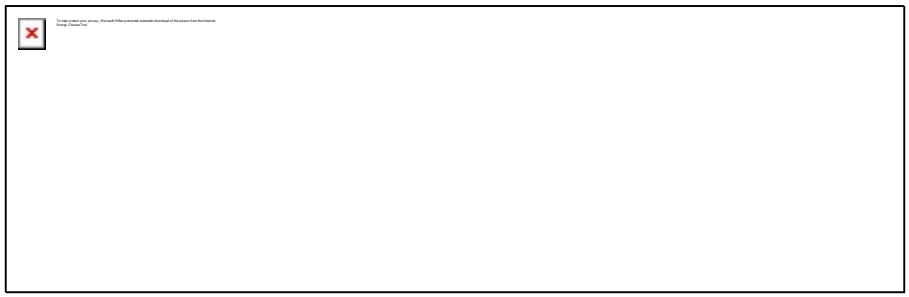
> On 12 Aug 2026, at 10:34, LeQuesne, Caroline <Caroline.LeQuesne@wiltshire.gov.uk> wrote:
>
> We're pleased to share that the final report has been published, summarising everything we found through our engagement. You can access the report on our website here Corsham and surrounding areas | Future Energy Landscapes

Thank you for sharing your thoughts with us throughout this process, either in person at events or via the survey. If you have any questions, please get in touch.

Best,

Ellie Phillips (she/her)
Project Officer
0117 934 1400
www.cse.org.uk | sign up to our enews | follow us on LinkedIn

Centre for Sustainable Energy
Registered charity no. 298740 | Registered company no. 2219673 | Registered office: St James Court, St James Parade, Bristol BS1 3LH
Privacy policy: www.cse.org.uk/privacy



Regards,

Caroline

**Caroline Le Quesne**
**Engagement and Partnership Lead, Central** (Bradford on Avon, Trowbridge, Warminster, Melksham, Devizes and Pewsey)
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Electricity Storage Network

# *Battery Energy Storage Systems Explained*

REGEN



# Overview

## The Electricity Storage Network (ESN) is the industry group and voice for grid-scale electricity storage in Great Britain, managed by Regen since 2018.

Battery energy storage systems (BESS) are large grid-scale battery storage projects that charge and discharge electricity to help provide flexibility and support renewable energy integration. BESS plays a crucial role in keeping the lights on and maintaining power quality in GB.

This document aims to set out the facts on common misunderstandings about BESS. We refer to BESS as battery storage throughout this report.

## Membership

The ESN has 100 members and 600 professionals developing, operating and supplying grid-scale storage in the GB market. This includes representation from publicly listed specialist investment funds focusing on storage and independent developers that have raised several billion pounds to invest in this technology.

## How much battery storage do we need?

The UK government has outlined an ambition for 23 GW to 27 GW of grid-scale battery storage in 2030.[1] The National Energy System Operator estimates 39 GW is needed by 2050 under their Holistic Transition pathway.[2]

1. DESNZ, 2024. Clean Power 2030 action plan
2. NESO, 2025. Future Energy Scenarios 2025: Pathways to Net Zero



AGENDA ITEM 11e 11.06.2026 Battery Energy Storage Explained - ESN

# Contents


The benefits of battery storage 4

Battery storage explained 5

Industry action to improve safety 6

Key topics

01. Fire risk 7

02. Firewater management 8

03. Environmental impact 9

04. Location 10

05. Land use 10

06. Visual impact 11

07. Noise pollution 12

08. Traffic management 13

09. Electromagnetic fields 14

10. Cybersecurity 14

Additional resources 15

# The benefits of battery storage

## Reducing bills

Battery storage is already saving consumers millions of pounds on bills through lower balancing costs.[3] It enables more homegrown wind and solar power to be harnessed, replaces expensive high-carbon options, shifts power to when it's needed and provides critical services that support a cleaner and cheaper energy system.

## Unsubsidised

The GB battery storage market is already world-leading in terms of scale and maturity, having developed without direct subsidy since 2016. Costs have fallen rapidly as technology has improved, making it one of the few technology types that can deliver at scale ahead of 2030 without requiring direct government support or additional costs on bills.[4]

## Improving energy security

Battery storage is uniquely placed to help stabilise the electricity network, making it more reliable and affordable. Power cuts are much less likely thanks to our existing fleet of battery storage in GB that can respond in less than a second to disturbances on the grid.[5]



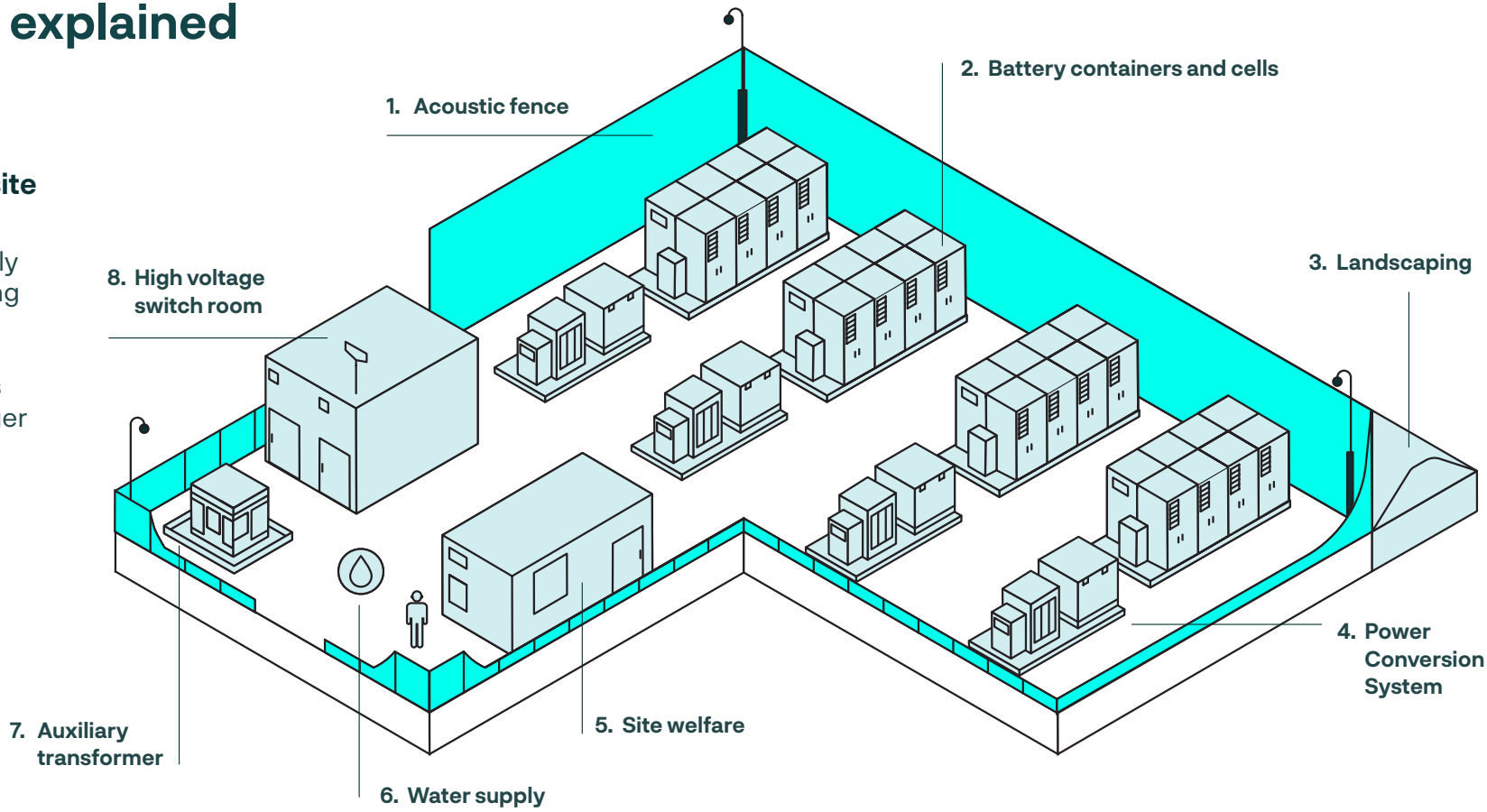
Image: Harmony Energy

3. Modo Energy, 2025. Do batteries save consumer costs in Great Britain?
4. BloombergNEF, 2025. Lithium-Ion Battery Pack Prices Fall to $108 Per Kilowatt-Hour, Despite Rising Metal Prices
5. Ofgem, 2025. Frequency Risk and Control Report 2025 Consultation

# Battery storage explained

## A typical battery storage site

Most sites contain the same types of components, with only quantities changing depending on the desired power (MW) and duration (hours). Larger transmission-connected sites will comprise significantly larger switchgear and transformer equipment suitable for 132 kV - 400 kV connections.




This drawing of a typical battery storage site is for illustrative purposes only. Site layout will vary depending on size, hardware, location, etc.

1. **Acoustic fence**
   Depending on the site, this may be required to reduce noise.
2. **Battery cells**
   The Li-Ion battery cells are collated into modules and arranged in racks, housed within a container. This can be a shipping container or other cabinet depending on the manufacturer and site. Monitoring and safety systems are integrated into these containers.
3. **Landscaping**
   Depending on the site, trees and hedging may be used to enhance biodiversity and visual screening, with a buffer from the perimeter to help reduce fire risk.
4. **Power Conversion System**
   The Power Conversion System uses inverters to convert the electricity from DC to AC and transforms to step up or step down voltages to allow it to connect to the network.
5. **Site welfare**
   Typically a site office and toilets.
6. **Water supply**
   From storage tanks, mains or other sources.
7. **Auxiliary transformer**
   Supplies low-voltage power to other systems on the site (e.g. monitoring).
8. **High voltage switch room**
   Contains switchgear and other equipment that controls and protects the flow of electricity.

# Industry action to improve safety

### Safety improvements

In the UK, developers follow robust safety protocols guided by Health and Safety Executive and National Fire Chiefs Council (NFCC) guidance.

While battery storage is still an emerging sector, the industry has learned a great deal as the technology has matured, leading to significant advances in safety standards and best practice. Sites are designed to prevent fire incidents with different levels of monitoring and safety. If an incident does occur, sites are designed to minimise the environmental impact and ensure a rapid, effective emergency response.

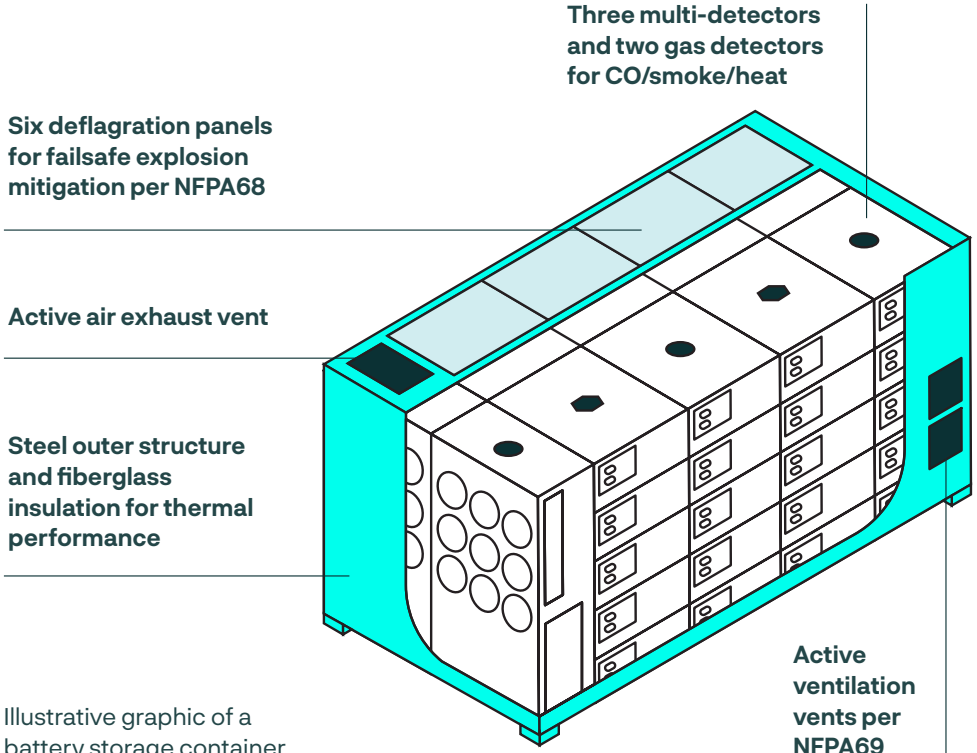
The insurance sector also plays an important role in enforcing safety standards, as all projects require cover to secure funding and operate. Insurers effectively enforce an additional layer of safety standards based on globally recognised standards, helping ensure sites remain safe for people, property and the environment.

Actual UK experience shows incidents are rare and contained, with only a handful documented.[6] In every case, the fire was contained to the affected battery container.

International data collected by the Electric Power Research Institute shows the rate of failure incidents has fallen sharply (around 97% globally between 2018 and 2023) as lessons from early failures have been incorporated into safer designs, detection systems and operational best practices.

### Regulatory framework

UK battery storage facilities operate under a strong regulatory framework. The Health and Safety Executive oversees workplace safety and risk management, while planning approvals require detailed emergency response and safety management plans developed with local Fire and Rescue Services. Environmental safeguards are incorporated to protect soil and waterways and an additional environmental permitting process for battery storage is being developed.




Illustrative graphic of a battery storage container and safety measures

### Design evolution

Battery storage design has evolved significantly, with newer systems using modular containers, improved detection and suppression technologies, and layouts that support targeted response by emergency services. Developers continually review and enhance safety measures so new projects adopt the latest technology, operational procedures and lessons learned. This ensures that UK battery storage remains safe, environmentally responsible and tightly regulated.

6. House of Commons Library, 2025. Battery energy storage systems (BESS)

# Key topics

**The following pages explore 10 key topics relevant to battery storage project sites, setting out the latest industry thinking and good practice, with a focus on how these issues are being addressed across the sector today.**

## 1. What is the risk of fires in large battery storage systems?

Battery storage fires are very rare and are carefully managed with strong safety measures, occurring less frequently than fires in other non-domestic buildings in England.

The risk of fire in battery storage systems comes from 'thermal runaway', where a damaged battery cell overheats and produces heat faster than it can be released. As large battery storage systems contain many individual cells, there is a small risk that one failing cell could affect neighbouring ones. However, cells are specifically engineered to prevent this.

Modern battery storage uses the same lithium-ion technology found in mobile phones and laptops, but with industrial-grade safety built in at every stage of design and operation. These include multiple layers of protection, such as smoke sensors, fire suppression systems, careful spacing between units and emergency procedures that are developed in collaboration with local fire services. International best-practice standards also guide safe design and operation.

With strong safety controls in place, battery fires are very rare. Current data shows that fire rates at these sites (0.7%) are lower than those for other non-domestic buildings in England (0.8%). Incidents are typically contained quickly, keeping the overall risk to the public very low.[7]

7. Department for Energy Security and Net Zero, 2025. Clean Flexibility Roadmap



AGENDA ITEM 11e 11.06.2026 Battery Energy Storage Explained - ESH

## 2. What measures prevent firefighting water from harming the environment?

Water is carefully controlled during battery-storage fires and is primarily used to prevent fire from spreading to adjacent units, rather than to extinguish flames. This can reduce water use and environmental impacts.

The NFCC provides guidance on battery storage fires. In line with this guidance, if a fire does occur, water is applied strategically to protect adjacent containers and contain the incident, employing a controlled-burn approach to the affected container. Specialised battery technology and appropriate spacing prevent the fire from spreading.

Battery storage sites are designed with safety in mind, including plans for managing water in an emergency. Firefighting water can mix with battery electrolytes and other chemicals during a fire. To manage this, battery storage sites can be designed with containment measures, such as bunds, interceptors, lined drainage or storage areas, to prevent runoff from entering soil or waterways.

Following NFCC guidance, operators develop robust outline battery safety management and emergency response plans alongside local fire and rescue services, ensuring that water use, containment and fire response are managed in accordance with regulatory requirements. Lessons from rare incidents are shared across the industry and with fire and rescue services to support future responses.




Image: Zenobe

### A controlled-burn approach for battery storage fires

The NFCC guidance acknowledges that battery storage fires are difficult to extinguish and that using large volumes of water can generate large volumes of contaminated firewater runoff, which could impact the environment. To address this, the NFCC describes a managed or “controlled-burn” approach as the prevailing firefighting tactic in many battery storage incidents. In practice, this means:

— Allowing the affected battery container to safely burn itself out under controlled conditions
— Using water defensively for boundary cooling to protect neighbouring containers and prevent fire spread
— Focusing on containing the fire, rather than aggressive extinguishment using water, to minimise runoff and environmental harm.




Image: Harmony Energy

## 3. What measures prevent fire plumes at battery sites from harming the environment?

Developers should follow the NFCC guidance to ensure suitable environmental protection measures are used.

The environmental consequences of battery storage fires have been studied through real-world incidents, experiments and monitoring, and show minimal long-term impact compared to other industrial fires.[8]

Airborne emissions, such as carbon dioxide and trace chemicals like hydrofluoric acid, are largely confined to the fire site and disperse rapidly into the atmosphere.[9] Developers are aware of the potential impact on neighbouring buildings and take this into account in emergency planning and response. Smoke plumes from a fire naturally rise above building heights, helping to minimise effects on nearby properties. Rapid dispersion also keeps concentrations below flammability or toxic limits.

8. Fire & Risk Alliance, LLC, 2025. Assessment of Potential Impacts of Fires at BESS Facilities
9. American Clean Power, 2025. Assessment of Potential Impacts of Fires at BESS Facilities

## 4. How are locations for battery sites chosen?

Battery sites are usually located near substations or renewable projects to strengthen the grid.

Battery storage systems are needed across the electricity grid to balance supply and demand and support renewable energy integration. By storing electricity when supply exceeds demand and releasing it when needed, they can reduce the need for costly network upgrades.

Locations are chosen based on where storage will provide the most benefit, considering factors such as where the electricity is generated and consumed, the timeline for grid connection and whether substations have the capacity to accommodate new connections. Site-specific factors, including but not limited to, landscape, ecology, safety and flood risk are also assessed.

Battery systems must connect to existing grid infrastructure to import and export power as needed. Therefore, many projects are built next to existing substations or co-located with renewable developments such as solar farms, where the infrastructure can be shared. Close proximity avoids lengthy transmission cables, maximises grid stability and minimises environmental impact and cost.

## 5. How do battery storage projects mitigate impacts on farmland, wildlife and the environment?

Planning policies and environmental assessments ensure that high-quality farmland and ecologically sensitive areas are avoided where possible. Where farmland is used, developments are designed to minimise disruption.

Not all battery storage projects are built on agricultural land, but because they must be located near existing electricity infrastructure, many are. In GB, there are roughly 17 million hectares of farmland,[10] yet in 2025, the total area used for grid-scale battery storage is only about 125 hectares[11] – equivalent to just 0.0007% of agricultural land, or roughly 190 football pitches - representing a small percentage of farmland with minimal impact on overall agricultural productivity.

Developments avoid high-quality farmland and ecologically sensitive habitats where possible, and where farmland is used, battery storage sites are designed to minimise impact. Sites are often located next to substations or renewable energy developments, further reducing land-use pressures. Developers are also required to deliver a minimum 10% biodiversity net gain in England, offsetting ecological impacts through measures such as wildflower meadows, pollinator-friendly habitats, hedgerows, orchards and grasslands.[12]

10. Department for Environment, Food and Rural Affairs, 2025. Agricultural Land Use in United Kingdom at 1 June 2025
11. Based on the current 6.8 GW of operational battery storage capacity and assuming an average density of 22 MW per, as observed in recent projects – referencing the red line boundary
12. Department for Environment, Food and Rural Affairs, 2025. Understanding biodiversity net gain

## 6. How could a battery storage site affect local views and surrounding landscape?

Battery storage sites are designed to minimise visual impact on local communities where possible using profile layouts, hedgerows and screening.

During the planning process, a Landscape and Visual Assessment (LVA) is typically submitted to evaluate the potential direct and indirect effects of a proposed battery site on the surrounding landscape. This includes considering views from nearby homes, public rights of way and sensitive natural areas. The impact will depend on the scale of the site and local context. Larger battery storage sites are being deployed as the technology continues to mature, which can have increased landscape and visual impacts.

Where impacts are identified, mitigation measures are implemented, where possible. Common approaches include planting hedgerows and trees, installing earth mounds as screening, fencing, or adjusting the site's layout and orientation to reduce visibility. Battery storage units themselves are usually compact, low-rise and designed to minimise contrast with the surroundings. Combining these measures helps ensure that the overall visual impact is limited and considerate of the local environment.





Imagery: top Harmony Energy, below Eku Energy

## 7. Are battery storage sites noisy?

Battery storage sites are generally quiet. Most noise comes from fans and inverters and sites are designed to meet strict noise limits and minimise impact.

Batteries themselves are quiet, with most sound coming from fans, inverters, air conditioning and transformers. Systems are designed to operate efficiently and quietly to minimise noise. Key factors include the technology used and the existing background noise in the area (e.g. road noise).

Battery storage systems are designed to be considerate of nearby communities. Before a site is built, a Noise Acoustic Impact Assessment is carried out and approved by the local Environmental Health Officer, with the system designed to meet strict noise limits set by the local authority. Where needed, mitigation measures such as barriers or enclosures are used, ensuring that the noise from the site is minimal.

During construction, temporary noise from site activities and vehicles is managed through a Construction Environmental Management Plan, or similar.






Imagery: top Zenobe, below Eku Energy



Image: Gore Street Capital

## 8. Will building a battery storage site significantly disrupt local roads or traffic?

Building a battery storage site usually causes limited disruption. Most deliveries are standard-sized and any larger vehicles carefully managed with local authorities for safe traffic.

The latest battery storage systems are usually made up of 20ft or 40ft containers that do not interfere with normal traffic. The heaviest traffic occurs during groundworks and container installation, which can take longer for larger sites. Later stages involve fewer vehicles, with visits mainly for commissioning and operational checks.

For larger projects, delivery of heavy transformers may require one-off, abnormal load movements, and laying of grid cables may involve temporary road closures with stop/start traffic management, which must be approved by the local authority in compliance with the project's road opening license. Careful planning and coordination with local authorities ensure that any disruption to residents and traffic is minimised. A construction Transport Management Plan is typically included in battery storage planning applications and covers delivery routes, timing of abnormal loads, HGV numbers and hours, access arrangements, traffic management and liaison with traffic authorities, where required. Once operational, traffic to the site is very low and is limited to routine maintenance visits as sites are not permanently manned.

## 9. Could we be exposed to electromagnetic fields near battery storage sites?

The batteries themselves don't generate electromagnetic waves. Other electrical equipment on a site can emit electromagnetic fields and safe limits are informed by the UK Health and Security Agency.

All electrical equipment produces some level of electromagnetic fields. The battery storage cells do not emit electromagnetic fields, but the supporting electrical infrastructure does when active. The levels created at a battery storage site are typically low and do not travel far from the equipment. This is because magnetic fields quickly weaken as they move away from the source, so any effects are confined to the immediate areas around the batteries. Main contributors to a site include inverters, transformers and switchgear, which are well understood from other technologies and have limits and regulations set by government with input from the UK Health and Security Agency.[13]

## 10. Could a cyberattack on battery storage sites disrupt the power grid?

Battery storage systems have strong cybersecurity and safeguards, with advanced protections, failsafes and regulations.

As battery storage is integrated into the electricity grid, it could become a target for cyber threats. To prevent unauthorised access, these systems incorporate layers of cybersecurity, including encryption, authentication, intrusion detection and network segmentation.

Battery storage sites are designed for operational resilience. If a threat is detected, grid compliance requirements ensure that systems disconnect from the network, isolate themselves or operate autonomously, preventing disruption from spreading across the grid. Large-scale installations are managed under strict ownership and operational protocols, overseen by the UK National Cyber Security Centre, which sets standards and provides guidance for critical energy infrastructure. Cybersecurity regulations are being reviewed and the industry is working with the UK government and the energy regulator to update standards, regulations and best practice.

13. National Grid, 2026. EMFs.info

# Additional resources

### Learn more

To learn more about battery storage safety, technology and regulations, the following resources are available:

— NFCC Guidance on Battery Energy Storage Systems
— HSE Energy Storage Safety Guidance
— Assessing battery energy storage systems applications

### Community engagement

Open conversations between developers and communities help inform decisions about new projects. Regen's best-practice guide in community engagement offers practical advice and examples to support conversations at every stage.

Developers value community input. Local consultation events, asking questions and sharing concerns help ensure projects are designed with both safety and community priorities in mind.

### Membership

The Electricity Storage Network, managed by Regen, is the only industry body dedicated to grid-scale storage in GB.

Get in touch if you'd like to speak to us. Please reach out to ESN lead Olly Frankland - ofrankland@regen.co.uk

Regen provides independent, evidence-led insight and advice in support of our mission to transform the UK's energy system for a net zero future. We know that a transformation of this scale will require engaging the whole of society in a just transition.

Visit regen.co.uk to find out more about our work



Image: Pulse Clean Energy

Electricity Storage Network

Issue date and version:
June 2026

Report by:
Becky Fowell,
Project manager, Regen

Approved by:
Olly Frankland,
ESN lead, Regen

Regen
Bradninch Court,
Castle St,
Exeter EX4 3PL

REGEN

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Cover image: Pulse Clean Energy

**Brian Mathew MP**
Member of Parliament for Melksham & Devizes
House of Commons, London SW1A 0AA

The Rt Hon Angela Rayner MP
Secretary of State for Housing, Communities and Local Government
Ministry of Housing, Communities and Local Government
London
SW1P 4DF

31 July 2026

**Re:** Snarlton Farm development, Melksham

Dear Secretary of State,

I am writing to you regarding the recent decision in Melksham - PL/2024/07097.

I was disappointed to see that planning permission had been granted for the development of 300 properties in Melksham Without Parish at Snarlton Farm, a decision which runs directly counter to the Joint Melksham Neighbourhood Plan (JMNP2). Understandably, this leads my constituents to question what influence Neighbourhood Plans can realistically have on future development.

I recognise the pressing national need to increase housing supply, and I am not suggesting that Melksham should be exempt from playing its part. However, development of this scale, in direct conflict with the neighbourhood plan and without adequate supporting infrastructure, is not sustainable and does not reflect the plan-led system that the Government has committed to. Melksham has also shouldered, and continues to shoulder, its fair share of housing development in recent years.

I would be grateful for the opportunity to meet with you, or a relevant Minister, alongside local representatives, to discuss this decision in more detail and explore what can be done to:

1. Fully understand the decision to approve this application despite its conflict with the Neighbourhood Plan
2. Secure meaningful infrastructure commitments to support the town given the cumulative impact of recent development
3. Ensure neighbourhood plans are given appropriate weight in future planning decisions affecting the constituency
4. Understand the government's view on how much influence Neighbourhood plans can reasonably expect to have on large scale development.

I look forward to your response, and to hearing from you regarding a suitable date for a meeting.

Yours sincerely,

Brian Mathew MP

Dr Brian Mathew MP

**Email: brian.mathew.mp@parliament.uk**

Planning Inspectorate

# Appeal Decision

Site visit made on 17 June 2026

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 July 2026**

**Appeal Ref: 6001365**
**Land to the rear of 52e Chapel Lane, Beanacre, Melksham SN12 7PX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Ian Taylor and John Lee against the decision of Wiltshire Council.
- The application Ref is PL/2023/05883.
- The development proposed is erection of three dwellings, with access, parking, and associated works including landscaping.

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The application is in outline with all matters reserved. Access, appearance, landscaping, layout and scale are matters reserved for future consideration. As far as any details of matters relating to those reserved matters have been provided on the submitted plans, I have treated these as indicative.

## Main Issue

3. The main issue is whether the proposed development would be safe for its lifetime having regard to flood risk from groundwater, whether a satisfactory and sustainable drainage strategy has been demonstrated, and the consequent implications for the application of the Sequential Test.

## Reasons

4. The appeal site lies within Flood Zone 1 and is therefore at the lowest probability of flooding from rivers and the sea. However, paragraph 170 of the National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and that development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraphs 173 to 175 require account to be taken of flood risk from any source, including groundwater flooding, both now and in the future.

5. Residential development is generally assumed to have a lifetime of at least 100 years. Consequently, flood risk must be considered both now and in the future, taking account of the potential effects of climate change.

6. The Wiltshire Strategic Flood Risk Assessment (SFRA) 2019 identifies the appeal site as lying predominantly within the second-highest groundwater susceptibility

category, with a smaller area within the highest category. In those circumstances, groundwater flood risk is a relevant consideration in this appeal.

7. The SFRA is an important part of the evidence base and paragraph 174 of the Framework indicates that it provides the basis for applying the sequential approach. However, the SFRA is a strategic assessment and the evidence before me also includes site-specific investigations undertaken specifically for this proposal. Moreover, paragraph 3.4.3 of the SFRA advises that strategic groundwater mapping should not be used as the sole evidence for site-specific planning decisions. In these circumstances, I attach substantial weight to the site-specific investigations that have been undertaken.

8. The appellants' Flood Risk Assessment and Drainage Statement (FRA) records groundwater levels as shallow as 0.2m below ground level during monitoring and categorises groundwater flood risk as medium/high. The accompanying geotechnical evidence similarly identifies shallow and variable groundwater conditions, indicating that groundwater can rise close to the ground surface during winter periods.

9. I have had regard to the appellants' submission that the winter 2023/24 monitoring should be discounted because rainfall levels exceeded those associated with a 1 in 100-year event. However, the purpose of the assessment is to determine whether the development would remain safe throughout its lifetime having regard to flood risk and climate change. In that context, evidence demonstrating how groundwater responds during periods of elevated rainfall remains relevant to the assessment of future risk and drainage performance.

10. The groundwater conditions identified through monitoring informed the drainage assessment submitted with the application, including the conclusion that conventional soakaways would be unsuitable and the need for a drainage strategy specifically designed to respond to shallow groundwater conditions. These findings derive from the appellants' own investigations and are therefore afforded significant weight.

11. Although the appellants assert that the site should be categorised as low risk for the purposes of paragraph 5.2.1 of the SFRA, I do not regard that strategic categorisation exercise as determinative of the site-specific circumstances demonstrated by the direct monitoring and investigation undertaken for this proposal. Those investigations provide more recent and direct evidence of groundwater conditions on the appeal site and therefore carry significant weight in my assessment.

12. Consequently, whilst the SFRA remains an important component of the evidence base, I place greater weight on the appellants' site-specific groundwater monitoring and geotechnical investigations. Taken together, they demonstrate that elevated groundwater conditions are a material consideration in assessing the site's suitability for residential development, irrespective of the site's strategic categorisation within the SFRA.

13. The proposed drainage strategy reduces reliance on conventional soakaways but nevertheless remains dependent upon infiltration-based drainage measures and ground conditions to achieve its intended performance. The revised scheme incorporates alternative sustainable drainage features, principally rainwater gardens and permeable gravel areas designed to store and disperse runoff into the

surrounding ground. Although supported by drainage calculations and modelling, the effectiveness of those measures remains dependent upon the recorded ground and groundwater conditions. The critical issue is therefore whether the evidence demonstrates that the assumed drainage performance can be achieved and maintained throughout the lifetime of the development.

14. I have carefully considered the submitted MicroDrainage modelling and associated drainage calculations. The modelling adopts the lowest recorded infiltration result together with a factor of safety and predicts acceptable performance.

15. However, the geotechnical evidence confirms that infiltration testing was incomplete and that the recorded infiltration rates were derived through extrapolation. The geotechnical report further concludes that infiltration rates are likely to reduce as soils become saturated and that soakaway drainage is unlikely to be suitable for the site. Moreover, groundwater monitoring recorded groundwater as shallow as 0.2m below ground level during winter conditions, and the monitoring report concluded that groundwater is close to ground level across the site during winter months. In these circumstances, whilst I have had regard to the modelling results, I am not persuaded that the submitted evidence demonstrates that the infiltration assumptions relied upon within the modelling have been shown to reflect drainage performance under the groundwater conditions recorded on the site throughout the lifetime of the development.

16. I also recognise that the drainage strategy was amended in response to groundwater monitoring and consultation responses, including the removal of conventional soakaways and the incorporation of rainwater gardens, permeable surfacing, water harvesting measures and a drainage mound. However, those measures remain dependent upon infiltration into ground conditions affected by shallow groundwater and identified permeability constraints. Consequently, I am not satisfied that the revised strategy has demonstrated satisfactory long-term performance.

17. The appellants also rely upon proposed finished floor levels being raised above existing ground levels. Although this may reduce the likelihood of groundwater affecting the proposed dwellings themselves, it does not demonstrate that the proposed drainage strategy would function effectively or otherwise overcome the groundwater constraints identified through site investigation.

18. Whilst a positive outfall to the adjacent ditch may be available, this does not alter my conclusion that the drainage strategy remains dependent upon infiltration-based measures whose long-term effectiveness has not been demonstrated having regard to the recorded groundwater conditions.

19. The proposed foul drainage strategy relies on a package treatment plant discharging via a drainage mound and associated infiltration trenches, specifically designed to respond to the recorded groundwater conditions. However, the effectiveness of this strategy remains dependent on infiltration into ground conditions where the geotechnical evidence identifies significant permeability constraints and where groundwater monitoring recorded groundwater levels close to the surface. Furthermore, given the indication within the submitted drainage design that further testing is required under Building Regulations Part H, I am not persuaded that the information submitted demonstrates the long-term effectiveness of the proposed foul drainage arrangements. Accordingly, I am not satisfied that an

effective and sustainable foul drainage strategy has been demonstrated in principle.

20. I also note that the Council's Lead Local Flood Authority (LLFA) objects to the proposal. Although earlier consultation responses suggested that the proposal might be made acceptable through conditions, the LLFA's final consultation response maintained an objection following consideration of the updated groundwater monitoring. The objection is broadly consistent with the appellants' own evidence of shallow groundwater and low permeability conditions. Whilst I have had regard to the LLFA's views, my conclusions are based principally on the evidence submitted by the appellants.

21. Taking these matters together, I am not satisfied that the submitted drainage strategy has been shown to operate satisfactorily throughout the lifetime of the development, particularly during periods of elevated groundwater.

22. The appellants refer to the absence of any recorded history of groundwater flooding at the appeal site, the absence of flooding affecting nearby residential properties, including some located within the highest groundwater susceptibility category, Government flood-risk mapping, and nearby dwellings said to utilise infiltration-based drainage arrangements without recorded flooding problems. However, limited evidence has been provided regarding the design, operation or performance of those drainage systems and I therefore attach limited weight to those comparisons.

23. Furthermore, the absence of evidence of historic groundwater flooding affecting the appeal site, or nearby properties located within areas of higher groundwater susceptibility, does not in itself demonstrate that the proposed development would remain safe throughout its lifetime or that the proposed drainage strategy would operate satisfactorily under the groundwater conditions identified through site investigation. I have also had regard to the appellants' reference to planning permission PL/2022/08848. However, insufficient information has been provided regarding the circumstances of that development to enable any meaningful comparison to be drawn, and I therefore attach limited weight to that comparison.

24. The appellants rely on the Stanton St Quintin and Chapmanslade appeal decisions in support of their contention that drainage matters could be addressed through planning conditions or subsequent approvals. However, appeal decisions are not binding precedents and must be considered in the context of their particular facts and evidence.

25. The Stanton St Quintin decision concerned Permission in Principle, where drainage details could be assessed at the subsequent Technical Details Consent stage. By contrast, in this appeal I must determine whether the evidence demonstrates, in principle, that an acceptable infiltration-based drainage strategy can be achieved having regard to the groundwater and ground conditions identified through the appellants' own investigations. For the reasons set out above, I am not satisfied that it does. In the circumstances of this appeal, the fundamental question is whether the evidence demonstrates that a satisfactory drainage solution can be achieved in principle having regard to the recorded groundwater conditions. Given the uncertainty identified above, I am not persuaded that the matter is capable of being deferred to conditions without first establishing that an acceptable solution exists in principle.

26. In the Chapmanslade decision, flood risk did not form part of the Council's reasons for refusal and the Inspector was not required to determine equivalent issues. Accordingly, neither decision leads me to a different conclusion.

27. Nor do the appellants' references to potential alternative measures, including attenuation storage, rainwater harvesting and water butts, alter my conclusions. Whilst such measures may reduce runoff, the evidence before me does not demonstrate that they would overcome the concerns identified regarding the suitability and performance of the proposed infiltration-dependent drainage strategy having regard to the groundwater and ground conditions identified through site investigation.

28. The existence of a draft condition does not alter my conclusion. The issue is not the approval of drainage details, but whether the evidence demonstrates in principle that an acceptable drainage solution can be achieved having regard to the recorded groundwater conditions.

29. Whilst I have had regard to the proposed finished floor levels and other mitigation measures, paragraph 175 of the Framework requires more than protection of the proposed dwellings themselves. The evidence before me must demonstrate that the proposed development, including associated drainage infrastructure, foul drainage arrangements, access and surface water management features, would remain safe throughout its lifetime having regard to flood risk from groundwater. For the reasons set out above, I am not persuaded that this has been demonstrated in the circumstances of this case.

30. Accordingly, for the reasons set out above, I am not satisfied that the submitted FRA demonstrates that the proposed development, including the proposed dwellings, drainage infrastructure, access arrangements and associated works, would remain safe throughout its lifetime having regard to flood risk from groundwater. Nor am I satisfied that the effectiveness of the proposed surface water and foul drainage systems has been demonstrated. Consequently, I find that the circumstances described in paragraph 175 of the Framework have not been established and that the exemption from the Sequential Test is not available in this case.

31. As I have found that the circumstances described in paragraph 175 of the Framework have not been established, the exemption from the Sequential Test is unavailable. No Sequential Test has been undertaken and, in the absence of such an assessment, I cannot conclude that the requirements of the sequential approach have been satisfied.

32. Therefore, the proposal conflicts with Core Policy 67 of the Wiltshire Core Strategy, saved Policy U1a of the West Wiltshire District Local Plan (1st Alteration) 2004 and the Framework. Collectively, and amongst other things, these policies seek to ensure that flood risk from all sources is appropriately assessed and taken into account in decision-making, that development is directed to areas at the lowest risk of flooding from any source, that the sequential approach is applied where required, and that satisfactory surface water and foul drainage arrangements are demonstrated so that development remains safe throughout its lifetime without increasing flood risk elsewhere.

33. Areas at risk of flooding are identified in footnote 7 to paragraph 11 of the Framework as policies of particular importance. Having found conflict with the

Framework's flood-risk policies and that the Sequential Test has not been satisfied, I conclude that these matters provide a strong reason for refusing the development for the purposes of paragraph 11(d)(i) of the Framework.

34. Consequently, the presumption in favour of sustainable development does not indicate that planning permission should be granted.

**Other Matters**

35. The recent adoption of the Joint Melksham Neighbourhood Plan 2 and the objections raised on that basis have been taken into account. However, given my findings in relation to flood risk, drainage and the Sequential Test, it is unnecessary for me to reach a definitive conclusion on those matters.

36. Whilst concerns have been raised by interested parties regarding matters including highway safety and ecology, these do not form part of the Council's reasons for refusal and there is insufficient evidence before me to conclude that unacceptable harm would arise.

**Planning Balance and Conclusion**

37. In favour of the proposal, it would provide three additional dwellings and therefore make a modest contribution to housing supply. I have had regard to the Council's housing land supply position of approximately 2.03 years and to the appellants' submissions that the proposal would contribute towards meeting housing needs in circumstances where there is a substantial shortfall in deliverable housing land. The proposal would also provide modest economic benefits during construction and through future household expenditure. In addition, it would make a small contribution to local housing choice and availability. In these circumstances, and having regard to the Council's significant housing land supply shortfall, I attach substantial weight to the provision of three additional dwellings.

38. However, the unresolved concerns regarding groundwater flood risk and drainage weigh heavily against the proposal. Furthermore, the proposal has not been shown to satisfy the Framework's requirements in relation to flood risk, drainage or the sequential approach. These matters give rise to significant conflict with national and local planning policy, to which I attach very substantial weight.

39. Even taking account of the substantial weight that I attach to the provision of additional housing, together with the modest economic and social benefits associated with the proposal, I find that the benefits of the proposal do not outweigh the harm arising from the conflict with flood-risk policy, the failure to satisfy the sequential approach required by national policy and the unresolved concerns regarding groundwater flood risk and drainage. Accordingly, I conclude that the appeal should be dismissed.

*M Aqbal*

INSPECTOR

09 July 2026

Planning
Wiltshire Council
Tel: 0300 456 0114
www.wiltshire.gov.uk
PlanningAppeals@wiltshire.gov.uk

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

| | |
|---|---|
| APPELLANTS NAME: | Mr K Lockwood |
| APPEAL SITE: | 554 Canal Bridge, Semington, Trowbridge, BA14 6JT |
| PLANNING APPLICATION REF: | PL/2026/02084 |
| PROPOSED DEVELOPMENT: | Proposed erection of 1no. high-quality, sustainable, single storey dwelling including car port, home office; new planting and biodiversity enhancement measures. |
| INSPECTORATE REFERENCE: | 6012410 |
| APPEAL START DATE: | 09 July 2026 |

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

The appeal is Against a Refusal in respect of the above site and is to be decided on the basis of Written Representations procedure as set out in Part 2 of The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, as amended.

All comments made on the original application will be sent to the Planning Inspectorate. The Inspector appointed by the Secretary of State will consider these comments when determining the appeal. Documents relating to the appeal(s) can be viewed on the Council website by searching the application reference at https://development.wiltshire.gov.uk/pr/s/.

If you wish to make new comments, or modify/withdraw your previous comments, you can do so online at https://appeal-planning-decision.service.gov.uk/comment-planning-appeal/enter-appeal-reference. You can also write to: The Planning Inspectorate, c/o QUADIENT, 69 Buckingham Avenue, Slough, SL1 4PN.

New comments to the Planning Inspectorate must be received by **13 August 2026.**

Comments received after the deadline are normally not considered and will be returned. Please include the appeal reference in all comments. If you provide information about someone else, make sure you have their permission. All comments sent to the Planning Inspectorate will be shared with the appellant and the local planning authority.

You can view the Planning Inspectorate's guidance to taking part at https://www.gov.uk/government/publications/planning-appeals-dealt-with-by-written-representations-taking-part.

The Planning Inspectorate aims to deal with appeals following this procedure within 14 weeks of the appeal start date. When made, the decision will be published online at https://appeal-planning-decision.service.gov.uk/comment-planning-appeal/enter-appeal-reference.

Yours faithfully,

Head of Development Management


Wiltshire Council
Where everybody matters
STREET SIGNAGE LAYOUT
WESTERN WAY
HORNBEAM CRESCENT
ASH GROVE
LAP
126sqm
STREET SIGNS x 1:
Nos 21-25 odds
STREET SIGNS x 1:
Nos 10-14 evens
STREET SIGNS x 1:
Nos 5-15 odds
PRITCHARD WAY
STREET SIGNS x 2:
PRITCHARD WAY
North Townsend Farm
South
Townsend Farm
STREET SIGNS x 1:
Nos 1-7 odds
KEEN DRIVE
STREET SIGNS x 2:
KEEN DRIVE
TOWNSEND FARM
SEMINGTON ROAD

## Teresa Strange

**From:** Luke Webb <lwebb@livingspacehousing.co.uk>
**Sent:** 22 July 2026 12:03
**To:** Teresa Strange
**Cc:** Fiona Dey
**Subject:** RE: Semington Road, Melksham - Street Naming
**Attachments:** Semington Road Melksham signage plan.pdf

Hi Teresa,

I didn't think I had seen that email as it went to a colleague of mine. Nevertheless, I am pleased to confirm the names have been used – see attached. Keen Drive and Pritchard Way have been used as there are only two roads within the development.

Kind regards,

**Luke Webb** *MRTPI*
Planning Director

M: 07399250872
T: 0121 752 3726
W: livingspacehousing.co.uk
Head Office: Friars Gate, 1011 Stratford Road, Shirley, Solihull, B90 4BN

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**From:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Sent:** 14 July 2026 15:18
**To:** Luke Webb <lwebb@livingspacehousing.co.uk>
**Cc:** Fiona Dey <office@melkshamwithout-pc.gov.uk>
**Subject:** FW: Semington Road, Melksham - Street Naming

Hi Luke
Thank you for your time today.
The street naming information as previously supplied in 2024 is attached and below.
With kind regards, Teresa

**From:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Sent:** 26 March 2024 15:58
**To:** ajones@livingspacehousing.co.uk <ajones@livingspacehousing.co.uk>
**Cc:** Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
**Subject:** FW: Semington Road, Melksham - Street Naming

Hi

Please find attached, following received a message from Joe Carver that he has left Living Spaces.
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

**Wellbeing Statement** I may send emails outside office hours but never with any expectation of response. Please just get back to me when you can within your own working hours. Thank you.

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

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**From:** Teresa Strange
**Sent:** 26 March 2024 15:33
**To:** 'jcarver@livingspacehousing.co.uk' <jcarver@livingspacehousing.co.uk>
**Cc:** Lorraine McRandle <office@melkshamwithout-pc.gov.uk>; 'streetnaming@wiltshire.gov.uk' <streetnaming@wiltshire.gov.uk>
**Subject:** RE: Semington Road, Melksham - Street Naming

Dear Joe
Please find completed Form A attached.
The parish council are keen that the name “Keen” is used, particularly for the main access road off Semington Road, the “red route” on the map.
Keen is the last family name of those still farming at Townsend Farm. The other names are also past farmers of Townsend Farm.

In terms of due diligence; Dennis Robert Keen was born on 17th August 1919 and died in September 1970 (death registered in Trowbridge). This is outside the requirement for the form for “consent as died within the last 50 years”, however, I can confirm that one of our councillors who knows his son, did chat with him and they are happy about the street naming.

And here is the info from the Census:

| Census Year | Head of Family | Age & dates if known | Occupation | Born |
|---|---|---|---|---|
| 1851 | George Pritchard | 40 (1811-1873) | Farmer of 110 acres | Seend |
| 1861 | Jane Pritchard | 49 (1811-1893) | Farmers wife | Melksham |
| 1871 | George Pritchard | 60 (1811-1873) | Farmer of 100 acres | Seend |
| 1881 | William Tayler | 34 (c1847-) | Farmer of 80 acres | Melksham |
| 1901 | Henry Potto | 35 (c1886-) | Farmer | Devizes |
| 1911 | Henry Moses Pottow | 45 (c1886-) | Agriculture Farmer | Caen Hill, Devizes |

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

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

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**From:** Teresa Strange
**Sent:** 01 March 2024 16:27

**To:** jcarver@livingspacehousing.co.uk
**Cc:** Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
**Subject:** FW: Semington Road, Melksham - Street Naming

Hi Joe
I am not sure if my colleague replied to you last week when I was out of the office, so apologies if this is the first reply you have from us.
The parish council have a list of 5 surnames of previous farmers who owned Townsend Farm; which they think would be appropriate for the development.
They will all meet the stipulation of being passed away over 50 years, but we are just doing some due diligence/checking out of courtesy with current living family members before sending the paperwork through to Street Naming.
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
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On Instagram: melkshamwithoutpc

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**From:** Joe Carver <jcarver@livingspacehousing.co.uk>
**Sent:** 21 February 2024 09:01
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Subject:** FW: Semington Road, Melksham - Street Naming

Hi,

I hope this email finds you well.

Please see the below email from Wiltshire Council.
We have started our development just off Semington Road and would like to apply for street and road names.
Based off the email from Wiltshire Council they suggest 3 street names.

Best wishes
Joe

**Joe Carver**
Technical Assistant

T: 0121 752 3726

M: 07496 464 504

www: livingspacehousing.co.uk

Hayfield House, Arleston Way, Shirley, B90 4LH

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**From:** Street Naming <StreetNaming@wiltshire.gov.uk>
**Sent:** Tuesday, February 20, 2024 8:44 AM
**To:** Joe Carver <jcarver@livingspacehousing.co.uk>
**Cc:** clerk@melkshamwithout-pc.gov.uk
**Subject:** RE: Semington Road, Melksham - Street Naming

Dear Joe,

Thank you for your email.

With regards your recent Street Naming & Numbering application, having looked at your plans, we believe 2 **new streets** will be required (as shown on the attached sheet), but would appreciate, say, 3 suggestions being supplied just in case any prove unacceptable.

**For new developments which involve the creation of new streets, the Street Naming & Numbering process requires developers to carry out pre-application consultations with the relevant Town/Parish Council to agree suitable street names. Once agreement is reached a formal application and associated documents should then be submitted by the developer.**

The contact details for the Town Clerk are set out below (and we have copied them into this email so that they are aware that you will be in touch):

Clerk to Melksham Without Parish Council
First Floor, Melksham Community Campus
Market Place
Melksham
SN12 6ES

01225 705700

clerk@melkshamwithout-pc.gov.uk

***Please Note: The Street Naming & Numbering Policy has the following guidelines regarding the naming of new streets:***

- *New street names should not duplicate any similar name already in use in a town or village or in the same postcode area. A variation in the terminal word, for example, "street", "road", "avenue", will not be accepted as sufficient reason to duplicate a name. A common request is to repeat existing names in a new road or building title (for example a request for "St Mary's Close" off an existing St Mary's Way, near St Mary's Church). This is not allowed as it can cause the emergency services to initially go to the wrong property, wasting crucial time.*
- *New street names should not be difficult to pronounce or awkward to spell.*
- *Names which could give offence should not be used nor should names which encourage defacing nameplates.*

Copies of Forms A, B & C, and a Fee Sheet is attached for your use. Form A (and, if relevant, Forms B & C) need to be completed by the Town Council after agreement has been reached on the suggested street name, and then submitted with your application. Your application form I will keep on hold.

The fee for 50 plots is £3037.57.

If you have any queries, please do not hesitate to contact us.

Kind regards

**Maria McCraith**

**Address Information Officer**
Wiltshire Council, County Hall, Trowbridge, Wiltshire BA14 8JN

Wiltshire Council

Tel: 01225 770517
Email: streetnaming@wiltshire.gov.uk
Web: www.wiltshire.gov.uk
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Please note I now work 4 days a week (Monday to Thursday)




**From:** Joe Carver <jcarver@livingspacehousing.co.uk>
**Sent:** Monday, February 19, 2024 10:40 AM
**To:** Street Naming <StreetNaming@wiltshire.gov.uk>
**Cc:** Tony Hindle <thindle@livingspacehousing.co.uk>
**Subject:** Semington Road, Melksham - Street Naming

> You don't often get email from jcarver@livingspacehousing.co.uk. Learn why this is important

Hi,

Please see the completed form and additional information attached for our development at:
Land at Townsend Farm,
Semington Road,
Melksham,
SN12 6DL

We are constructing 50 new homes.

Best wishes
Joe

**Joe Carver**
Technical Assistant

T: 0121 752 3726

M: 07496 464 504

www: livingspacehousing.co.uk

Hayfield House, Arleston Way, Shirley, B90 4LH




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**NOTES OF MEETING WITH PEGASUS**
**ON WEDNESDAY 12TH AUGUST 2026 AT 10.30AM**

**RE: Land between Folly Lane and First Lane, Shaw/Whitley**

**Present:** Councillor Richard Wood (Chair of Planning)
Councillor Alan Baines (Vice Chair of Planning)
Councillor David Pafford (Vice Chair of Council)
Councillor Mark Harris (Planning Committee Member)
Councillor Peter Richardson (Planning Committee Member)
Wiltshire Councillor Phil Alford
Teresa Strange (Clerk, Melksham Without)
Fiona Dey (Parish Officer, Melksham Without)

Kate Holden, Pegasus Group
Simon Steele-Perkins, Waddesdon Park Ltd

## 1. Introduction and proposals

Kate Holden and Simon Steele-Perkins presented an early, indicative scheme on behalf of Pegasus Group and Waddesdon Park Ltd. Waddesdon Park was described as a land promoter, not a housebuilder. A pre-application enquiry had been submitted to Wiltshire Council, but no decision had been made to submit a planning application. The site would also be promoted through the emerging Local Plan/call-for-sites process.

The indicative scheme comprised up to approximately 100 dwellings: around 70 on the Folly Lane parcel and 30 on the First Lane parcel. Separate vehicular accesses were proposed, with no vehicular link between the parcels. A pedestrian and cycle connection would run through central public open space containing biodiversity and drainage features. The layout showed a LEAP to the north and two LAPs to the south.

The promoter confirmed that the proposals and presentation were not confidential, provided they were clearly identified as indicative pre-application material.

## 2. Neighbourhood Plan, housing numbers and settlement separation

Members emphasised that JMNP2 was the current development plan and that the site had been assessed but not allocated. They asked that it should not be described as the 'next best site', as this could imply an endorsement which had not been given. The promoter accepted this distinction.

Members' principal concern was that development on both parcels would conflict with the plan-led approach and erode the physical and perceptual separation between the distinct villages of Shaw and Whitley. They challenged the claim that the scheme would 'extend the green gap', as housing would be introduced at both ends of presently open land, and referred to the dismissal of the Corsham Road appeal on coalescence grounds.

The promoter stated that the central valley would remain open, become publicly accessible and be protected from future development. Members acknowledged the

benefit of public access but remained concerned that both villages would extend towards one another.

Members also rejected any assumption that further Wiltshire-wide housing requirements should automatically be met in Melksham. They highlighted the substantial housing already allocated or permitted locally, including recent appeal decisions, and strongly supported plan-led rather than piecemeal speculative development.

**3. Scale, density and housing mix**

The promoter said the housing numbers and layout remained flexible. Members asked that any scheme reflect the low-density character of Shaw and Whitley, with adequate gardens, and be informed by the Shaw and Whitley Housing Needs Assessment and the Melksham Design Guide/Design Code.

Members requested a mix meeting identified local needs rather than predominantly larger executive homes, including:

- smaller two- and three-bedroom homes and genuinely affordable housing for local people;
- open-market bungalows; and
- accessible and adaptable homes enabling older residents or those with mobility needs to downsize while remaining in the villages.

No housing mix or affordable housing percentage had yet been fixed.

**4. Highways and access**

Members raised significant concerns about both proposed accesses:

Folly Lane/A365 - vehicles frequently travelled at speed from Atworth and Shaw Hill; the bend could limit awareness of turning or queuing vehicles; and the route carried increased HGV traffic. Members considered that a right-turn ghost-island lane might be required to reduce the risk of rear-end collisions.

First Lane - the lane was narrow and rural, and a formal estate access and additional traffic could urbanise its character. The area was also affected by parking associated with Shaw Primary School.

Members stressed that local experience should inform the technical assessment. The promoter advised that discussions with Wiltshire Highways might include road markings and moving the 30/40 mph speed-limit change. The First Lane access could potentially move a limited distance, subject to visibility and hedgerow constraints.

**5. Flooding, drainage and sewerage**

Members described significant surface-water flows from higher land across First Lane and towards Shaw School, Corsham Road and nearby properties. They referred to water entering drives, existing gullies and openings in boundary walls, and a drainage pipe near the proposed First Lane access.

Members directed the promoter to JMNP2 Policy 3 and asked that any scheme actively help mitigate wider flooding, rather than merely avoid increasing runoff. The Shaw and Whitley flood wardens should be consulted because of their detailed local knowledge.

Concern was also raised about foul drainage capacity and historic combined-drainage problems. The promoter indicated that a mains sewer connection and pumping station in the northern parcel were envisaged, subject to further engagement with Wessex Water.

**6. Open space, play, connectivity and community benefits**

Members asked that the Parish Council be given the first opportunity to consider taking ownership of the equipped play area, with suitable funding arrangements secured at outline stage.

Members stressed that Local Areas for Play (LAPs) should provide meaningful activity rather than incidental grassed areas. The scheme should also include provision for teenagers and informal recreation, such as space to kick a ball. Possible trim-trail provision should be explored.

Members welcomed pedestrian and cycle connectivity without a vehicular link and asked whether the brook crossing could be improved, potentially through a new bridge and diversion of the public right of way. If the scheme progressed, early discussion should also cover safe park-and-stride provision for the school and improvements to Shaw Village Hall and Whitley Reading Room.

Members requested solar panels, domestic battery storage and properly designed low-carbon heating. The promoter agreed to consider relevant technologies.

**7. Community engagement and next steps**

Members asked for any future consultation to be held in Shaw and/or Whitley, at convenient times, with sufficient notice and clear large-format plans. Engagement should not rely solely on online participation. The Parish Council offered to assist through noticeboards, social media and local contacts, and suggested use of the village magazine, community shop/café and local halls.

The promoter would continue the pre-application and Local Plan processes, keep the Parish Council informed and consider the issues raised before deciding whether to submit an application.

The notes would be submitted to a future Planning Committee meeting for approval. No formal view on the merits of the proposal was taken because this was not a formal council meeting.

Meeting closed at 11:49am

P22-2806

14th August 2026

Ms Teresa Strange – Clerk
Melksham Without Parish Council
First Floor Melksham Community Campus,
Market Place
Melksham
Wiltshire
SN12 6ES

BY EMAIL ONLY: clerk@melkshamwithout-pc.gov.uk

Dear Teresa,

**Land between Folly Lane and First Lane, Shaw**

On behalf of myself and Simon, thanks to you and your members for meeting with us this week. We felt there was some really helpful and constructive conversation about our proposals, and we have come away with some valuable local knowledge.

As discussed, we have recently submitted a request for pre-application advice to Wiltshire Council, based on the same outline proposals (for up to 100 dwellings) presented to you. There is a significant backlog of requests with the Council and we have been advised by the officer, Gen Collins, that she will aim to review ours in September, but it may well be October or later by the time we have any formal feedback. We are also promoting the site through the emerging Wiltshire Local Plan, including the 'Call for Sites' process which is currently running. Neither the pre-application request nor the Call for Sites submission are indicative of a decision to immediately submit a planning application – we want to do things properly, by working in consultation with you.

Under the updated government housing need calculation method, the new Wiltshire Local Plan is required to plan for around 3,500 new homes per year (approximately 3,476 annually). This marks a significant 81% increase from the previous target of just under 2,000 homes (1,917) per year. Assuming a 20-year plan period, that is an extra **30,000 homes**. It is unclear at this stage whether Wiltshire Council would look to allocate specific sites in villages within the plan or defer to neighbourhood planning areas/parishes to identify sites to deliver a prescribed number of houses (i.e. as per the previous plan). Either way, the magnitude of the increased requirement will inevitably mean new sites will need to be found across the whole authority, and moreover, that some of these will need to be non-strategic scale sites in order to ensure that delivery can be secured within the first 5 years, as per the NPPF requirement.

Although the JMNP2 laudably planned positively for more than its "fair share" of development under the old (inadequate) requirement of 1,917 homes per year, given that requirement has been found unsound, regrettably the 'share' allocated to the neighbourhood plan area must also be considered out-of-date. This is reflected in the weight allocated to the JMNP2 by the appeal Inspector at Woodrow Road, Melksham.

Accordingly, rather than resist further (inevitable) development which then comes forward outside of any Parish Council involvement, we consider it would be prudent to engage with a site or those sites to which you could potentially support on the basis of the benefits they could bring to the local community. An allocation for our site in the Wiltshire Local Plan – which can be shaped by local voices – could help defend against any further allocations or unwelcome future speculative applications by fulfilling the (actual) neighbourhood area housing quota.

There was some debate at our meeting about the semantics of whether or not Land between Folly Lane and First Lane, was the "next best" site considered for allocation in the JMNP2 and we wholly appreciate a decision was made not to allocate, and principally on the basis of concerns around coalescence and the 'green wedge'. The site assessment report found:

• Site 3148 (Middle Farm A) to be **suitable** for allocation;

• Sites MEL01 (Whitley Farm), 3246 (Land off Corsham Road) and MEL11 (Land north of Folly Lane and south of First Lane) to be **potentially suitable** for allocation; and

• The remainder to be **unsuitable** for allocation. (albeit MEL07 Middle Farm B was in fact selected for allocation).

Therefore, of those not allocated, Land off Corsham Road and our site were the most favourably assessed. You advised that the concern around coalescence was central to not selecting this site and we hope that our discussion today has provided some clarity and comfort on this matter. As I set out, the guiding principle for the design development of the site has always been to retain and enhance a generous green space through the centre of the site to provide opportunities for recreation, play, landscape improvements and wildlife enhancements in perpetuity, providing public access to space which is currently in private ownership. There are opportunities to divert and enhance the public rights of way too. We are very open to the idea of the Parish having control over the design and use of this space in so far as the planning regime allows.

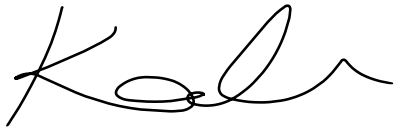
We were pleased to hear your more detailed comments about the types of housing which may serve the local community including the downsizing population, as well as other ways in which we might support the community through contributions towards facilities. It was also helpful to hear about the local experience of flooding and drainage, and of traffic considerations relevant to the respective proposed access points so that we can design in

mitigation, or where possible, betterment. You are welcome to provide us with details of any further local priorities or aspirations for the scheme for our consideration.

In the meantime, we will keep you updated on our progress with the pre-application request and as and when we plan any consultation with the community we will of course engage with you first to align channels of communication and information.

I look forward to speaking again soon.

Yours Sincerely



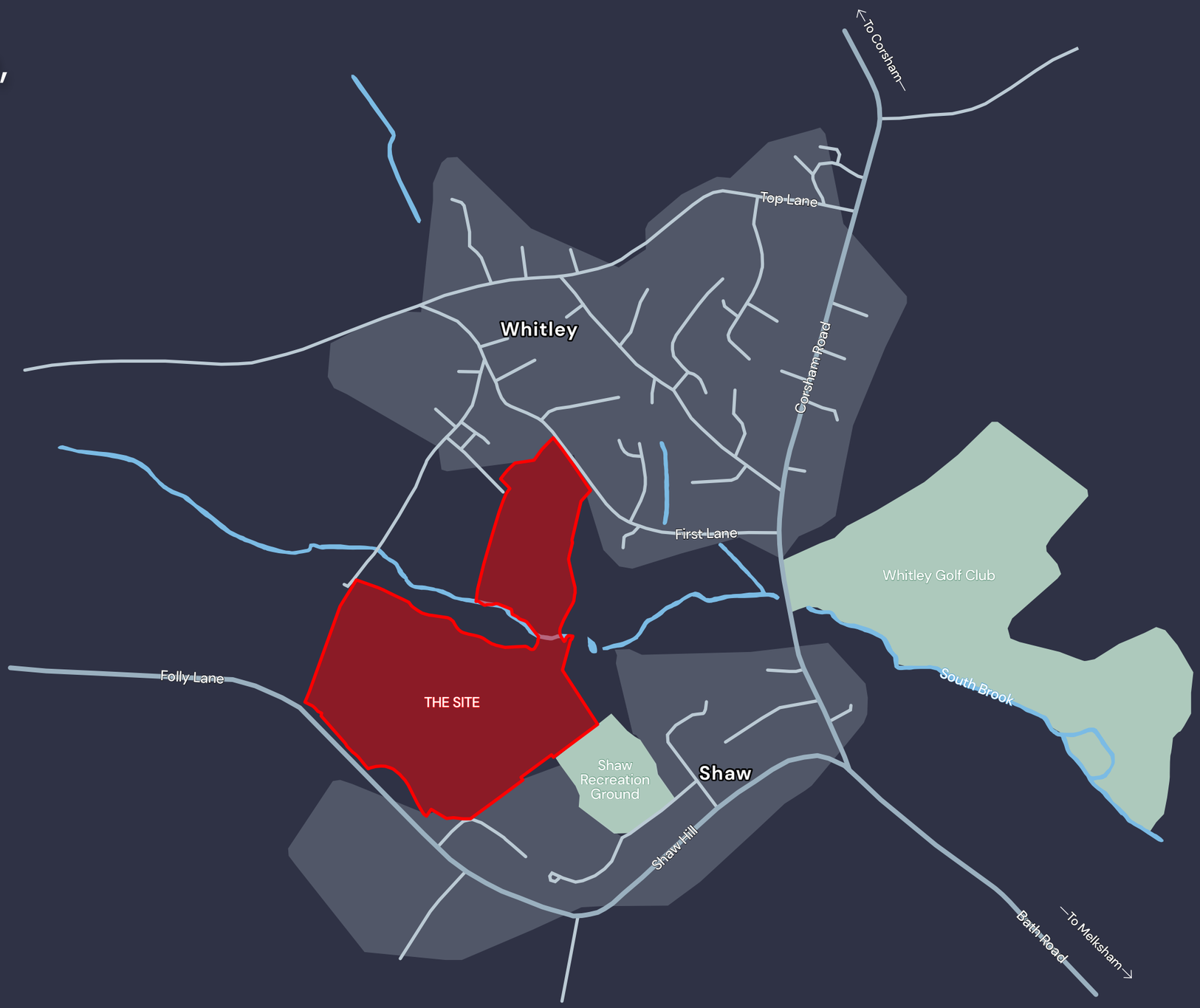
Kate Holden
**Associate**
**E: kate.holden@pegasusgroup.co.uk**
**M: 07551 170 302**

Land Between

# Folly Land & First Lane,

# Shaw

Parish Council Presentation



# The Site

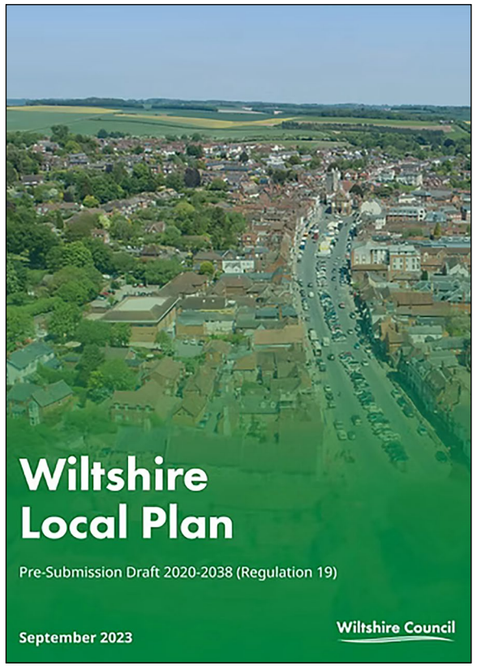
The site area is located between the villages of Shaw and Whitley, approximately 2km northwest of Melksham, Wiltshire.

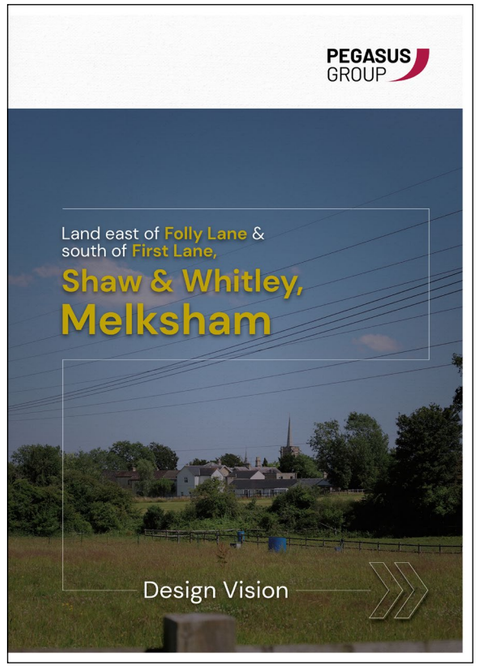


# The Context

- Engagement with the Joint Melksham Neighbourhood Plan 2 and Our Vision Document.
- The Wiltshire Council Plan and Housing Land Supply.
- Pre-Application Enquiry.



# Constraints and Opportunities Technical Work

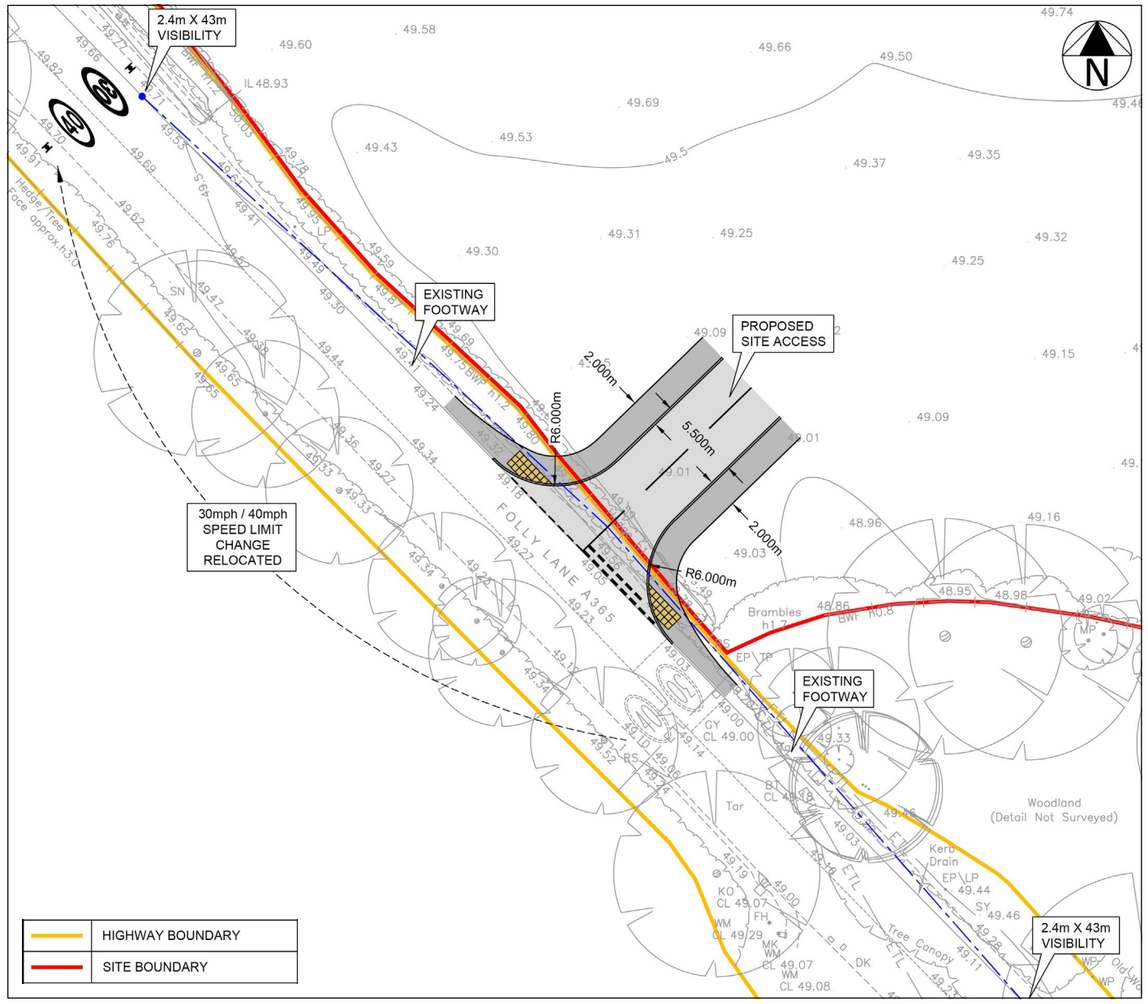
- Listed Buildings.
- Flood Risk.
- Access and connectivity.
- The valley and the Green Wedge.
- Key Views.
- Existing landscaping.



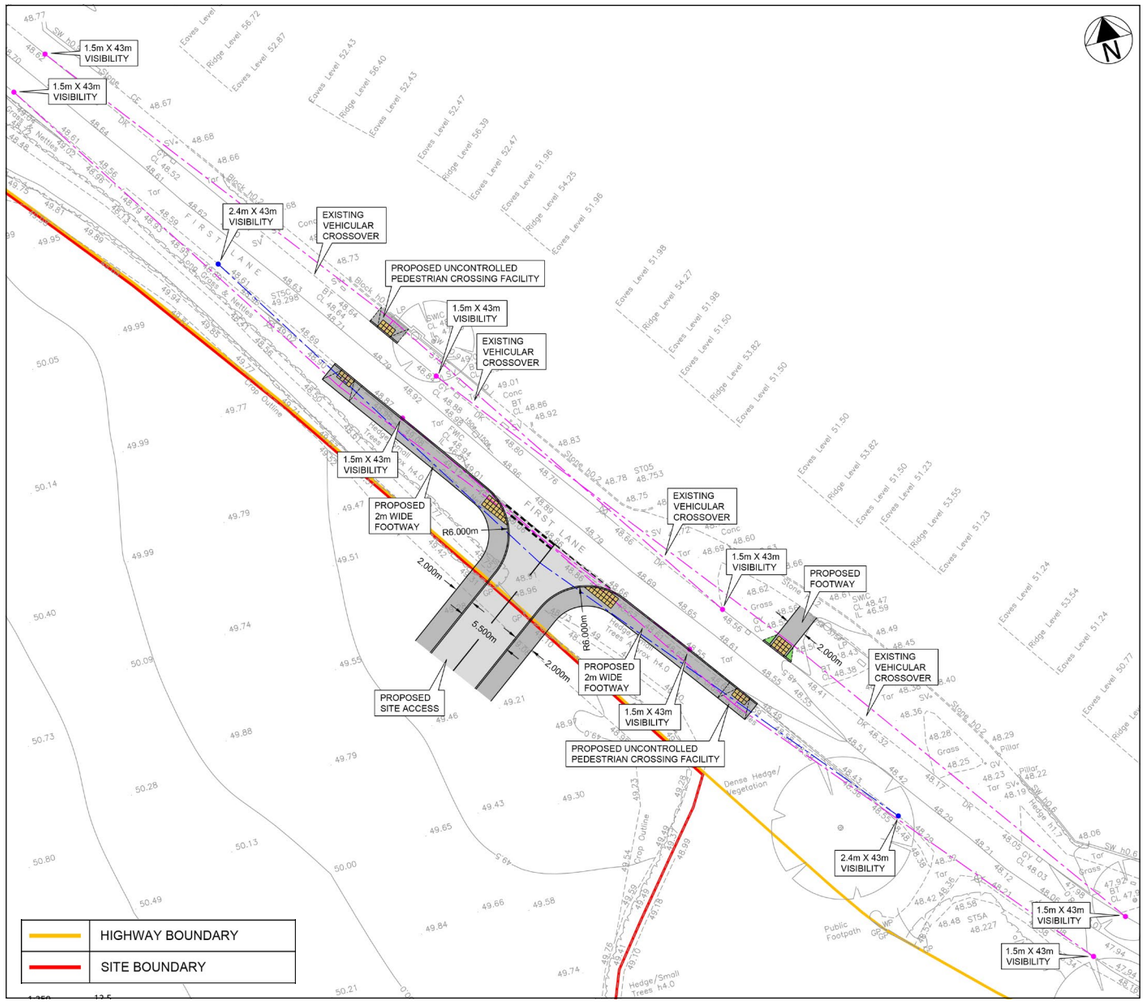
# Our Proposals



# Access




» Proposed Site Access (Option A)




» Proposed Site Access (Option C)

Source: Belvedere

# Questions & Discussion

**NOTES OF MEETING WITH LIVING SPACES**
**ON MONDAY 14th July 2026 AT 12.30PM**
**RE: LAND AT SEMINGTON ROAD (REAR OF TOWNSEND FARM)**
**(PL/2023/008098 Ph1 and PL/2024/11665 Ph2)**

**Present:** Councillor Richard Wood (Chair of Planning)
Councillor John Glover (Chair of Council)
Councillor David Pafford (Vice Chair of Council)
Councillor Alan Baines (Vice Chair of Planning)
Councillor Mark Harris (Planning Committee Member)
Councillor Martin Franks (Planning Committee Member)

Teresa Strange (Clerk to Melksham Without)
Fiona Dey (Parish Officer, Melksham Without)

Andy Thompson (Highways Technician, Wiltshire Council)

Luke Webb, Planning Director, Living Spaces

**Site access and programme**

Living Space provided an update on the new site access. The necessary Section 38 technical approval had now been received, following unexpected delays involving both sides. The contractor was now awaiting an available road-space booking before the access works could be undertaken.

The works were likely to require a road closure during October. It was noted that other works were scheduled in the area between 10 August and 11 September, which could affect the timing.

Access to the site was expected to be available by the end of October or during November, with occupation of the first properties anticipated by December. Living Space advised that there were already people who had been waiting to move into the development for approximately 12 months.

**Construction programme**

The development was being delivered in two phases. Play equipment would be installed towards the end of Phase 1. Phase 2 had not yet commenced but was expected to begin in October, using the new site access.

Living Space would provide a copy of the current construction and servicing schedule.

**Traffic management and local roads**

Andy Thompson continued to have concerns regarding the depth of the existing cables.

A second closure of Semington Road was expected during September or October to form the bellmouth access.

Members raised the continuing use of Townsend Farm for site access and concerns regarding the impact on the privately maintained road. It was noted that compensation may need to be considered for any damage caused.

Plans were discussed for restricting the existing entrance onto Berryfield Lane once the new access was operational. The intention was to reinstate the hedgerow and install bollards and fencing, while retaining a pedestrian access. Living Space would investigate whether the boundary treatment could be made more substantial and whether improved access could be provided to the south for the allotments and public right of way.

**Drainage and landscaping**

Concern was raised regarding water pooling outside the mobile homes. Living Space would investigate this issue.

Members also raised the condition of the reinstated verge near the roundabout, where weeds had grown rather than grass. It was noted that the roundabout works had been undertaken as part of a Melksham Town Council-sponsored scheme.

**Bus stop**

Members queried why the developer had said that the proposed bus stop near the mobile home park could not be provided when the Highways consultant had considered it acceptable.

Living Space agreed to share the relevant details and plans with the Parish Council and to provide the bus-stop information to Andy Thompson.

**Communication with residents**

Living Space had appointed a new resident liaison team, which would contact residents of Townsend Farm.

It was agreed that matters relating to street works should be directed through Melksham Without Parish Council.

**Site name**

The development would be known as **Berryfield Meadow**. It was noted that this name had previously been suggested and was considered acceptable.

**Actions**

- Living Space to provide the current construction and servicing schedule.
- Living Space to confirm the timing and arrangements for the anticipated road closure.
- Investigate water pooling outside the mobile homes.
- Consider compensation for any damage caused to the privately maintained road serving Townsend Farm.
- Review the proposed boundary treatment and retained access at Berryfield Lane.
- Provide details of the proposed bus stop to the Parish Council and Andy Thompson.
- Resident liaison team to contact Townsend Farm residents.
- Investigate the poor reinstatement and weed growth near the roundabout.

Meeting closed at 1:30pm

## Teresa Strange

**From:** Teresa Strange
**Sent:** 27 July 2026 17:16
**To:** Collins, Gary
**Cc:** Fiona Dey
**Subject:** FW: Briefing Note 26-11 National Scheme of Delegation of Planning Functions (NSD)
**Attachments:** 26-11_National_Scheme_of_Delegation.pdf

Hi Kenny and Gary
I hope that you are well....
I am just following up with progress on the proposed agreement for parish and town councils to have transparency of s106 agreements, especially when they are concerning assets we are taking on such as allotments, community centre land, play areas etc.
With the forthcoming changes meaning we will no longer be able to see some details in an officer report for a Committee meeting, this is becoming more time sensitive.
We look forward to seeing the draft version relatively soon?
With kind regards, Teresa

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**From:** Democratic and Member Services <Committee@wiltshire.gov.uk>
**Sent:** 13 July 2026 16:46
**Subject:** Briefing Note 26-11 National Scheme of Delegation of Planning Functions (NSD)

Good afternoon,

Please find attached a copy of Briefing Note no. 26-11, this briefing note provides an update on forthcoming changes to planning.

Note: This Briefing Note has been circulated to Parish and Town Clerks at the request of the author.

Please direct any queries to: Gary Collins, Head of Development Management, (01249) 706648
Gary.Collins@wiltshire.gov.uk

Kind Regards

**Democratic and Member Services**
committee@wiltshire.gov.uk

Wiltshire Council

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## Teresa Strange

**From:** Teresa Strange
**Sent:** 11 September 2026 19:18
**To:** Green, Kenny
**Subject:** Section 106 requests – understanding what evidence is needed and when

Hi Kenny,
Following the Western Area Planning Committee meeting on 19 August, I wanted to come back to you about the Section 106 requests that Melksham Without Parish Council has been making on major developments. We are not seeking to challenge the principle that requests have to be justified. What we are trying to understand is why some of the requests we have made have not ultimately been secured, what evidence Wiltshire Council needs from us or other bodies, and how we should frame requests in future so that they are made in the right way, with the right evidence and early enough in the process.

There is a significant amount of speculative development in Melksham Without at present, with a number of major applications awaiting determination. We do not want to keep raising expectations locally, putting forward requests and then finding, often when the committee report is published shortly before determination, that a contribution or mitigation cannot be secured. We would much rather understand the requirements at the start of the process so that, where further evidence is needed, we can obtain it early. It should also make Wiltshire Council's job easier if the requests coming forward from us are properly evidenced and presented in the form officers need.

There are a few particular areas where we would really appreciate some clarification.

**Highways**
We were disappointed that we were unable to secure the highway measures we had sought in connection with the application considered at Western Area Planning Committee on 19 August.
The Parish Council had commissioned a Walk Wheel Cycle Trust review, using the organisation recommended to us by Wiltshire Council Highways, because we understood that an independent technical review of this kind would help provide the evidence needed to support appropriate mitigation; it was for several purposes but we specifically asked them to comment on potential s106 obligations from the pending planning applications. Despite that, the measures arising from the review did not feature in the Section 106 package.
We would therefore really like to understand what was missing from the evidence or from the way the requests were made, and what Wiltshire Council would have needed in order to secure them.
This is particularly important because we have now been asked to provide the same report to Bellway in connection with its application for 225 dwellings on the adjoining site. That is a larger development, and we want to be clear now that we are using the evidence correctly and asking for mitigation in a way which Wiltshire Council can actually take forward, rather than discovering at the end of the process that something further was required.
There is also the separate issue of the A365 through Bowerhill. MWPC has been asking for some time for a holistic review of this corridor to take account of the cumulative impact of the considerable amount of existing, permitted and proposed development along it.
We have asked on several planning applications affecting the A365 for Section 106 contributions to fund that review. However, we have no visibility at present as to whether those requests are being included within the heads of terms, whether they are still under consideration, or whether Wiltshire Council considers that they cannot be secured.
Could you therefore clarify whether contributions towards the A365 Bowerhill holistic review are being included within the heads of terms for any of the current major applications, and, if not, why not?
We are keen to understand this now so that, if further evidence or a more specific request is needed, we can provide it before those applications are determined.

**Health and GP provision**

We would also really appreciate some clarification about how contributions towards health infrastructure are supposed to work in practice.
We understand that Teresa Wallace at Wiltshire NHS Estates has been absent on long-term sick leave and that Graham Sterling at NHS Property Services is juggling a number of roles while the ICB is being reorganised. We appreciate the practical difficulties around this, but it leaves us unsure who needs to make the formal request and exactly what they need to provide.
Our local GP practices, including Giffords Surgery and Spa Medical Centre, have articulated the pressure arising from development, including additional patient numbers and the accommodation or capacity that they require. However, those representations have not resulted in contributions being secured.
We understand that there has been case law around NHS Section 106 requests, but we are not completely clear what the practical implication is for primary care. Our understanding is that a developer cannot simply be required to fund a general NHS shortfall and that there needs to be a sufficiently specific project or piece of infrastructure related to the additional demand created by the development.
What we therefore need to understand is what Giffords, Spa or the appropriate NHS body actually needs to ask for, who needs to make the request, and what evidence Wiltshire Council requires for it to be capable of being secured.
We have also seen the very detailed request made by the RUH on a local application for Land at Corsham Road. The Trust identified the development-generated population, quantified the financial impact and explained why it considered a contribution necessary and directly related to the development. At present we cannot see that the RUH contribution will be secured.

**Community facilities**
We would also like to understand the position on contributions towards community facilities.
At the Western Area Planning Committee meeting on 19 August, we had sought a contribution towards Berryfield Village Hall.
Previously, Gen Collins had explained to us that we did not have the right type of request. We therefore went away and obtained what we understood was needed, including ballpark figures from an architect and builder. Despite doing that, the contribution still did not feature in the Section 106 package.
We would therefore like to understand what was still missing and what Wiltshire Council would need from us for such a request to be capable of being secured.
This is particularly relevant to the current Bellway application at Berryfield. We are considering a relatively modest and deliverable improvement to Berryfield Village Hall rather than necessarily pursuing an ambitious extension. For example, it could involve opening up the hall with patio doors and providing an outside area which could be used in good weather, potentially with a covered patio and tables and chairs.
If what is required is a more detailed drawing, specification and properly costed scheme, we can obtain that. We simply need to know what evidence Wiltshire Council needs and how the request needs to be presented, so that we can get it right this time.
There is then the example of the Woodrow appeal.
At the appeal roundtable, during the discussion on the Section 106 agreement and conditions, the Planning Inspector agreed with the principle of the community-facility contribution and said that if the request met the relevant test, it should be included.
It was not ultimately included.
We would therefore simply like to understand why it failed the test and what would have been needed for it to be secured.
We are also still seeking to secure funding for the community centre east of Melksham through the larger applications in that area, so understanding the evidence requirements now is important for those discussions as well.

**Cemetery and burial provision**
We also need some help in understanding the position on burial provision.
An extension to the cemetery was identified in the Core Strategy Policy infrastructure arrangements and, as we understand it, was included on the former CIL Regulation 123 list.
However, Wiltshire Council has not secured funding for the cemetery extension and the existing cemetery is already effectively full as we approach the end of 2026.

We have therefore been asking for Section 106 contributions from new housing development towards additional burial capacity, whether that is an extension to the existing cemetery, a natural burial ground or another appropriate form of provision, but we have not been successful in securing those contributions either. Again, what we really need to know is what Wiltshire Council needs from us for such a request to be capable of being secured.
If the fact that cemetery provision was historically identified for CIL funding affects whether contributions can now be sought through Section 106, it would also be helpful to understand that.

**Earlier engagement and heads of terms**
Some of this may be covered somewhere within the planned Wiltshire Council protocol for engaging with town and parish councils, but we are yet to see any detail.
If it would be easier, we would be very happy to meet with you, or anyone else relevant, to work through the examples and establish a clearer process going forward.

With many thanks, Teresa

Teresa Strange
Clerk & Responsible Financial Officer
Melksham Without Parish Council
First Floor
Melksham Community Campus
Market Place, Melksham
Wiltshire, SN12 6ES
01225 705700
www.melkshamwithout-pc.gov.uk

**Wellbeing Statement** I may send emails outside office hours but never with any expectation of response. Please just get back to me when you can within your own working hours. Thank you.

Want to keep in touch?
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Outlook

## Re: s106 contributions for Melksham

**From** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Date** Tue 18/08/2026 20:03
**To** Collins, Gen <gen.collins@wiltshire.gov.uk>; Green, Kenny <kenny.green@wiltshire.gov.uk>; Ghey, Ellen <ellen.ghey@wiltshire.gov.uk>; andrew.griffin@wiltshire.gov.uk <andrew.griffin@wiltshire.gov.uk>; Fiona Dey <office@melkshamwithout-pc.gov.uk>; Nia Powys <nia.powys@torandco.com>; Jacqueline Mulliner <jacqueline.mulliner@torandco.com>
**Cc** Collins, Gary <Gary.Collins@wiltshire.gov.uk>

Dear Gen,

Thank you for confirming that you have received the information and will raise it at the outset of the committee item tomorrow.

I do, however, want to clarify the timing, as neither of the matters sent to you this evening was information that the Parish Council had been sitting on.

In relation to the NHS contribution, if you look back through the email trail you will see that it was only at around tea time today that we became aware that the relevant NHS Wiltshire officer was on long-term sick leave. The alternative contact has also not been responding and, as we understand it, is currently covering a very large number of areas. Despite that, we managed to obtain a response very quickly this evening and passed the information to you as soon as we received it. We were not previously aware of the information that has now been provided.

Similarly, the highways work was commissioned by the Parish Council some months ago. Although the report itself is dated 7 August, I can confirm that we did not receive it until late on Monday 10 August, and even then it was provided to us as a draft. We obviously needed an opportunity to read and consider it before forwarding it, and it has still not been finalised. Again, we provided it to you as soon as we reasonably could.

I therefore do not think it is fair to characterise either of these matters as information that could have been provided significantly earlier, notwithstanding that the planning application itself has been in the system for 18 months.

I would also note, in the context of concerns about the timing of information, that the written responses to the questions we submitted before the 5.00pm deadline last Wednesday have themselves only been received at 7.50pm this evening, immediately before tomorrow's committee meeting. I appreciate that officers have had to liaise internally to provide those responses, but it does illustrate the practical difficulties all parties are facing in obtaining and considering information within the available timescales.

The wider issue, which I have been raising with Kenny and Gary for some time, is that the Parish Council does not get sight of the proposed conditions and draft Section 106 provisions during the 18

months that an application may be progressing. In practical terms, we often do not know what is — or is not — proposed until the committee report is published around a week before the meeting. It is only at that point that we can properly identify whether matters we have raised have actually been addressed.

There is now the additional complication of the changes to the NPPF published on Monday. That change, and its timing immediately before this committee, is clearly not of the Parish Council's making either. Together with the changes to the national scheme of delegation, it reinforces my concern about the very limited opportunity available to parish councils to scrutinise conditions, obligations and other material matters before an application reaches the point of determination.

I fully appreciate that receiving additional information shortly before committee creates difficulties for officers and applicants, and that is not something we would choose to do. However, in both of these instances we have passed the information to you at the earliest opportunity available to us. Equally, information which the Parish Council needs in order to prepare for the meeting has also been reaching us very late in the process.

I would therefore be grateful if that wider context, and the distinction between information being deliberately held back and information only becoming available at a late stage, could be recognised when the matter is discussed tomorrow.

Kind regards,

Teresa

---

**From:** Collins, Gen <Gen.Collins@wiltshire.gov.uk>
**Sent:** Tuesday, August 18, 2026 18:42
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; Green, Kenny <Kenny.Green@wiltshire.gov.uk>; Ghey, Ellen <ellen.ghey@wiltshire.gov.uk>; andrew.griffin@wiltshire.gov.uk <andrew.griffin@wiltshire.gov.uk>; Fiona Dey <office@melkshamwithout-pc.gov.uk>; Nia Powys <nia.powys@torandco.com>; Jacqueline Mulliner <jacqueline.mulliner@torandco.com>
**Cc:** Collins, Gary <Gary.Collins@wiltshire.gov.uk>
**Subject:** Re: s106 contributions for Melksham

Teresa
This has been received and I will discuss with Kenny. I will note it at the outset of the committee item tomorrow and I will discuss with the applicants whom I have cc'd for their information and would invite their comment.

I must say that receiving this at 6.25pm the day before the committee meeting is really quite unhelpful and I am really not very pleased about it given we have had this application in for 18months.

I will be raising my concern and frustration internally with members and management because such late requests not only regarding the late highways infrastructure report but now this, at such a late stage in the process and in the day, is not in my view acceptable. It is in my view, neither good practice nor helpful to achieving a good working relationship between us.

Regards

**Gen Collins LLB (Hons) MA MRTPI**
**Principal Planning Officer**
Development Management
Place Directorate
Wiltshire Council

Tel: 01225 770259
Ext: 15259
Email: gen.collins@wiltshire.gov.uk
Web: www.wiltshire.gov.uk
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**From:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Sent:** 18 August 2026 18:25
**To:** Green, Kenny <Kenny.Green@wiltshire.gov.uk>; Ghey, Ellen <ellen.ghey@wiltshire.gov.uk>; Griffin, Andrew <Andrew.Griffin@wiltshire.gov.uk>; Fiona Dey <office@melkshamwithout-pc.gov.uk>; Collins, Gen <Gen.Collins@wiltshire.gov.uk>
**Subject:** Fw: s106 contributions for Melksham

Hi Gen and Kenny
Please see below which we wish to be taken into account at tomorrow's meeting please.
Kind regards Teresa

---

**From:** FLETCHER, Emma (GIFFORDS PRIMARY CARE CTR) <emma.fletcher31@nhs.net>
**Sent:** Tuesday, August 18, 2026 18:02
**To:** Fiona Dey <office@melkshamwithout-pc.gov.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
**Cc:** BURGESS, Abby (GIFFORDS PRIMARY CARE CTR) <abby.burgess@nhs.net>
**Subject:** RE: s106 contributions for Melksham

To whom it may concern:

# Section 106 Primary Healthcare Contribution Request

**Development:** 58 residential dwellings
**Location:** Melksham
**Submitted by:** Giffords Surgery, on behalf of the Melksham primary care practices
**Infrastructure:** Primary healthcare capacity and additional clinical floorspace
**Priority: HIGH – urgent consideration requested**

# Request for Section 106 contribution

Giffords Surgery is submitting this request **on behalf of the Melksham primary care practices**, in recognition of the existing and projected primary healthcare infrastructure requirements arising from population growth across the Melksham area.
We respectfully request that Wiltshire Council secures an appropriate **Section 106 financial contribution towards primary healthcare infrastructure** arising from the proposed development of 58 residential

dwellings.
This request is being submitted as a matter of urgency because the development represents additional population growth at a time when primary care capacity across Melksham is already constrained. It is important that the healthcare infrastructure requirement is identified and secured through the planning process now, before the opportunity to secure an appropriate S106 contribution is lost.

## Existing primary care capacity

The Melksham primary care practices are already experiencing significant pressure on existing premises and clinical capacity.
The local Primary Care Network population is projected to increase by approximately **18.8% by 2032**, generating an estimated requirement for approximately **358m² of additional primary care floorspace across the PCN**.
Current assessments demonstrate that existing provision is insufficient to meet both current and projected requirements. In particular, Giffords Surgery has approximately **76% of the floorspace required**, and Spa Medical Centre has approximately 69% demonstrating a significant existing infrastructure deficit.
This is not therefore a request based solely on anticipated future demand. There is an **existing shortfall in primary care accommodation**, which will be further exacerbated by additional residential development.

## Impact of the proposed 58 dwellings

The proposed development of 58 dwellings will introduce additional residents into the Melksham area who will require access to local primary healthcare services.
The additional population will generate demand for GP appointments, nursing services, healthcare assistant provision, treatment rooms, diagnostic services, administrative and reception facilities and other primary care services.
This additional demand will place further pressure on existing premises and capacity across the Melksham primary care practices.
Without additional investment in primary healthcare infrastructure, the practices will have limited ability to accommodate this growth effectively and provide appropriate facilities for the additional population generated by new development.
The proposed development therefore creates an identifiable and direct need for additional primary healthcare infrastructure.

## Requirement for additional floorspace

The Melksham primary care practices have identified a clear requirement for additional clinical and associated floorspace to support the existing population and accommodate future growth.
The wider PCN assessment identifies a requirement for approximately **358m² of additional floorspace by 2032**.
The proposed S106 contribution would support the delivery of additional primary healthcare capacity serving the population of the development and the wider Melksham community.
This may include the provision, adaptation or improvement of clinical accommodation and associated infrastructure necessary to increase primary care capacity.

## S106 justification

Wiltshire Council's planning obligations framework recognises primary healthcare facilities as infrastructure that can be secured through planning obligations where there is an identifiable need arising from development.
In this case, the need is clearly demonstrated by:

- the projected **18.8% population growth** within the local PCN;
- the identified requirement for approximately **358m² of additional primary care floorspace**;
- the existing shortfall in clinical accommodation, with Giffords Surgery currently assessed at approximately **76% of the required floorspace**; Spa Medical Centre at 69%.
- the additional population that will be generated by the proposed **58 dwellings**; and

- the resulting additional demand that will be placed on already constrained primary healthcare facilities across Melksham.

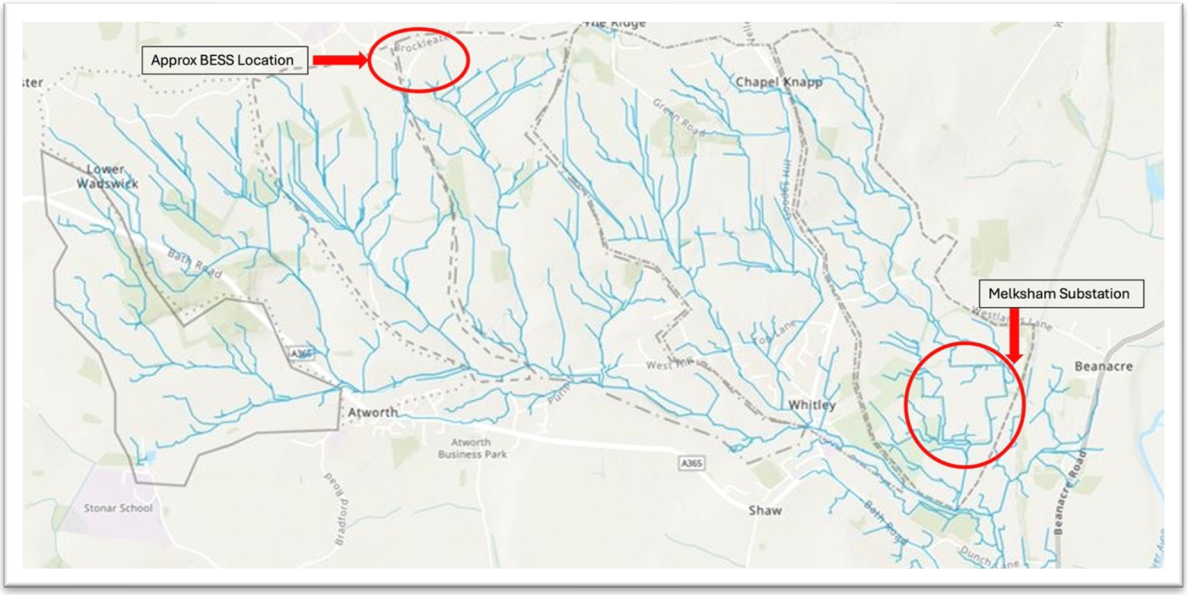
The requested contribution is therefore **necessary to address the impact of the development, directly related to the development and proportionate to the additional population generated by it**.
There is also established local precedent for securing healthcare contributions from residential development in Melksham, including a recent Wiltshire Council planning decision which identified a **£512,727 developer contribution towards additional primary care floorspace at Giffords Surgery and Spa Medical Centre**.

## Urgent request

We would therefore ask Wiltshire Council to **formally identify a primary healthcare S106 contribution for the 58-dwelling development and include this within the planning obligations for the scheme**.
We understand that the ICB has not currently submitted a formal request in relation to this development. However, given the existing and projected infrastructure deficit, we consider it important that the requirement is brought to the Council's attention directly and urgently.
**The absence of a request from the ICB should not result in the primary healthcare infrastructure requirement being omitted from consideration**, particularly where there is clear evidence of existing capacity constraints and projected population growth.
This is a **high-priority request**, as failure to identify the requirement at this stage may result in the opportunity to secure funding towards essential primary healthcare infrastructure being lost.
Giffords Surgery, on behalf of the Melksham primary care practices, would be very happy to provide any further information required to support the request, including details of existing floorspace, projected population growth, the identified infrastructure deficit and the proposed use of any contribution.
We would be grateful if this request could be considered **urgently as part of the S106 negotiations for the development**.
Yours sincerely,
Emma Fletcher
For and on behalf of Melksham GP Practice Partnerships.

[redacted]

# Brockleaze BESS




South Brook Catchment. Source: Bristol Avon Rivers Trust. Annotated by CAWS.

**Eleventh Addendum to CAWS Document**
**Dated 22 August 2025**

**PL/2025/05552**
**Brockleaze Battery Energy Storage System (BESS) with associated infrastructure**

**Recent appeal decision and further evidence concerning fire safety, controlled waters, ecology, heritage and cumulative impact**

**19 August 2026**

**Executive Summary**

CAWS's previous submissions, addenda, technical evidence and supporting documents remain extant. Each should be considered individually and all should also be considered cumulatively when determining this application.

The recent material does not overcome CAWS's objections. It confirms that fundamental questions remain concerning fire safety, contaminated firewater, drainage, controlled waters, ecology, archaeology, long-term restoration and cumulative impact.

**1. Outstanding statutory objections**

The Environment Agency continues to object because the information remains insufficient to demonstrate that pollution risks can be safely managed.

The LLFA continues to maintain a holding objection concerning infiltration testing, groundwater information and management of the first 5mm of rainfall from positively drained surfaces.

Neither statutory consultee has confirmed that its objection has been withdrawn.

**2. Impermeable membrane and escape of contaminated runoff**

The applicant now proposes an impermeable membrane beneath areas occupied by batteries. However, it has not adequately established the membrane's specification, extent, design life, protection, inspection or long-term integrity.

Nor has it demonstrated how contaminated runoff would be prevented from escaping over or around the membrane, reaching adjoining unlined ground, infiltrating through interfaces or damaged sections, or following drainage and service routes.

The cable route has not been defined. The applicant therefore cannot demonstrate how cable trenches and service corridors would interact with the membrane, whether they would connect lined and unlined areas, or whether the proposed containment system would remain continuous and effective.

This is particularly significant because the site lies within Source Protection Zone 2, upon a Secondary A aquifer and in a catchment connected to South Brook.

**3. Boundary-cooling water**

The applicant appears to assume that water used to cool neighbouring containers would not be contaminated because it would not be applied directly to the burning unit.

Water passing through a toxic smoke cloud or chemical plume, flowing across deposited contaminants or mixing with contaminated rainfall and debris could nevertheless become polluted.

Depending upon the battery chemistry and other materials ultimately installed, a fire may release hydrogen fluoride and/or other water-soluble gases, particulates and combustion products capable of contaminating water passing through or beneath the plume.

This possibility has not been adequately assessed.

**4. Drainage**

The LLFA continues to maintain a holding objection. The applicant disputes the need for the requested infiltration testing, but the LLFA has not accepted that position or withdrawn its objection.

The application also does not clearly demonstrate how the requirement to use infiltration for ordinary rainfall, where feasible, would be reconciled with the need for impermeable containment during a fire or pollution incident.

**5. Recent BESS appeal decision**

On 13 August 2026, the Planning Inspectorate dismissed a BESS appeal at Raymonds Hill, Axminster, despite specified technology, independent large-scale fire testing, highly qualified expert evidence, a supportive council, low groundwater vulnerability and no Source Protection Zone.

The Inspector held that an incident must be assumed; current, site-specific fire-service advice is important; core safety matters cannot necessarily be left to conditions; and firewater containment is only as reliable as the underlying fire-safety evidence.

Brockleaze would have approximately 23 times the energy-storage capacity of that appeal proposal and occupies a more sensitive water environment.

The Inspector's reasoning is consistent with CAWS's previously submitted probability analysis, which demonstrates why a low annual incident rate cannot be treated as meaning that an incident may be disregarded over a 35-year operational period[1].

**6. Ecology**

Significant questions remain concerning the Bath and Bradford-on-Avon SAC, Park Lane Mine, winter bat activity, construction and operational disturbance, lighting, noise and the effects of toxic emissions.

Where Appropriate Assessment is required, permission cannot lawfully be granted unless the Council can conclude beyond reasonable scientific doubt that the proposal would not adversely affect the integrity of the SAC.

**7. Archaeology and the historic environment**

An archaeological trench evaluation was undertaken in April 2026. Fourteen trenches sampled approximately 1,120m², or about 1.24% of the stated nine-hectare site. No archaeological features or deposits were identified within the trenches, and the report concludes that the geophysical anomalies investigated broadly corresponded with geological variation. An 11th- or 12th-century horseshoe nail was recovered from the topsoil.

These findings are relevant and reduce the weight that can be placed upon an assertion that the particular anomalies investigated represent surviving archaeological features. However, the evaluation does not provide a complete assessment of the development area.

Substantial parts of the site were affected by service and health-and-safety constraints. The report does not quantify the excluded area, provide an anomaly-by-anomaly evidential account or assess the locally

[1] The applicant's position concerning the proposed operational life is inconsistent and ambiguous, with published material referring variously to 30 and 35 years. For clarity and consistency, CAWS has adopted a standardised reference to a 35-year operational period throughout this submission. This should not be treated as accepting that the duration has been clearly or definitively established. The applicant should formally clarify the proposed duration, following which the relevant assessments and references should be reviewed and updated as necessary.

recorded evidence concerning prehistoric finds, lynchets, remembered earthworks and apparent ruins, a substantial ditch, ancient routes and medieval associations.

The evaluation also does not demonstrate that its trench coverage reflects the complete current development footprint, including the later drainage, containment and membrane proposals, and it cannot assess the undefined cable route. Nor has an express conclusion from Wiltshire Council's archaeologist been provided confirming that the evaluation is sufficient to permit the fully informed assessment previously considered necessary.

CAWS does not claim that a particular castle or monument has been proved. Nevertheless, the evaluation narrows but does not resolve the archaeological objection. Unless the Council can establish that the evaluation adequately covers all land liable to disturbance and provides a sufficient basis for assessing archaeological significance and harm, the remaining evidential deficiencies provide further support for refusal.

**8. Long-term restoration and agricultural capability**

The proposal would involve substantial industrial works upon a greenfield agricultural site. The applicant has not adequately demonstrated that, following 35 years of foundations, roads, hard surfaces, membranes, drainage works, excavation, cable trenches and soil compaction, the site could be restored to its former agricultural character and capability.

**9. Cumulative impact**

CAWS has identified 65 energy-infrastructure scheme entries within approximately five kilometres of the Melksham substation. Although those schemes are at different stages and must be given appropriate weight, the cumulative baseline must include relevant existing, consented and reasonably foreseeable development.

CAWS's evidence to the Whistle Mead appeal demonstrates cumulative effects across eleven interconnected pathways, including landscape, heritage, groundwater, flood risk, ecology, public safety, transport, electricity-infrastructure concentration and community burden.

The Brockleaze application material, taken as a whole, does not provide a complete and integrated assessment of those cumulative effects.

**10. The application should now be determined**

The national need for battery storage does not establish that every BESS proposal is acceptable in every location. The recent Raymonds Hill decision confirms that national benefits do not outweigh a failure to demonstrate that a particular development is safe and environmentally acceptable.

The Environment Agency objection, LLFA holding objection and other fundamental evidential deficiencies remain after a prolonged application process. Despite repeated amendments and technical submissions over the past year, the substantive concerns identified by CAWS remain unresolved.

These matters affect the site, layout and underlying safety case and should not be deferred through conditions or another open-ended round of submissions.

***CAWS therefore requests that Wiltshire Council determine the application on the evidence now available and refuse planning permission.***

**Contents**


1. Outstanding statutory objections
2. The proposed impermeable membrane and escape of contaminated runoff
3. Surface-water drainage
4. Firewater storage calculations and contamination assumptions
5. Penstock operation
6. The Raymonds Hill appeal decision
7. UL9540A and propagation
8. Ecology and the Habitats Regulations
9. Archaeology and the historic environment
10. Long-term restoration and agricultural capability
11. Cumulative impact and the Whistle Mead appeal evidence
12. The application should now be determined
13. Principal grounds supporting refusal
14. Overall conclusion and request for determination

**Introduction**

Community Action: Whitley & Shaw (CAWS) submits this further addendum in response to:

- the Environment Agency consultation response dated 17 July 2026;
- Wiltshire Council LLFA/Drainage Team response dated 17 July 2026;
- the applicant's revised Response to the Environment Agency Objection, Technical Note 1, Revision 3;
- the applicant's revised Response to the LLFA, Technical Note 2, Revision 5;
- the detailed ecological representation dated 20 July 2026;
- further historical evidence concerning Brockleaze; and
- the Planning Inspectorate appeal decision dated 13 August 2026 concerning a BESS development at land south of Hazlehurst, Raymonds Hill, Axminster, Appeal Ref APP/U1105/W/25/3369854.

This addendum supplements rather than replaces CAWS's previous representations. All CAWS submissions, addenda, technical evidence and supporting documents remain extant and should be taken into account in the determination of this application.

Each submission raises material planning considerations capable of carrying weight in its own right. They must also be considered cumulatively, because the acceptability of the proposal cannot properly be assessed by separating fire safety, controlled waters, ecology, landscape, heritage, transport, emergency response, electricity infrastructure and community effects into isolated compartments.

The overall planning balance must reflect the interaction between those matters and the existing, consented, proposed and reasonably foreseeable energy infrastructure concentrated around the Melksham substation.

CAWS acknowledges that the applicant has made progress in addressing some individual drainage matters. However, after repeated rounds of additional submissions, it has still not demonstrated that the risks from fire, contaminated firewater and other polluting runoff can be adequately and safely managed at Brockleaze.

The Environment Agency continues to object. The LLFA continues to maintain a holding objection. Fundamental parts of the firewater case remain dependent upon assumptions about fire propagation, firefighting tactics and safety-critical infrastructure that have not been shown to have been accepted by Dorset & Wiltshire Fire and Rescue Service.

The application also remains deficient in relation to ecology, archaeology and the historic environment. The submitted trench evaluation is relevant and narrows the archaeological objection, but its limited and constrained coverage, narrow evidence base and lack of integration with the complete current development footprint mean that it does not resolve the outstanding concerns.

The recent Raymonds Hill appeal decision confirms that essential questions of fire safety and pollution control cannot safely be left unresolved, inferred from general assurances or deferred to post-permission conditions. It also demonstrates that refusal is justified where the evidence does not establish that a BESS development would avoid unacceptable risks, even where the national benefits of battery storage carry very significant weight.

Grenergy has had ample opportunity to submit a complete and robust application. CAWS does not consider that the appropriate response is another open-ended round of technical submissions and revisions.

***The application should now be determined on the evidence submitted and planning permission should be refused.***

**1. Outstanding statutory objections**

The Environment Agency states that the applicant has "almost addressed" its concerns but nevertheless maintains its objection because the information remains insufficient to demonstrate that pollution risks can be safely managed.

The LLFA also maintains a holding objection. It requires further evidence concerning compliance with the National Standards for Sustainable Drainage Systems, including:

- BRE365 infiltration testing and groundwater information; and
- calculations demonstrating how the first 5 mm of rainfall from positively drained surfaces will be managed.

The applicant has responded, but neither statutory consultee has confirmed that its objection has been withdrawn.

These are not new or peripheral matters. They concern the safety of the development's drainage and pollution-control arrangements in a location within Source Protection Zone 2, upon a Secondary A aquifer and hydrologically connected to South Brook.

The applicant has had repeated opportunities to resolve these concerns. Nevertheless, the Council still does not have unqualified confirmation from either the Environment Agency or the LLFA that the development is acceptable.

***The continuing statutory objections weigh strongly in favour of refusal.***

**2. The proposed impermeable membrane and escape of contaminated runoff**

The Environment Agency's objection of 17 July arose because the drainage drawings referred to Type 1 material preventing infiltration. As the Environment Agency correctly observes, MOT Type 1 is a granular aggregate and cannot simply be assumed to be impermeable.

The applicant now states:

"All areas of the development occupied by batteries will be constructed with an impermeable membrane beneath a Type 1 material."

This is a potentially important revision. However, it does not answer all the relevant questions.

The submitted information does not adequately establish:

- the precise specification and expected design life of the membrane;
- the exact areas that would be lined;
- whether it would cover the whole potential contamination catchment rather than only areas immediately occupied by batteries;
- how joints, edges, drainage channels, cable trenches and service penetrations would be sealed;
- how runoff from every potentially contaminated area would be conveyed to the attenuation basin;

- how the membrane would be protected from construction damage, settlement, vehicle loading and maintenance operations;
- how its continuing integrity would be inspected and tested during the proposed 35-year operational period; or
- what protection would remain if the membrane were damaged or failed.

Potential contamination would not necessarily be confined to the footprints of the battery containers. Contaminated water, debris and atmospheric fallout could affect the spaces between containers, transformers, inverters, access routes, firefighting areas, cable trenches and other parts of the compound.

There is also an unresolved risk at the boundary between lined and unlined land.

The applicant has not adequately demonstrated how potentially contaminated runoff would be prevented from:

- flowing laterally across the compound;
- escaping over or around the edges of the membrane;
- travelling onto adjoining unlined ground;
- infiltrating at interfaces, joints, low points or damaged sections;
- following cable trenches, service routes or construction defects;
- passing beneath or around drainage infrastructure; or
- leaving the compound during an incident that exceeds the assumed design parameters.

The proposed membrane would protect groundwater only if all potentially contaminated water remained upon the lined area and was successfully collected by the drainage system. A membrane beneath part of the compound does not itself prevent polluted water from reaching neighbouring unlined ground.

This is especially important during a significant fire incident. Boundary cooling, firefighting operations, damaged equipment, wind-driven spray, debris, rainfall and emergency-vehicle movements could distribute contaminated material beyond the immediate battery footprint.

The applicant should not be permitted to assume that all runoff would follow the intended drainage paths under the conditions of an actual emergency. The potential for escape from the lined compound onto adjacent unprotected land must form part of the credible worst-case assessment.

The position is further complicated by the absence of a defined cable route. Cable trenches and associated service corridors could cross the membrane, extend beyond the lined compound or create preferential pathways by which contaminated water could reach adjoining unlined ground and groundwater.

If the route, depth, construction and interfaces of the cable infrastructure are to be determined only after planning permission has been granted, the applicant cannot presently demonstrate:

- where the membrane would be penetrated or interrupted;
- how those penetrations would be sealed;
- whether cable trenches would connect lined and unlined areas;
- whether runoff could follow cable bedding or service corridors;
- what additional areas of ground disturbance and drainage would arise; or
- whether the proposed containment system would remain continuous and effective once the cable infrastructure had been installed.

These matters are integral to the physical layout and pollution-control design. They cannot properly be left until after determination when the effectiveness of the proposed mitigation depends upon them.

A general statement that an impermeable membrane would be installed beneath areas "occupied by batteries" is therefore not a complete, detailed and independently accepted pollution-control design.

The Environment Agency has not withdrawn its objection. The Council should not assume that the applicant's latest wording resolves it.

***The absence of a complete, detailed and independently accepted containment design, capable of reliably protecting controlled waters throughout the development's operational life, provides substantial support for refusal.***

**3. Surface-water drainage**

CAWS recognises that the LLFA appears satisfied with some elements of the revised surface-water design, including:

- the proposed betterment in discharge rates;
- the absence of catchment transfer;
- the proposed exceedance routes;
- the form and freeboard of the attenuation basin; and
- the conclusion that the restricted discharge rates would not produce an adverse cumulative hydrological effect elsewhere.

CAWS does not seek to maintain technical objections that the relevant authority considers satisfactorily addressed.

However, the LLFA's holding objection remains. The applicant has not undertaken the requested BRE365 infiltration testing or provided the requested groundwater information. Instead, it argues that the testing requested by the LLFA is unnecessary.

The applicant is entitled to explain why it considers that testing unnecessary, but its response cannot be treated as resolving the issue unless and until the LLFA accepts that position and withdraws its holding objection.

There is also a significant tension between:

- the requirement to follow the SuDS hierarchy and use infiltration for ordinary rainfall where feasible; and
- the need to provide impermeable containment during a fire or pollution incident.

The latest documents do not provide a sufficiently clear and accepted design demonstrating how both requirements would be reconciled.

***After several revisions, the drainage strategy remains subject to statutory objection. That supports refusal rather than a further prolonged process of evolving technical submissions.***

**4. Firewater storage calculations and contamination assumptions**

The applicant provides the following figures:

- a firefighting flow of 1,500 litres per minute;

- a stated minimum firefighting duration of two hours;
- a resulting minimum storage requirement of 180 m³;
- approximately 2,311 m³ of basin freeboard;
- approximately 5,799.8 m³ of total basin capacity;
- a claimed nominal firewater-storage duration of approximately 64 hours; and
- approximately 25 hours' capacity following a 1-in-100-year plus 45% climate-change rainfall event.

These figures demonstrate that a substantial attenuation basin is proposed. They do not demonstrate that it has been designed against a sufficiently robust and independently accepted fire scenario for this development.

Brockleaze would comprise approximately 216 battery containers with a proposed capacity of 450 MW/1,800 MWh over a proposed operational period of 35 years.

The firewater calculations appear to depend upon assumptions that:

- an incident would be confined to one battery container;
- propagation to adjoining containers would be highly unlikely;
- the affected container would be allowed to burn out;
- firefighting water would be used only for boundary cooling;
- a particular water-flow rate would be sufficient;
- contaminated runoff would therefore be limited;
- the penstock would operate successfully; and
- all contaminated runoff would be captured and conveyed to the lined basin.

The latest documents do not demonstrate that DWFRS has expressly assessed and accepted these assumptions in relation to the proposed Brockleaze technology, container configuration and layout.

The applicant also says that its fire consultant considers 500 litres per minute to be more representative than 1,500 litres per minute. There is no evidence here that DWFRS has endorsed that lower figure.

**4.1 Boundary-cooling water cannot simply be assumed to remain uncontaminated**

The applicant appears to discount the likelihood of contaminated firewater on the basis that water would not be applied directly to the burning container but would instead be used to cool adjacent containers while the affected unit was allowed to burn.

That distinction does not demonstrate that the resulting runoff would be uncontaminated. Boundary-cooling water could:

- pass through a toxic smoke cloud or chemical plume and absorb soluble gases, particulates and other combustion products;
- wash soot and deposited contaminants from adjacent containers and other surfaces;
- mix with contaminated rainfall or encounter debris released from the burning unit;
- flow across ground affected by atmospheric fallout; or
- acquire contamination within drainage channels serving the incident area.

Depending upon the battery chemistry and other materials ultimately installed, a fire may release hydrogen fluoride and other water-soluble gases, particulates and combustion products. Boundary-cooling water and rainfall passing through or beneath the plume should therefore be treated as potentially contaminated unless robust evidence demonstrates otherwise.

The assessment must also address the geographical extent of plume deposition. Contamination may not be confined to the lined battery footprint or even to the immediate compound. Polluted runoff could arise on adjacent unlined land from which it would not necessarily be conveyed to the attenuation basin.

The claimed storage capacity is meaningful only if both the volume and potential contamination of incident runoff have been assessed on a sufficiently precautionary basis. A large basin does not establish adequate protection if the quantity or quality of the water entering it has been derived from an unduly limited fire and contamination scenario.

***After repeated submissions, the Council still lacks a clearly defined and independently accepted worst-case assessment of the fire scenario, firewater volumes and potential contamination arising from this exceptionally large BESS development. These fundamental deficiencies weigh substantially in favour of refusal.***

**5. Penstock operation**

The applicant's documents describe the firewater-isolation penstock in differing terms. They state that it:

- will be actuated;
- will operate remotely when the site safety system detects a fire;
- will not rely upon manual closure;
- will be remotely operated to close; and
- will be closed before firefighting water is used.

Taken together, these descriptions do not establish whether the penstock would close automatically upon fire detection or whether a person would have to issue a remote instruction.

This distinction is critical. The Environment Agency previously required automatic closure because an incident could occur while the facility was unmanned or when the responsible person was unable to operate the valve. Any delay or failure could allow contaminated water to leave the site before isolation was achieved.

The submitted material also does not adequately establish:

- the event or system that would trigger closure;
- the time between detection and complete closure;
- how closure would be confirmed;
- what would happen if power, communications or the detection system failed;
- whether the valve would fail safely to the closed position;
- whether secondary isolation would be provided; or
- how the system would be inspected, maintained and tested throughout the proposed 35-year operational period.

The penstock is not an incidental operational feature. Its timely and reliable closure is fundamental to the applicant's claim that contaminated water would be retained on site rather than discharged towards South Brook.

***The continuing ambiguity surrounding this safety-critical control means that the applicant has not demonstrated an acceptable pollution-control system and provides further support for refusal.***

**6. The Raymonds Hill appeal decision**

The Council's attention is drawn to the decision dated 13 August 2026 in APP/U1105/W/25/3369854.

That appeal concerned a much smaller BESS development comprising 52 cabinets with an approximate capacity of 77.5 MWh. It was dismissed even though:

- the council had withdrawn its only reason for refusal;
- the council and appellant agreed that permission should be granted;
- the specified battery system had an asserted 100% safety record;
- independent large-scale fire testing had been undertaken;
- the appellant called a highly qualified former Chief Fire Officer;
- the calculated probability of an incident was very low;
- the site was outside a Source Protection Zone;
- the site had low groundwater vulnerability; and
- the national benefits of BESS were given very significant weight.

The Inspector nevertheless concluded that the evidence was insufficient to demonstrate that the development would avoid unacceptable fire and pollution risks.

Although each planning application must be determined on its own facts, the Inspector's reasoning is directly applicable to Brockleaze.

**6.1 Current NFCC guidance**

At paragraphs 31–33, the Inspector held that the December 2025 NFCC guidance had replaced the earlier guidance and was the material guidance for determining the appeal.

The Brockleaze application has not demonstrated through the latest documents that DWFRS has assessed the complete proposal against that current guidance.

**6.2 An incident must be assumed**

At paragraphs 15 and 60, the Inspector recorded the NFCC principle that UK fire-safety design proceeds on the assumption that an incident or fire will occur.

The applicant's repeated reliance upon fire and propagation being unlikely does not discharge the requirement to design and assess the scheme on the assumption that an incident occurs.

This finding is consistent with CAWS's previous submissions, including the annex entitled "Brockleaze BESS Failure Probability Analysis".

That analysis explained that even where the annual probability of a serious incident is described as low, the cumulative probability over a 35-year operational period is materially greater. It also identified the significance of:

- the exceptional scale of the proposed facility;
- the number of battery containers and associated components;
- the concentration of potential failure points;
- the front-loaded incidence of failures during early operational life;
- subsequent battery augmentation or replacement;
- ageing equipment and safety systems; and

- the limitations of incident data derived from a comparatively young and rapidly changing industry.

The Raymonds Hill Inspector adopted the same essential reasoning. At paragraphs 24–27, she noted that:

- there is no standard UK-endorsed methodology for calculating BESS failure rates;
- much of the available data relates to recently installed systems;
- a 40-year operational period may involve battery replacement;
- multiple causes of battery failure remain; and
- a low annual probability does not remove the risk of an incident over the development's lifetime.

The Rule 6 party in that appeal calculated, using the appellant's own evidence, an approximate 10% probability of at least one fire over the proposed 40-year lifetime. Although that figure was specific to the Raymonds Hill scheme and should not be applied mechanically to Brockleaze, it demonstrates the importance of considering cumulative lifetime probability rather than quoting an annual rate in isolation.

Brockleaze would be substantially larger, comprising approximately 216 containers and 1,800 MWh of storage. CAWS's previously submitted probability analysis therefore remains directly relevant and must be considered alongside the Raymonds Hill decision.

The correct planning approach is not to treat a low annual rate as meaning that a fire can be disregarded. An incident must be assumed and the development must be shown to remain safe under a credible incident scenario.

The need for a precautionary assessment is reinforced by current conditions. Wessex, including Wiltshire, has been officially declared in drought, while DWFRS has declared a major incident in response to a red wildfire alert, drought, extreme heat and the number of concurrent incidents across its service area. As hotter and drier summers are projected to become more frequent, the site-specific fire and emergency risk assessment should examine the risk in both directions: a BESS incident spreading from the compound into exceptionally dry surrounding vegetation, and an external wildfire exposing the compound to flames, heat, smoke or disruption of safety-critical services and triggering or escalating an incident within it. Water availability, vegetation management, firebreaks, emergency access and competing demands upon fire-service resources should all be assessed as foreseeable lifetime conditions.

**6.3 Local fire-service advice**

At paragraphs 46–52 and 59–63, the Inspector found that the appellant's expert evidence could not substitute for clear and current advice from the responsible local fire and rescue service on the particular development.

The Brockleaze LLFA response itself says that Wiltshire Council should consult DWFRS on the proposed fire-flow strategy. The evidence now before the Council does not contain an express DWFRS endorsement of the assumptions upon which that strategy is based.

**6.4 Matters that cannot safely be conditioned**

At paragraphs 53–56, the Inspector accepted that some emergency and battery-management details might be conditioned. However, conditions could not subsequently change core matters such as:

- battery specification;
- site layout;
- separation distances;
- container configuration; and

- arrangement of rows.

The same principle applies to Brockleaze. If a proper fire assessment could require different equipment, greater separation, a changed layout, more extensive impermeable lining or additional firewater infrastructure, those matters cannot properly be postponed until after permission has established the development's fundamental parameters.

**6.5 Firewater containment depends upon the fire evidence**

At paragraph 63, the Inspector concluded that because the pollution-control assessment depended upon the fire-safety evidence, shortcomings in that evidence meant she could not be confident that the proposed firewater retention would be sufficient.

At paragraph 102, she concluded that she could not rule out unacceptable fire and safety risks or find that the pollution-control measures would adequately protect groundwater.

The same evidential chain applies at Brockleaze:

Battery specification and layout → credible fire and propagation scenario → fire-service response → volume and duration of firefighting water → contaminated runoff → containment capacity → protection of groundwater and South Brook.

The applicant has not satisfactorily demonstrated each part of that chain.

Brockleaze is approximately 23 times larger in energy-storage capacity than the Raymonds Hill proposal. It is also within Source Protection Zone 2 and upon a Secondary A aquifer. The concerns identified by the Inspector therefore apply with particular force here.

**6.6 Implications for determination**

The Raymonds Hill decision is not determinative of this application, and Brockleaze must be assessed on its own facts. However, it establishes a directly relevant and persuasive approach to the assessment of BESS fire safety and pollution risk. An incident must be assumed; a low calculated probability is insufficient; current, site-specific advice from the responsible fire and rescue service is important; and firewater containment cannot be regarded as adequate where the underlying fire scenario has not been satisfactorily established.

At Brockleaze, those evidential requirements have not been met. The proposal is substantially larger than the Raymonds Hill scheme and occupies a more sensitive water environment, yet the battery technology, propagation evidence, firefighting assumptions, contaminated-runoff assessment and site-specific DWFRS endorsement remain unresolved.

***On the evidence presently available, the Council cannot be satisfied that unacceptable fire and pollution risks would be avoided and the application should therefore be refused.***

**7. UL9540A and propagation**

The applicant states that the battery units "will comply" with UL9540A and that this "should confirm" that propagation to adjoining containers is highly unlikely.

This is prospective and qualified language. It does not identify:

- the final manufacturer and battery model;

- the full test report relied upon;
- whether the precise proposed product was tested;
- whether testing replicated the proposed spacing and orientation;
- the state of charge used;
- the explosion and deflagration conditions examined;
- whether damaged equipment or failed safety systems were considered; or
- whether the proposed Brockleaze layout was replicated.

In the Raymonds Hill appeal, independent large-scale testing of the specified battery product was available. Despite that substantially more developed evidence, the Inspector was not satisfied.

A future commitment to use equipment that complies with UL9540A is insufficient to demonstrate that the present Brockleaze layout and firewater strategy are safe.

The development description, scale and physical layout should not be approved in advance of the evidence needed to establish that they provide an acceptable fire-safety design.

***The absence of product-specific, configuration-specific and independently verified propagation evidence is a fundamental deficiency that cannot safely be deferred by condition and provides substantial support for refusal.***

**8. Ecology and the Habitats Regulations**

The detailed ecological representation dated 20 July 2026 identifies important concerns, including:

- the recording of at least 16 British bat species;
- the presence of all three qualifying bat species of the Bath and Bradford-on-Avon SAC;
- the site's position within Greater and Lesser Horseshoe bat core areas;
- the proximity of the Park Lane Mine winter roost;
- the migration route between Box Mines and Drews Pond Wood;
- the site's dark and quiet habitat;
- incomplete winter survey coverage;
- potential construction, operational and decommissioning disturbance; and
- the absence of an assessment of the effect of a toxic fire plume upon bats.

CAWS recognises that this is not a statutory-consultee response. Nevertheless, it identifies specific gaps relevant to the Council's legal duties as competent authority.

Where Appropriate Assessment is required, permission cannot lawfully be granted unless the Council can conclude beyond reasonable scientific doubt that the proposal would not adversely affect the integrity of the Bath and Bradford-on-Avon SAC.

In particular, the evidence should permit the Council to assess:

- the relationship between the application site and the Park Lane Mine winter roost;
- use of the site by horseshoe and other SAC-associated bats during winter;
- construction noise, vibration and lighting;
- continuous operational noise and cooling equipment;
- routine and emergency lighting;
- disturbance during battery replacement and maintenance;
- decommissioning effects; and
- toxic emissions or atmospheric fallout from a battery incident.

***The assessment required to establish the absence of an adverse effect upon the integrity of the SAC is essential pre-determination work and cannot lawfully be postponed through conditions or another prolonged sequence of post-application submissions. Unless the evidence enables the Council, following Appropriate Assessment, to conclude beyond reasonable scientific doubt that the proposal would not adversely affect the integrity of the SAC, planning permission must be refused.***

**9. Archaeology and the historic environment**

Further historical evidence, considered alongside the applicant's Heritage Statement and the archaeological trench-evaluation report submitted in May 2026, reinforces CAWS's concern that the archaeological and historic significance of the Brockleaze landscape has not been fully established before determination.

CAWS does not claim that every interpretation contained in the local histories is archaeologically proven. Some place-name derivations and traditions are necessarily speculative.

The trench evaluation is relevant evidence and its negative findings must be given appropriate weight. However, it examined only a limited sample of the site, substantial areas were affected by constraints, and it did not assess all the locally recorded evidence or the complete and evolving footprint of the development.

The recorded finds, surviving and remembered earthworks, historic cultivation features, documentary references, ancient routes and place-name evidence continue to demonstrate credible and potentially multi-period archaeological interest.

The applicant has not provided sufficient integrated evidence to establish the nature, extent and significance of that interest or the effects of all the extensive groundworks now proposed.

**9.1 Recorded archaeological and historical evidence**

C. J. Hall's *Corsham: An Illustrated History*, published in 1983, records that older local residents remembered remains traditionally known as "Neston Castle" at Brockleaze. Hall described:

"the remains of the Neston Castle at Brockleaze, set on high land with what still appears to be a defensive ditch, now largely filled in…"

Hall associated the location with elevated ground overlooking the countryside to the east and with neighbouring fields known as Howditts and Grittle Close.

Historical material associated with John Poulsom also records:

- prehistoric flint cores found at Brockleaze and Locks Cross;
- lynchets indicating early cultivation;
- the field west of Howditts traditionally associated with a fortified site;
- older residents' memories of apparent ruins;
- a substantial ditch running beside the supposed site;
- a deep pit reportedly exposed at Brockleaze;
- numerous ancient routes converging upon the elevated ground;
- proximity to the Roman road and Wansdyke; and
- a documentary reference from 1249 to the Prior of Farley holding land at "Brocklees".

These accounts are not sufficient to prove that a Saxon castle, Belgic stronghold or other particular monument existed. Nor should Hall and Poulsom necessarily be regarded as completely independent sources, because Hall acknowledges information supplied by Poulsom.

Their significance is that they preserve information about physical features, discoveries and local memories that should be considered as part of the archaeological evidence base.

An earthwork does not cease to be potentially significant because it has subsequently been ploughed, infilled or become difficult to identify at ground level. Below-ground remains may survive even where surface evidence has been degraded.

**9.2 The applicant's Heritage Statement and trench evaluation**

The applicant's Heritage Statement reproduces Wiltshire Council's pre-application archaeological advice, which states that:

- medieval subsurface features are "very likely" to exist;
- there is a "good chance" of Roman and later prehistoric features;
- groundworks associated with the development would be likely to have a "severe impact" upon such features; and
- further work was required to assess the archaeological potential and the need for investigation.

The Council archaeologist requested a trial-trench evaluation to ground-truth the results of the geophysical survey before determination and stated that only after this work had been completed would it be possible to offer a "fully-informed opinion" on the likely impact upon the archaeological resource.

An archaeological trench evaluation was subsequently undertaken by AC Archaeology and Heritage during April 2026, and its report was issued in May 2026.

CAWS therefore withdraws its previous understanding that the requested trench evaluation had not taken place. The report is a material addition to the evidence base and should be considered fairly.

The evaluation comprised 14 trenches, each approximately 50m long and 1.6m wide. In total, approximately 700 linear metres and 1,120m² of ground were excavated across a site stated to extend to approximately nine hectares.

No archaeological features or deposits were identified within the trenches. The report concludes that the geophysical anomalies targeted by the trenches broadly corresponded with geological variation, including clay banding and outcropping mudstone.

These findings reduce the weight that can presently be placed upon an assertion that the particular anomalies investigated represent surviving archaeological features. They do not, however, provide a complete archaeological assessment of the development now proposed.

The approximately 1,120m² excavated represents about 1.24% of the stated nine-hectare site. Negative findings within that sample are relevant, but they do not establish the absence of archaeology throughout the whole development area.

The report plan also identifies substantial areas affected by "service and health and safety constraints", particularly within the eastern and southern parts of the site. The report does not:

- quantify the area excluded or constrained;

- explain the precise nature of each constraint;
- assess whether the exclusions reduced the representativeness of the evaluation;
- identify whether potentially significant locally recorded features fell within the constrained areas; or
- explain whether further investigation of those areas would be required before development.

The report does not provide an anomaly-by-anomaly account identifying:

- each geophysical anomaly targeted;
- the precise part of it intercepted by a trench;
- the archaeological intervention undertaken;
- the observed deposits or geological variation; and
- the evidence supporting the conclusion reached for that individual anomaly.

Although the methodology states that detailed plans and sections were produced, the report includes no individual trench plans or section drawings. Photographs are provided for only six of the fourteen trenches. The accompanying Project Design, which should explain the agreed sampling strategy and the reasons for the individual trench locations, is not included in the report.

The archaeological background is also narrowly drawn. It principally summarises the geophysical survey and Historic Environment Record. It does not consider the locally recorded evidence associated with Hall and Poulsom, including:

- remembered earthworks and apparent ruins;
- the substantial ditch;
- the reported lynchets;
- the reported deep pit;
- the traditional location known as “Neston Castle”;
- the convergence of historic routes; or
- the wider relationship with the Roman road and Wansdyke.

The evaluation does not demonstrate that trenches were positioned specifically to investigate those reported features or their likely locations.

A medieval “fiddlekey” horseshoe nail of 11th- or 12th-century date and two fragments of cattle tooth were recovered from the topsoil in Trench 3. The report reasonably describes these as limited evidence of background medieval activity. Nevertheless, the horseshoe nail confirms medieval activity in the vicinity and should be considered alongside the documentary, routeway and historic-landscape evidence rather than in isolation.

The report’s statement that there is “no evidence for any archaeological features or deposits within the proposed development area” is broader than the direct results justify. The evaluation establishes that no archaeological features or deposits were identified within the excavated trenches. It cannot establish their absence from all the intervening, unexcavated or constrained parts of the nine-hectare site.

There are also administrative inconsistencies within the report. Paragraph 1.1 describes the work as supporting a “forthcoming planning application”, the OASIS entry records the reason for investigation as “Planning: Pre application”, and Figure 1 incorrectly describes the site as being in Somerset. These matters do not invalidate the fieldwork, but they reinforce the need to establish that the report and its evaluation strategy have been fully aligned with the current Wiltshire planning application and the development now proposed.

Most importantly, the report does not record an express conclusion from Wiltshire Council's archaeologist that the evaluation is sufficient or that it now permits the "fully-informed opinion" previously considered necessary.

**9.3 The Brockleaze name**

The place-name itself may preserve an early description of the landscape.

Hall and Poulsom associated "Brock" or "Broc" with the word for a badger. The element occurs in Celtic languages and was also used in Old English as *broc* or *brocc*. "Leaze" generally denotes pasture, meadow or grazing land.

Brockleaze can therefore plausibly be understood as "badger pasture", "badger meadow" or "grazing land frequented by badgers".

CAWS does not rely upon this etymology as proof of Celtic settlement or as a means of dating archaeological remains. Nevertheless, the name forms part of the historic-landscape evidence. It indicates a long-established rural identity based upon the character, wildlife and agricultural use of the land.

That identity would be fundamentally altered by a 450MW industrial battery installation comprising approximately 216 containers and its associated electrical, drainage, access and security infrastructure.

**9.4 Ancient routes and the wider historic landscape**

Brockleaze should not be treated as an isolated field divorced from the historic landscape around it.

It occupies elevated ground in a landscape containing or associated with:

- the Roman road between Bath, Verlucio and the east;
- Wansdyke;
- historic roads and tracks through Neston and southern Corsham;
- former drove routes;
- medieval ecclesiastical landholdings;
- quarrying and mining routes;
- historic field boundaries and dry-stone walls; and
- longstanding connections between Neston, Atworth, Whitley and the Corsham ridge.

Some individual interpretations advanced by earlier local historians — for example, the precise course of a pilgrimage route — remain unverified.

However, the surviving pattern of roads, tracks, boundaries, field names and documentary references demonstrates that this was a landscape of movement, agriculture and human activity over a long period.

The significance of historic routes does not derive only from their physical surface. It also arises from:

- their relationship with surrounding topography;
- their connections with other routes and settlements;
- the views and orientation that helped people navigate the landscape;
- associated roadside activity and settlement; and
- their ability to demonstrate how the landscape was used over time.

The trench evaluation was directed principally towards the presence or absence of below-ground archaeological features. Its negative findings do not assess or remove the potential historic-landscape effects of the proposal.

The proposed BESS would introduce a very large, fenced industrial compound into this historic rural context. It would alter the character and legibility of the landscape and weaken the ability to appreciate the relationships between its historic routes, fields, boundaries and elevated ground.

**9.5 The proposed ground disturbance**

The development would involve extensive and potentially destructive operations, including:

- stripping and levelling of land;
- foundations for approximately 216 battery containers;
- transformer, inverter and substation foundations;
- internal access roads and hard surfaces;
- extensive cable trenches;
- drainage channels and underground pipework;
- an attenuation basin with a stated capacity of approximately 5,800m³;
- penstock and other drainage infrastructure;
- impermeable membranes beneath battery areas;
- fencing, lighting and security infrastructure; and
- construction compounds and movements of heavy vehicles.

These operations could remove, truncate, compress or seal surviving archaeological remains.

The applicant's latest pollution-control proposal increases the relevance of this issue. The proposed impermeable membrane would apparently extend beneath all areas occupied by batteries. Its installation would require preparation of a substantial part of the site and could affect archaeological deposits across a much wider area than individual foundation points.

The cable route has not yet been defined. Consequently, the Council cannot presently know the location, depth or extent of the additional trenching and ground disturbance it would require or its relationship with potential archaeological remains, historic routes and landscape features. If the cable route is to be determined after permission has been granted, its archaeological effects cannot have informed the present decision.

The Heritage Statement is dated June 2025 and expressly assesses Site Layout Revision 9. It does not appear to assess the subsequent and more extensive drainage and pollution-control works, including the large attenuation basin, impermeable membrane, revised drainage infrastructure or an as-yet undefined cable route.

The trench-evaluation report does not map the trenches against the complete current development footprint or demonstrate that every area of intensive ground disturbance has been adequately sampled. It does not establish that its trench locations were selected by reference to the later drainage, containment and membrane proposals.

The evaluation also cannot assess the undefined cable route. Its negative results cannot therefore be treated as demonstrating that all the groundworks now proposed would avoid archaeological remains.

The application consequently does not adequately establish:

- the precise location of the former earthworks remembered by local residents;
- whether any part of the supposed “Neston Castle” site lies within or would be affected by the development;
- the location and archaeological context of the recorded flint finds;
- the character, date and survival of the reported lynchets;
- the nature and origin of the ditch described by Hall and Poulsom;
- the location or significance of the reported deep pit;
- the archaeological potential of the unexcavated and constrained parts of the site;
- the relationship between the site and the Roman road, Wansdyke and other historic routes;
- the potential for prehistoric, Romano-British, early-medieval or medieval remains outside the evaluated trenches;
- the archaeological effects of the undefined cable route; or
- the combined effects of foundations, trenches, drainage works, membranes and earthmoving upon the archaeological resource.

**9.6 National and local planning policy**

Paragraph 207 of the National Planning Policy Framework requires applicants to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.

The level of detail should be proportionate to the asset’s importance but sufficient to understand the potential effect of the proposal. As a minimum, the relevant Historic Environment Record should be consulted and the assets assessed using appropriate expertise.

Where a development site includes, or has the potential to include, heritage assets with archaeological interest, an appropriate desk-based assessment and, where necessary, field evaluation are required.

Paragraph 208 requires the local planning authority to identify and assess the particular significance of any heritage asset that may be affected, taking account of the available evidence and any necessary expertise.

Paragraph 216 requires the effect of development upon the significance of a non-designated heritage asset to be taken into account. A balanced judgment is required having regard to the scale of any harm or loss and the significance of the asset.

That balanced judgment requires the decision-maker to understand:

- what archaeological assets may be present;
- their location and extent;
- their state of survival;
- their significance; and
- how the complete development would affect them.

Wiltshire Core Strategy Core Policy 58 similarly requires development to protect, conserve and, where possible, enhance the historic environment and its distinctive character.

The submission of the trench-evaluation report is a material addition to the evidence base. However, its limited sample, constrained coverage, narrow archaeological background and lack of integration with the complete current development footprint mean that it does not, by itself, establish that these policy requirements have been met.

**9.7 The evaluation does not resolve the archaeological objection**

Archaeological evaluation is not merely a process for recording remains immediately before their destruction. Its purpose at the application stage is to inform the planning decision and the design of the development.

The submitted evaluation provides useful evidence about the particular ground intercepted by the fourteen trenches and the geophysical anomalies examined. It does not provide equivalent evidence for all the unexcavated and constrained land or for ground that would be affected by development elements that remain undefined or were materially revised after the evaluation strategy was prepared.

If significant archaeology exists outside the evaluated trenches, the results could affect:

- whether development is acceptable in principle;
- the weight to be given to heritage harm;
- whether remains should be preserved in situ;
- the position of battery compounds, roads, cables and drainage infrastructure;
- the extent of acceptable ground disturbance; and
- the overall planning balance.

A condition requiring further investigation or recording after approval could not revisit the principle of placing the BESS on this site. Nor could it guarantee that significant remains would be preserved if doing so required substantial alteration to the approved layout.

The local histories do not conclusively establish that a castle or other specific monument stood at Brockleaze, and CAWS does not suggest otherwise. The trench evaluation also weakens any suggestion that the particular geophysical anomalies investigated necessarily represent archaeological features.

Nevertheless, the evidence continues to demonstrate a credible concentration of archaeological and historic-landscape indicators:

- prehistoric artefacts;
- medieval material recovered during the evaluation;
- historic cultivation features;
- remembered earthworks and apparent ruins;
- a substantial ditch;
- a possible former enclosure;
- ancient and medieval routeways;
- medieval documentary evidence;
- historic field and place names; and
- a strategically elevated location close to the Roman road and Wansdyke.

Those indicators must be considered alongside the limited extent and constrained coverage of the evaluation and the incomplete definition of the proposed groundworks.

Before determining the application, the Council should obtain and publish the County Archaeologist's express advice on:

- whether the evaluation complied fully with the requested and agreed scope;
- whether the trench coverage was sufficient and representative;
- the implications of the areas excluded by service and health-and-safety constraints;

- whether the Hall and Poulsom evidence requires further investigation;
- whether the medieval find alters the assessment of archaeological potential;
- whether the evaluation adequately addresses the current development layout and later drainage and containment works;
- whether further work is required once the cable route is defined; and
- whether the evidence now permits the "fully-informed opinion" previously considered necessary.

The evaluation therefore narrows the archaeological objection but does not resolve it. In the absence of a complete assessment of all land liable to disturbance and express confirmation from the Council's archaeologist that the submitted evidence is sufficient, the Council cannot confidently establish the archaeological effects of the development or undertake the fully informed balanced judgment required by national policy.

***These remaining evidential deficiencies provide further substantial support for refusal.***

## 10. Long-term restoration and agricultural capability

The applicant describes the development as temporary and states that, following its operational life, the site would be decommissioned and restored to agricultural fields. However, that description does not itself demonstrate that meaningful restoration would be achievable after decades of extensive industrial use involving foundations, roads, hard surfaces, drainage works, excavation of a large attenuation basin, impermeable membranes, cable and service trenches, soil movement, compaction and potentially contaminated materials.

The scale and duration of the development create a material risk that the soil structure, drainage characteristics, agricultural capability and historic field character of the site would be permanently or very substantially altered.

CAWS does not suggest that the land would automatically become "previously developed land" for every planning-policy purpose. The relevant point is that the proposal could cause lasting loss of greenfield character and agricultural capability, notwithstanding its description as temporary.

No sufficiently detailed and evidenced restoration strategy has been provided to demonstrate:

- how foundations, membranes, hard surfaces and buried infrastructure would be removed;
- how compacted, excavated or displaced soils would be restored;
- how the attenuation basin and altered drainage system would be reinstated;
- how contaminated material would be identified and managed;
- whether the original field levels, boundaries and drainage characteristics could be recreated; or
- whether the land would retain a viable agricultural use after decommissioning.

The possibility of nominal restoration after 35 years should therefore not be treated as removing the long-term landscape, agricultural and heritage consequences of the proposal.

In the absence of a detailed and evidenced restoration strategy, the Council cannot safely conclude that the site's greenfield character, soil structure and agricultural capability would be restored following decommissioning.

***The potentially lasting effects of the development must therefore be given full weight in the planning balance and provide further support for refusal.***

**11. Cumulative impact and the Whistle Mead appeal evidence**

CAWS's previous submissions have consistently explained that Brockleaze cannot properly be assessed as a standalone development. The communities around the Melksham substation already accommodate an exceptional concentration of electricity infrastructure, including operational, under-construction, consented, proposed and reasonably foreseeable solar, battery, grid and transmission development.

**11.1 The cumulative baseline and the Whistle Mead evidence**

CAWS's July 2026 cumulative inventory identified 65 discrete energy-infrastructure scheme entries within approximately five kilometres of the Melksham substation.

CAWS does not suggest that all 65 entries have the same planning status, likelihood of proceeding or relevance to every cumulative pathway. Appropriate weight must be given according to matters including:

- whether development is operational or under construction;
- whether permission has been granted;
- whether an application or appeal is live;
- whether consultation has commenced;
- whether associated grid or transmission works are committed or reasonably foreseeable; and
- the likely timing, geographical relationship and interaction of effects.

The purpose of the inventory is not to treat every entry as certain. It is to ensure that relevant existing, consented and reasonably foreseeable development is not omitted from the cumulative baseline.

CAWS's submission to the Whistle Mead appeal provides a developed assessment of this infrastructure concentration. Whistle Mead is another major energy proposal within the same wider cluster and receiving environment. The evidence submitted in that appeal includes:

- an updated inventory of nearby infrastructure;
- identification of shared environmental and community receptors;
- analysis of cumulative pressure upon water systems, landscapes, roads and emergency services; and
- consideration of the capacity of the planning system, statutory consultees and local communities to assess and manage the combined effects.

That evidence is materially relevant to Brockleaze whether or not the Whistle Mead appeal has been determined. It concerns the existing and evolving baseline surrounding the same strategic infrastructure node.

The Whistle Mead evidence applies the CAWS Cumulative Impact Assessment Framework across eleven connected pathways:

1. landscape;
2. heritage;
3. groundwater;
4. flood risk and drainage;

5. ecology;
6. public safety and emergency response;
7. transport;
8. electricity-infrastructure concentration;
9. community burden;
10. strategic uncertainty and evidential integrity; and
11. planning-system capacity.

For each pathway, the relevant questions are:

- What cumulative burden already exists?
- How much capacity does the receiving system retain?
- What additional pressure would Brockleaze introduce?

**11.2 Interacting effects and the inadequacy of the applicant's approach**

Cumulative impact is not confined to the visual addition of one further energy scheme. It concerns the progressive reduction in the environmental, social, infrastructural and governance capacity of the receiving area.

The effects of Brockleaze would also interact across pathways. For example:

- hard surfaces and drainage infrastructure would affect hydrology, groundwater and South Brook;
- contaminated incident water could enter watercourses already receiving runoff from a changing catchment;
- a BESS incident would draw upon emergency-service resources shared with other developments;
- construction traffic could coincide with other infrastructure projects using the same local roads;
- industrial structures, fencing, lighting and activity would contribute to landscape and ecological fragmentation;
- disturbance would affect bats using a wider network of roosts, feeding areas and commuting routes;
- archaeological and historic-landscape effects would add to the progressive industrialisation of the countryside; and
- each additional proposal increases the burden placed upon the Council, statutory consultees and local communities.

These effects must be considered together rather than divided into unrelated technical topics.

The applicant's approach has instead been narrow and compartmentalised. For example, it argues that because the Brockleaze drainage design would provide betterment against existing greenfield runoff rates, there is no need to consider the hydrological effects of other developments "regardless of their nature".

That addresses only one calculation within one pathway. It does not assess:

- changes to the physical characteristics of the wider catchment;
- shared watercourses and groundwater receptors;
- abnormal, contaminated or emergency runoff;

- overlapping construction periods;
- the combined consequences of failure;
- multiple developments relying upon similar mitigation systems; or
- interaction with emergency-service capacity and the wider landscape, ecological and community burden.

Nor can the presence of existing energy infrastructure simply be used to characterise the locality as suitable for more of the same. Existing development forms part of the cumulative burden and may demonstrate that the capacity of the area to absorb further infrastructure has already been substantially reduced.

**11.3 Absence of a complete cumulative-impact assessment**

Given the exceptional concentration of energy infrastructure around the Melksham substation, a full and integrated cumulative-impact assessment should have formed part of the Brockleaze application.

That assessment should have considered the relevant operational, under-construction, consented, proposed and reasonably foreseeable development, including associated grid and transmission works. It should also have examined the interaction of effects across all relevant pathways rather than limiting cumulative analysis to selected landscape views or ordinary greenfield runoff calculations.

Brockleaze would itself be one of the largest individual components of the local infrastructure cluster. Its acceptability therefore depends partly upon the capacity of the receiving environment, infrastructure, emergency services and community to absorb its additional effects.

The application material, taken as a whole, does not provide that assessment. The Council cannot properly conclude that Brockleaze is acceptable by assessing its predicted effects against a baseline that omits relevant development or fragments the combined effects into separate technical subjects.

The applicant has had ample opportunity to address cumulative impact. It should not now be invited to begin another substantial assessment exercise following repeated rounds of amendments.

The absence of a full and integrated cumulative-impact assessment, considered alongside CAWS's existing Brockleaze submissions and its evidence to the Whistle Mead appeal, provides further substantive support for refusal.

**12. The application should now be determined**

This application has been under consideration for a substantial period and has already been subject to repeated technical submissions, objections and revisions.

The planning process does not require the Council or affected communities to participate indefinitely in a succession of amendments while the applicant attempts to construct an acceptable proposal after submission.

The applicant bears the responsibility for submitting sufficient information to demonstrate that its development is acceptable. It has had ample opportunity to do so.

Despite that opportunity:

- the Environment Agency still objects;
- the LLFA still maintains a holding objection;

- the firewater volume depends upon an inadequately established incident scenario;
- the possible contamination of boundary-cooling water has been discounted without adequate evidence;
- the risk of contaminated runoff reaching adjacent unlined ground has not been resolved;
- the absence of a defined cable route prevents the integrity of the proposed membrane and containment system from being demonstrated;
- the operation of the penstock remains ambiguous;
- the exact battery technology and supporting propagation evidence remain unresolved;
- current, site-specific DWFRS endorsement has not been demonstrated;
- significant ecological and Habitats Regulations questions remain;
- the limited and constrained trench evaluation does not assess the locally recorded evidence or the complete current development footprint, and its sufficiency has not been expressly confirmed by the Council's archaeologist;
- the application material does not provide a complete and integrated cumulative-impact assessment; and
- despite repeated amendments and technical submissions over the past year, the substantive concerns identified by CAWS remain unresolved and the applicant has not provided sufficiently complete, consistent and reliable evidence to demonstrate that the development would be safe and environmentally acceptable.

These are not minor details capable of straightforward adjustment. They concern the fundamental acceptability of the site, layout, drainage system, fire-safety strategy and effects upon protected and irreplaceable environmental resources.

CAWS does not consider that another cycle of technical documents would be a proportionate or appropriate response.

***The Council should determine the application on the evidence submitted and refuse planning permission.***

**13. Principal grounds supporting refusal**

CAWS's evidence in this submission should be considered in full. The following summary is provided to assist the Council in identifying the principal matters supporting refusal.

**13.1 Fire safety and pollution control**

The application does not provide sufficiently robust and site-specific evidence to demonstrate that the proposed battery technology, layout, separation, propagation controls, firefighting strategy and firewater-containment system would avoid unacceptable risks to people, groundwater and surface water.

The assumptions underlying the firewater calculations have not been expressly accepted by DWFRS under the current NFCC guidance. Core physical and safety matters remain unresolved and cannot safely be deferred through conditions.

***The failure to demonstrate an acceptable, site-specific fire-safety and pollution-control strategy is a fundamental deficiency and provides substantial grounds for refusal.***

**13.2 Controlled waters and drainage**

The Environment Agency continues to object and the LLFA continues to maintain a holding objection.

The extent, integrity and long-term performance of the proposed membrane have not been adequately demonstrated. Nor has the risk of contaminated runoff escaping from the lined compound onto adjoining unlined ground been satisfactorily addressed.

The proposed drainage and pollution-control arrangements have therefore not been shown to provide adequate protection for Source Protection Zone 2, the Secondary A aquifer and South Brook.

***In the absence of an adequately demonstrated containment and drainage system, and while the statutory objections remain unresolved, permission should be refused.***

**13.3 Ecology and the Bath and Bradford-on-Avon SAC**

The evidence does not adequately address the relationship between the site, Park Lane Mine, SAC-associated bats and the wider network of foraging and commuting habitat.

Where Appropriate Assessment is required, permission cannot lawfully be granted unless the Council can conclude beyond reasonable scientific doubt that the proposal would not adversely affect the integrity of the SAC.

***Unless the available evidence enables the Council to reach that conclusion following Appropriate Assessment, planning permission must be refused.***

**13.4 Archaeology and the historic environment**

The development would involve extensive and potentially destructive groundworks in a landscape with credible multi-period archaeological potential.

A trench evaluation has now been submitted. It records no archaeological features or deposits within 14 trenches and provides evidence that the geophysical anomalies investigated were geological. Those findings are relevant and reduce the weight that can be placed upon the particular anomalies examined.

However, the trenches sampled only approximately 1.24% of the stated site area; substantial areas were affected by service and health-and-safety constraints; the locally recorded historical evidence was not assessed; and the report does not demonstrate that its coverage reflects the complete current development footprint. The undefined cable route and later drainage, containment and membrane works remain unassessed.

The evaluation therefore does not provide a complete basis for establishing the nature, extent and significance of any surviving remains or the effects of all the groundworks now proposed.

***Unless the Council's archaeologist confirms that the evaluation and its coverage are sufficient to permit a fully informed assessment of the current scheme, the outstanding evidential deficiencies provide substantial support for refusal.***

**13.5 Long-term restoration and agricultural capability**

The applicant has not adequately demonstrated that, following decades of foundations, roads, hard surfaces, membranes, drainage works, excavation, cable trenches and soil compaction, the site could be restored to its former greenfield character and agricultural capability.

No sufficiently detailed and evidenced restoration strategy has been submitted to establish how the infrastructure would be removed, soils and drainage reinstated, contamination managed and viable agricultural use restored.

***The unproven assumption that the site could be effectively restored does not remove the development's potentially lasting effects and provides further support for refusal.***

**13.6 Cumulative impact**

The application has not adequately assessed Brockleaze in combination with the exceptional concentration of existing, consented, proposed and reasonably foreseeable energy infrastructure around the Melksham substation.

The application material, taken as a whole, does not provide a complete and integrated assessment across the relevant environmental, infrastructural, safety and community pathways.

***The absence of a complete and integrated cumulative-impact assessment means that the Council cannot properly assess the development's combined effects and provides substantive support for refusal.***

**13.7 Overall planning balance**

The proposal conflicts with the development plan and national policy in relation to matters including pollution control, flood risk and drainage, biodiversity, the historic environment, landscape and cumulative effects.

The general national benefits of BESS do not demonstrate that this particular development is acceptable in this particular location. Those benefits do not outweigh the unresolved risks, environmental harm and evidential deficiencies identified in CAWS's submissions.

***Taken individually and cumulatively, these matters demonstrate that the unresolved risks and adverse impacts outweigh the proposal's claimed benefits. Planning permission should therefore be refused.***

**14. Overall conclusion and request for determination**

The latest submissions do not overcome CAWS's objections. The Environment Agency continues to object, the LLFA continues to maintain a holding objection, and fundamental questions remain concerning fire safety, pollution control, ecology, archaeology, restoration and cumulative impact.

The Raymonds Hill appeal confirms that a low calculated probability of fire is insufficient; an incident must be assumed; current, site-specific fire-service advice is important; and the adequacy of firewater containment depends upon a properly established fire scenario. At Brockleaze, that evidential chain has not been satisfactorily demonstrated, despite the exceptional scale of the proposal and the sensitivity of the receiving water environment.

These deficiencies do not concern minor details. They affect the proposed technology, layout, containment system, drainage arrangements, groundworks and the ability of the site and surrounding environment to accommodate the development safely. Several could require material changes to the scheme and cannot appropriately be deferred through conditions.

All previous CAWS submissions remain extant and should be considered individually and cumulatively. Together, they demonstrate a persistent failure to provide a complete, consistent and reliable evidential basis upon which the Council could conclude that the development would be safe, environmentally acceptable and compliant with the development plan and national policy.

The national need for battery storage does not establish that every BESS proposal is acceptable in every location. In this case, the claimed benefits do not outweigh the unresolved risks, environmental harm and cumulative effects.

Nor would it be appropriate to postpone determination pending the outcome of the Whistle Mead appeal. CAWS relies upon the evidence submitted to that appeal concerning the existing and evolving infrastructure cluster, shared receptors and cumulative pathways; that evidence is already available and can be considered now. The acceptability of Brockleaze must be determined on its own merits and on the evidence presently before the Council. The recent Raymonds Hill decision already provides directly relevant Planning Inspectorate guidance concerning the assessment of BESS fire safety, pollution risk and unresolved evidence. Awaiting the outcome of a separate appeal would not remedy the deficiencies in this application and would provide no proper justification for further delay.

Grenergy has had repeated opportunities to present a complete and robust application. Further open-ended amendments would not be a proportionate or appropriate response.

***CAWS therefore respectfully requests that Wiltshire Council determine PL/2025/05552 on the evidence now available and refuse planning permission.***

**Appendix A**

**Documents relied upon or cross-referenced**

CAWS requests that the following documents are considered with this addendum and, where necessary, uploaded or cross-referenced on the Brockleaze application file:

1. Appeal Decision APP/U1105/W/25/3369854, dated 13 August 2026.
2. CAWS Brockleaze BESS Failure Probability Analysis.
3. CAWS cumulative-impact inventory identifying 65 energy-infrastructure scheme entries within approximately five kilometres of the Melksham substation.
4. Relevant chapters of the CAWS submission to the Whistle Mead appeal, including the Cumulative Impact Assessment Framework.
5. Relevant extracts from C. J. Hall, *Corsham: An Illustrated History*.
6. Relevant historical material associated with John Poulsom concerning Brockleaze.
7. AC Archaeology and Heritage, *Land South of Brockleaze, Corsham, Wiltshire: Results of an Archaeological Trench Evaluation*, Report ACA0530/3/1, May 2026.
8. The applicant's Heritage Statement, June 2025.
9. The detailed ecological representation dated 20 July 2026.
10. Government/Environment Agency, *Drought declared in half of England*, 29 July 2026.
11. Dorset & Wiltshire Fire and Rescue Service, *Major incident declared in Dorset and Wiltshire*, 13 August 2026.
12. Met Office, *Effects of climate change*.
13. All previous CAWS representations, addenda and supporting documents concerning PL/2025/05552.

**Appendix B**

**CAWS Objection History**

The documents set out below represent the totality of the CAWS submission as at 19 August 2026 and should be considered collectively. Please note that the summaries set out below are highly abridged.

| Submission | Summary | Page Count | Word Count |
|---|---|---|---|
| 22 August 2025 | The project is presented by the developer as a renewable and low-carbon energy development, but that is misleading. The BESS will not generate renewable energy; neither is it connected to a renewable source of energy. In fact, it may increase our reliance on fossil fuels. The scheme would therefore be better described as a high-carbon industrial development, with negligible local employment benefits, in a greenfield location.<br><br>The developer's fire safety strategy is non-compliant with UK National Fire Chiefs Council (NFCC) guidance, and it vastly underestimates its own water and containment requirements.<br><br>The site sits in a Source Protection Zone near aquifers and flood-prone villages. The drainage and containment plans are inadequate, risking catastrophic contamination of a wide area.<br><br>Noise mitigation is unproven. The site overlaps with Park Lane Mine, with no evidence of any assessment having been done by the developer of the effects of vibration, weight and traffic conflicts.<br><br>Construction is unlikely to start before 2030, with grid connection not expected until 2037, making the application premature.<br><br>Inadequate construction, traffic, and decommissioning plans have been submitted, leaving the application incomplete.<br><br>No mitigation or coordination plan has been provided for concurrent projects.<br><br>No community benefits are offered.<br><br>CAWS' consultation inputs have largely been ignored. | 21 | 6,523 |

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| | A further round of public consultation is requested, once the cable route is defined.<br><br>CAWS urges Wiltshire Council to seek independent expert advice. | | |
| First Addendum 02 September 2025 | The application is largely non-compliant with planning policies including those set out in the NPPF, Wiltshire Core Strategy, draft Wiltshire Local Plan, and the made Melksham Neighbourhood Plan 2. | 14 | 2,543 |
| Second Addendum 03 October 2025 | The inclusion of two water tanks to replace two fire hydrants makes no material change to CAWS previous submissions.<br><br>The Fire Strategy Plan is incomplete.<br><br>The proposed tank calculations are inconsistent.<br><br>The tanks do not have sufficient capacity. | 3 | 1,091 |
| Third Addendum 06 October 2025 | Evidence that the Brockleaze BESS will not contribute to net zero. | 3 | 979 |
| Fourth Addendum 07 October 2025 | CAWS Submission History. | 3 | 472 |
| Fifth Addendum 07 January 2026 | CAWS objects to the Brockleaze proposal because it would introduce a large-scale, standalone Battery Energy Storage System into an already saturated cluster of energy infrastructure centred on Melksham Substation, where Wiltshire Council has acknowledged that landscape and system capacity is extremely limited. The proposal is mischaracterised as renewable energy despite not generating electricity, not being intrinsically linked to renewable generation, and delivering negligible long-term employment or socio-economic benefit.<br><br>Evidence assembled by CAWS demonstrates that sufficient Battery Energy Storage capacity is already deployed to meet Firm Frequency Response and grid-balancing requirements, and that additional large-scale BESS capacity is not required to maintain grid stability. In this context, reliance on site-by-site assessment and assumptions of effectively unlimited capacity in shared systems — including hydrology, groundwater, emergency services and transport — fails to address cumulative and non-linear impacts and materially underestimates risk. There is therefore no justification for | 16 | 5,057 |

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| | accepting elevated environmental, safety or cumulative harm in this location. | | |
| Sixth Addendum 7 February 2026 | The Sixth Addendum updates and reinforces matters raised previously in light of material new evidence and authoritative guidance, including updated NESO data, the implementation of NESO Connections Reform, recent Planning Inspectorate decisions on grid uncertainty, and representations relating to the Lime Down Solar NSIP. It confirms that the Brockleaze proposal has no demonstrable system need, relies on an unprotected and speculative grid position with a provisional 2037 connection date, excludes essential enabling infrastructure from assessment, and cannot be lawfully determined without a cumulative impact assessment. The Sixth Addendum concludes that, once system need is absent, there is no planning basis for attributing positive weight to the proposal and that planning permission should be refused. | 9 | 2,177 |
| Seventh Addendum 9 March 2026 | The Seventh Addendum addresses points raised by the Wiltshire Council Drainage Team consultation response dated 02/03/2026, which reveals significant deficiencies and appears to rely heavily on untested assumptions. In particular, it does not address the site's location within Source Protection Zone 2, does not consider the complex hydrology of the South Brook headwater catchment, and appears to accept without independent scrutiny the developer's assumptions regarding firewater volumes, containment basin capacity, tanker removal of contaminated water and the effectiveness of boundary cooling in limiting contamination. These omissions are especially concerning given the growing concentration of energy infrastructure developments within the same catchment, where cumulative disturbance may alter infiltration and runoff behaviour across interconnected drainage systems. Until these fundamental issues are resolved, the application fails to demonstrate compliance with Core Policy 67, the Wiltshire Drainage Betterment Strategy and national flood risk policy, and should therefore be refused. | 15 | 4,058 |
| Eighth Addendum 10 March 2026 | The Eighth Addendum reviews the developer's Fire Safety Technical Note against the guidance issued by the National Fire Chiefs Council (NFCC) and identifies significant evidential gaps. While the submission references relevant standards such as NFPA 855, NFPA 68/69 and UL 9540A, the supporting documentation expected by NFCC - including full-scale UL 9540A test reports, configuration-specific certification, hydraulic fire-water deliverability modelling, explosion venting calculations, plume modelling inputs and | 12 | 3,241 |

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| | documented Fire & Rescue Service consultation responses - has not been provided.<br><br>The proposed safety case also relies on performance assumptions for battery equipment that has not yet been selected, meaning the hazard profile, separation distances and modelling assumptions cannot be independently verified. Internal inconsistencies are also identified in relation to contaminated firewater management and environmental protection.<br><br>Taken together, these omissions materially limit the evidential weight that can be given to the claimed NFCC compliance and mean that the Local Planning Authority does not have sufficient information to properly assess the safety implications of the proposal at the point of determination | | |
| Ninth Addendum 26 June 2026 | The Ninth Addendum responds to the applicant's latest technical submissions, including revised drainage proposals, responses to the Environment Agency and Lead Local Flood Authority, updated firewater containment calculations and the archaeological evaluation. Whilst acknowledging that aspects of the engineering design have been refined, CAWS concludes that the additional information does not resolve the fundamental planning concerns identified throughout its previous submissions.<br><br>The Addendum demonstrates that the applicant has still not satisfactorily shown that groundwater pollution risks have been addressed, that the proposed attenuation basin freeboard provides a robust and resilient firewater management solution, or that a lawful and deliverable disposal route exists for the potentially large volumes of contaminated firewater likely to arise following a significant Battery Energy Storage System incident. The submission also questions the assumptions underpinning the applicant's firewater calculations, including the justification for the assumed firefighting duration and the provenance of the design assumptions.<br><br>The Addendum further argues that the proposal remains heavily dependent upon a complex chain of engineered mitigation measures and operational assumptions that would need to perform reliably throughout the proposed 35-year operational life of the development. It concludes that the applicant has not demonstrated the long-term resilience of these systems, nor assessed their cumulative reliability when considered alongside the growing concentration of Battery Energy Storage Systems surrounding the Melksham Substation. | 22 | 6,323 |

| | | | |
|---|---|---|---|
| | CAWS also identifies continuing deficiencies in the assessment of cumulative environmental impacts, groundwater protection, emergency planning and long-term operational resilience. It challenges the applicant's assertion that cumulative impacts need not be assessed, arguing that hydraulic betterment at an individual site cannot address cumulative groundwater vulnerability, pollution pathways, emergency response, contaminated firewater management or community burden across the wider South Brook catchment and Melksham energy cluster.<br><br>Finally, the Addendum raises concerns regarding the accuracy of the applicant's baseline information, including the incorrect identification of Park Lane Mine as "disused", and notes that the archaeological evaluation should be interpreted with appropriate caution given the site's location within a historically sensitive landscape close to the Roman road and Wansdyke. The Addendum concludes that, despite the submission of further technical information, the applicant has not demonstrated that the proposal is environmentally acceptable or that the wider cumulative consequences of this expanding concentration of nationally significant energy infrastructure have been properly assessed. **Accordingly, CAWS respectfully maintains its objection and requests that planning permission be refused.** | | |
| Tenth Addendum 3 July 2026 | The Tenth Addendum introduces a further ground of objection, arguing that the applicant has failed to provide a sufficiently stable, coherent and reliable evidential basis upon which the Local Planning Authority can confidently determine the application.<br><br>Whilst accepting that planning applications commonly evolve during determination, CAWS demonstrates that the scale and frequency of revisions in this case are exceptional: of 113 published documents, 64 (57%) have been revised, replaced or superseded.<br><br>Drawing upon a forensic review prepared by Dan Pike and assessed by CAWS, the Addendum identifies widespread inconsistencies, omissions and conflicting technical evidence across multiple planning disciplines. It concludes that the applicant's technical case has remained materially unstable throughout the determination process, imposing a substantial cumulative evidential burden on the Council, statutory consultees and the public.<br><br>The Addendum argues that this procedural failure is an additional reason why planning permission should be refused, whilst reaffirming that CAWS' previous substantive | 15 | 4,414 |

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| | planning objections remain extant and continue to justify refusal.<br><br>The Addendum therefore draws together the cumulative concerns identified throughout the previous nine submissions and concludes that the applicant has failed to provide a sufficiently robust evidential foundation upon which the application can lawfully and confidently be determined. | | |
| Eleventh Addendum<br><br>19 August 2026 | CAWS reviews the latest Environment Agency, LLFA and applicant submissions and confirms that the statutory objections remain unresolved. It assesses continuing deficiencies concerning the fire scenario, UL9540A propagation evidence, firewater, boundary-cooling water, the proposed membrane, contaminated-runoff pathways, the undefined cable route, drainage and penstock operation. It also considers the foreseeable two-way relationship between a BESS incident and external wildfire under increasingly hot and dry conditions.<br><br>The Addendum addresses outstanding ecological and Habitats Regulations matters; presents further archaeological and historic-landscape evidence; considers the applicant's Heritage Statement and the completed trial-trench evaluation; and explains why the evaluation's limited sample, constrained coverage and failure to assess the complete current development footprint do not resolve the archaeological objection. It also examines uncertainty concerning restoration of the site's greenfield character and agricultural capability.<br><br>The Addendum updates the cumulative-impact case by reference to CAWS's Whistle Mead appeal evidence and considers the relevance of BESS appeal decision APP/U1105/W/25/3369854.<br><br>**CAWS concludes that, after repeated opportunities to address fundamental deficiencies, the application should now be determined on the evidence available and refused.**<br><br>All previous CAWS submissions remain extant and should be considered individually and cumulatively. | 38 | 13,050 |
| **Total** | | **171** | **49,928** |

**Appendix C**

**Abbreviations**

| Abbreviation | Meaning |
|---|---|
| BESS | Battery Energy Storage System |
| BRE | Building Research Establishment |
| CAWS | Community Action: Whitley & Shaw |
| DWFRS | Dorset & Wiltshire Fire and Rescue Service |
| EA | Environment Agency |
| FRS | Fire and Rescue Service |
| HRA | Habitats Regulations Assessment |
| LLFA | Lead Local Flood Authority |
| MOT | Ministry of Transport, as used in “MOT Type 1” aggregate |
| MW | Megawatt |
| MWh | Megawatt-hour |
| NESO | National Energy System Operator |
| NFCC | National Fire Chiefs Council |
| NFPA | National Fire Protection Association |
| NPPF | National Planning Policy Framework |
| NSIP | Nationally Significant Infrastructure Project |
| PFAS | Per- and polyfluoroalkyl substances |
| SAC | Special Area of Conservation |
| SPZ | Source Protection Zone |
| SSRI | Site-Specific Risk Information |
| SuDS | Sustainable Drainage Systems |
| UL | Underwriters Laboratories; used here in reference to UL 9540A, the test method for evaluating thermal-runaway fire propagation in battery energy storage systems |

**PL/2025/05552 – Brockleaze BESS**

**CAWS Supplementary Representation – Addendum 11A**

**Implications of the National Planning Policy Framework published 17 August 2026**

**20 August 2026**

## 1. Status and purpose

This short supplementary representation should be read alongside CAWS's Addendum 11, submitted on 19 August 2026, and all previous CAWS submissions, which remain extant. Its purpose is to address promptly the implications of the revised National Planning Policy Framework published on 17 August 2026 and now applicable to decision-making. It does not replace or qualify the evidence and conclusions contained in Addendum 11.

## 2. The weight attributable to the claimed benefits

CAWS acknowledges that the revised Framework brings BESS within its definition of renewable and low-carbon energy and that policy W3 requires substantial weight to be given to demonstrated benefits for energy security, economic development and the transition to net zero.

Brockleaze is not, however, a renewable generating installation and is not directly associated with or dedicated to any identified renewable generation source. Moreover, during the applicant's public webinar, the stated sole purpose of the proposed development was electricity-price arbitrage. On the applicant's own account, therefore, the scheme is principally intended to charge when electricity prices are lower and discharge when prices are higher, rather than to store electricity from a specified renewable source or provide an identified renewable-generation service.

Arbitrage does not necessarily preclude incidental energy-system or carbon benefits, but neither does it establish them. The actual contribution of Brockleaze to energy security or the transition to net zero would depend upon matters including the generation mix when charging, the timing and purpose of discharge, conversion losses, system need and the circumstances prevailing when its grid connection becomes available.

The current NESO Existing Agreement Register contains two entries in the name of Grenergy Renewables UK Limited: "Beanacre BESS", comprising 200 MW with a connection at Melksham 132kV Substation from 15 September 2037, and "Beanacre 2 BESS", comprising 249 MW with a connection at Melksham B 400kV Substation from 31 October 2037. Their combined capacity is 449 MW, effectively the same as the 450 MW capacity proposed at Brockleaze. CAWS therefore assumes that the two entries together relate to the Brockleaze development, notwithstanding their use of the name "Beanacre". If that assumption is incorrect, the applicant should identify the relevant register entry or entries and explain this close correspondence in developer, technology, combined capacity, connection location and 2037 connection dates.

Nor does the revised Framework establish that every BESS proposal is acceptable. Policies S5 and W3 require the proposal to be assessed against the national decision-making policies taken as a whole. Any demonstrated benefits must therefore be weighed against the adverse effects, unresolved risks and evidential deficiencies of this particular proposal in this particular location.

**3. National policies reinforcing CAWS's objections**

In the present case, the revised Framework reinforces the need to resolve the matters identified in CAWS's Addendum 11. In particular:

- **Climate change and wildfire – policy CC3:** Development must address current and future climate effects over its lifetime, including wildfire risk. This is relevant both to an incident within the compound spreading beyond it and to an external wildfire threatening or triggering an incident within the compound.

- **Highway safety and emergency access – policies TR3, TR4 and TR6:** Development must address highway-safety impacts and provide ease of access for service and emergency vehicles. Reasonable future scenarios and cumulative impacts must be considered, with refusal required where highway-safety effects would be unacceptable or transport-network effects severe. The applicant's Transport Statement refers to approximately 9,730 "two-way vehicle movements" during the construction period. It is unclear whether this represents 9,730 individual movements in total or 9,730 return journeys comprising 19,460 individual movements. That ambiguity should be clarified; on either interpretation, the applicant's own figure demonstrates the substantial intensity of construction traffic that would use these restricted rural approaches. Those approaches must therefore also be assessed in the conditions of a foreseeable incident involving multiple fire appliances, water tankers and other responders; simultaneous movements; smoke, reduced visibility or a toxic plume; an external wildfire; and the possible exclusion or diversion of other road users. The evidence does not appear to demonstrate that safe and effective access would remain available in that combined scenario.

- **Ground conditions and mining – policy P2:** The site must be suitable for its proposed use, taking account of land instability and risks arising from mining, supported by adequate assessment prepared by a competent person. Given the site's location within the Mineral Safeguarding Area and immediately adjacent to Park Lane Mine, the evidence must address underground workings, ground stability, foundations and loading, cable trenches, drainage infrastructure and interaction with existing or future extraction. The responsibility for demonstrating a safe development rests with the developer or landowner.

- **Pollution – policy P3:** The policy addresses on-site, off-site and cumulative pollution effects, including effects upon water and soil. It is directly relevant to contaminated firewater, boundary-cooling water, the proposed membrane, uncontrolled runoff pathways, groundwater and South Brook.

- **Relationship with Park Lane Mine – policy P4:** Existing businesses should not have unreasonable restrictions placed upon their current or permitted operations by later development. As the agent of change, Brockleaze must demonstrate that it can be integrated effectively with Park Lane Mine and that mine access, extraction, ventilation, vibration, stone handling and other lawful or permitted operations would not be constrained by the presence or safety requirements of the BESS. The submitted evidence does not appear to demonstrate this.

- **Flood safety and drainage – policies F7 and F8:** Development must be safe throughout its lifetime, manage residual flood risk and, where appropriate, provide safe access and escape routes as part of an agreed emergency plan. SuDS must operate effectively throughout the anticipated lifetime of the development and major development must take account of LLFA advice. These requirements are relevant to ordinary surface-water drainage and to the effectiveness of emergency access, escape and incident-management arrangements during extreme rainfall, surface-water flooding or an incident involving contaminated firewater. The LLFA's continuing holding objection remains highly material.

- **Natural environment, agricultural land and habitats – policies N2 and N6:** Development must take account of countryside character, the quality and grade of agricultural land, ecological networks beyond

the site, trees and hedgerows, water quality and the long-term management of green infrastructure. Significant biodiversity harm which cannot be avoided, adequately mitigated or, as a last resort, compensated requires refusal. Policy N6 confirms the protective approach applicable to habitats sites and the requirement for an Appropriate Assessment capable of concluding that the proposal would not adversely affect site integrity. These policies reinforce CAWS's concerns concerning SAC-associated bats, pollution pathways, greenfield and agricultural character and uncertain restoration.

- **Mineral safeguarding – policy M6 and adopted policies MCS6 and MDC4:** The application site lies within the Mineral Safeguarding Area identified on the adopted Wiltshire and Swindon Minerals and Waste Policies Map and in Wiltshire Council's current spatial dataset. Non-mineral development should not constrain potential future mineral working or associated operations. The application does not appear to establish that the safeguarded Bath-stone resource is unlikely to be worked, that prior extraction has been considered, or that the proposed foundations, cables, drainage, membrane, safety requirements and prolonged operational period would avoid constraining the resource, Park Lane Mine or associated operations. Nor has it been demonstrated that restoration would leave the resource capable of future extraction.

- **Archaeology and heritage – policies HE5 and HE10:** The policies require an adequate assessment and, where necessary, field evaluation of archaeological interest. Decision-makers must be satisfied that assessments accurately reflect effects upon heritage assets. The fact that some trial-trench evaluation has taken place does not remove the need to determine whether it was sufficiently complete, representative and adequate to inform the decision.

- **Decommissioning and restoration – policy W3(3):** Time-limited schemes must be accompanied by proposals for decommissioning and site restoration, including details of implementation. This reinforces CAWS's concerns about inconsistent and ambiguous evidence concerning the operational life, presently treated by CAWS as at least 35 years, and the uncertain restoration of greenfield character, agricultural capability and access to the safeguarded mineral resource.

**4. Relationship with other regulatory regimes**

Policy DM7 does not displace the Council's responsibility to determine whether the proposed use of this land is acceptable. The matters raised by CAWS concern the physical design, layout, containment, drainage, emergency access, environmental pathways, ground conditions and suitability of the site itself; they do not seek to duplicate a separate regulatory regime. In any event, the continuing statutory objections provide clear evidence that the relevant pollution and drainage issues have not been resolved.

**5. Timely determination**

Policy DM3 requires the Council to deal with development proposals proportionately and to enable a timely decision. It provides that decisions should not be delayed to secure consultee advice beyond statutory deadlines except where there is insufficient information to determine the application, public-safety risks would arise from proceeding without that advice, or more detailed advice may enable approval rather than refusal.

CAWS recognises that insufficient information and unresolved public-safety risks remain. Those matters do not justify an indefinite succession of post-application submissions or repeated opportunities to reconstruct the proposal. The applicant has already had extensive opportunity to provide the evidence necessary to demonstrate that the development would be safe and environmentally acceptable. The continuing absence of that evidence, together with the outstanding statutory objections, is now a proper basis for refusal rather than further delay.

The identification of the Mineral Safeguarding Area and the additional current NPPF policies does not justify postponing determination. These identify constraints and information requirements which the applicant was responsible for addressing. Wiltshire Council is both the local planning authority and the mineral planning

authority, and any necessary internal policy check should be undertaken promptly as part of the determination process. If the evidence before the Council does not demonstrate compliance, that is an additional reason for refusal rather than an invitation for a further sequence of submissions.

There is no sound reason to postpone determination pending the Whistle Mead appeal or another speculative round of information which may or may not enable approval. The Council has the application evidence, statutory consultation responses, CAWS's detailed representations and the relevant Raymonds Hill appeal decision before it. In accordance with policy DM3, the application should now be determined in a timely manner on the evidence available.

**6. Conclusion**

The revised Framework increases the weight to be given to demonstrated energy-security, economic and net-zero benefits, but those benefits cannot simply be assumed. As explained in section 2, Brockleaze would not generate renewable energy and is not connected to any renewable-generating development. It is a stand-alone commercial battery-storage scheme whose stated purpose is electricity-price arbitrage. The enhanced policy support for renewable and low-carbon energy infrastructure therefore cannot simply be attributed to this proposal without clear evidence of its actual energy-security or net-zero benefits.

Nor does the revised Framework remedy the outstanding statutory objections or evidential deficiencies identified in CAWS's submissions. Considered as a whole, its decision-making policies reinforce the requirement for this proposal to be safe, environmentally acceptable, properly evidenced and compatible with its particular location. Those requirements have not been met, and the claimed benefits have not been demonstrated sufficiently to outweigh the unresolved environmental, safety, transport, heritage and cumulative impacts identified in this representation.

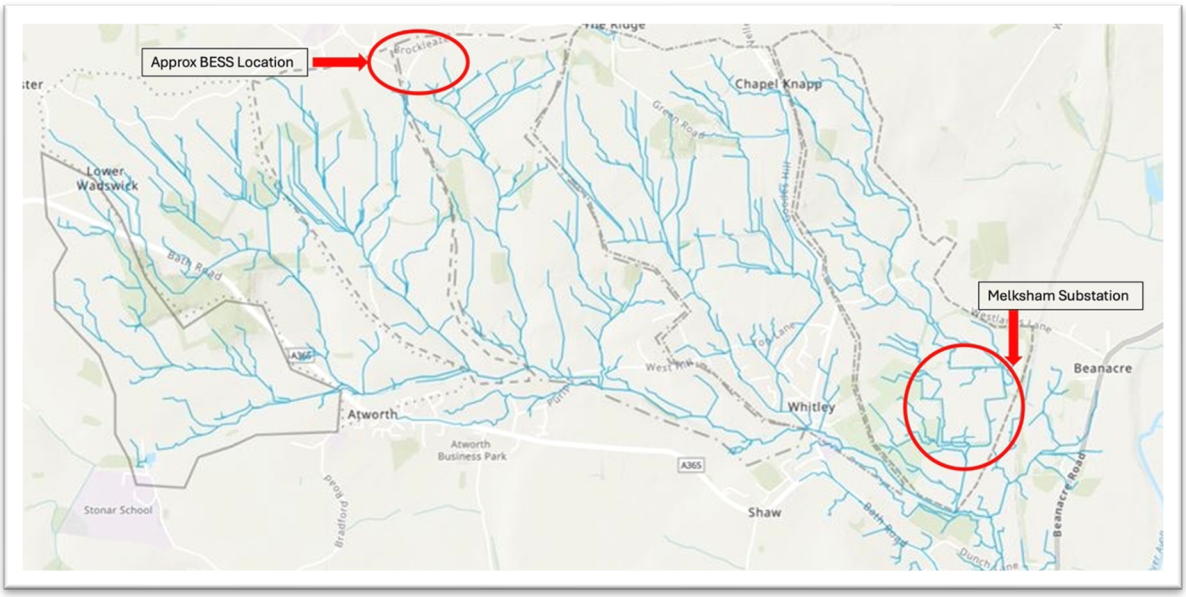
**The application should therefore now be determined on the evidence available and refused.**

CAWS asks that this supplementary representation be uploaded to the planning portal under reference PL/2025/05552 and considered alongside Addendum 11 and all previous CAWS representations when the application is determined.

**Peter Richardson**

Chair
Community Action: Whitley & Shaw (CAWS)

# Brockleaze BESS




South Brook Catchment. Source: Bristol Avon Rivers Trust. Annotated by CAWS.

## Twelfth Addendum to CAWS Document

## Dated 22 August 2025

## PL/2025/05552

## Brockleaze Battery Energy Storage System with associated infrastructure

## Response to the Environment Agency consultation response dated 27 August 2026 and request for determination without further delay

## 7 September 2026

**Executive summary**

The Environment Agency has withdrawn its groundwater objection after accepting a short, undated assurance from the applicant that an impermeable membrane will be placed beneath areas occupied by batteries and that runoff will be retained until it is deemed safe or removed by tanker.

That assurance is not a designed, evidenced or independently verified containment and disposal scheme. The Environment Agency itself confirms that highly polluting chemicals could enter groundwater or surface water, that cooling water and rainfall may enter exposed battery containers, and that the site lies upon a Secondary A aquifer within Source Protection Zone 2.

The proposed condition defers the complete scheme until after permission. It does not establish whether a workable solution exists within the proposed site and layout, nor does it resolve the interdependent questions previously raised by CAWS concerning the incident scenario, membrane extent, drainage interfaces, storage, isolation, testing, tanker removal, treatment and final disposal.

The accompanying appendix identifies 56 relevant points already made by CAWS between 22 August 2025 and 19 August 2026. Their repetition across successive submissions demonstrates that these are longstanding and fundamental deficiencies, not newly raised matters or minor details suitable for another round of post-submission amendment.

**CAWS's request:** Wiltshire Council should now determine the application on the evidence before it, without any further extension or open-ended opportunity for the applicant to reconstruct its case, and should refuse planning permission.

**1. Purpose and status of this addendum**

This addendum responds to the Environment Agency consultation response dated 27 August 2026, reference WX-2025-139149/06. It supplements rather than replaces every previous CAWS representation. All earlier submissions, addenda, technical material and supporting documents remain extant and should be considered individually and cumulatively.

CAWS also submits the accompanying document titled "Appendix A Previous CAWS submissions relevant to the Environment Agency response dated 27 August 2026". The appendix is incorporated by reference into this addendum and should be published and considered with it. It contains 56 entries identifying the dates, references and substance of CAWS's earlier evidence directly relevant to contaminated runoff, groundwater protection, firewater containment and disposal.

**2. What the Environment Agency response establishes**

The response confirms the following important matters:

- MOT Type 1 is a crushed granular sub-base and does not prevent contaminants leaching into underlying soils.
- Highly polluting chemicals from batteries could enter groundwater and surface water in firewater or rainfall.
- Water used for boundary cooling may enter burning containers through runoff or direct spray.
- Rainfall may enter exposed containers during the period required to remove or cover burnt-out equipment.
- Groundwater at this location is sensitive because the site lies upon a Secondary A aquifer and within Source Protection Zone 2 for a public water supply.

These findings support the seriousness of CAWS's objection. They establish both a credible contaminant source and sensitive receptors. The remaining question is whether a complete and reliable source-pathway-receptor control system has been demonstrated. It has not.

**3. The withdrawal rests upon an assertion, not an evidenced design**

The applicant's response states that areas "occupied by batteries" will have an impermeable membrane, that runoff will be captured within the drainage system and that retained water will not be released until it is "deemed safe" or removed by tanker. No supporting specification, drawing, hydraulic assessment, construction detail, testing regime, acceptance criterion, tanker plan or disposal arrangement is identified in the Environment Agency response.

The Environment Agency therefore concludes that a membrane "should" protect the aquifer and proposes a condition requiring a future scheme. That moves the unresolved issue from the application into the condition-discharge process; it does not demonstrate that the issue can be satisfactorily resolved within the development now proposed.

**4. The accompanying appendix**

The appendix shows that CAWS has repeatedly raised the complete chain of matters upon which effective containment depends. In summary, those matters include:

- a credible, product- and layout-specific fire and propagation scenario from which water demand and duration can be calculated;
- the full potential contamination catchment, rather than only the ground immediately beneath battery containers;
- membrane specification, continuity, edges, penetrations, cable trenches, construction protection, testing, repair and design life;

- lateral runoff, contaminated rainfall, plume fallout, drainage pathways and the relationship between infiltration drainage and emergency isolation;
- verified basin capacity, freeboard, continuing rainfall, re-ignition, delayed removal and post-incident recovery;
- penstock triggers, closure, confirmation, fail-safe operation, backup isolation and lifetime maintenance;
- chemical characterisation, analytical parameters, release criteria and responsibility for deciding whether water is safe;
- tanker availability, access, capacity and response time; and
- an identified, lawful and deliverable treatment and final disposal route.

**5. The unresolved disposal question**

Containment does not dispose of contaminated water. It merely transfers the environmental problem from uncontrolled escape to storage, transport, treatment and final disposal. The application has not identified a permitted facility that is capable of receiving the potential volume and contaminant mixture, or evidenced that such a facility would accept it when required.

Depending upon the battery chemistry, incident and firefighting media, retained water may contain dissolved metals, battery-derived compounds, combustion products, particulates, PFAS and other persistent contaminants. Before any release or off-site movement, the waste would have to be characterised, classified and accepted through a lawful route. The phrase “deemed safe” does not identify:

- the substances and parameters to be analysed;
- sampling methods, detection limits or acceptance criteria;
- the competent person or authority responsible for the decision;
- the receiving water or sewer and any required consent;
- the waste classification and documentation for tanker removal;
- a suitably permitted treatment or disposal facility with confirmed capacity; or
- what happens if tankers or treatment capacity are unavailable while rainfall or cooling continues.

The proposed condition requires only a scheme to manage runoff and prevent ingress into the ground. It does not expressly require the applicant to demonstrate a lawful receiving facility, treatment capability, acceptance of the anticipated contaminant mixture, removal timescale or resilient interim storage. The most consequential stage after containment is therefore absent from the wording.

**6. Why the proposed condition is not an adequate answer**

Policy DM6 of the August 2026 National Planning Policy Framework provides that planning conditions should be used only where they are necessary, relevant, sufficiently precise to be complied with and enforced, and reasonable. It also states that conditions required to be discharged before commencement should be avoided unless there is clear justification.

The sensitivity identified by the Environment Agency plainly justifies resolving groundwater protection before any development starts. It does not follow that a broadly worded pre-commencement condition is an adequate means of doing so. The Council first needs sufficient evidence to conclude that a complete solution is feasible within the proposed site, layout, levels, drainage design, foundations and cable routes.

The condition does not specify or secure:

- the membrane’s technical standard, exact extent or design life;
- lining of the complete area liable to receive contaminated runoff;
- sealed interfaces and penetrations or protection against lateral and edge escape;
- the credible incident and rainfall scenarios against which storage must be designed;
- automatic and fail-safe isolation, independent validation, inspection, maintenance and repair;
- testing and release standards; or

- lawful removal, treatment and final disposal.

If resolving those matters requires more extensive lining, altered levels, revised foundations or cable routes, additional storage or changes to the drainage and firewater strategy, the approved development may require material alteration. Those are matters of principle and feasibility, not merely details of installation.

**7. The application should now be determined without further delay**

The application has already been subject to a prolonged and exceptional process of revision, replacement documents, further consultation and repeated opportunities for the applicant to address fundamental deficiencies. CAWS has submitted an original objection and eleven addenda. The accompanying appendix alone identifies 56 earlier points directly relevant to the issue now proposed to be left to condition.

The purpose of positive engagement is to enable a timely, properly informed decision. It is not to create an indefinite iterative process in which the applicant is repeatedly permitted to supply another assurance whenever an evidential gap is identified. The objective of the August 2026 National Planning Policy Framework's decision-making policies is that proposals should be decided in a proportionate, timely and effective way. Policy DM3 requires positive and proactive working to enable a timely decision.

The Environment Agency's latest response changes the position of one statutory consultee. It does not remove the Council's responsibility to assess the application as a whole, determine whether the evidence establishes environmental acceptability, consider the unresolved representations and reach its own planning judgment.

There is now sufficient information to make a decision. Where the available evidence does not demonstrate that a proposal is acceptable, the proper response is refusal. A further extension or another open-ended request for technical revision would not be proportionate and would compound the burden already placed upon the Council, consultees and the public.

> **This is a request for determination:** CAWS does not invite a further redesign exercise or another cycle of applicant submissions. It asks the Council to determine PL/2025/05552 now, on the material presently before it.

**8. Overall conclusion and formal request**

The Environment Agency response confirms the seriousness of the pollution pathway but withdraws its objection on the basis of an unparticularised promise and a future scheme. The proposed condition does not answer the complete and interdependent matters documented in the accompanying appendix, including the absence of an evidenced lawful and deliverable route for contaminated water after it has been contained.

CAWS therefore respectfully requests that Wiltshire Council:

- publish this addendum and the accompanying appendix together;
- treat all previous CAWS representations as extant and consider them individually and cumulatively;
- not treat the proposed Environment Agency condition as resolving the outstanding groundwater, surface-water, firewater-containment and disposal issues;
- decline any further extension or open-ended opportunity for the applicant to reconstruct its technical case;
- determine the application without further delay on the evidence now available; and
- refuse planning permission because the applicant has not demonstrated that the development would be safe and environmentally acceptable at this sensitive location.

**Documents referenced**

- Environment Agency consultation response, reference WX-2025-139149/06, dated 27 August 2026.
- National Planning Policy Framework, August 2026: policies DM3 and DM6.
- CAWS Appendix A: Previous CAWS submissions relevant to the Environment Agency response dated 27 August 2026.
- CAWS original objection dated 22 August 2025 and First to Eleventh Addenda.

**Appendix A**

**Previous CAWS submissions relevant to the Environment Agency response dated 27 August 2026**

**Planning application PL/2025/05552 – Brockleaze Battery Energy Storage System**

Purpose. This appendix identifies the matters already raised by Community Action: Whitley & Shaw (CAWS) that bear directly upon the Environment Agency's decision to withdraw its objection subject to a pre-commencement condition requiring a future runoff and contamination-management scheme. The table demonstrates that the outstanding issue is not confined to the selection of a membrane. It encompasses the credible incident scenario, the complete contaminated-water catchment, collection and isolation, storage capacity, chemical characterisation, testing, tanker removal, lawful treatment and final disposal, system failure, lifetime maintenance and cumulative emergency resilience.

**Key conclusion:** the EA's proposed condition addresses only a future "scheme" to manage runoff and prevent ingress. It does not resolve, define or expressly require many of the interdependent safeguards previously identified by CAWS, including a lawful and deliverable route for contaminated water after it has been contained.

| CAWS submission date and reference | Item | Summary of the point previously made |
|---|---|---|
| **Original objection 22 August 2025** | **Sensitive water environment** | Identified that the site lies within a groundwater Source Protection Zone, close to aquifers and within the South Brook catchment. CAWS said the drainage and containment proposals were inadequate for this sensitive location and created a risk of widespread contamination. |
| **Original objection 22 August 2025** | **Firewater demand and containment** | Argued that the fire strategy substantially underestimated firefighting-water and containment requirements. The adequacy of containment could not be separated from the credible fire scenario and the quantity and duration of water likely to be used. |
| **Original objection 22 August 2025** | **Incomplete drainage and emergency case** | Raised the absence of a complete, integrated drainage, firewater and emergency-response case and requested independent expert scrutiny. The proposal depended upon future mitigation rather than a demonstrated, site-specific solution. |
| **Original objection 22 August 2025** | **Undefined cable route and public scrutiny** | Noted that the cable route was undefined and requested further consultation once it was known. This remains relevant because cable trenches and service corridors may penetrate or bypass any membrane and create preferential pathways to groundwater. |
| **Second Addendum 3 October 2025** | **Replacement of hydrants by water tanks** | Concluded that replacing two hydrants with two water tanks did not overcome the existing firewater and containment objections. |
| **Second Addendum 3 October 2025** | **Tank capacity and inconsistent calculations** | Identified inconsistencies in the proposed tank calculations and argued that the tanks did not provide the claimed or necessary capacity. |

| CAWS submission date and reference | Item | Summary of the point previously made |
|---|---|---|
| **Second Addendum 3 October 2025** | **Incomplete Fire Strategy Plan** | Recorded that the revised Fire Strategy Plan remained incomplete. A reliable containment design could not be established without a settled and credible firefighting-water strategy. |
| **Fifth Addendum 7 January 2026** | **Shared hydrology and groundwater capacity** | Rejected site-by-site assumptions of effectively unlimited capacity in shared systems, expressly including hydrology and groundwater. The proposal had to be considered within the exceptional concentration of energy infrastructure around Melksham Substation. |
| **Fifth Addendum 7 January 2026** | **Cumulative emergency-service demand** | Raised the cumulative burden on emergency services and the possibility that multiple major energy developments would rely upon the same finite response resources. |
| **Fifth Addendum 7 January 2026** | **No justification for elevated risk** | Argued that, in the absence of a demonstrated system need, there was no justification for accepting elevated environmental, safety or cumulative harm at this sensitive site. |
| **Seventh Addendum 9 March 2026** | **South Brook headwater hydrology** | Said the complex hydrology of the South Brook headwater catchment had not been assessed adequately. Contamination and abnormal runoff could not be treated as confined within the planning boundary. |
| **Seventh Addendum 9 March 2026** | **Firewater-volume assumptions** | Challenged reliance on untested assumptions concerning the volume and duration of firefighting water and the effectiveness of boundary cooling. |
| **Seventh Addendum 9 March 2026** | **Containment-basin capacity** | Questioned whether the basin had sufficient capacity under a credible incident scenario, rather than the applicant's selected and unverified assumptions. |
| **Seventh Addendum 9 March 2026** | **Tanker removal** | Identified reliance upon tanker removal of contaminated water without adequate scrutiny of availability, timing, capacity or deliverability. |
| **Seventh Addendum 9 March 2026** | **Boundary cooling and contamination** | Rejected the assumption that limiting direct firefighting and relying on boundary cooling necessarily prevents contaminated runoff. |
| **Seventh Addendum 9 March 2026** | **Cumulative changes to runoff and infiltration** | Raised the potential for cumulative disturbance from numerous energy developments to alter infiltration and runoff behaviour across interconnected drainage systems within the same catchment. |

| CAWS submission date and reference | Item | Summary of the point previously made |
|---|---|---|
| **Eighth Addendum 10 March 2026 Sections 2.1–2.5; Annexes A–B** | **Missing primary firewater evidence** | Recorded that hydraulic firewater-deliverability calculations, independently verified demand assessments, containment modelling and other primary evidence expected by NFCC had not been supplied. |
| **Eighth Addendum 10 March 2026 Section 2.2** | **Fundamental matters unsuitable for conditions** | Concluded that fire strategy, hazardous-incident management and environmental-contamination pathways are fundamental design parameters, not detailed implementation matters capable of being deferred to planning conditions. |
| **Eighth Addendum 10 March 2026 Sections 2.3–2.5** | **Assertions cannot replace verification** | Said consultee conclusions could not safely rest upon applicant assertions where firewater demand, containment capacity and equipment specifications could not be independently verified. |
| **Eighth Addendum 10 March 2026 Section 2.5** | **Worst-case event not assessable** | Explained that without defined equipment, validated water demand and quantified containment, the scale and consequences of a prolonged thermal-runaway event and its contaminated firewater could not be assessed reliably. |
| **Eighth Addendum 10 March 2026 Annex A** | **Internal inconsistency on contaminated water** | Noted the inconsistency between saying an isolation valve would retain contaminated water and suggesting boundary-cooling water was unlikely to contain toxic chemicals. No quantified worst-case runoff or pollutant-pathway assessment was provided. |
| **Eighth Addendum 10 March 2026 Annex B** | **Risk of escape to connected catchments** | Concluded that the authority could not determine whether contaminated firewater might escape the site and enter surrounding land, groundwater or connected catchments. |
| **Ninth Addendum 26 June 2026 Section 3** | **No continuous impermeable containment design** | Identified the absence of the location and specification of a continuous impermeable system and unresolved interfaces with foundations, cable trenches, service penetrations and other below-ground infrastructure. |
| **Ninth Addendum 26 June 2026 Section 3** | **Type 1 is not an impermeable barrier** | Warned that compacted granular Type 1 material must not be confused with a continuous engineered impermeable barrier and did not demonstrate complete hydraulic containment. |

| CAWS submission date and reference | Item | Summary of the point previously made |
|---|---|---|
| **Ninth Addendum 26 June 2026 Section 3** | **Long-term integrity** | Asked how the containment system would be monitored, maintained and verified throughout the operational life, and what would occur if it deteriorated or failed. |
| **Ninth Addendum 26 June 2026 Section 4** | **Containment merely transfers the problem** | Stated that holding contaminated water in the basin is only the first stage: the environmental problem is transferred from containment to transport, treatment and final disposal. |
| **Ninth Addendum 26 June 2026 Section 4** | **No lawful and deliverable disposal route** | Recorded that no realistic, lawful and deliverable UK disposal route had been evidenced for potentially very large volumes of contaminated BESS firewater. No capable treatment facility had been identified. |
| **Ninth Addendum 26 June 2026 Section 4** | **Complex and persistent contaminant mixture** | Identified the potential presence of dissolved heavy metals, battery-derived compounds, combustion products, PFAS and other environmentally persistent contaminants, depending on the battery chemistry, incident and firefighting media. |
| **Ninth Addendum 26 June 2026 Section 4** | **Testing and release are undefined** | The alternative of sampling and discharging water once “uncontaminated” was not supported by a defined analytical regime, acceptance criteria, responsible decision-maker or receiving-water approval. |
| **Ninth Addendum 26 June 2026 Section 5** | **Basin freeboard is not designed hazardous-waste storage** | Argued that ordinary drainage freeboard should not automatically be treated as purpose-designed emergency storage for contaminated industrial water; using it removes the drainage safety margin. |
| **Ninth Addendum 26 June 2026 Section 5** | **No precautionary worst-case storage scenario** | Identified omitted scenarios including continuing rainfall, extended or intermittent cooling, re-ignition, multiple events, delayed tanker removal and continued site runoff while the basin remained occupied. |
| **Ninth Addendum 26 June 2026 Section 6** | **Dependent chain of controls** | Set out the chain on which acceptability depends: detection, penstock activation, controls and communications, suppression/boundary cooling, emergency resources, tankers, off-site removal and an available treatment/disposal facility. |
| **Ninth Addendum 26 June 2026 Section 6** | **Failure and lifetime resilience** | Said the consequences of failure of any link—and the long-term performance of valves, liners, monitoring and procedures over decades—had not been demonstrated. |

| CAWS submission date and reference | Item | Summary of the point previously made |
|---|---|---|
| **Ninth Addendum 26 June 2026 Section 7** | **Boundary-cooling water may still be contaminated** | Identified contamination through plume contact, contaminated surfaces, damaged materials, particulates, rainfall, debris and clean-up operations. The need to test retained water itself recognises this foreseeable risk. |
| **Ninth Addendum 26 June 2026 Sections 8–12** | **Cumulative pollution, tanker and treatment constraints** | Addressed multiple or sequential incidents, competition for fire-service and tanker resources, prolonged storage, finite treatment capacity, shared groundwater pathways and common-mode failure across the Melksham energy cluster. |
| **Ninth Addendum 26 June 2026 Section 13** | **Park Lane Mine and groundwater pathways** | Raised the inaccurate description of Park Lane Mine as disused and asked whether active underground workings had been assessed as potential influences on hydrogeology, groundwater movement, drainage pathways and emergency access. |
| **Tenth Addendum 3 July 2026 Sections 2–8; Appendix A** | **Unstable and internally inconsistent evidence base** | Showed that the application had undergone exceptional revision and still contained conflicting drainage, firewater and safety evidence. The Council and public should not have to reconstruct which technical case is current. |
| **Tenth Addendum 3 July 2026 Appendix A: findings F1–F13, D1–D7** | **Applicant's FRA contradicts the EA** | Highlighted that the Flood Risk Assessment said there was "no groundwater vulnerability" while the EA confirmed SPZ2 and a Secondary A aquifer. The FRA was not re-issued to correct that material baseline error. |
| **Tenth Addendum 3 July 2026 Appendix A: findings F1–F13** | **Single-barrier and control-system dependence** | Recorded reliance on a penstock and basin liner without a complete testing and maintenance regime, alongside inconsistencies in water supply, flow rates and containment assumptions. |
| **Tenth Addendum 3 July 2026 Sections 6–8** | **Uncertainty belongs to the applicant** | Argued that the applicant bears the evidential burden. In the absence of a stable, coherent and reliable basis, the Council could not be satisfied that the development was acceptable. |
| **Eleventh Addendum 19 August 2026 Section 2** | **EA confirmation that Type 1 is inadequate** | Relied on the EA's 17 July response confirming that MOT Type 1 is granular aggregate and cannot be assumed to prevent infiltration. The applicant's new membrane statement was a potentially important but unparticularised revision. |

| CAWS submission date and reference | Item | Summary of the point previously made |
|---|---|---|
| **Eleventh Addendum 19 August 2026 Section 2** | **Membrane specification, extent and design life** | Identified the missing membrane specification, exact lined area, design life, construction protection, inspection, integrity testing, repair and failure protection. |
| **Eleventh Addendum 19 August 2026 Section 2** | **Whole potential contamination catchment** | Said lining only areas “occupied by batteries” was insufficient. Contaminants may affect spaces between containers, transformers, inverters, access routes, firefighting areas, drainage channels and other parts of the compound. |
| **Eleventh Addendum 19 August 2026 Section 2** | **Lateral and edge escape** | Identified runoff pathways over or around membrane edges, onto unlined ground, through interfaces, joints, low points or damaged areas, beneath drainage features and beyond assumed design limits. |
| **Eleventh Addendum 19 August 2026 Section 2** | **Cable trenches and service routes** | Explained that the undefined cable route prevents assessment of membrane penetrations, seals and continuity, and whether cable bedding or service corridors would connect lined areas directly to unlined ground and groundwater. |
| **Eleventh Addendum 19 August 2026 Section 3** | **Conflict between infiltration drainage and impermeable containment** | Highlighted the unresolved tension between following the SuDS hierarchy for ordinary rainfall and ensuring impermeable isolation during a fire or pollution incident. |
| **Eleventh Addendum 19 August 2026 Section 4** | **Basin size does not prove adequacy** | Accepted that a substantial basin was proposed but said capacity was meaningful only if derived from a credible, independently accepted fire, propagation, cooling, rainfall and contamination scenario. |
| **Eleventh Addendum 19 August 2026 Section 4.1** | **Plume, fallout and contaminated rainfall** | Explained that cooling water and rainfall may absorb soluble gases and particulates, wash deposited contaminants from surfaces and mobilise debris or fallout beyond the lined compound. |
| **Eleventh Addendum 19 August 2026 Section 5** | **Penstock operation remains ambiguous** | Identified inconsistent descriptions of automatic, actuated and remotely instructed closure. The trigger, closure time, confirmation, fail-safe state, backup isolation and lifetime testing were not established. |
| **Eleventh Addendum 19 August 2026 Sections 6.4–6.5** | **Core matters cannot safely be conditioned** | Applied the Raymonds Hill appeal reasoning: a later condition cannot repair core matters such as battery specification, layout, separation, container configuration, lining extent and additional firewater infrastructure if the proper assessment requires those matters to change. |

| CAWS submission date and reference | Item | Summary of the point previously made |
|---|---|---|
| **Eleventh Addendum 19 August 2026 Section 6.5** | **Interdependent evidential chain** | Set out the chain: battery and layout → credible fire/propagation scenario → fire-service response → water volume/duration → contaminated runoff → containment capacity → protection of groundwater and South Brook. Every link must be demonstrated. |
| **Eleventh Addendum 19 August 2026 Section 7** | **Unselected equipment and UL9540A evidence** | Said prospective compliance with UL9540A did not establish the behaviour of the eventual product in the proposed configuration. Without product- and layout-specific propagation evidence, firewater and containment calculations remain insecure. |
| **Eleventh Addendum 19 August 2026 Sections 11–14** | **Cumulative and overall planning consequences** | Concluded that hard surfaces, abnormal runoff, shared water receptors and emergency-resource demands interact across pathways. The unresolved matters could require material changes to technology, layout, drainage and groundworks and should not be deferred through conditions. |

**Overall relevance to the proposed condition**

The repeated appearance of the same concerns across successive submissions is significant. Later documents did not replace earlier objections; they refined them in response to the applicant's changing technical case. The EA's latest response accepts a one-paragraph commitment to install a membrane but does not engage with the complete chain of containment, management and disposal repeatedly identified by CAWS.

In particular, neither the applicant's undertaking nor the EA's proposed condition establishes where contaminated water will lawfully be taken, whether an appropriately permitted facility is able and willing to receive the volume and contaminant mixture involved, what happens if tankers or treatment capacity are unavailable, or how long the site can retain polluted water during continuing rainfall or further cooling operations.

The proposed condition also contains no express requirements concerning the membrane specification or extent, whole-catchment lining, sealed penetrations, automatic and fail-safe isolation, validated storage scenarios, analytical parameters and release criteria, removal and disposal documentation, inspection, repair, lifetime maintenance, post-incident decontamination or independent validation.

CAWS therefore submits that the missing information goes to whether the development can be made environmentally acceptable within the proposed site and layout. It is not simply detail concerning how an already demonstrated mitigation system should be installed. If a satisfactory solution requires more extensive lining, altered levels, redesigned foundations or cable routes, additional containment infrastructure or greater storage capacity, those matters may materially alter the approved scheme and should be resolved before determination.

**Document basis:** CAWS original objection dated 22 August 2025 and relevant Second, Fifth, Seventh, Eighth, Ninth, Tenth and Eleventh Addenda. Section references are included where available from the final submitted documents. All earlier submissions remain extant and should be read in full.

**Appendix B**

**CAWS Objection History**

The documents set out below represent the totality of the CAWS submission as at 7 September 2026 and should be considered collectively. Please note that the summaries set out below are highly abridged.

| Submission | Summary | Page Count | Word Count |
|---|---|---|---|
| 22 August 2025 | The project is presented by the developer as a renewable and low-carbon energy development, but that is misleading. The BESS will not generate renewable energy; neither is it connected to a renewable source of energy. In fact, it may increase our reliance on fossil fuels. The scheme would therefore be better described as a high-carbon industrial development, with negligible local employment benefits, in a greenfield location.<br><br>The developer's fire safety strategy is non-compliant with UK National Fire Chiefs Council (NFCC) guidance, and it vastly underestimates its own water and containment requirements.<br><br>The site sits in a Source Protection Zone near aquifers and flood-prone villages. The drainage and containment plans are inadequate, risking catastrophic contamination of a wide area.<br><br>Noise mitigation is unproven. The site overlaps with Park Lane Mine, with no evidence of any assessment having been done by the developer of the effects of vibration, weight and traffic conflicts.<br><br>Construction is unlikely to start before 2030, with grid connection not expected until 2037, making the application premature.<br><br>Inadequate construction, traffic, and decommissioning plans have been submitted, leaving the application incomplete.<br><br>No mitigation or coordination plan has been provided for concurrent projects.<br><br>No community benefits are offered.<br><br>CAWS' consultation inputs have largely been ignored.<br><br>A further round of public consultation is requested, once the cable route is defined.<br><br>CAWS urges Wiltshire Council to seek independent expert advice. | 21 | 6,523 |
| First Addendum | The application is largely non-compliant with planning policies including those set out in the NPPF, Wiltshire Core Strategy, draft | 14 | 2,543 |

| | | | |
|---|---|---|---|
| 02 September 2025 | Wiltshire Local Plan, and the made Melksham Neighbourhood Plan 2. | | |
| Second Addendum<br>03 October 2025 | The inclusion of two water tanks to replace two fire hydrants makes no material change to CAWS previous submissions.<br><br>The Fire Strategy Plan is incomplete.<br><br>The proposed tank calculations are inconsistent.<br><br>The tanks do not have sufficient capacity. | 3 | 1,091 |
| Third Addendum<br>06 October 2025 | Evidence that the Brockleaze BESS will not contribute to net zero. | 3 | 979 |
| Fourth Addendum<br>07 October 2025 | CAWS Submission History. | 3 | 472 |
| Fifth Addendum<br>07 January 2026 | CAWS objects to the Brockleaze proposal because it would introduce a large-scale, standalone Battery Energy Storage System into an already saturated cluster of energy infrastructure centred on Melksham Substation, where Wiltshire Council has acknowledged that landscape and system capacity is extremely limited. The proposal is mischaracterised as renewable energy despite not generating electricity, not being intrinsically linked to renewable generation, and delivering negligible long-term employment or socio-economic benefit.<br><br>Evidence assembled by CAWS demonstrates that sufficient Battery Energy Storage capacity is already deployed to meet Firm Frequency Response and grid-balancing requirements, and that additional large-scale BESS capacity is not required to maintain grid stability. In this context, reliance on site-by-site assessment and assumptions of effectively unlimited capacity in shared systems — including hydrology, groundwater, emergency services and transport — fails to address cumulative and non-linear impacts and materially underestimates risk. There is therefore no justification for accepting elevated environmental, safety or cumulative harm in this location. | 16 | 5,057 |
| Sixth Addendum<br>7 February 2026 | The Sixth Addendum updates and reinforces matters raised previously in light of material new evidence and authoritative guidance, including updated NESO data, the implementation of NESO Connections Reform, recent Planning Inspectorate | 9 | 2,177 |

| | | | |
|---|---|---|---|
| | decisions on grid uncertainty, and representations relating to the Lime Down Solar NSIP. It confirms that the Brockleaze proposal has no demonstrable system need, relies on an unprotected and speculative grid position with a provisional 2037 connection date, excludes essential enabling infrastructure from assessment, and cannot be lawfully determined without a cumulative impact assessment. The Sixth Addendum concludes that, once system need is absent, there is no planning basis for attributing positive weight to the proposal and that planning permission should be refused. | | |
| Seventh Addendum<br><br>9 March 2026 | The Seventh Addendum addresses points raised by the Wiltshire Council Drainage Team consultation response dated 02/03/2026, which reveals significant deficiencies and appears to rely heavily on untested assumptions. In particular, it does not address the site's location within Source Protection Zone 2, does not consider the complex hydrology of the South Brook headwater catchment, and appears to accept without independent scrutiny the developer's assumptions regarding firewater volumes, containment basin capacity, tanker removal of contaminated water and the effectiveness of boundary cooling in limiting contamination. These omissions are especially concerning given the growing concentration of energy infrastructure developments within the same catchment, where cumulative disturbance may alter infiltration and runoff behaviour across interconnected drainage systems. Until these fundamental issues are resolved, the application fails to demonstrate compliance with Core Policy 67, the Wiltshire Drainage Betterment Strategy and national flood risk policy, and should therefore be refused. | 15 | 4,058 |
| Eighth Addendum<br><br>10 March 2026 | The Eighth Addendum reviews the developer's Fire Safety Technical Note against the guidance issued by the National Fire Chiefs Council (NFCC) and identifies significant evidential gaps. While the submission references relevant standards such as NFPA 855, NFPA 68/69 and UL 9540A, the supporting documentation expected by NFCC - including full-scale UL 9540A test reports, configuration-specific certification, hydraulic fire-water deliverability modelling, explosion venting calculations, plume modelling inputs and documented Fire & Rescue Service consultation responses - has not been provided.<br><br>The proposed safety case also relies on performance assumptions for battery equipment that has not yet been selected, meaning the hazard profile, separation distances and modelling assumptions cannot be independently verified. Internal inconsistencies are also identified in relation to contaminated firewater management and environmental protection. | 12 | 3,241 |

| | | | |
|---|---|---|---|
| | Taken together, these omissions materially limit the evidential weight that can be given to the claimed NFCC compliance and mean that the Local Planning Authority does not have sufficient information to properly assess the safety implications of the proposal at the point of determination | | |
| Ninth Addendum<br><br>26 June 2026 | The Ninth Addendum responds to the applicant's latest technical submissions, including revised drainage proposals, responses to the Environment Agency and Lead Local Flood Authority, updated firewater containment calculations and the archaeological evaluation. Whilst acknowledging that aspects of the engineering design have been refined, CAWS concludes that the additional information does not resolve the fundamental planning concerns identified throughout its previous submissions.<br><br>The Addendum demonstrates that the applicant has still not satisfactorily shown that groundwater pollution risks have been addressed, that the proposed attenuation basin freeboard provides a robust and resilient firewater management solution, or that a lawful and deliverable disposal route exists for the potentially large volumes of contaminated firewater likely to arise following a significant Battery Energy Storage System incident. The submission also questions the assumptions underpinning the applicant's firewater calculations, including the justification for the assumed firefighting duration and the provenance of the design assumptions.<br><br>The Addendum further argues that the proposal remains heavily dependent upon a complex chain of engineered mitigation measures and operational assumptions that would need to perform reliably throughout the proposed 35-year operational life of the development. It concludes that the applicant has not demonstrated the long-term resilience of these systems, nor assessed their cumulative reliability when considered alongside the growing concentration of Battery Energy Storage Systems surrounding the Melksham Substation.<br><br>CAWS also identifies continuing deficiencies in the assessment of cumulative environmental impacts, groundwater protection, emergency planning and long-term operational resilience. It challenges the applicant's assertion that cumulative impacts need not be assessed, arguing that hydraulic betterment at an individual site cannot address cumulative groundwater vulnerability, pollution pathways, emergency response, contaminated firewater management or community burden across the wider South Brook catchment and Melksham energy cluster.<br><br>Finally, the Addendum raises concerns regarding the accuracy of the applicant's baseline information, including the | 22 | 6,323 |

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|---|---|---|---|
| | incorrect identification of Park Lane Mine as "disused", and notes that the archaeological evaluation should be interpreted with appropriate caution given the site's location within a historically sensitive landscape close to the Roman road and Wansdyke. The Addendum concludes that, despite the submission of further technical information, the applicant has not demonstrated that the proposal is environmentally acceptable or that the wider cumulative consequences of this expanding concentration of nationally significant energy infrastructure have been properly assessed. **Accordingly, CAWS respectfully maintains its objection and requests that planning permission be refused.** | | |
| Tenth Addendum<br><br>3 July 2026 | The Tenth Addendum introduces a further ground of objection, arguing that the applicant has failed to provide a sufficiently stable, coherent and reliable evidential basis upon which the Local Planning Authority can confidently determine the application.<br><br>Whilst accepting that planning applications commonly evolve during determination, CAWS demonstrates that the scale and frequency of revisions in this case are exceptional: of 113 published documents, 64 (57%) have been revised, replaced or superseded.<br><br>Drawing upon a forensic review prepared by Dan Pike and assessed by CAWS, the Addendum identifies widespread inconsistencies, omissions and conflicting technical evidence across multiple planning disciplines. It concludes that the applicant's technical case has remained materially unstable throughout the determination process, imposing a substantial cumulative evidential burden on the Council, statutory consultees and the public.<br><br>The Addendum argues that this procedural failure is an additional reason why planning permission should be refused, whilst reaffirming that CAWS' previous substantive planning objections remain extant and continue to justify refusal.<br><br>The Addendum therefore draws together the cumulative concerns identified throughout the previous nine submissions and concludes that the applicant has failed to provide a sufficiently robust evidential foundation upon which the application can lawfully and confidently be determined. | 15 | 4,414 |
| Eleventh Addendum<br><br>19 August 2026 | CAWS reviews the latest Environment Agency, LLFA and applicant submissions and confirms that the statutory objections remain unresolved. It assesses continuing deficiencies concerning the fire scenario, UL9540A propagation evidence, firewater, boundary-cooling water, the proposed membrane, contaminated-runoff pathways, | 38 | 13,050 |

| | | | |
|---|---|---|---|
| | the undefined cable route, drainage and penstock operation. It also considers the foreseeable two-way relationship between a BESS incident and external wildfire under increasingly hot and dry conditions.<br><br>The Addendum addresses outstanding ecological and Habitats Regulations matters; presents further archaeological and historic-landscape evidence; considers the applicant's Heritage Statement and the completed trial-trench evaluation; and explains why the evaluation's limited sample, constrained coverage and failure to assess the complete current development footprint do not resolve the archaeological objection. It also examines uncertainty concerning restoration of the site's greenfield character and agricultural capability.<br><br>The Addendum updates the cumulative-impact case by reference to CAWS's Whistle Mead appeal evidence and considers the relevance of BESS appeal decision APP/U1105/W/25/3369854.<br><br>**CAWS concludes that, after repeated opportunities to address fundamental deficiencies, the application should now be determined on the evidence available and refused.**<br><br>All previous CAWS submissions remain extant and should be considered individually and cumulatively. | | |
| Addendum 11A<br><br>20 August 2026 | Addendum 11A examines the implications of the revised National Planning Policy Framework, arguing that its increased support for energy infrastructure does not automatically justify Brockleaze's stand-alone, arbitrage-based BESS or establish any net-zero benefit. It concludes that the new policies reinforce CAWS's objections concerning safety, pollution, drainage, transport, mining, ecology, heritage and restoration, and calls for the application to be determined without further delay and refused. | 4 | 1,907 |
| Twelfth Addendum<br><br>7 September 2026 | Addendum 12 challenges the Environment Agency's withdrawal of its groundwater objection, arguing that the applicant's brief assurance and proposed planning condition do not demonstrate a workable system for containing, testing, removing and lawfully disposing of contaminated firewater. Drawing on 56 points raised in earlier CAWS submissions, it concludes that these fundamental matters cannot safely be deferred and calls on Wiltshire Council to determine the application without further delay and refuse permission. | 20 | 6,322 |
| **Total** | | **195** | **58,157** |

**Appendix C**

**Abbreviations**

| Abbreviation | Meaning |
|---|---|
| BESS | Battery Energy Storage System |
| BRE | Building Research Establishment |
| CAWS | Community Action: Whitley & Shaw |
| DWFRS | Dorset & Wiltshire Fire and Rescue Service |
| EA | Environment Agency |
| FRA | Flood Risk Assessment |
| FRS | Fire and Rescue Service |
| HRA | Habitats Regulations Assessment |
| LLFA | Lead Local Flood Authority |
| MCS | Wiltshire and Swindon Minerals Core Strategy |
| MDC | Wiltshire and Swindon Minerals Development Control Policies |
| MOT | Ministry of Transport, as used in “MOT Type 1” aggregate |
| MW | Megawatt |
| MWh | Megawatt-hour |
| NESO | National Energy System Operator |
| NFCC | National Fire Chiefs Council |
| NFPA | National Fire Protection Association |
| NPPF | National Planning Policy Framework |
| NSIP | Nationally Significant Infrastructure Project |
| PFAS | Per- and polyfluoroalkyl substances |
| SAC | Special Area of Conservation |
| SPZ | Source Protection Zone |
| SSRI | Site-Specific Risk Information |
| SuDS | Sustainable Drainage Systems |
| UL | Underwriters Laboratories; used here in reference to UL 9540A, the test method for evaluating thermal-runaway fire propagation in battery energy storage systems |

# Corsham Community Energy Conversation

Part of the Wiltshire Future Energy Landscapes project

June 2026



Centre for Sustainable Energy
St James Court, St James Parade, Bristol, BS1 3LH
0117 934 1400 | www.cse.org.uk
Charity 298740 | Company 2219673

# Contents

Contents ..... 2
1. Summary ..... 4
2. Introduction and background ..... 7
Context ..... 7
About this project ..... 7
Choosing the community ..... 8
Wider context ..... 8
Public support on renewables ..... 8
Future Energy Landscapes ..... 9
Community energy ..... 9
Community energy example ..... 10
3. First workshop ..... 11
Workshop activities ..... 11
Workshop outputs ..... 12
4. Survey One: Findings ..... 13
Wind turbines ..... 14
Solar farms ..... 16
Community benefit ..... 18
5. Other community activities ..... 19
Corsham Youth Zone session ..... 19
6. Forum workshop ..... 21
Workshop activities ..... 21
Workshop outputs ..... 22
7. Survey Two: Findings ..... 23
Community energy project ..... 23
Areas for a possible project ..... 24
Comments and feedback ..... 26
Suggestions for next steps and engagement ..... 27
8. Pre-feasibility reports ..... 28
Shortlisting the areas ..... 28
Results ..... 29
Key insights ..... 29

Substations ..... 30
Wind generation (WC) ..... 30
Ground-mounted solar generation (SN, SM, SC) ..... 30
Feasibility next steps ..... 31
9. Choosing Your Energy Future workshop ..... 32
Workshop activities ..... 32
Workshop outputs ..... 33
10. Conclusion and next steps ..... 34
11. Appendices ..... 36
Appendix 1: Survey one question responses ..... 36
Appendix 2: Survey one demographic data ..... 38
Appendix 3: Survey two question responses ..... 40
Appendix 4: Survey two demographic data ..... 42
Appendix 5: Empowered's constraints table ..... 44

# 1. Summary

The Centre for Sustainable (CSE) is an independent national charity supporting people and organisations across the UK to tackle the climate emergency and end the suffering caused by cold homes. CSE is working with Wiltshire Council and Bath and West Community Energy (BWCE) to explore how the local community can play a role in the UK's national efforts to take climate action – thinking about what renewable energy could happen in the area and how it could benefit the community. It was the start of a conversation about community energy in Corsham, to explore what renewables could be supported. This project is funded by the Energy Industry Voluntary Redress Scheme.

Through community engagement activities, including a series of workshops, surveys and other activities (e.g. youth club session and pop-up stands), partners talked to local people to understand their thoughts about community-owned renewable energy and potential community benefits. The project has been supported throughout by Corsham Climate Action with local promotion. Contact was also made with the Town and Parish Councils, Wilshire Councillors, community organisations, schools and other local actors to request their support in raising awareness of the project.

Across the 10 months of engagement between July 2025 and May 2026, there was broad support from a core group of interested residents for a community energy project to be progressed, provided that future work remains transparent, evidence-led and continues to involve local people. In terms of renewables projects, three potential sites emerged with support for investigating a community-owned solar farm. A community-owned wind turbine was also an idea that had support from many people, and although a potential site was identified, it presented greater technical barriers. There was unified opposition to the areas of technical potential along the southern boundary of Corsham with Melksham Without parish due to the cumulative impact further development would have on nearby villages. There was general preference to concentrate on projects with better financial feasibility, and which have limited impacts on residents and nature.

Following completion of this project, a local working group of 12 people has been established to take forward the next stages of work. The working group will be supported by Bath and West Community Energy to consider issues such as governance, funding opportunities and project development.

This report summarises everything that came out of the activities from Table 1.

**Table 1 – Summary of project activities**

| Activity | Description | People engaged |
|---|---|---|
| **First community workshop (July 2025)** | Local people were given a map of the technical potential for wind turbines and solar farms in the Corsham area. They discussed each technology and identified potential areas they would support. The aim was to start the | 23 |

| | | |
|---|---|---|
| | conversation about community energy and give local people a space to express their views. | |
| **Survey 1 (September-November 2025)** | This asked what people thought about the initial suggestions from the first workshop in July 2025. It gave people a map of locations that had initial support for wind turbines and solar farms so people could add their thoughts to these. The survey meant more people from the community could feed in their ideas to what came out of the workshop. | 40 |
| **Informal engagement activities** | To widen the people involved beyond the workshops and surveys, additional activities took place to speak to people in the Corsham area. | |
| | 1. **Youth workshop (September 2025).** CSE went to Corsham Youth Zone to speak to young people about their thoughts of where renewables could go and what they think is important for the community benefitting from projects. | 50 |
| | 2. **Stand at Corsham Library (October 2025).** This showed maps of supported locations in the workshop and people could add comments about what they thought. They could also have a general chat and add thoughts about how the community could benefit from renewable energy projects. | 12 |
| | 3. **Pop-up event at Springfield Community Campus (October 2025).** BWCE held a stall on what community energy is, Corsham Climate Action promoted their activities locally, Wiltshire Council shared about the Council's climate initiatives, and CSE provided energy advice and promoted the FEL project. People could complete the public survey, sign up for future events and share their thoughts. | 120 |
| | 4. **Town Hall meetings (February 2026).** Two meetings attended at Corsham Town Hall to present about the FEL project and answer questions. One meeting was with the Corsham Environment working group, and the other was the Corsham Area Board meeting with local councillors and interested residents. | 18 |

| | | |
|---|---|---|
| | 5. **Stand in Corsham town centre (February 2026).** Pop-up stall and leafleting in the town centre, near Coop, aimed at promoting the second public survey. | 85 |
| **Forum event (November 2025)** | This was the second community workshop, aimed at sharing more information about the options for community energy locally and identify if there is appetite to proceed to the next stages of the project. Discussions about governance, technical constraints and possible locations for a renewables project we conducted, before asking participants where their priorities for a project lie. | 25 |
| **Survey 2 (February 2026)** | This asked people if they would be interested in having a community energy project in the Corsham area and, if so, to prioritise some locations for further investigation. It invited people to comment their reasons for supporting, opposing or being unsure about community energy. The survey intended to help shape the next steps of the project and if there was enough interest in community energy in the local area. | 128 |
| **Pre-feasibility studies (March-April 2026)** | Four pre-feasibility reports were completed by Empowered, a technical partner, to find out more detailed information about grid connection, site access, cost, planning constraints, and land ownership. The four areas were chosen based on community feedback. | N/A |
| **Choosing Your Energy Future workshop (May 2026)** | The workshop brought together a group of interested people to review the additional feasibility work that was completed, key findings from community engagement, and to discuss options for how a community energy project could work locally. Participants were invited to vote on preferences for how to proceed with regards to site locations and involvement in a working group. | 17 |
| **Total** | | **518*** |

*Note that some people will have been engaged with multiple times.

Throughout the project, efforts were made to engage a wide range of people from the community through the workshop, survey and other community engagement activities. The data in this report reflects the thoughts and opinions of the people engaged, however cannot be assumed to be fully representative of the whole community's opinions, due to the limitations of each engagement activity.

# 2. Introduction and background

## Context

Electricity production has been one of the key causes of climate change, through the burning of fossil fuels, but the way the UK is producing and using electricity is changing. More of the energy we produce in the UK is coming from renewable sources like wind, solar and hydro. We now generate much less from traditional sources like gas and almost none at all from coal. Still, we need to quadruple the amount of solar installed and double the amount of onshore wind turbines.

At the same time, it's difficult for many people in the UK to keep their homes warm in winter, even though it's essential for their health and wellbeing. Being able to afford to keep warm in winter is a basic right for everyone.

Community-led energy projects keep benefits local, for example through investment in local facilities. When communities lead energy projects, they can create solutions that work for everyone. In 2024, community energy projects contributed £24.5million to local economies and reduced carbon emissions by 120,000 tonnes, the same as one million trees planted. The government's Local Power Plan has set out a vision for every community to have the opportunity to own a local energy project, backed by £1bn in grants, loans and expert support. The government wants to support 1,000 new community energy projects by 2030.

## About this project

The Centre for Sustainable (CSE) is an independent national charity supporting people and organisations across the UK to tackle the climate emergency and end the suffering caused by cold homes. CSE is working with Wiltshire Council and Bath and West Community Energy (BWCE) to explore how the Corsham community can play a role in the UK's national efforts to take climate action – thinking about what renewable energy could happen in the area and how it could benefit the community. It was the start of a conversation about community energy in Corsham, to explore what renewables could be supported.

This project is funded by the Energy Industry Voluntary Redress Scheme. The money comes from fines energy companies pay when they break the rules. This money is available for charities and other community interest organisations to apply for, to fund projects working on making the energy system fairer.

All the activities in this project were exploratory and formed the basis of early stages of engagement. It was not part of the formal planning process. If any renewable energy projects are taken forward, more discussions and consultation with the community would be necessary.

Find out more about this project on our website.

# Choosing the community

The Future Energy Landscapes approach operates at a town and parish level. This is designed so that people can meaningfully engage and comment on the areas with technical potential. People should be able to identify as being part of the community that would be impacted and ultimately benefit from a potential renewable energy project. As such, the technical potential is capped at a particular boundary – in this case, Corsham parish. This is the initial area of search for potential areas; however, engagement is not limited to the parish boundary line and anyone in the surrounding area is welcomed to participate.

The FEL project is working with six communities in Wiltshire. These communities were chosen through a selection process conducted by the partnership (CSE, Wilshire Council, and the relevant community energy group – in this case BWCE). The Corsham area was chosen for the following reasons:

- It has a strong sense of community.
- There is existing climate action taking place, for example through Corsham Climate Action and Corsham Town Council.
- Initial desk-based evidence showed some technical potential for a wind turbine or solar farm.
- Initial conversations with the District Network Operator showed that there was some potential for grid connection.
- It is based within BWCE's operational area.

# Wider context

## Public support on renewables

Figure 1 shows support for different types of renewables at a national level. At least three quarters of people were supportive of solar energy (88%) and on-shore wind (78%).

However, support often reduces when a renewable energy development is proposed nearby. Figure 2 shows that only 54% of people would be happy about a solar farm being built in their local area, while 43% would be happy for an onshore wind farm to be built in their local area. Just over a quarter said they did not mind either way about each of these (28% for both wind farms and 27% for solar farms).

The reasons for this reduction in support are varied, but people expect that they can meaningfully influence how, and what renewable energy projects will happen in their area. Objections will happen if these expectations are not met. More meaningful public engagement is vital if we are to roll out renewable energy at scale and create benefits for local communities.

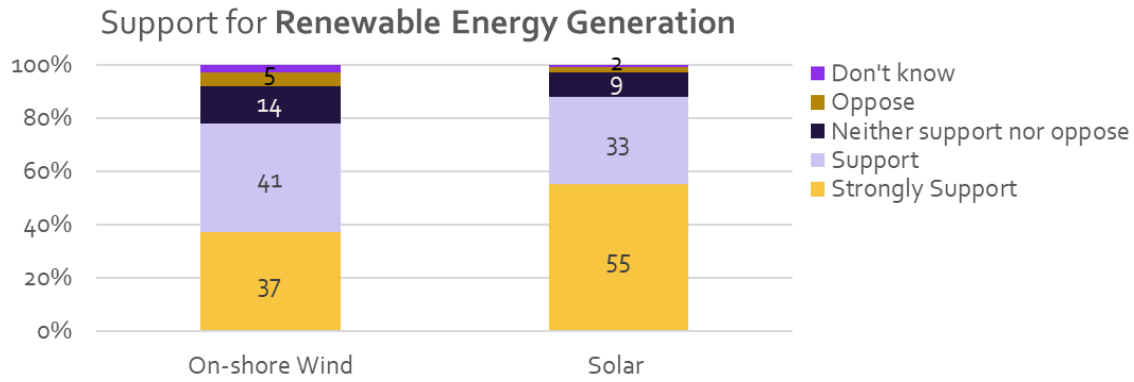



**Figure 1: Percentage of people supporting the use of specific renewable energy developments. Source: Adapted from DESNZ.**

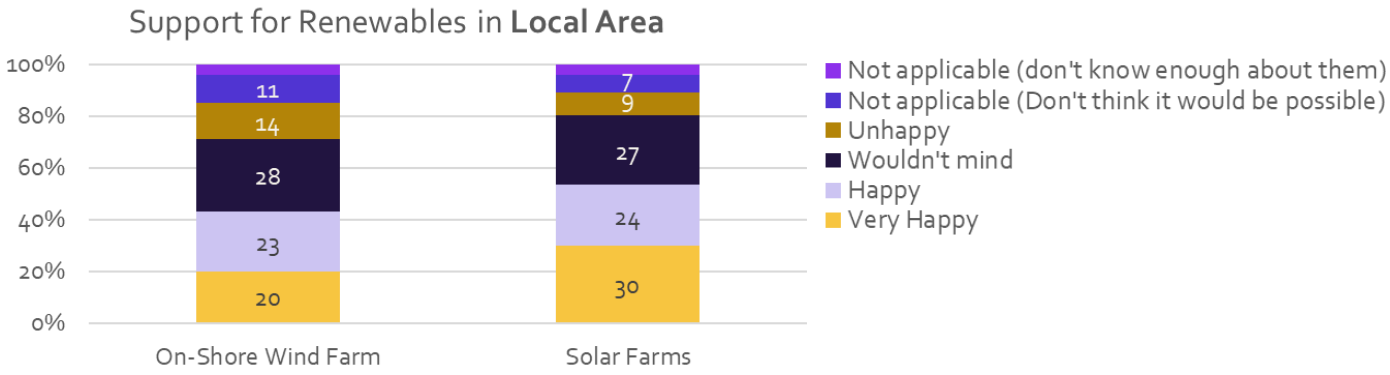



**Figure 2: National statistics: Percentage of people that would be happy for an onshore wind farm and solar panel farm to be constructed in their local area. Adapted from: DESNZ.**

# Future Energy Landscapes

Future Energy Landscapes (FEL) puts communities in the driving seat of local energy planning – because the greatest solutions come from the people who know their area best. By bringing people together early in the planning process, and listening to their ideas and concerns, FEL aims to create solutions that are supported by the community.

The FEL approach was used for this work, aiming to be the start of a conversation about renewable energy generation and creating local benefits in the Corsham area.

# Community energy

Community Energy England defines 'community energy' as people and communities taking democratic control over their energy future, by understanding, generating, using, owning and saving energy in their communities, as well as working together across regions and nationally.

Community-led energy projects keep benefits local, for example through investment in local facilities. When communities lead energy projects, they can create solutions that work for everyone. In 2024, community energy projects contributed £24.5million to local economies and reduced carbon emissions by 120,000 tonnes, the same as one million trees planted.

Community Energy Groups are community-led (whether wholly owned and/or controlled by communities or through a partnership with commercial or public sector partners) and can provide local generation of renewable energy to provide heat and/or power, energy efficiency improvements of buildings, low carbon community transport and electric vehicle (EV) charging.

Benefits of community energy can include:

- Investment in the local community (including grants for community groups or funding energy efficiency measures for homes).
- Contribution to national climate targets through reduction in carbon emissions.
- Lower energy bills (dependent on local models supporting this).
- Development of new skills, relationships and collaboration in the community.

## Community energy example

Westmill Energy Cooperative, near Swindon, is an example of a community energy project benefitting a wide community and demonstrating practices in solar farm management that increase biodiversity. The cooperative owns a solar farm and five wind turbines.

1,600 people are members who helped fund the local solar farm. They vote on decisions, get discounts on their bills and are paid interest dividends. They get money off their bills through a Trading Dividend as credit on their energy bills, for purchasing electricity from Your Co-Op Energy. Your Co-Op Energy source their energy from renewable energy projects across Great Britain, including community energy co-operatives like Westmill. The solar farm is 30 acres (equivalent of 17 football fields) and powers 1,200 homes a year. The solar farm has generated almost £1 million in grants for community groups since 2020.

The project has also taken opportunities to increase biodiversity. A herd of 40 sheep graze between the panels and are native to the Westmill area. The fields have been reseeded with a mix of local plant species. This has increased biodiversity, meaning healthier soils, more insects and birds. The sheep also help maintain biodiversity by disturbing the soil and eating plants that aren't helpful for the ecosystem.



**Figure 3 - Example of a community energy project – biodiversity at Westmill Solar Park. Source: Hollie Blaydes / Westmill Energy Cooperative.**

# 3. First workshop

The first community workshop was held on 3 July 2025 at Corsham Town Hall and 23 people attended. The aim of this workshop was to introduce what community energy is and start a conversation with local people about what could be possible in their area in relation to community-owned wind turbines or solar farms.

## Workshop activities

The workshop activities included:

- Adding notes to a blank map of the area for people to start thinking about areas that were special, liked or disliked.
- Presenting information about renewable technologies so people had the information needed to make decisions.
- Choosing from a of 'menu' renewable energy (e.g. solar farm, wind turbine) that could go in the area. The menu was based on technical evidence from CSE mapping.
- Choosing areas on the map where different technologies could go.
- As technologies were chosen, CSE entered them into a 'Renewables Calculator'. This showed everyone how much energy the technologies would produce and how much carbon they would save.




**Figure 4 – Completed map from the workshop**



**Figure 5 – Small group discussion at workshop**

# Workshop outputs

Table 2 summarises what people talked about it in the workshop. Participants were supportive of all, bar one (Corsham Court), possible areas for a wind turbine or solar farm and were enthusiastic about having multiple options for community-owned renewable energy. There was also an understanding within the group that multiple areas for renewable energy are ambitious and is unlikely to be delivered, but it's better to have more site options at the beginning for further exploration. There was also agreement that people who live near proposed sites should be spoken to as a priority.

You can access the full workshop report on the website here.

**Table 2 – Summary of workshop outputs and discussions**

| Technology | Suggested quantity and locations |
|---|---|
| Wind turbine | People selected all available options for wind within the area and agreed that sizing up the potential turbine options to 160m would make sense for greater efficiency. All three are located along the parish boundary, mostly away from densely populated areas. An option was posed to have three turbines in total, but all grouped in one location, if technically possible. |
| Solar farm | People supported 15 possible areas for solar farms. Similarly to wind turbines, many are located on the parish boundary in less built-up places. A few locations were chosen near the railway line and A road on the way towards Chippenham. |

# 4. Survey One: Findings

To get more community input into the conversation from the workshop, a survey was launched on 3 September 2025. 40 responses were received for the survey. Appendix 1 and 2 give a detailed breakdown of the survey data. Response to the survey was mixed but overall wind turbines received a more positive response than solar farms.

Wind turbines received a positive response with just over 75% of respondents feeling satisfied with the suggested turbines. The suggested wind turbine location A received slightly more support than locations B and C (Figure 8 for map of locations). There were some concerns that wind turbines aren't very nice to look at and would be noisy, but also some preference over solar farms due to having a smaller land requirement for the amount of energy generated.

Solar farms received a more mixed response with just over half feeling satisfied with the suggestions. The solar farm locations received a very mixed response with a fifth of responses remaining neutral on their location. There was little difference between locations, but location A received slightly more support (see Figure 11 for map of locations). A strong concern around solar farms was the potential loss of land, including areas of biodiversity and areas for food growing, and there was a preference for rooftop solar instead.

While it appears that wind turbines have received greater support from the survey, it's worth noting that one person commented that they are in favour of solar but don't agree that all the locations would be necessary. Therefore, the volume of solar farm options depicted in the survey compared to the wind options may have impacted responses.

Even in cases where people were supportive of renewables, they still had some concerns to raise. These included the potential disruption from a new renewable's development and increased traffic, the environmental impact (e.g. life cycle of wind turbines, and risk to birds), and the location of sites considered to be "dumped" on the outlying villages instead of near the town.

The location of sites is constrained by the technical evidence of what's possible. Suggestions from the workshop and survey that people living closet to potential renewable sites should be a priority for engagement and future benefits is one way of addressing this concern.

# Wind turbines

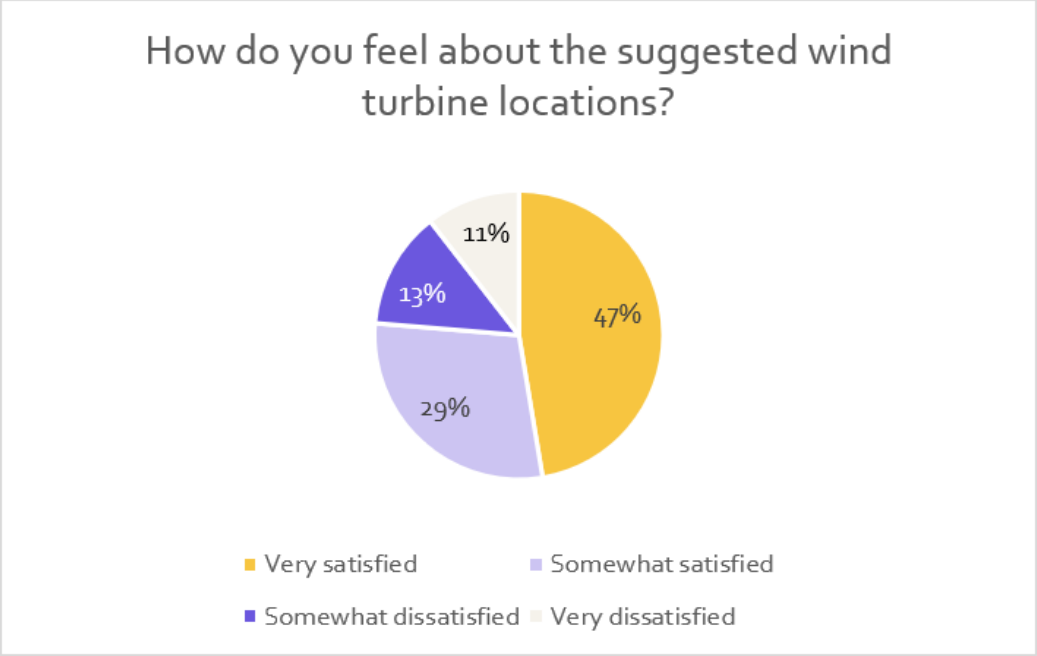



**Figure 6 – Response to how people felt overall about three suggested wind turbines in Corsham**

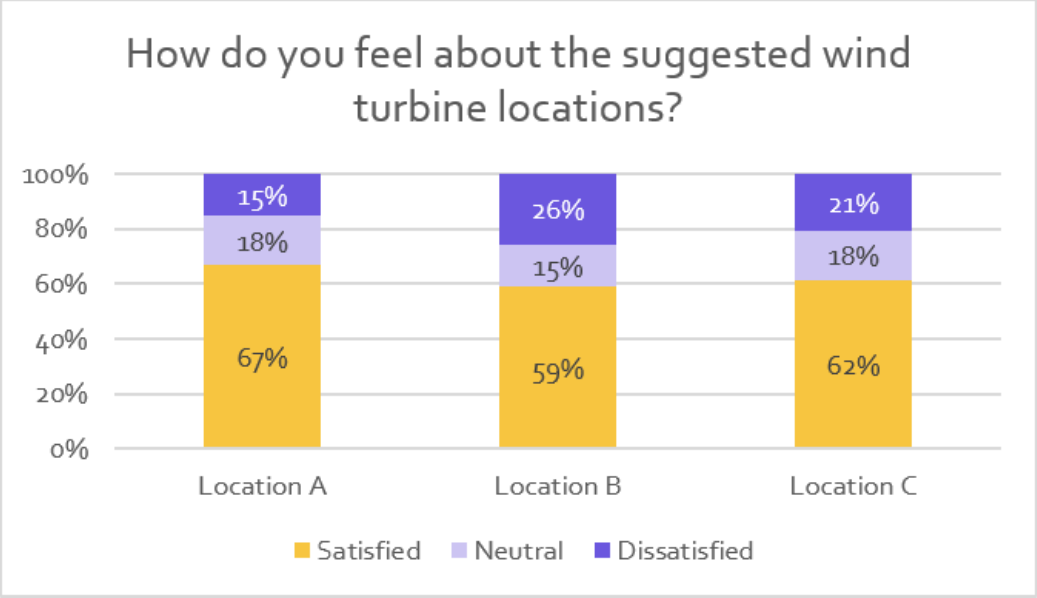



**Figure 7 – Response to how people felt about each wind turbine area referenced in Figure 8.**

## Suggested locations - wind turbines

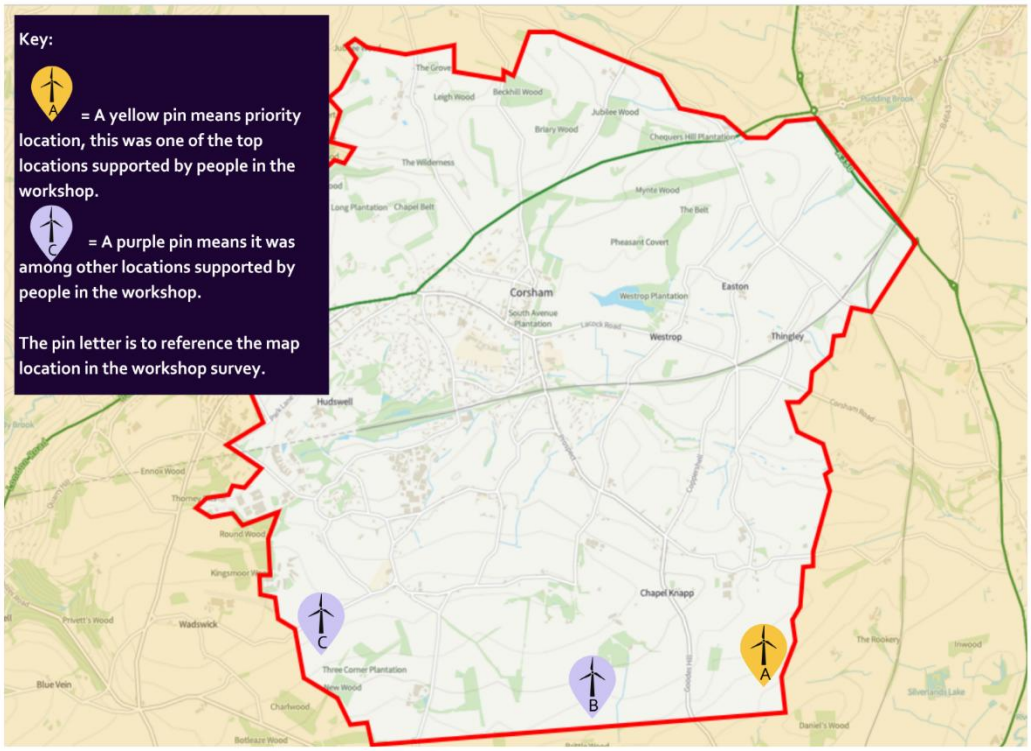



**Figure 8 – Map of suggested wind turbine locations, with yellow pins showing top location**

The survey also asked people if they had any other thoughts about wind turbines. Support for wind turbines included a desire for more wind than solar and to cluster multiple wind turbines in some cases for greater impact. Comments also included concern about the visual impact on the landscape, the cost, recycling and the potential impact on birds. There was also concern about the potential locations being close to neighbouring villages.

Quotes included:

- "I was raised in Cornwall where wind turbines have been installed in many places. I like them and see their value."
- "While I appreciate the need I think the good people of Corsham have dumped these on the outlying villages."[1]
- "Rather in the future at this stage but repair and end of life recycling needs to be taken into account in the long term."
- "They are ugly disfigurements to the local landscape especially where the proposals are for their sites."
- "Why would you only agree to three. Surely it would make more sense to make a surplus of energy for the amount of homes in the area and export it to areas that can't have any."
- "This initiative will enable the parish to move forward protecting the planet."

[1] It should be noted that the initial choice of areas was based on information regarding technical potential produced by CSE. People were asked to comment on those areas, they were not suggested by the public.

# Solar farms

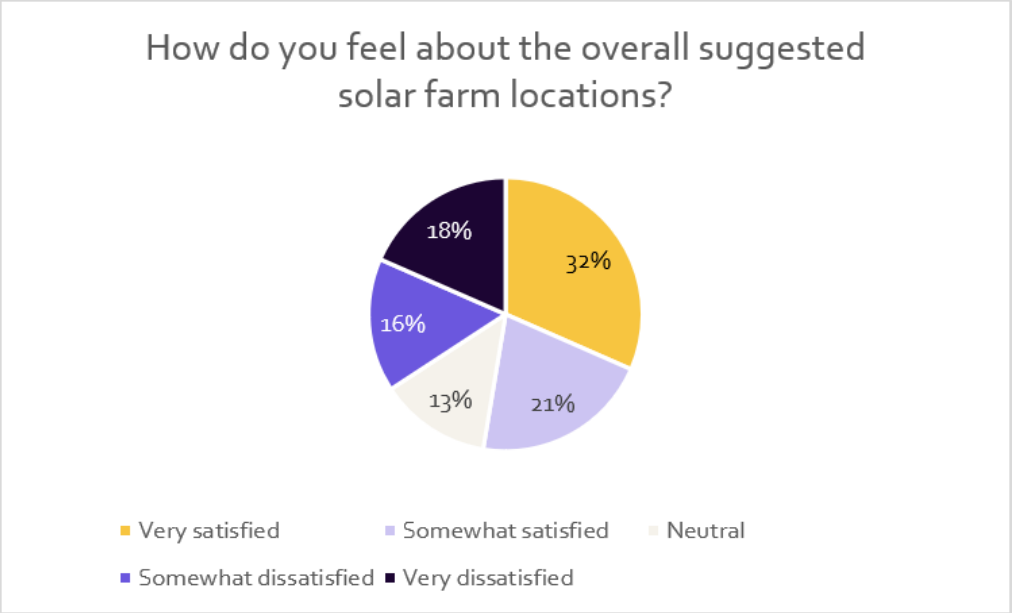



**Figure 9 – Response to how people felt overall about 15 suggested solar farms in Corsham**

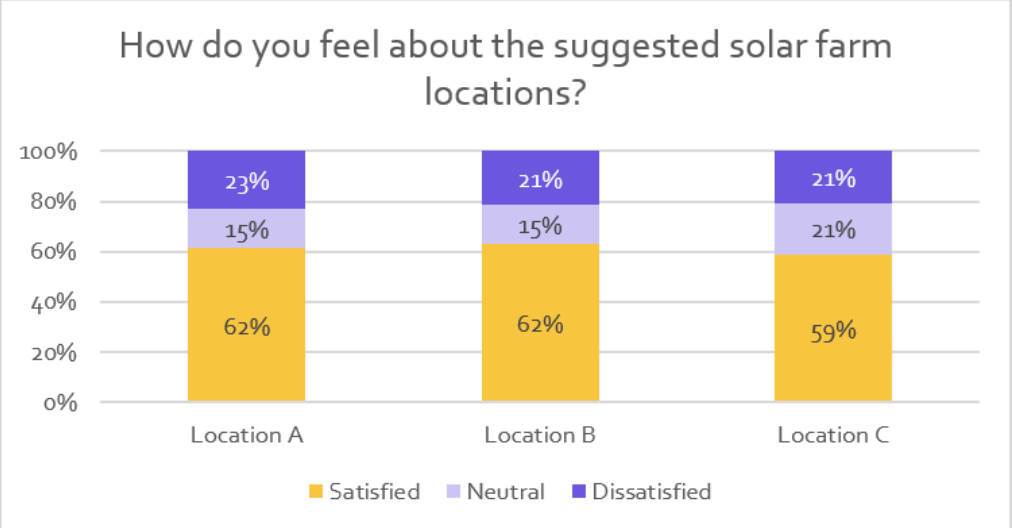



**Figure 10 – Response to how people felt about each priority solar farm area referenced in Figure 11. The three options presented received the most support from participants in the first workshop in July 2025.**

## Suggested locations - solar farms

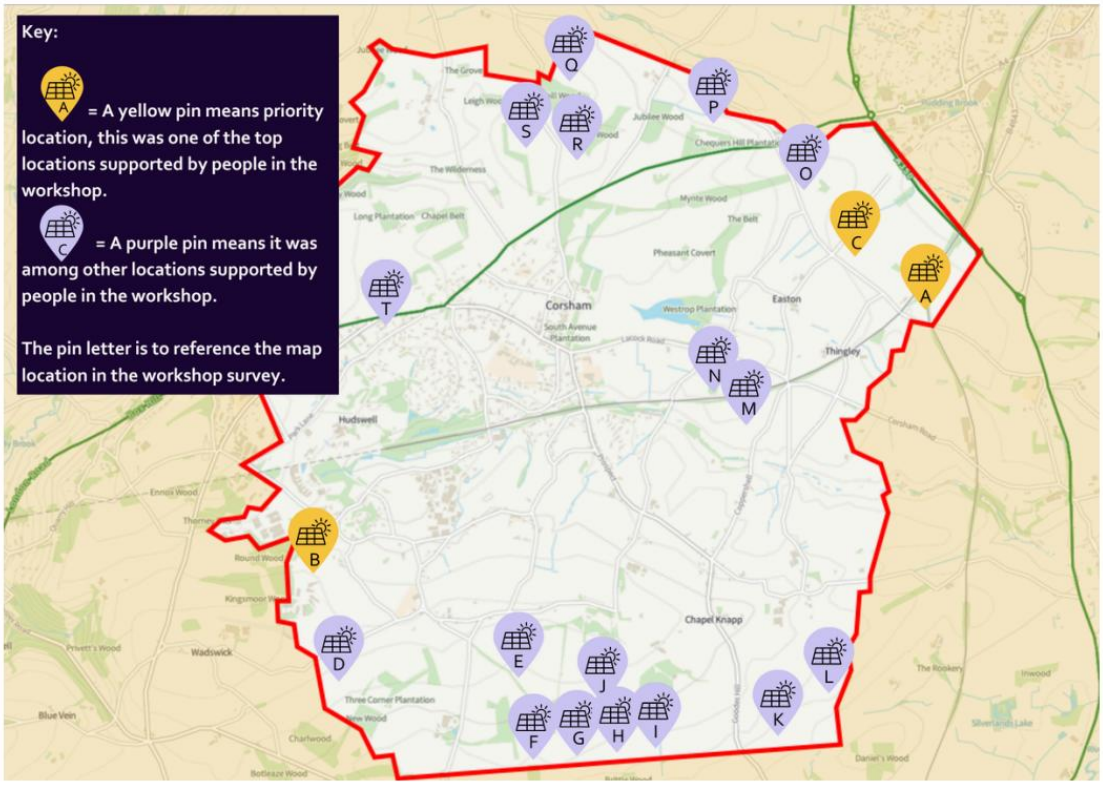



**Figure 11 – Map of suggested solar farm locations, with yellow pins showing the areas that received more support in the first workshop in July 2025.**

The survey also asked people if they had any other thoughts about solar farms. Comments on this included concern about the impact on land, questions about grid connectivity, and local disruption. There was also a strong preference for solar to be placed on rooftops instead of fields.

Quotes included:

- "Solar should be on roofs (especially commercial), car parks, roadsides & railway sides , not on fields."
- "It would be good to know what supporting infrastructure would be required to connect the sites to the grid."
- "Better than wind turbines but with the disruption caused by their construction and continual maintenance and replacement will increase traffic flow."
- "E to J- clearly not all would be installed as the locations are too concentrated. A suitable location for at least one."
- "I'd very much like to see this kind of small, locally owned installation targeting the level of demand locally. Although I also note that as a southern county we'll likely have to exceed our needs in order to support the more northerly parts of the country."

# Community benefit

In the workshop, people discussed potential ideas for using community funds generated from having renewables in the area. Figure 12 shows how many people from the survey also supported ideas from the workshop.

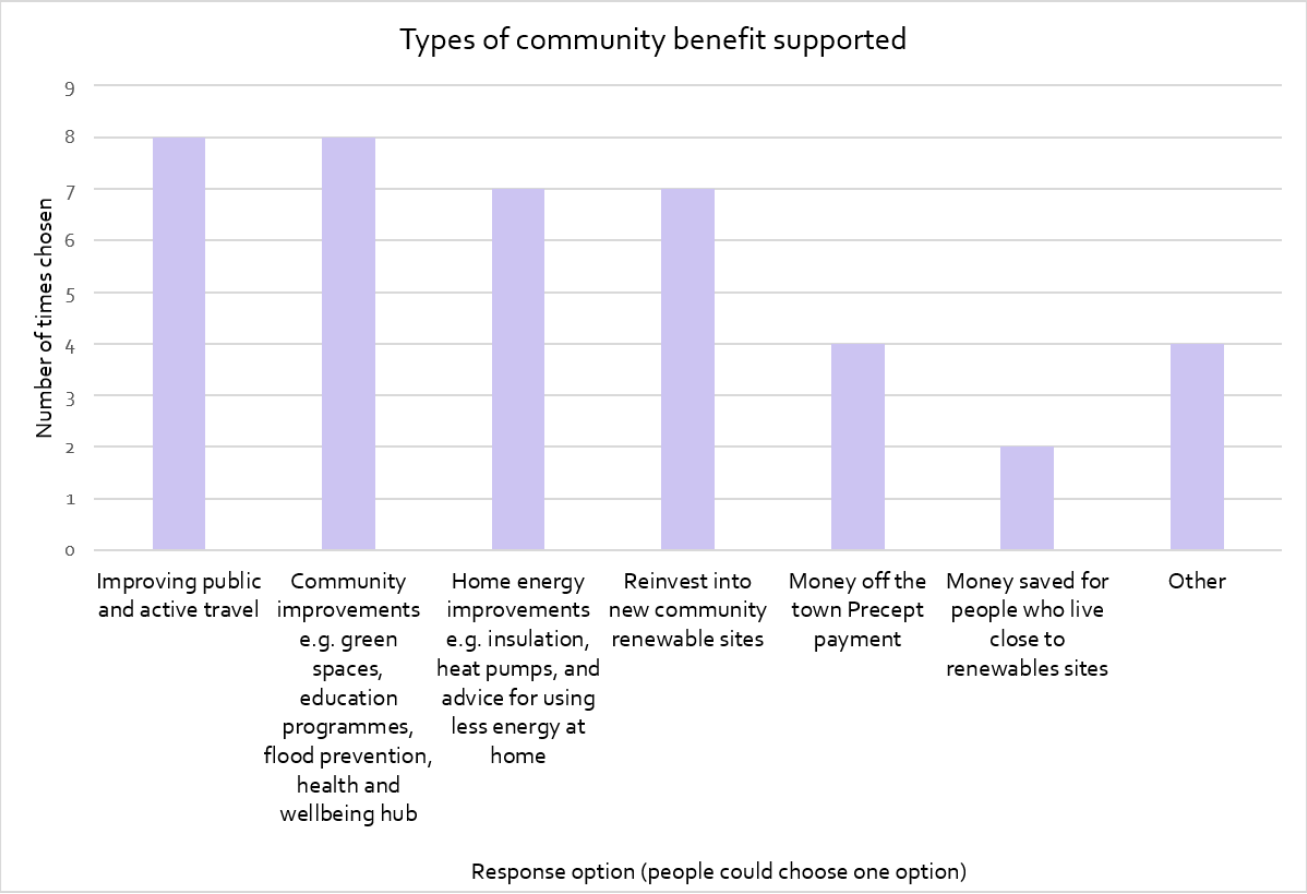



**Figure 12 – Ideas for community benefit**

The survey also gave people the option to add any other ideas for using community funds generated from renewable energy schemes. These included:

- Lower energy bills.
- Low-cost improvements for older properties that don't require expensive heat pumps.

# 5. Other community activities

To get further community input, widen in-person conversations, and promote events and surveys, we held a series of informal engagement events between October 2025 and February 2026. Pop-up stalls were held at Corsham Library, Springfield Community Campus, and Corsham town centre, in addition to meetings held at Corsham Town Hall, and a session at Corsham Youth Zone. The aim of these events was:

- To speak to local people about community energy and how they feel about it.
- To promote workshops and public surveys for people to get involved.
- To share information and answer questions about the Future Energy Landscapes project.

A summary of findings from these events can be found below.

**Comments in support of community energy:**

- Some preference for solar over wind as it's more easily concealed from view and can work alongside sheep grazing.
  Renewable energy is the future so we should do it.
- There is already a solar farm in Corsham (Wadswick) so it can be done.
- Open to the idea that farming and renewables can work together.

**Comments in opposition to community energy:**

- Fear about the loss of natural beauty in the area.
- Concerned that a housing development is already planned for Corsham so they don't want to lose any more land.
- Worries about development following a large battery storage proposal in Neston.

**Comments that are uncertain about community energy:**

- Rooftop solar, including the existing carpark solar canopy in at Springfield Community Campus, are preferable to ground mounted solar.
- Understand the benefits of renewables but don't like the way they look.
- Concern that we need to be thinking about battery storage options for renewable energy as we expand.

## Corsham Youth Zone session

To understand the views of young people in Corsham and widen participation CSE ran a mini workshop with roughly 50 young people at Springfield Community Campus on 26 September 2025. Young people were invited to share their opinions on renewable energy in Corsham, add their thoughts to the map of renewable energy locations, and offer suggestions for community benefit. A simplified map was created with the three wind locations and the most popular solar locations to make the activity shorter for the session (Figure 13). They split into two smaller groups for the discussion.

The group were very enthusiastic about their voices being heard. General feedback was that they didn't want sites to be developed near houses and were worried about the impact on their view of green spaces. Despite Corsham Court being unsupported in the July 2025 workshop, a small group of young people thought it could be suitable to have a wind turbine there.

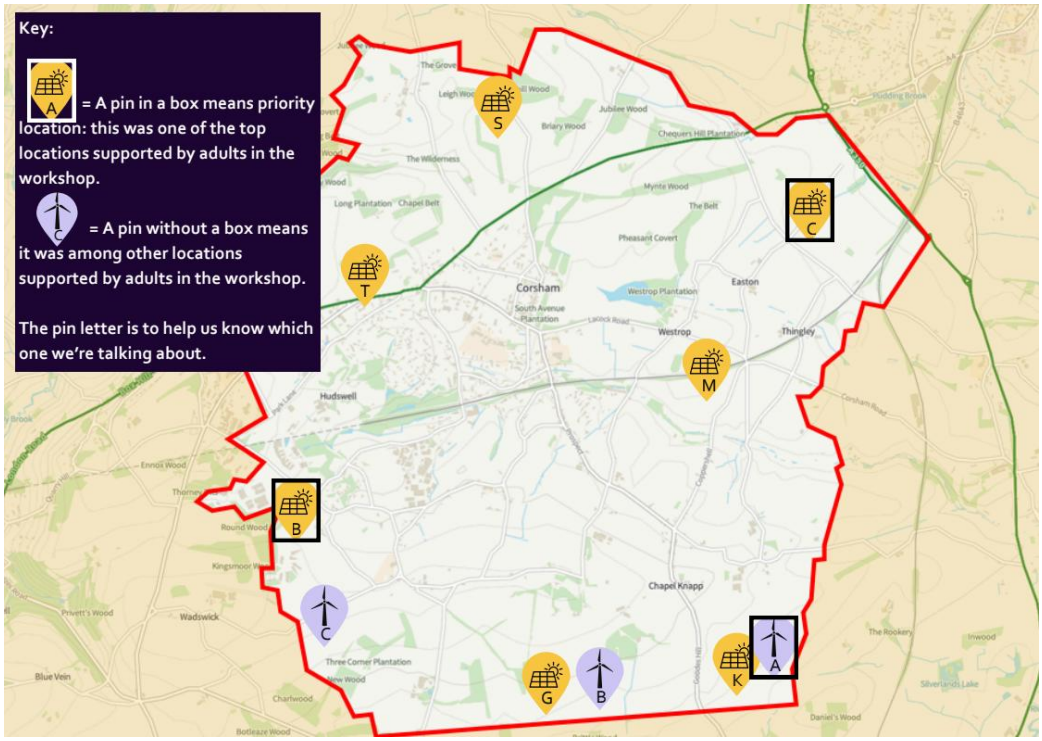



**Figure 13 – Simplified map of suggested wind turbine and solar farm locations in Corsham**

The solar farm locations (yellow) that received the most support were K and C, whereas locations T and M received some opposition. The wind turbine location (purple) that received the most support was A. Comments from the young people on locations referenced in Table 3.

**Table 3: Summary of comments from the young people**

| Location | Comments |
|---|---|
| Wind A | Considered positive that this is far away. |
| Solar B | Considered too close to the houses, but good that it's near the Ministry of Defence. |
| Solar M | Considered too central and might impact views. |
| Solar T | Considered too close to people's houses and would impact views. |

Summary of community benefits suggested by the young people:

- Invest in local facilities e.g. BMX / skate park, outdoor pool.
- Reinvest the money into more renewable energy sites.
- Offer free energy or a reduction in people's energy bills.
- Funding for local schools.

# 6. Forum workshop

## Workshop activities

This was the second workshop in the area, held at Pound Arts on 25 November 2025, attended by 25 people. The aim of this workshop was to share more information about the options for community energy locally and identify if there is appetite to proceed to the next stages of the project. We were not asking people to commit to a renewable energy project being built, and no planning applications were being submitted. This was an invitation to continue the process of exploring options for community energy and do further engagement and technical research.

The workshop activities included:

- Presentation of key insights from engagement so far, including responses from the first public survey and informal engagement activities.
- Presentation about the governance of a community energy organisation and the community benefits available, based on BWCE's model.
- Opportunity to ask questions to gain a deeper understanding of community energy.
- Presentation and discussion of additional technical information about the possible renewable energy areas to demonstrate where the barriers to delivering a project may be. A table of constraints was prepared by Empowered, the project's technical partner, looking at land classification, wind speed, priority habitats, the built environment and more (see appendix 5 for the constraints table).
- Review of the potential renewable energy areas. Participants used the technical information provided, alongside key insights from engagement to date to share further thoughts and feedback about potential renewable energy areas.
- Individual feedback from participants on the following:
    - Would they like the FEL project to continue looking at options for a community-led energy project in the Corsham area?
    - Which areas on the map would they like to know further information about?
    - Suggestions for next steps and further community engagement.



**Figure 14 – Small group discussions at workshop**

# Workshop outputs

There was a lot of enthusiasm in the room for pursuing a community energy project in the Corsham area. The discussion, therefore, focussed mostly on possible areas – thinking about what would make them more financially viable, and who would be adversely impacted. The key discussion points are summarised below:

- To make a project more financially viable, there was some preference for wind turbines or projects with greater energy generation capacity.
- Consideration should be given to potential areas with better grid connection.
- Preference for potential sites away from residential housing and near to main roads or railway lines.
- Key groups to engage in the next stage should be: landowners, the Distribution Network Operator (DNO) and local residents in the immediate vicinity of the potential sites.
- It's essential to consider the cumulative impact on residents living near to potential projects that are beyond the Corsham parish boundary, notably the villages of Whitley, Shaw and Beanacre in Melksham Without parish.

23 participants said 'yes', they would like a community energy project in the Corsham area. One participant said they are 'unsure' as they would need to know more information about locations and available benefits to make a decision. Nobody was opposed to having a community energy project in the area.

Figure 15 shows the areas on the map that received more support from participants at the workshop. Possible areas SO, SC, WA and WB received the most support of these.

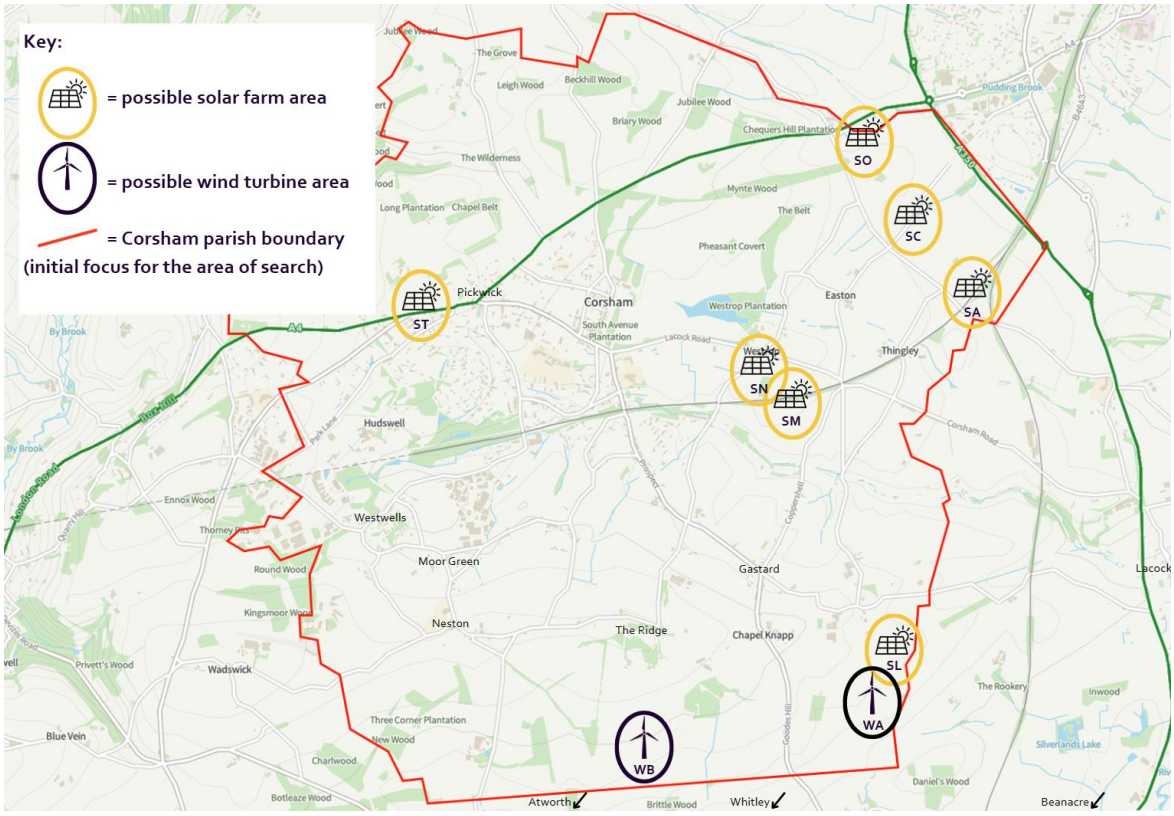



**Figure 15 – Areas that received most support from participants at the workshop**

# 7. Survey Two: Findings

To get more community input into the conversation following the November 2025 Forum event, a second survey was live for three weeks from January to February 2026. 128 responses were received. The purpose of this survey was to identify common concerns around community energy in the Corsham area and understand if there is any support to explore a project further. Appendix 3 and 4 give a detailed breakdown of all the survey data.

Response to the survey was mixed. There was some support, with 37 people registering their interest in joining a working group to help move a project forward. There was also some clear opposition based on several possible areas on the map. Some respondents were unsure about a project, based on needing more information about location, grid connection, land ownership and finances.

There was clear opposition from many respondents to having a community energy project along the southern boundary of Corsham parish. The primary concern the cumulative impact on the villages of Whitley, Shaw, Atworth and Beanacre in the Melksham Without parish, following a series of other renewables developments and proposals in that area.

Of those that did support having a community energy project in the Corsham area, there were nine areas on the map that received the most support for finding out more information. Three of these were wind areas, and six were solar farms.

## Community energy project

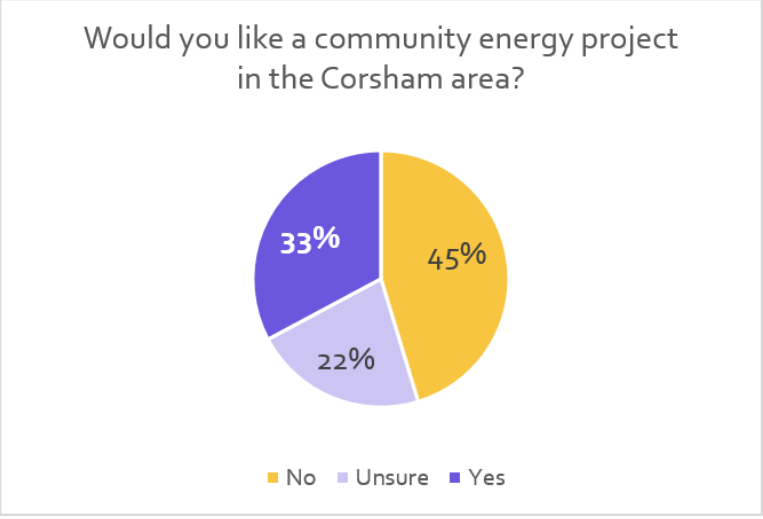



**Figure 16 – Response to whether people would like a community energy project in the Corsham area**

Participants were asked whether they would like a community energy project in the Corsham area. 33% said 'yes', 22% said 'unsure', and 45% said 'no'.

Those that said 'unsure' were asked to provide detail about why they felt this way. Some people were supportive in theory but needed more information. Others had concerns around the

potential harm to nature and the environment, visibility in the local landscape, the cumulative impact on residents, and some had a preference for rooftop solar or the use of brownfield sites instead.

Quotes included:

- "Any scheme should be supported by the residents closest to it. If a scheme is not approved by the residents living near it, in or outside of Corsham, then it should not be progressed."
- "I believe the intention is good and I would be keen for more green energy but living in Shaw/Whitley area we are being relentlessly subjected to applications for battery storage and solar power applications. These need to be taken into account when considering more energy projects, even if they are community led rather than owned by large overseas corporations."
- "Depends on location, how the CIC is set up and who manages the benefits of the monies earned."
- "Corsham is highly constrained and many of the sites marked are not suitable due to harm they would cause to protected species', the landscape and heritage assets. Landownership is also a key constraint."

# Areas for a possible project

People were asked to vote on up to three areas they would like to prioritise for further investigation. This question was intended to help prioritise which areas on the map had more or less support and might be put forward for some further feasibility work (looking at land ownership, grid connection and site access in more detail). This was not a commitment to building a project in the area. People were also given the option to vote for none of the areas. Based on the responses, 59 people (46%) voted for something, and 69 people (54%) voted for none of the areas, shown in Figure 18.

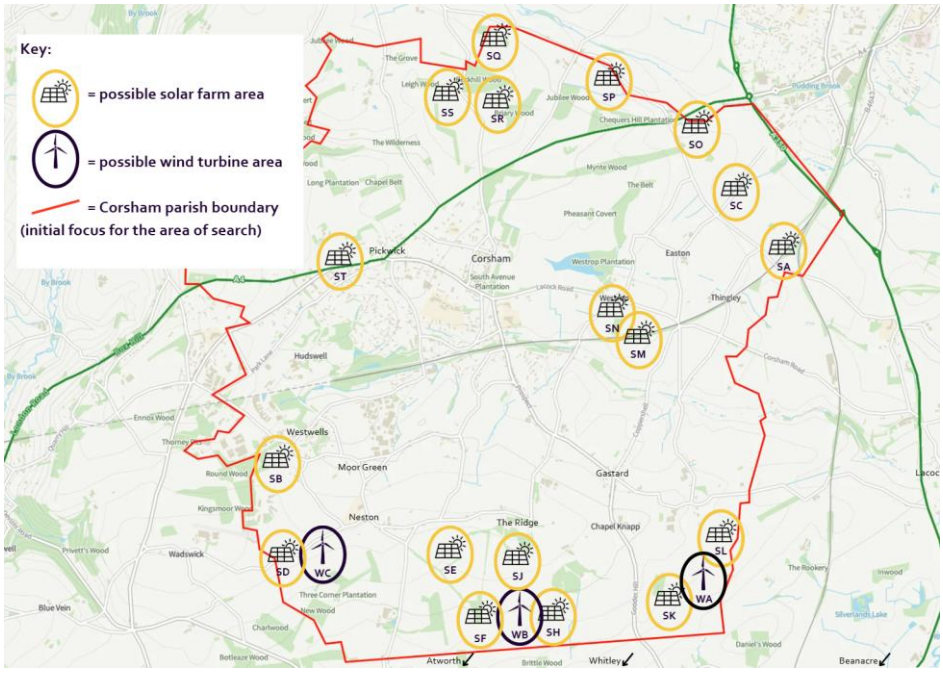



**Figure 17 – Areas that survey respondents were asked to prioritise for further investigation**

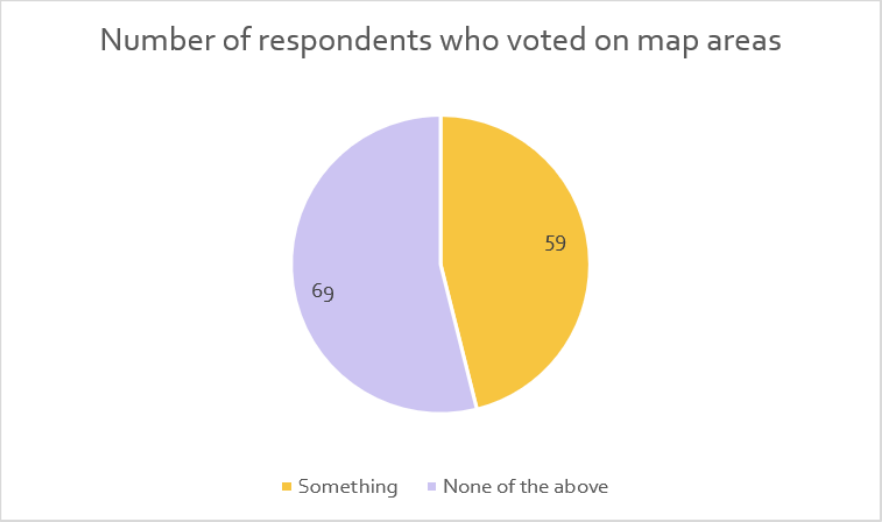



**Figure 18 – Response to how people felt about each suggested location referenced in Figure 17.**

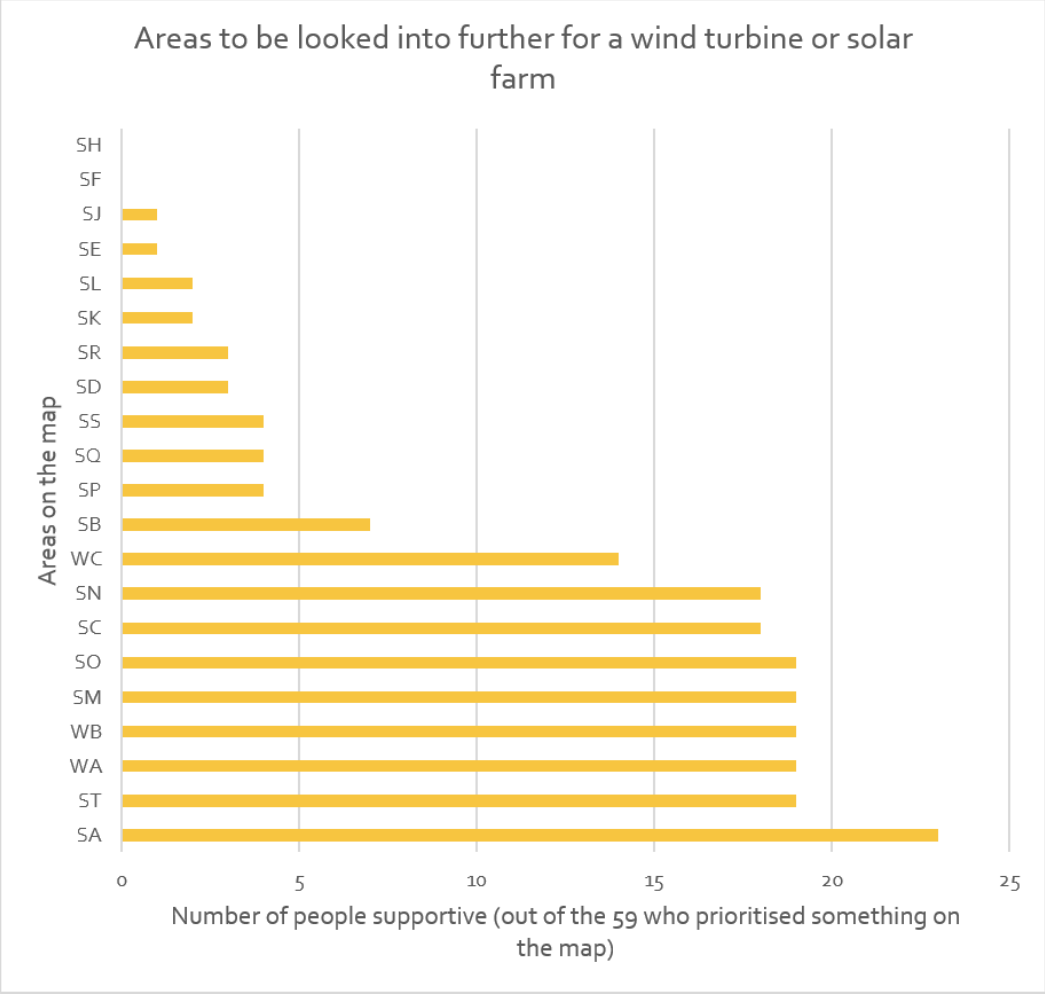



**Figure 19 – Number of people supportive of each area on the map (out of the 59 people who voted for something)**

Of the areas on the map in Figure 17, there were nine areas that received the most support for finding out more information (identified in Figure 19). In order of priority these areas are identified as SA, ST, WA, WB, SM, SO, SC, SN and WC.

# Comments and feedback

The survey also asked people if they had any other thoughts to share. Based on these responses it was clear the primary factor for those who support and oppose community energy is the area where a project could happen. Many who are in support are advocating for projects to be further away from housing and villages, and those who oppose are quite concerned about the impact on possible nearby villages. Opposition on this basis was the most notable feedback, identifying the proximity and impact of possible wind and solar areas to the villages of Whitley, Shaw, Atworth and Beanacre in Melksham Without parish. It was highlighted that there are already a significant number of developments (built and in planning) nearby, including solar farms, battery storage sites, and grid infrastructure upgrades. This is due to the villages' proximity to the Melksham primary substation, which has created capacity for renewable energy projects to connect to the grid in this area.

There were also a series of other comments raised, summarised as follows.

**Concerns:**

- Worries about the land required to build a site and loss of greenspaces for walking.
- Some preference for rooftop solar and / or brownfield sites to be used.
- Concerns over the potential environmental impact relating to the end-of-life recycling process for wind turbine blades and solar panels, pollution, flood risk.
- Negative impact on residents experiencing disruption from construction.
- Questions raised about where the benefit from the project will go, some doubtful that there would be any tangible benefits for the local community.

**Support:**

- Some preference for wind turbines over solar farms, due to taking up less land and having a higher capacity for electricity.
- Preference for locations nearer main roads.
- Desire to choose areas that are sited away from housing and villages.
- Supportive of solar farms with farming continuing underneath.

**Quotes included:**

- "Would love to see wind turbines used in the area. They take up less area than solar panels and I think they look very calm and elegant."
- "The Beanacre and Whitley community do not want or see any value to building further solar farms. The possibility of erecting wind turbines is ridiculous. The area and surrounding countryside is beautiful and you are planning on ruining this natural peaceful area."
- "Large swathes of countryside surrounding Corsham are already likely to be covered in solar panels in the very near future (one planning decision just overturned in the developer's favour, the other at Lime Down likely to be a shoe in) not to mention the

proposed lithium battery site in Neston. A wind turbine or cluster of them would have much less impact on the area. I believe this project should focus on smaller scale solar energy projects, siting solar panels on existing domestic and industrial buildings to give residents direct impact on their energy bills."

- "Our communities have borne the brunt of continuing disruption due to solar farms etc. I strongly believe that solar panels should be on roofs not in fields. Brownfield sites should be used, not pristine countryside."
- "Close to main road for access and looks least likely to destroy communities."
- "If a majority of Corsham people want this then it must actually be in Corsham itself."
- "Any areas seem good to me. I picked these 3 as near to roads and in areas that are nice but could get built on so if we can get solar (particularly with farming under it) that would keep wildlife and avoid houses!"

# Suggestions for next steps and engagement

The purpose of this survey was to identify common concerns around community energy in the Corsham area and understand if there is any support to explore a project further. To understand key areas of focus for the future, the survey closed by asking people for suggestions for next steps and further engagement. These suggestions are summarised below.

- No further engagement or projects, particularly near the villages of Whitley, Shaw, Beanacre and Atworth.
- Local consultations in the areas where possible projects are located e.g. in-person public meetings.
- Landowners.
- Planners.
- Corsham Town Council.
- Parish Councils, including neighbouring areas.
- Pop-up stalls in locations in Corsham e.g. Pound Arts, Springfield Community Campus, High Street Corsham, festivals.
- Neighbouring town and parish councils.
- Local stakeholders e.g. schools, local businesses, healthcare providers, local churches, community groups, sports clubs, nature and wildlife groups.
- Ministry of Defence.
- Corsham Climate Action.
- CAWS (Community Action Whitley and Shaw).
- More publicity e.g. social media groups, local magazines and newspapers, leaflet drops to all residents, door knocking.
- Address information at events on:
    - the detailed benefits to the local community
    - the detail of the finances

# 8. Pre-feasibility reports

Based on feedback from engagement throughout all stages of the project, it was felt that there was enough support from a core interested group of community members to proceed towards the next stage. This meant finding out more information about a few possible sites for a community-owned renewables project. Figure 19 shows that there were nine areas that received most support for further consideration. This may seem at odds with the results from Figure 18, where 54% of respondents voted for 'none of the areas' to proceed to the next stage. However, the main reason for people opposing to proceed was clearly identified as being due to the specific impact on villages in Melksham Without parish. This feedback was taken into consideration, and therefore, this next stage of the project focussed efforts elsewhere, further away from the Corsham / Melksham boundary.

Empowered completed pre-feasibility reports to provide more in-depth information on key constraints that would impact whether a site is suitable for a renewable energy project. Reflecting the early stage of project development, these reports provide a high-level overview of the key technical and planning factors impacting the delivery of a community energy project, and any requirements for the next stages. This should give the community a better chance of success if they do decide to pursue the development of a community energy project.

The pre-feasibility reports reviewed the following areas:

- Financial viability – how much the project may cost to deliver based on size.
- Grid connection – what the options are for connecting to the electrical grid following a review with the DNO.
- Planning assessment – looking at agricultural land classification, heritage and archaeology, historic landfill, priority habitats, residential and non-residential buildings, National Grid transmission lines and towers, and public right of way.
- Land ownership – identifying and making contact with the landowner.

## Shortlisting the areas

Four areas were selected – SN, SM, SC and WC (with SO and SA acting as backup options if any of the other areas were deemed unfeasible early on). The areas were shortlisted based on a review of all the community engagement and the technical information gathered to date, summarised as follows:

- Based on significant opposition from the residents in the Melksham Without parish, due to the cumulative impact of a high number of developments in the area already, including solar farms, grid infrastructure upgrades, and battery storage proposals, all areas along the southern boundary of the Corsham parish were removed from this stage of the FEL process.
- There was preference for wind turbines expressed throughout the project (in workshops, survey responses and pop-up stalls), therefore the remaining wind turbine area was kept in (WC).

- Despite gaining support from the second survey, area ST, near Pickwick, was removed due to a planning application for housing on the land.
- The remaining areas were selected based on preferences expressed in workshops and survey responses, which identified the areas SN and SM either side of the railway line as a priority, and the cluster (SO, SC and SA) to the northeast on the way to Chippenham as a priority.
    - SN and SM were both kept representing the land either side of the railway.
    - SC was chosen as the mid-point in the cluster, with SO and SA as backup areas.

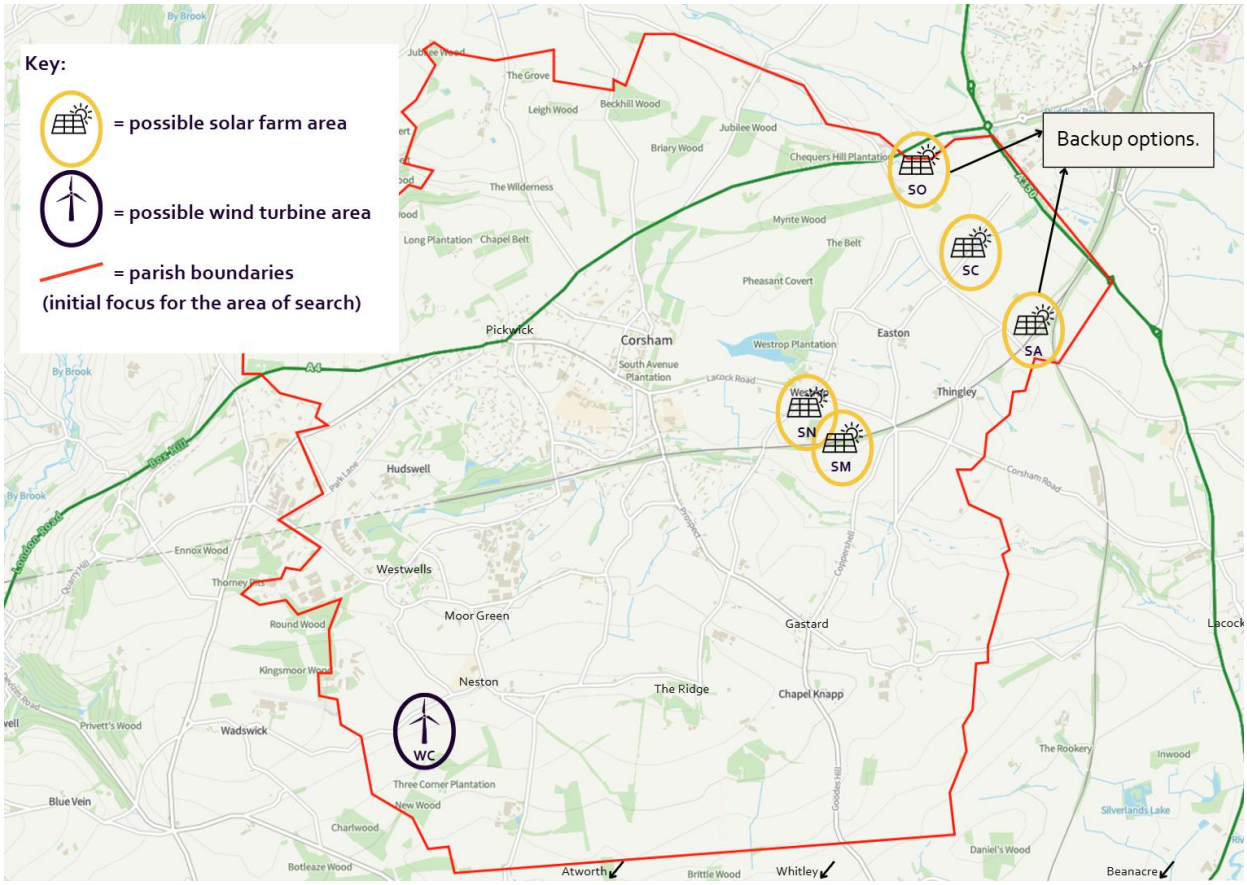



**Figure 20 – Map of the shortlisted areas for pre-feasibility reports conducted by Empowered**

# Results

The pre-feasibility reports offered insights into the technical feasibility of the shortlisted areas. They were developed to inform participants at the next stage of the process, the 'Choosing Your Energy Future' workshop.

## Key insights

- Solar has the clearest development potential, with site SM appearing to be least impacted by constraints.
- Environmental and heritage considerations are likely to be principal planning constraints across all potential sites.
- Grid capacity will influence project size and timing, particularly for sites served by Rowden Primary substation.

- Further technical, financial and planning studies will be required before any site could progress to development.

## Substations

There are two primary substations in this area:

- Rowden Primary, which is currently very constrained until planned upgrades in the early 2030s. This would be the connection point for area SC.
- Corsham Primary, which has limited spare capacity for a 1.5–2MW project. This would be the likely connection point for areas WC, SM and SN.

## Wind generation (WC)

Overall, this wind turbine area has some significant barriers for future development. To take this area forward, it would need a strong commitment from the community and landowner, and benefits of the project would need to be clearly demonstrated to the local planning authority. A summary of key findings can be found below:

- **Aviation:** A wind turbine of up to 150m is unlikely to affect radar systems, but the nearby active airstrip presents a key constraint requiring early engagement with the operator.

- **Wind resource:** The site has moderate wind speeds suitable for wind generation, although further wind monitoring would be needed to confirm energy yield and financial viability.

- **Heritage:** Several nearby Grade II listed buildings, including Neston Park, require heritage and visual impact assessments.

- **Ecology:** Nearby woodland and proximity to Greater and Lesser Horseshoe Bat SAC (Special Area of Conservation) buffer zones mean ecological surveys would be required to assess impacts on protected habitats and species.

- **Residential amenity:** Most properties are over 400m away, but Neston village remains a key consideration. Noise, shadow flicker and construction impacts would require detailed assessment.

- **Landscape:** Potential visibility from surrounding roads, footpaths and the Cotswolds National Landscape mean landscape and visual impact assessments would be needed to determine an appropriate wind turbine size and location.

- **Agricultural land:** The site is on provisional Grade 3 agricultural land. As wind turbines have a small land take, impacts on agricultural use are expected to be limited, but would be subject to further assessment.

## Ground-mounted solar generation (SN, SM, SC)

Overall, all three solar farm areas offer potential for development, with SM offering lower planning risk. As above, to take an area forward, the benefits of the project would need to be

clearly demonstrated to the local planning authority. A summary of key findings can be found below:

- **Agricultural land:** All three areas are on Grade 3 agricultural land. A detailed Agricultural Land Classification survey would be required to confirm land quality and suitability for solar development.

- **Heritage:** Areas SC and SN are close to conservation areas and heritage assets, with SN presenting the greatest planning risk due to its proximity to Corsham Hall and its parkland setting. Heritage impact assessments would be required for all areas.

- **Historic landfill:** A former landfill site near Area SC is unlikely to constrain development but would require further assessment.

- **Ecology:** Woodland within and around all areas, together with their location within the Greater Horseshoe Bat SAC buffer zone, means ecological surveys would be required to assess impacts on protected habitats and species.

- **Residential amenity:** Nearby properties, particularly around SC and SN, would require consideration through landscape screening, construction management and early engagement with residents.

- **National Grid infrastructure:** Existing high-voltage power lines crossing Area SC would influence the solar layout and require maintenance access corridors.

- **Railways:** The railway south of Area SN would require a glint and glare assessment and consultation with Network Rail, whereas the railway near Area SM is unlikely to present this issue due to panel orientation.

- **Public rights of way:** Public footpaths and recreation routes near all three areas would need to be protected and incorporated into the project design.

## Feasibility next steps

The pre-feasibility reports provided a helpful overview of key features for the community to consider and discuss; however, they do not cover everything in detail. If an area is selected by the community for further development, an initial planning assessment should be undertaken, as well as additional investigation into the following:

- The interaction between ecology, landscape and visual impact.
- The layout of the technology's infrastructure and other equipment.
- Access to the area for delivery and construction vehicles, and the impact of this on the local community.
- Detailed financial modelling.
- Detailed grid connection studies.

# 9. Choosing Your Energy Future workshop

The Choosing Your Energy Future workshop is the final workshop in the FEL process, aimed at identifying some clear next steps towards making a potential community energy project happen, designed for those who are interested in taking a more active role. This workshop was held at Pound Arts on 5 May 2026 and attended by 17 people.

## Workshop activities

- Presentation of engagement learnings throughout the project.
- Presentation and discussion of the key findings from the four pre-feasibility reports.
- Identification of individual preferences for the four sites.
- Presentation and discussion of the different possible community-ownership structures.
- Identification of individual preferences for the different ownership structures:
    - Option 1: Projects owned and operated by BWCE.
    - Option 2: Projects owned and operated by a joint venture (JV) between BWCE and a Corsham Community Energy enterprise.
    - Option 3: Projects owned and operated by an independent Corsham Community Energy enterprise.
- Presentation and discussion of the role of a working group in moving the next steps forward.
- Registration from people interested in joining a working group.




**Figure 21 – BWCE presentation at the Choosing Your Energy Future workshop**

# Workshop outputs

The outcomes from the three activities can be found in Table 4 below.

**Table 4: Workshop Activities and Outcomes**

| Activity | Outcome |
|---|---|
| Site preference | • Site SC was seen as the most promising overall.<br>• SN and SM were generally considered viable, but concerns were raised about the proximity to Corsham town, listed buildings and historic landscapes.<br>• Site WC was viewed as less viable by some due to technical constraints, but wind was still noted as a preferred technology by some. |
| Site discussion | • Concerns were raised about visual impact, planning sensitivity, and potential local opposition (including nearby housing developments and landowners).<br>• Grid constraints and land ownership were identified as key priorities for moving a project forward. |
| Community-ownership structures | Responses indicated a preference for a structure that involves BWCE, either with full ownership by BWCE or as a joint venture with a local Corsham group. |
| Expression of interest in joining a working group | At the event, five people said 'yes' to joining and working group, and five people said 'maybe'.<br><br>Following the event, a further opportunity was provided via email for people to register their interest in the working group. 12 people have registered their interest, and a working group meeting will be held in July 2026. |

# 10. Conclusion and next steps

This report marks the end of the Future Energy Landscapes project in Corsham, but it is intended to be the beginning of a longer-term process. Across the 10 months of engagement summarised in this report, local people have explored how a community energy project could be developed in the area, where projects might be located, discussed the benefits they would like to see for the community, and identified issues that would need to be addressed if any project were to progress.

The engagement undertaken through workshops, surveys and informal engagement activities has helped build an understanding of local priorities and concerns. Alongside the technical evidence gathered through the pre-feasibility assessments, these findings provide an important foundation for future decision making. They will help local partners focus further work on the opportunities that appear most promising while recognising the environmental, technical and community considerations that would need to be resolved.

Overall, there was broad support from a core group of interested residents for a community energy project to be progressed, provided that future work remains transparent, evidence-led and continues to involve local people.

In terms of locations, sites SC, SN and SM emerged with the most support for investigating a community-owned solar farm project, with SC considered as the most promising overall at this stage. A community-owned wind turbine was also an idea that had support from many people, and although a potential site was identified, it presented greater technical barriers for delivery. There was unified opposition to the areas of technical potential along the southern boundary of Corsham with Melksham Without parish due to the cumulative impact further development would have on nearby villages. There was general preference to concentrate on projects with better financial feasibility, and which have limited impacts on residents and nature.

Following completion of this project, a local working group has been established to take forward the next stages of work. The working group will be supported by Bath and West Community Energy to consider issues such as governance, funding opportunities and project development.

The next phases of work could include the following:

- Agreeing governance arrangements for the working group.
- Reviewing the pre-feasibility findings in more detail and identifying preferred opportunities for further investigation.
- Engaging with landowners and other key stakeholders to understand whether potential sites are available and suitable for a community energy project.
- Applying for grant funding from GB Energy, or other sources, to enable the group to undertake further early-stage development work.

- Undertaking further feasibility studies, including planning, ecology, landscape, heritage, grid connection and financial assessments where appropriate.
- Continuing engagement with residents, particularly those living near to any shortlisted sites, to ensure local knowledge and concerns help shape project development.
- Exploring how any future community energy project could deliver meaningful and lasting benefits for local people.

The completion of this project does not mean that a renewable energy development will happen. Any future project would require considerably more technical work, environmental surveys, financial appraisal, community engagement and planning permission before anything is built. The pre-feasibility assessments undertaken as part of this project are intended to identify potential opportunities and constraints rather than determine whether a development should proceed.

Throughout the project, participants consistently highlighted the importance of ensuring that any community energy project delivers tangible local benefits. Ideas raised included supporting vulnerable households, reducing energy costs, investing in community facilities, improving local infrastructure and creating opportunities for local people to participate in and benefit from the transition to clean energy. These aspirations should remain central to any future project alongside technical, environmental and financial considerations.

Unlike many engagement exercises, the purpose of this project has not simply been to gather opinions. It has sought to identify practical opportunities that local people may wish to develop themselves through a community-led approach. The formation of a working group represents an important transition from a conversation to action, with local partners continuing to provide advice and support as opportunities are further explored.

This community energy conversation has demonstrated that local people are willing and able to engage thoughtfully with complex questions about renewable energy when they are provided with clear information and meaningful opportunities to influence outcomes. The conversations, ideas and evidence brought together through this project provide a strong foundation for future collaboration between residents, community organisations and project partners as they continue to explore whether a community-owned renewable energy project in Corsham can become a reality.

# 11. Appendices

## Appendix 1: Survey one question responses

1. How do you feel overall about the suggested wind turbines in Corsham?

| Answer | Percentage |
|---|---|
| Very satisfied | 47% |
| Somewhat satisfied | 29% |
| Somewhat dissatisfied | 13% |
| Very dissatisfied | 11% |

2. How do you feel about the suggested wind turbine locations?

| Answer | Location A | Location B | Location C |
|---|---|---|---|
| Satisfied | 67% | 59% | 62% |
| Neutral | 18% | 15% | 18% |
| Dissatisfied | 15% | 26% | 21% |

3. How do you feel overall about the suggested solar farms in Corsham?

| Answer | Percentage |
|---|---|
| Very satisfied | 32% |
| Somewhat satisfied | 21% |
| Neutral | 13% |
| Somewhat dissatisfied | 16% |
| Very dissatisfied | 18% |

4. How do you feel about the suggested solar farm locations?

| Answer | Location A | Location B | Location C |
|---|---|---|---|
| Satisfied | 62% | 62% | 59% |
| Neutral | 15% | 15% | 21% |
| Dissatisfied | 23% | 21% | 21% |

5. Which of the following benefits of community energy would you support? Select one.

| **Answer** | **Percentage** |
|---|---|
| Improving public and active travel | 20% |
| Community improvements e.g. green spaces, education programmes, flood prevention, health and wellbeing hub | 20% |
| Home energy improvements e.g. insulation, heat pumps, and advice for using less energy at home | 18% |
| Reinvest into new community renewable sites | 18% |
| Money off the town Precept payment | 10% |
| Money saved for people who live close to renewables sites | 5% |
| Other | 10% |

# Appendix 2: Survey one demographic data

This appendix gives a summary of the demographic data of who responded to the survey. These questions were optional and therefore cannot be assumed to represent everyone who completed the survey. 39 out of 40 respondents completed the demographic survey.

1. What is your age?

| Age | Percentage |
|---|---|
| 25-34 | 11% |
| 35-44 | 8% |
| 45-54 | 16% |
| 55-64 | 30% |
| 65-74 | 24% |
| 75 or older | 11% |

2. What is your gender?

| Gender | Percentage |
|---|---|
| Man | 62% |
| Woman | 38% |

3. What is your ethnicity?

| Ethnicity | Percentage |
|---|---|
| Mixed/Multiple ethnic groups - White and Asian | 3% |
| White | 35% |
| White - English/Welsh/Scottish/Northern Irish/British | 62% |

4. Which of the following best describes your current occupation?

| Occupation | Percentage |
|---|---|
| Employed, working full-time; | 49% |
| Employed, working part-time; | 16% |
| Employed, working part-time; Retired; | 3% |
| Retired; | 32% |

5. Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more?

| Answer | Percentage |
|---|---|
| No | 81% |
| Yes | 19% |

6. What is the first part of your postcode?

| Post code | Percentage |
|---|---|
| SN | 3% |
| SN12 | 10% |
| SN13 | 74% |
| SN14 | 3% |
| SN15 | 3% |
| blank | 8% |

# Appendix 3: Survey two question responses

1. Would you like a community energy project in the Corsham area?

| Answer | Percentage |
|---|---|
| No | 45% |
| Unsure | 22% |
| Yes | 33% |

2. Please indicate up to three areas [on the map shown] you would like us to look into further.

| Answer | Percentage |
|---|---|
| Something | 46% |
| None of the above | 54% |

| Map area | Number of responses (select up to 3) |
|---|---|
| SA | 23 |
| WA | 19 |
| WB | 19 |
| SM | 19 |
| SO | 19 |
| ST | 19 |
| SC | 18 |
| SN | 18 |
| WC | 14 |
| SB | 7 |
| SP | 4 |
| SQ | 4 |
| SS | 4 |
| SD | 3 |
| SR | 3 |
| SK | 2 |
| SL | 2 |
| SE | 1 |
| SJ | 1 |
| SF | 0 |
| SH | 0 |

3. Would you be interested in being part of a working group to help move a project forward, if the area moves forward with a project?

| Answer | Number of responses |
|---|---|
| Yes | 37 |
| Blank | 91 |

# Appendix 4: Survey two demographic data

This appendix gives a summary of the demographic data of who responded to the survey. These questions were optional and therefore cannot be assumed to represent everyone who completed the survey. 109 out of 128 respondents completed the demographic survey.

1. What is your age?

| Age range | Percentage |
|---|---|
| 18-24 | 4% |
| 25-34 | 1% |
| 35-44 | 11% |
| 45-54 | 23% |
| 55-64 | 25% |
| 65-75 | 28% |
| 75 or older | 9% |

2. What is your gender?

| Gender | Percentage |
|---|---|
| Man | 47% |
| Woman | 53% |

3. What is your ethnicity?

| Ethnicity | Percentage |
|---|---|
| Mixed/Multiple ethnic groups - White and Asian | 1% |
| Non British white | 1% |
| White - English/Welsh/Scottish/Northern Irish/British | 97% |
| White - Irish | 1% |

4. Which of the following best describes your current occupation?

| Occupation | Percentage |
|---|---|
| Employed, working full-time; | 43% |
| Retired; | 39% |
| Employed, working part-time; | 12% |
| Disabled, not able to work; | 2% |
| Full-time education; | 2% |
| Self employed ; | 2% |
| Not employed, NOT looking for work; | 1% |

5. Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more?

| Answer | Percentage |
|---|---|
| No | 88% |
| Yes | 12% |

6. What is the first part of your postcode?

| Post code | Percentage |
|---|---|
| SN12 | 36% |
| SN13 | 32% |
| SN12 8 | 12% |
| SN13 9 | 8% |
| SN14 | 3% |
| SN12 7 | 2% |
| SN13 0 | 2% |
| SN13 8 | 2% |
| SN15 | 2% |
| BA15 | 1% |
| SN14 0 | 1% |

Condensed version with geographic description:

| Post code | Geographic area | Percentage |
|---|---|---|
| SN12 | Melksham and surrounding villages | 50% |
| SN13 | Corsham and surrounding villages | 44% |
| SN14 | Chippenham and surrounding villages | 4% |
| SN15 | Chippenham | 2% |
| BA15 | Bradford-on-Avon and surrounding villages | 1% |

# Appendix 5: Empowered's constraints table

### Constraints Assessment Guidance

The purpose of the constraints table is to assess potential of the renewable energy areas that were discussed in the previous Future Energy Landscape workshops by members of the community. These areas and relevant constraints have been entered into a mapping software. The proximity of each constraint has been calculated and inputted to create a constraints table. Each area is displayed in first column and the constraints across the top row.

### Constraints Key Guide:

| | |
|---|---|
| | The proximity of the constraint will not impose on the area's technology. |
| | The proximity of the constraint is at a moderate distance from the area's technology. |
| | The proximity of the constraint may impose on the area's technology. |

| CORSHAM | | LAND USE | TECHNICAL | | | HISTORIC | |
|---|---|---|---|---|---|---|---|
| Area | Technology | ALC | RADAR | Slope (%) | Wind Speed (50m) | Listed Buildings | Historic Landfill |
| WA | Wind | 2.5 | 200m | | 6 | | |
| WB | Wind | 3 | 200m | | 6.2 | | |
| WC | Wind | 3 | 160m | | 6.2 | | |
| SA | Solar | 3 | N/A | | N/A | | |
| SB | Solar | 3 | N/A | | N/A | | |
| SC | Solar | 3 | N/A | | N/A | | |
| SD | Solar | 3 | N/A | | N/A | | |
| SE | Solar | 2 | N/A | | N/A | | |
| SF | Solar | 3 | N/A | | N/A | | |
| SH | Solar | 3 | N/A | | N/A | | |
| SJ | Solar | 3 | N/A | | N/A | | |
| SK | Solar | 2 | N/A | | N/A | | |
| SL | Solar | 3 | N/A | | N/A | | |
| SM | Solar | 3 | N/A | | N/A | | |
| SN | Solar | 3 | N/A | | N/A | | |
| SO | Solar | 3 | N/A | | N/A | | |
| SP | Solar | 3 | N/A | | N/A | | |
| SQ | Solar | 3 | N/A | | N/A | | |
| SR | Solar | 3 | N/A | | N/A | | |
| SS | Solar | 3 | N/A | | N/A | | |
| ST | Solar | 3 | N/A | | N/A | | |

| CORSHAM | | HABITATS | DESIGNATIONS | BUILT ENVIRONMENT | | | |
|---|---|---|---|---|---|---|---|
| Area | Technology | Priority Habitats | National Parks & Gardens | Residential / Non-residential | National Grid Overhead lines | N ational Grid Towers | Railways |
| WA | Wind | | | | | | |
| WB | Wind | | | | | | |
| WC | Wind | | | | | | |
| SA | Solar | | | | | | |
| SB | Solar | | | | | | |
| SC | Solar | | | | | | |
| SD | Solar | | | | | | |
| SE | Solar | | | | | | |
| SF | Solar | | | | | | |
| SH | Solar | | | | | | |
| SJ | Solar | | | | | | |
| SK | Solar | | | | | | |
| SL | Solar | | | | | | |
| SM | Solar | | | | | | |
| SN | Solar | | | | | | |
| SO | Solar | | | | | | |
| SP | Solar | | | | | | |
| SQ | Solar | | | | | | |
| SR | Solar | | | | | | |
| SS | Solar | | | | | | |
| ST | Solar | | | | | | |

Ministry of Housing, Communities & Local Government

Our ref: APP/Y3940/W/25/3373278
Your ref: PL/2024/07097

Rhiannon Jones
Neame Sutton Limited
West Suite
Coles Yard Barn
North Lane
Clanfield
PO8 0RN

*Sent by email only*
rhiannon.jones@neamesutton.co.uk

28 July 2026

Dear Rhiannon Jones

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78**
**APPEAL MADE BY MR IAN HUMBLE (CATESBY ESTATES PROMOTIONS LIMITED)**
**LAND SOUTH OF SNARLTON FARM, SNARLTON LANE, MELKSHAM SN12 7QP**
**APPLICATION REF: PL/2024/07097**

*This decision was made by Matthew Pennycook MP, Minister of State for Housing and Planning, on behalf of the Secretary of State*

1. I am directed by the Secretary of State to say that consideration has been given to the report of Beverley Wilders BA (Hons) PgDURP MRTPI, who held a public local inquiry opening on 20 January 2026 into your client's appeal against the decision of Wiltshire Council to refuse your client's outline application for planning permission, with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way, for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works, in accordance with application Ref. PL/2024/07097, dated 30 June 2025.

2. On 29 January 2026, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed subject to the conditions.

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with her recommendation. She has decided to allow the appeal and grant planning permission. The Inspector's Report (IR) is

Ministry of Housing Communities & Local Government Email: PCC@communities.gov.uk
Emma Hopkins, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

attached. All references to paragraph numbers, unless otherwise stated, are to that report.

**Environmental Statement**

5. The Secretary of State notes that an Environmental Statement was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, a negative screening direction on behalf of the Secretary of State on 17 November 2025 stated that the proposed development is not EIA development (IR1.4). She has therefore not taken the Environmental Statement into account when making her decision.

**Matters arising since the close of the inquiry**

6. Following the close of the Inquiry the Inspector wrote to the main parties to afford them an opportunity to comment on an appeal decision for another proposed residential development in Melksham and on the withdrawal of the Wiltshire Local Plan Pre Submission Draft 2020-2038 (Regulation 19) (ELP) from examination on 22 May 2026. The Secretary of State notes that the Inspector has had regard to any comments received in her report (IR1.5-1.6). She is satisfied that there is no need to refer back to the parties for further representations prior to reaching her decision on this appeal, and is satisfied that no interests have thereby been prejudiced.

7. A list of representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect her decision, and no new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.

**Policy and statutory considerations**

8. In reaching her decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

9. In this case the development plan consists of the Saved Policies of the West Wiltshire District Plan First Alteration (June 2004) (WWDP), the Wiltshire and Swindon Waste Core Strategy 2006-2026 (adopted July 2009) (WSWCS), the West Wiltshire Local Development Framework Leisure & Recreation Development Plan Document (January 2009) (L&RDPD), the Wiltshire Core Strategy (adopted January 2015) (WCS), the Wiltshire Housing Site Allocations Plan (adopted February 2020) (SAP), and the Joint Melksham Neighbourhood Plan 2 2020-2038 (made August 2025) (JMNP2). The Secretary of State considers that relevant development plan policies include those set out at IR5.3-5.5.

10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework) published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance (the Guidance), as well as Wiltshire Local Transport Plan 2011-2026 (adopted 2015) and Wiltshire Local Transport Plan 2025-2038 (adopted 2025).

*Emerging plan*

11. The ELP was submitted for examination on 28 November 2024. On 27 February 2026 the Inspectors wrote to the Council suggesting withdrawal of the submitted plan due to significant soundness concerns. The ELP was withdrawn from examination by the Council on 22 May 2026 (IR1.6 and IR5.23-5.25).

12. Paragraph 49 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. Given its withdrawal and taking into account the uncertainty about housing figures the Secretary of State considers that she cannot attribute any weight to the ELP.

**Main issues**

13. The Secretary of State agrees with the Inspector that the main issues to be addressed are those set out at IR12.1.

*Whether the appeal site is an appropriate location for the proposed development having regard to the WCS policies CP1, CP2 and CP15 and JMNP2 Policy 6*

14. For the reasons given at IR12.2-12.10 and IR12.49-12.51, the Secretary of State agrees that, noting the position of the appeal site beyond the settlement boundary for Melksham, the proposal is clearly contrary to WCS Policy CP2 (IR12.7). She notes that the appellant's planning witness accepts that the breach of WSC CP2 results in a breach of WCS CP15 and JMNP2 Policy 6 (IR12.8) and she agrees. Like the Inspector she does not find any direct conflict with WCS Policy CP1 (IR12.9). Overall, she agrees that the appeal site is not an appropriate location for the proposed development having regard to WSC policies CP2 and CP15 and JMNP2 Policy 6 (IR12.10). The Secretary of State agrees that WCS policies CP2 and CP15 and JMNP2 Policy 6 are out of date and further agrees that the harm arising from the conflict with these policies carries limited weight (IR12.51).

*Other harm*

15. For the reasons given at IR12.11-12.31 and IR12.51, the Secretary of State agrees that given the context and the scale of development proposed the proposal would result in some landscape harm, but that any harm would be limited and in the main fairly localised (IR12.17). In reaching this conclusion she has taken into account the findings of the LVIA addendum and the submitted development parameters plan which shows extensive areas of open space including areas along the northern, eastern and southern boundaries of the site which would allow for substantial landscaping to help to mitigate the visual effect of the development on the wider undeveloped area (IR12.17). She agrees that given the limited extent of the harm there would be no conflict with WCS CP52, CP51 and JMNP2 (IR12.18).

16. For the reasons given in IR12.21-12.23, the Secretary of State agrees with the Inspector that any part of the development that would take place on best and most versatile (BMV) agricultural land, including ancillary areas such as open space, would in effect result in its loss to agriculture, even if not being built on, given the residential and long-term nature of the proposal (IR12.21). She agrees that consequently, the amount of BMV loss would be higher than that stated by the appellant and in the absence of specific figures, is more

likely to be nearer to half of the appeal site area, so approximately 9 hectares (IR12.21). She agrees that the loss of BMV land attracts moderate weight (IR12.51).

17. The Secretary of State agrees that although the appeal site is outside of the settlement boundary of Melksham, it is adjacent to it, close to existing and proposed residential development and services and facilities (IR12.25). Like the Inspector, she is satisfied that it has good connectivity and notes that no concerns were raised in this regard by the Council who consider Melksham to be a sustainable location with the potential for significant development (IR12.25). She agrees there is therefore no conflict with WCS policies CP60 and CP61 and JMNP2 Policy 11 (IR12.25).

18. The Secretary of State agrees that there is no evidence that the proposal would result in an increase in flooding nearby or that suitable drainage cannot be provided to serve the development. She agrees that the Developable Parameters Plan would ensure that developable areas are within Flood Zone 1 and can be secured by condition (IR12.26) and further agrees that there is therefore no conflict with WCS Policy CP67 or Policy 3 of the JMNP2 (IR12.26).

19. The Secretary of State has carefully considered the Inspector's analysis at IR12.27-12.31 and overall agrees with the Inspector's conclusions regarding highways safety and traffic impact, effect on designated heritage assets, access to services, facilities and employment opportunities, restrictions on the future use of the sports clubs and connectivity across the site.

*Housing and Housing Land Supply*

20. For the reasons given at IR12.32-12.42 and IR12.49-12.52, the Secretary of State agrees with the Inspector, who accepts the appellant's figure, that the extent of the five year housing land supply[1] (5yrHLS) is 2.16 years which equates to 10,405 dwellings, and that there is a very significant shortfall (IR12.38).

21. The Secretary of State agrees that the proposal is capable, subject to being brought forward quickly, of making a meaningful contribution to the 5yrHLS position of the Council. She agrees, given the Council's recent Housing Delivery Test results and the current extent of the Council's 5yrHLS shortfall that the provision of market housing on the scale proposed carries significant weight (IR12.40). In reaching this conclusion she has taken into account the previous housing delivery in the Melksham area. She further agrees that given the unchallenged evidence of an acute need for affordable housing in the area, the contribution to affordable housing should carry significant weight (IR12.42).

*Other considerations*

22. The Secretary of State has taken into account that the development also includes land for a community use or building, the provision of on-site publicly accessible open space, the provision of an equipped play space and improvements to the public rights of way network and agrees that moderate weight should be given to these other social benefits of the proposal (IR12.43-12.48).

[1] The Secretary of State notes that the Inspector references a 2.16 year shortfall rather than a 2.16 year supply as correctly stated in IR12.32.

23. The Secretary of State agrees that the short-term economic benefits during the construction period and long-term economic benefits from additional spending in the local area carry moderate weight in favour of the proposal (IR12.44).

24. For the reasons given at IR12.45-12.46, the Secretary of State agrees that noting the extent of the biodiversity net gain (BNG) proposed, moderate weight should be attached to the environmental benefits of exceeding statutory requirements (IR12.45). She further agrees that moderate weight should be attached to the environmental benefits of improvements to on-site surface water drainage (IR12.46).

25. For the reasons given at IR12.47, the Secretary of State agrees that the accesses do not offer wider benefits and should carry no weight, and like the Inspector does not consider there would be landscape enhancement or that this would amount to an environmental benefit.

26. The Secretary of State has had careful regard to the Inspector's analysis at IR12.53-12.67, including the question of whether the provisions of paragraph 14 of the Framework apply and are determinative in this case.

27. There is no dispute that the neighbourhood plan is less than five years old (IR12.54), and the Secretary of State has found conflict with Policy 6 of the JMNP2. She has also taken into account that the JMNP2 allocations provide for a figure of up to 415 dwellings plus any dwellings provided at Whitley Farm (IR12.55). This is greater than the figure of 270 dwellings for the neighbourhood plan area for the plan period of 2020-2038, and the Secretary of State notes the position of the Council and interested parties that JMNP2 is overproviding against its housing requirement (IR12.55).

28. However, the Secretary of State has taken into account that the JMNP2 housing figure is derived from the ELP, and the ELP has been withdrawn due to concerns about soundness, some of which are strategic in nature and relate to housing (IR12.57). She agrees that the WCS figures, which would have been replaced by the ELP figures, are significantly out of date (IR12.58), and further notes that the housing requirement of any new plan to replace the WCS will be expected to be calculated in accordance with the standard method: based on the current standard method, this will result in a higher housing requirement for Melksham than that set out within either the WCS or the ELP (IR12.59). She has also taken into account that parties agree that the settlement boundary of Melksham is out of date and does not align with current housing needs for the town, and that Melksham is a sustainable location for new residential growth (IR12.60).

29. Like the Inspector the Secretary of State recognises the significant amount of time and effort producing the JMNP2 which is very recently made and reflects local wishes, and which was recognised as exemplar by the Independent examiner. However, she agrees that there is a high level of uncertainty regarding the housing requirement for Melksham (IR12.59), and that based on the evidence before the inquiry, the housing requirement is not a sound basis upon which to assess housing proposals in Melksham (IR12.61). Like the Inspector she is also not convinced that the higher housing figure provided for by the JMNP2 allocations is likely to be enough to meet the needs of the neighbourhood plan area moving forward (12.61).

30. Overall, for the reasons given at IR12.53-12.67, and in the particular circumstances of this case, the Secretary of State agrees that taking into account the substantial housing land supply shortfall in the area, including the affordable housing shortfall, and the

withdrawal of the ELP, the adverse impact of allowing development that conflicts with the neighbourhood plan does not significantly and demonstrably outweigh the benefits. She agrees that in this case, conflict with the neighbourhood plan is not determinative (IR12.63).

**Planning conditions**

31. The Secretary of State had regard to the Inspector's analysis at IR12.68-12.75, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 of the Framework and the relevant Guidance. She is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 57 of the Framework and that the conditions set out at Annex B should form part of her decision.

**Planning obligations**

32. The Secretary of State has had regard to the Inspector's analysis at IR12.76-12.80, the planning obligation dated 5 February 2026, paragraph 58 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR12.79, she agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 58 of the Framework.

**Planning balance and overall conclusion**

33. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with WCS Policy CP2 and CP15 and JMNP2 Policy 6 of the development plan. Given that these policies form an important part of the spatial strategy for the area, she agrees with the inspector in finding conflict with the development plan as a whole (IR12.51). She has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

34. As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the 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 significantly and demonstrably outweigh the benefits, when assessed against policies in the 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.

35. Weighing in favour of the proposal is the provision of open market housing and affordable housing which each carry significant weight; and the other social benefits, short- and long-term economic benefits, BNG and improvements to on-site surface water drainage which each carry moderate weight.

36. Weighing against the proposal is the loss of BMV agricultural land which carries moderate weight; and the landscape harm and the harm arising from conflict with out of date development plan policies which each carry limited weight.

37. The Secretary of State considers that there are no protective policies which provide a strong reason for refusing the development proposed. She further considers that the

adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole, including paragraph 14, 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. The presumption in favour of sustainable development therefore applies.

38. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that despite the conflict with the development plan, the material considerations in this case indicate that permission should be granted.

39. The Secretary of State therefore concludes that that the appeal should be allowed and planning permission granted subject to conditions.

**Formal decision**

40. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission, subject to the conditions set out in Annex B of this decision letter, for your client's outline planning application with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way, for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works, in accordance with application ref PL/2024/07097, dated 30 June 2025.

41. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

**Right to challenge the decision**

42. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.

43. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

44. A copy of this letter has been sent to Wiltshire Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Emma Hopkins
Decision officer

*This decision was made by Matthew Pennycook MP, Minister of State for Housing and Planning, on behalf of the Secretary of State, and signed on his behalf*

## Annex A Schedule of representations

### SCHEDULE OF REPRESENTATIONS

**General representations**

| Party | Date |
|---|---|
| B Mathew MP | 25 February 2026 |
| B Mathew MP | 15 June 2026 |
| F Moreland | 19 June 2026 |

**Annex B List of conditions**

1) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

2) Application(s) for the approval of all reserved matters specified in Condition 4 shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

3) No application for reserved matters shall be submitted until there has been first submitted to and approved in writing by the Local Planning Authority a detailed Phasing Plan and order of delivery schedule for the entire application site indicating geographical phases for the entire development.

   Where relevant these phases shall form the basis for the reserved matters applications, and each phase shall include within it the defined areas and the quantities of open market and affordable housing as well as the community area, POS, on-site BNG provision, and on-site play provision uses and associated infrastructure relevant to any given phase.

   The 'order of delivery schedule' shall also specify the order in which each land parcel shall commence.

   In addition, detailed plans and an order of delivery schedule for 'non-phase specific' landscape and ecology mitigation measures shall be submitted to and approved in writing by the local planning authority.

   The development shall be carried out in strict accordance with the provisions of the approved phasing plan.

4) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

   a) The scale of the development.
   b) The layout of the development.
   c) The external appearance of the development.
   d) The landscaping of the site.

   The development shall be carried out in accordance with the approved details.

5) The development hereby permitted shall be carried out in a phased manner in accordance with the following approved plans and documents:

   Dwg 05d, Location Plan, received on 22 May 2025;
   Dwg AI14h, Development Parameters Plan, received on 22 May 2025;
   Dwg 18507-03-1 Rev C, Proposed Roundabout Site Access and Crossing Works (North Access), received on 22 July 2025;
   Dwg 18507-06, Proposed Roundabout Site Access (South Access), received on 22 May 2025;
   Dwg 18507-03-3 Rev A, Proposed Toucan Crossing, received on 4 September 2024;

Ecological Impact Assessment (Produced by Ethos, issue V1, dated July 2024);
Great Crested Newt Licensed Mitigation Strategy (Produced by Ethos, issue V1, dated March 2025);
Ecological Parameters Plan (Produced by Ethos, dated 15 May 2025);
Tree Retention and Removal Plans (produced by EDP, reference edp8111_d002b (Overview and Sheets 1- 4)

6) The subsequent reserved matters application(s) (phased or otherwise) to be submitted pursuant to Condition 4 shall accord with the principles, objective and parameters set out in the Design and Access Statement (produced by Catesby Estates, Parts 1-4, Rev D, dated 24 July 2024) and the Design and Access Statement Addendum (produced by Catesby Estates, Rev C, dated 6 March 2025) to ensure a high standard of design and placemaking is achieved at detailed design stage and shall include an acoustic design scheme for protecting the proposed dwellings from external (traffic) noise.

7) The subsequent reserved matters applications (phased or otherwise) shall make appropriate provision for the following:
   - Plan to deliver a contiguous carriageway network to reduce the need for large vehicle turning areas.
   - Provide refuse collection vehicle tracking and walking distances to collection points.
   - Provide full details of pedestrian realm infrastructure and the means to identify priority and continuity across side roads and where routes cross the spine road.
   - Provide full details of Public Rights of Way treatment, including construction and surfacing materials where appropriate and any diversions/stopping up.
   - Provide an access and movement plan illustrating dedicated walking and cycling routes, construction, geometry and connectivity with external networks.
   - Provide full details of Shared Surface streets and transitions, including geometry details and material treatment
   - Provide full details for the on-street landscaping.
   - Provide details on speed restraint measures to reduce on-site traffic speeds to 20mph or lower.

   With the aforesaid requirements for any given phase to be submitted to and approved in writing by the Local Planning Authority before any on site works commence. Following receipt of written approval, the work shall be delivered in full accordance with the phasing plan.

8) A detailed housing mix strategy, including the number and size of dwelling units shall be submitted as part of the reserved matters application(s) (phased or otherwise). The development shall be carried out in accordance with the approved housing mix.

9) A final Sustainable Energy Strategy shall be submitted as part of the reserved matters application(s) for the housing development to provide details of operational energy, embodied carbon, climate change adaptation measures, low-carbon and renewable energy technologies, water efficiency, electric vehicle charging points, cycle parking, and sustainable transport for the written approval of the Local Planning Authority. The development shall be

carried out in accordance with the approved details.

10) No site clearance, preparatory work or development shall take place until an Arboricultural Impact Assessment incorporating a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement prepared in accordance with BS5837:2012, has been submitted to and approved in writing by the Local Planning Authority as part of the first reserved matters application and then submitted with each subsequent reserved matters application, to demonstrate the protection of all trees and hedgerows and the appropriate working methods and materials used for construction. The development shall then be carried out in accordance with the details approved by the Local Planning Authority.

11) No development shall commence on site until:

a) A Written Programme of archaeological investigations is submitted to, and approved in writing by, the Local Planning Authority. This programme will include archaeological Strip, Map and Record (SMR) excavations covering the locations of evaluation trenches 5, 6, 7, 8 and 9 in Field 1(field numbers as defined by the evaluation report of January 2025) and trenches 33, 35, 36, 43, 44, 45, 50, 51, 53, 55, 56 and 57 in Field 4, as well as an open area excavation site in Field 2, covering locations of evaluation trenches 19, 20, 22, 24, 26, 27, 28, 29 and 30. The written programme should include all on-site work and off-site work, including the analysis, publishing and archiving of the results; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details between the calendar months of April and September.

The excavations and required works are to be undertaken by qualified archaeologists following the standards and guidelines for Sites and Monuments Records and open area excavations, as set out by the Chartered Institute for Archaeologists (CIfA).

12) No development shall commence on site until a detailed drainage strategy for the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority and detailing the following matters.

- Evidencing how the surface water disposal hierarchy has been applied and how all other options have been exhausted.
- Providing drainage calculations which demonstrate that the required 30% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100-year return period storm events.
- Large attenuation features shall achieve a minimum of 300mm freeboard above the 1 in 100 year + 45% climate change water level.
- Confirmation that there is sufficient attenuation on site to fully attenuate the 1 in 100 years plus climate change storm event.
- Full labelled drawings for the proposed drainage layout, including layout plans to show the pipe network and attenuation ponds, which should correspond with the drainage calculations.
- Cross sections and design details for all attenuation ponds and their

components.

- Confirmation that all development and SuDs attenuation areas are located outside the current and future flood extents.
- Confirming the arrangements for ownership and ongoing maintenance of SuDS over the lifetime of the development.
- Construction phasing plan.

The development shall then be carried out in accordance with the approved details.

No housing shall be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

13) No development shall commence on site until a scheme to dispose of foul drainage, including connection to the public foul sewer network, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

14) No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP), has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

i. The movement of construction vehicles;
ii. The parking of vehicles of site operatives and visitors;
iii. The cutting or other processing of building materials on site;
iv. Wheel washing and vehicle wash down facilities;
v. The transportation and storage of waste and building materials;
vi. The storage of plant and materials used in constructing the development;
vii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
viii. Measures to control the emission of dust and dirt during construction;
ix. A scheme for recycling/disposing of waste resulting from demolition and construction works;
x. Measures for the protection of the natural environment;
xi. Pre-condition photo survey of local roads and highway infrastructure;
xii. Large Vehicle Routing plan;
xiii. Traffic Management Plan (including signage drawing(s));
xiv. Number (daily/weekly) and size of delivery vehicles;
xv. Number of staff vehicle movements;
xvi. Details of temporary/permanent Traffic Regulation Orders;
xvii. Construction phasing plan;
xviii. The recycling of waste materials (if any);
xix. The loading and unloading of equipment and materials;
xx. The location and use of generators and temporary site accommodation;
xxi. Where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts;
xxii. Hours of construction, including deliveries;
xxiii. Hours of Operation (8am to 6pm Mon – Fri, 8am – 1pm Sat, no working on Sundays or Bank Holidays)

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

15) No development shall commence on each phase of the development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to the following, and the development shall be carried out in strict accordance with the approved CEMP:

a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing;

b. Working method statements for protected/priority species, such as bats, nesting birds, riparian mammals and reptiles;

c. Mitigation strategies for great crested newts and badger – this should comprise the preconstruction/construction related elements of strategies only;

d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;

e. No external night-time works or use of artificial lighting during the construction phase;

f. Pollution prevention measures including the location of site and storage compounds, the use of plant and machinery, measures to control of dust and noise, the location and use of wheel washing and vehicle washdown plant/machinery, and the location and use of oils/chemicals;

g. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

16) No site clearance or development shall commence on each phase of the development hereby approved until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

i. An Ecological Enhancement Plan showing:

a. The location, number and type of features for wildlife in accordance with Paragraph 7.2.1 of the Ecological Impact Assessment.

b. Locations of fence gaps for hedgehogs.

c. The location, type and extent of exclusion measures (e.g. fencing) to protect sensitive ecological features i.e., great crested newt breeding pond.

d. Identification of the habitats to be created/enhanced and managed specifically for the benefit of target species i.e. great crested newt.

ii. Long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature shown on the Ecological Enhancement Plan.

iii. The mechanism for monitoring success of the management prescriptions and a procedure for review and necessary adaptive management in order to attain targets.

iv. Details of the mechanism(s) by which long-term implementation of the plan will be secured.

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

17) No site clearance or development shall commence on each phase of the development hereby approved until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the statutory Biodiversity Gain Plan, has been submitted to and agreed in writing with the Local Planning Authority. The HMMP shall include:

1. A non-technical summary;

2. The roles and responsibilities of the people or organisation(s) delivering the HMMP;

3. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the statutory Biodiversity Gain Plan and schedule for implementation;

4. The management measures to maintain habitat in accordance with the statutory Biodiversity Gain Plan for a period of 30 years from the completion of development; and

5. The monitoring methodology and specification of a Monitoring Pack (to include but not exclusively up to date Management Actions Logs, Habitat Condition Assessment Reports, metric calculation, and corresponding post intervention Habitat Map), which shall be submitted to the Local Planning Authority in years 2 (two) 5 (five) 10 (ten) 15 (fifteen) 20 (twenty) and 30 (thirty) of the Maintenance Period.

6. A timetable for the delivery of the habitation creation enhancement works

The created and/or enhanced habitat shall be managed and maintained in accordance with the agreed HMMP at all times thereafter.

18) Notwithstanding the submitted details, no works shall commence (except for site enabling or site clearance operations) on site until full construction details for the northern access have been submitted to and approved in writing by the Local Planning Authority.

The construction details shall take into consideration planned and delivered pedestrian infrastructure in the vicinity of the junction, including necessary carriageway surface treatments, and shall incorporate details of an uncontrolled LTN 1/20 compliant crossing of the development arm of the roundabout. The full construction details shall be subject of a Stage 2 Road Safety Audit.

Prior to first occupation of any dwelling served from the northern access, the northern access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

19) Notwithstanding the submitted details, no works shall commence (except for site enabling or site clearance operations) on site until full construction details for the southern access facilities have been submitted to and approved by the Local Planning Authority. The construction details shall include details of an uncontrolled LTN 1/20 compliant crossing of the development arm of the roundabout. The full construction details shall be subject of a Stage 2 Road Safety Audit. Prior to first occupation of any dwelling served from the southern access, the southern access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

20) No works shall commence (except for site enabling or site clearance operations) on site until full details of all internal estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works (or during which phase) shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall not be first occupied until the works have been undertaken in accordance with the approved details and timetable.

21) The internal estate roads, including footpaths and turning spaces where necessary, shall be constructed so as to ensure that before that phase is occupied, each dwelling shall be provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

22) No development shall commence above ground floor slab level until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

23) No development shall commence above ground floor slab level until full construction details of the proposed toucan crossing and bus stop and shelter

provision have been submitted to and approved in writing by the Local Planning Authority. The construction details shall include but not be limited to all necessary surface treatments to accommodate the crossing, shelter and real time information specification and orientation of bus stops to maximise pedestrian crossing visibility.

The full construction details shall be subject of a Stage 2 Road Safety Audit.

Prior to first occupation of any dwelling, the Toucan Crossing and Bus Stop/Shelter provision shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

24) No development shall commence above ground floor slab level until full design and construction details of an extension of the existing shared walking and cycling facility along the eastern side of Eastern Way linking the existing facility to the south with Bridleway MELW41 in the north have been submitted to and approved in writing by the Local Planning Authority.

Prior to first occupation of the 150th dwelling, the shared walking and cycling facility shall be provided in all respects in accordance with the approved details and maintained as such thereafter.

25) All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 'Bats and artificial lighting at night', issued by the Bat Conservation Trust and Institution of Lighting Professionals and shall demonstrate that bat habitat (trees with bat roost potential, Clacker's Brook river corridor and hedgerows) on the perimeter of the site shall remain below 0.5 lux (or no higher than existing.

26) The Reserved Matters application(s) (phased or otherwise) shall be accompanied by an updated mitigation strategy For Great Crested Newt and Badger. The mitigation strategies shall be informed by up-to-date surveys where required.

27) The site for the Community Use/Building, as shown on the Development Parameter Plan Reference AI14h, shall be delivered by the occupation of the 200th dwelling, in accordance with details and a specification to be submitted to and approved in writing by the Local Planning Authority.

Planning Inspectorate

# Report to the Secretary of State

**by Beverley Wilders BA (Hons) PgDURP MRTPI**

**Inspector appointed by the Secretary of State**

**Date 15 June 2026**

## TOWN AND COUNTRY PLANNING ACT 1990

## APPEAL BY

## Mr Ian Humble (Catesby Estates Promotions Limited)

## Land South of Snarlton Farm, Snarlton Lane, Melksham SN12 7QP

Inquiry opened on 20 January 2026. Site visit on 23 January 2026.

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

File Ref:APP/Y3940/W/25/3373278

## TABLE OF CONTENTS


| | | |
|---|---|---|
| | List of abbreviations | 3 |
| 1 | Procedural Matters | 4 |
| 2 | The Site and Surroundings | 5 |
| 3 | Relevant Planning History | 5 |
| 4 | The Proposal | 5 |
| 5 | Policy and Guidance | 6 |
| 6 | Agreed Matters | 13 |
| 7 | The Case for Catesby Estates Promotions Limited | 16 |
| 8 | The Case for Wiltshire Council | 38 |
| 9 | The Cases for Interested Parties appearing at the Inquiry | 47 |
| 10 | Written Representations | 56 |
| 11 | Conditions and Planning Obligation | 57 |
| 12 | Inspector Considerations | 57 |
| | Main Considerations | |
| | Whether the appeal site is an appropriate location for the proposed development | |
| | If not, whether the proposal would result in any other harm, with particular regard to landscape and BMV | |
| | Whether the Council can currently demonstrate a five-year housing land supply and if not, the extent of the shortfall | |
| | Any benefits of the proposal and the weight to be given to them | |
| | If the Council cannot demonstrate a five-year housing land supply, whether the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, taking into account the recently made NP and the wording of paragraph 14 | |
| | Conditions and Planning Obligation | |
| | Conclusion and overall Planning Balance | |
| 13 | Recommendation | 72 |
| | Annexes | |
| A | Appearances | 73 |
| B | Core Documents | 74 |
| C | Inquiry Documents | 75 |
| D | Schedule of recommended conditions | 76 |

## LIST OF ABBREVIATIONS

| TERM | DEFINITION/DESCRIPTION |
|---|---|
| BNG | Biodiversity Net Gain |
| EIA | Environmental Impact Assessment |
| DP | Development Plan |
| EIA Regulations | The Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017 (as amended) |
| ELP | Emerging Local Plan for Wiltshire (Wiltshire Local Plan Pre-Submission Draft 2020-2038 (Regulation 19) |
| ES | Environmental Statement |
| 5yrHLS | Five Year Housing Land Supply |
| FRA | Flood Risk Assessment |
| the Framework | National Planning Policy Framework |
| GBI | Green & Blue Infrastructure |
| Ha | Hectares |
| JMNP2 | Joint Melksham Neighbourhood Plan 2 2020-2038 (made August 2025) |
| KM | Kilometres |
| LCA | Landscape Character Area |
| LHNA | Local Housing Needs Assessment |
| LVIA | Landscape and Visual Impact Assessment |
| LLFA | Lead Local Flood Authority |
| L&RDP | Leisure & Recreation Development Plan Document (January 2009) |
| NDP/NP | Neighbourhood Development Plan/Neighbourhood Plan |
| NPPG | National Planning Policy Guidance |
| POE | Proof of Evidence |
| PROW | Public Right of Way |
| QB | Qualifying Body |
| RfR | Reason for Refusal |
| SAP | Wiltshire Housing Site Allocations Plan (adopted February 2020) |
| SHMA | Strategic Housing Market Assessment |
| SoCG | Signed Statement of Common Ground dated 13 January 2026. |
| SoS | Secretary of State |
| S106 | S106 of the Town & Country Planning Act 1990 (as amended) |
| TCPA | Town & Country Planning Act 1990 (as amended) |
| WCS | Wiltshire Core Strategy (adopted January 2015) |
| WLCA | Wiltshire Landscape Character Assessment |

**File Ref: APP/Y3940/W/25/3373278**
**Land South of Snarlton Farm, Snarlton Lane, Melksham SN12 7QP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Ian Humble (Catesby Estates Promotions Limited) against the decision of Wiltshire Council.
- The application Ref PL/2024/07097 was dated 30 June 2025 and was refused by notice dated 5 August 2025.
- The development proposed is outline planning application with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way, for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works.
- The reason given for making the direction is that the appeal involves proposals for residential development of over 150 units or on sites of over five hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

**Summary of Recommendation: The appeal be allowed subject to the conditions set out below.**

## 1. PROCEDURAL MATTERS

1.1 The appeal was recovered for decision by the SoS by direction made under section 79 and paragraph 3 of Schedule 6 of the TCPA on 29 January 2026.

1.2 The description of development used in the heading above has been taken from the planning application form but with reference to the appeal site location removed as this is not a description of development.

1.3 A S106 planning obligation was submitted in draft form, discussed at the Inquiry, and subsequently completed on 5 February 2026[1]. The completion of the S106 planning obligation resulted in Reason for Refusal 2 on the Council's Decision Notice[2] relating to infrastructure requirements being regarded as resolved by the Council. I deal further with this matter below.

1.4 An ES[3] was submitted with the application. However, the Planning Inspectorate issued a negative screening direction on behalf of the SoS on 17 November 2025[4] stating that the proposed development is not EIA development.

1.5 Following the close of the Inquiry, an appeal decision for another proposed residential development in Melksham was issued[5]. The parties have been given the opportunity to comment on this decision and in making my recommendation, I have had regard to it and to the comments received where relevant.

[1] ID1, ID11, ID15
[2] CD9.3
[3] CD7.11
[4] CD10.5
[5] APP/Y3940/W/25/3374421 Land off Woodrow Road Allowed 9 April 2026

1.6 Additionally, the Council withdrew the Wiltshire Local Plan Pre Submission Draft 2020 – 2038 (Regulation 19) (ELP) from examination on 22 May 2026[6], after the Inquiry had closed. The parties have been given the opportunity to comment on any implications that may have on the determination of the appeal. I have had regard to any comments received where relevant.

## 2. THE SITE AND SURROUNDINGS

2.1 The appeal site comprises approximately 19.2 hectares of agricultural land currently in arable use together with two points of access onto Eastern Way to the west of the site. Clackers Brook runs east-west through the site and is bordered by a belt of trees and scrub planting. The site is served by two public footpaths: Footpath MELW 22, which roughly follows the course of Clackers Brook through the site from east to west; and Footpath MELW 23, which runs broadly east-west just south of an attenuation basin, which falls outside of the site. The basin was constructed in 2019-2020 providing a sustainable drainage function for residential development to the west of Eastern Way and discharging into Clackers Brook.

2.2 The site is located to the south of Snarlton Farm and to the north of Melksham Town Football Club and Melksham Rugby Football Club. It lies to the east of the market town of Melksham which is located within the administrative area of Wiltshire Council. Melksham is the sixth largest of Wiltshire's 16 main settlements.

## 3. RELEVANT PLANNING HISTORY

3.1 Outline planning permission was sought for an earlier version of the proposal in 2023, but the application was withdrawn prior to a decision being made by the Council (Ref: PL/2023/07107).

3.2 In 2016 outline planning permission was granted subject to a S106 agreement for a development including up to 450 dwellings at Land East of Spa Road to the west of the site (Ref:14/10461/OUT) with the associated approval of the attenuation basin to serve the development at Spa Road (Ref: 2018/02128).

3.3 Additionally, outline planning permission subject to a S106 agreement was granted in May 2025 for development including up to 500 dwellings at Blackmore Farm to the north of the site (Ref: PL/2023/11188)[7].

## 4. THE PROPOSAL

4.1 Outline planning permission with all matters reserved except for access is being sought for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works.

4.2 Eastern Way is a distribution road to the east of Melksham. Access to the site is proposed via two roundabouts on Eastern Way. One roundabout already exists (Cranesbill Road and Eastern Way junctions), and a fourth arm is

[6] ID23
[7] CD9.4 – CD9.6

proposed to the existing roundabout as part of the proposal to serve development to the north of Clackers Brook. A second, new roundabout, is proposed to the south to serve development on the site to the south of Clackers Brook. No details have been provided regarding access arrangements within the site, this would be conditioned and dealt with at reserved matters stage.

4.3 The development includes the erection of up to 300 dwellings, 30% of which would be affordable housing. The submitted development parameters plan shows residential development in four blocks, two to the north of Clackers Brook and two the south, with a residential developable area of 8.68 hectares of the 19.2 hectares site. Land (approximately 0.32 hectares) is currently shown for community use, or building, on the indicative masterplan and a large area of open space (8.76 hectares) is proposed centrally within the site. This land is shown on the masterplan to include areas of Local Equipped Areas of Play, children's kick about area and ecological enhancement. A further 0.13 hectares is proposed as allotments.

## 5. POLICY AND GUIDANCE

### *The Development Plan*

5.1 The Development Plan for Wiltshire Council comprises:

- Wiltshire Core Strategy (adopted January 2015) (WCS)[8]
- Joint Melksham Neighbourhood Plan 2 2020-2038 (made August 2025) (JMNP2)[9]
- Saved Policies of the West Wiltshire District Plan First Alteration (June 2004) (WWDP)[10]
- Wiltshire Local Transport Plan 2011-2026 (adopted 2015) – (not all of the policies in this plan were replaced by the 2025 Transport Plan)
- Wiltshire Local Transport Plan 2025-2038 (adopted 2025)
- Wiltshire and Swindon Waste Core Strategy 2006-2026 (adopted July 2009)
- Wiltshire Housing Site Allocations Plan (adopted February 2020) (SAP)[11]
- West Wiltshire Local Development Framework Leisure & Recreation Development Plan Document (January 2009) (L&RDPD)[12]

5.2 Relevant policies within these Development Plan documents are set out within the agreed SoCG[13] and are detailed below:

[8] CD3.1
[9] CD3.5
[10] CD3.2
[11] CD3.4
[12] CD3.3
[13] CD10.3

5.3 The WCS policies of relevance as agreed by the parties are[14]:

- Core Policy 1 – Settlement Strategy (CP1)

  Policy outlines the settlement strategy for the area and identifies the settlements where sustainable development will take place. It identifies the principal settlements, the market towns and local service centres and broadly sets out what level of development will be appropriate in each of these settlement types as well as in large and small villages identified elsewhere in the Plan.

- Core Policy 2 – Delivery Strategy (CP2)

  Policy sets out the delivery strategy to deliver development in Wiltshire in the most sustainable manner. It sets out the required level of housing and employment and where and how this will be delivered. The policy also broadly sets out what development will be permitted within and outside the defined limits of development, as defined on the policies map.

- Core Policy 3 – Infrastructure Requirements (CP3)

  This policy sets out infrastructure requirements and priorities for proposals as well as delivery responsibilities.

- Core Policy 15 – Spatial Strategy – Melksham Community Area (CP15)

  Policy states that development in the Melksham Community Area should be in accordance with Core Policy 1. It sets out how many homes will be provided in the community area and how many of these should occur in Melksham and how many within the rest of the community area.

- Core Policy 43 – Providing Affordable Housing (CP43)

  This policy sets out affordable housing requirements on sites of five or more dwellings, usually either 30% or 40% depending on location.

- Core Policy 45 – Meeting Wiltshire's Housing Needs (CP45)

  Policy sets out the requirements for the provision of market and affordable housing in terms of design, tenures and size.

- Core Policy 50 – Biodiversity and Geodiversity (CP50)

  This policy sets out the expectations in relation to biodiversity including enhancement, geodiversity and local sites.

- Core Policy 51 – Landscape (CP51)

  This policy seeks to protect, conserve and where possible enhance landscape character and sets out expectations for proposals including those affecting Areas of Outstanding Natural Beauty (now National Landscapes), the New Forest National Park and Stonehenge and Avebury World Heritage Site.

[14] CD10.3 page 4

- Core Policy 52 – Green Infrastructure (CP52)

  Policy requires proposals to make provision for the retention and enhancement of green infrastructure and for the provision of suitable links to it. It also sets out expectations for developments in relation to green infrastructure.

- Core Policy 57 – Ensuring High Quality Design and Place Shaping (CP57)

  This policy requires a high standard of design in all new developments and an expectation to create a strong sense of place. Proposals must demonstrate how development complies with the criteria listed in the policy.

- Core Policy 58 – Ensuring the Conservation of the Historic Environment (CP58)

  Policy states that development should protect, conserve and where possible enhance the historic environment.

- Core Policy 60 – Sustainable Transport (CP60)

  This policy sets out how the Council will help to reduce the need to travel particularly by private car and support sustainable, safe and efficient movement of people and goods.

- Core Policy 61 – Transport and Development (CP61)

  Policy states that new development should be located and designed to reduce the need to travel, particularly by private car and to encourage sustainable transport alternatives. It also sets out the requirements for transport assessments, contributions and travel plans.

- Core Policy 62 – Development Impacts on the Transport Network (CP62)

  This policy deals with the impact of development on the transport network.

- Core Policy 64 – Demand Management (CP64)

  Policy seeks to promote demand management measures where appropriate and sets out what these measures include.

- Core Policy 67 – Flood Risk (CP67)

  This policy sets out requirements for proposals in flood zones 2 and 3 and states that all new development will include measures to reduce the rate of rainwater run-off and to improve rainwater infiltration to soil and ground.

5.4 The relevant JMNP2 policies as agreed by the parties are[15]:

- Policy 1 – Sustainable Design and Construction

[15] CD10.3 pages 5 & 6

This policy requires development proposals to demonstrate how they have mitigated and been designed to adapt to the impacts of climate change.

- Policy 3 – Flood Risk and Natural Flood Management

  Policy sets out expectations for development proposals in relation to flood risk.

- Policy 4 – Ultra Low Emission Vehicle Charging

  This policy provides general support for the installation of public on-street electric charging facilities.

- Policy 5 – Pre-application Community Engagement

  Policy sets out expectations for community engagement on development proposals.

- Policy 6 – Housing in defined settlements

  This policy sets out how development proposals within and outside of settlement boundaries will be considered and addresses housing types and tenures.

- Policies 7.1 – 7.5 – Allocations of Land for Housing

  These policies allocate five sites within the JMNP2 area for development, including housing. They set out the quantum and type of development, specify what information is required to be submitted to support development proposals and set out various development requirements.

- Policy 8 – Infrastructure Phasing and Priorities

  This policy requires proposals for housing development to consider, assess and address infrastructure requirements and to ensure that any required infrastructure is delivered in a timely manner.

- Policy 11 – Sustainable Transport and Active Travel

  Policy relates to sustainable transport matters including setting out expectations in relation to development proposals and providing support for proposals that improve accessibility and quality of links between the town and Melksham railway station.

- Policy 12 – Green and Blue Infrastructure

  This policy sets out the approach to Green and Blue Infrastructure including requirements for development proposals for major development.

- Policy 13 – Biodiversity

  Policy sets out the expectations and requirements in relation to biodiversity, including enhancement.

- Policy 15 – Community Facilities

  This policy relates to the loss of and provision of community facilities.

- Policy 17 – Trees and Hedgerows

  Policy sets out the approach to trees and hedgerows including ancient and veteran trees, other existing trees and hedgerows and increased tree canopy requiring development proposals to retain existing trees and hedges where possible.

- Policy 18 – Landscape Character

  This policy sets out expectations for development proposals in terms of landscape character.

- Policy 19 – Separation of Settlements

  Policy requires development proposals to respect the separation between the listed settlements and sets out expectations for proposals between settlements.

- Policy 20 – Locally Distinctive, High Quality Design

  This policy sets out design expectations for development proposals within the JMNP2 area.

5.5 The relevant WWDP policies as agreed by the parties are[16]:

- U1a – Foul Water Disposal

  This policy relates to foul drainage, sewerage and sewage treatment facilities and sets out expectations for development.

- I2 – Arts

  Policy states that where appropriate, a percentage of the overall cost of development will be sought to further an artistic objective in a practical manner.

- I3 – Access for Everyone

  This policy requires proposals to provide adequate access for disabled people in the layout of development including the provision of disabled parking.

***National Policy***

5.6 The following chapters and paragraphs of the National Planning Policy Framework (the Framework) are particularly relevant.

5.7 Chapter 2 – Achieving sustainable development and in particular paragraphs 11 to 14.

5.8 Paragraph 11(d) states "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:

[16] CD10.3 page 5

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.

*This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 232".

5.9 Paragraph 12 states that "the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".

5.10 Paragraph 13 states "the application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies".

5.11 Paragraph 14 states "In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)".

5.12 Chapter 4 – Decision Making and in particular paragraphs 48 and 49.

5.13 Paragraph 48 states "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing".

5.14 Paragraph 49 states "Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*.

*During the transitional period for emerging plans, consistency should be tested against the version of the Framework as applicable, as set out in Annex 1".

5.15 Chapter 5 – Delivering a sufficient supply of homes and in particular paragraph 61 which states "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community".

5.16 Paragraph 69 refers to the need for strategic policies to "set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement".

5.17 Paragraph 70 states that "Where it is not possible to provide a requirement figure for a neighbourhood area*, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

*Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted: or in instances where strategic policies for housing are out of date."

5.18 Paragraph 78 which states, amongst other things, that "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old".

5.19 Chapter 9 – promoting sustainable transport.

5.20 Chapter 12 – Achieving well-designed places.

5.21 Chapter 15 – Conserving and enhancing the natural environment, in particular paragraphs 187 and 188 including footnote 65. Amongst other things, paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and

beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

5.22 Whilst paragraph 188 relates to plans, footnote 65 is of some relevance and states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

***Emerging Policy***

5.23 The emerging Local Plan for Wiltshire (ELP)[17] was submitted for examination on 28 November 2024 and was being progressed via the transitional arrangements set out at paragraph 234(b) of the Framework. Examination hearings took place in June and November 2025 with various correspondence between the examining Inspectors and the Council since then. On 27 February 2026 the Inspectors wrote to the Council[18] suggesting withdrawal of the submitted plan due to significant soundness concerns. A response to the letter was provided by the Council on 12 March 2026[19] and concluded that the decision on how to proceed with the ELP will need to be taken by elected members and that the intention is to take a report to scheduled Cabinet and Council meetings in May 2026.

5.24 The parties have been given the opportunity to comment on recent correspondence in relation to the ELP, with a response being received from the Appellant dated 19 March 2026[20] and a response from the Council dated 20 March 2026[21]. I have taken these responses into account in making my recommendation.

5.25 As stated above, the ELP was withdrawn from examination by the Council on 22 May 2026.

## 6. AGREED MATTERS[22]

***Development Plan***

6.1 That the strategic policies in WCS are more than five years old and that WCS policies CP1, CP2 and CP15 and JMNP2 Policy 6 are out of date for the purpose of the determination of the appeal.

***National Planning Policy Framework Paragraph 14***

6.2 That the JMNP2 was made on 4 August 2025 and is therefore less than five years old. Paragraph 14 of the Framework is engaged.

[17] CD4.1
[18] ID17
[19] ID18
[20] ID19
[21] ID20
[22] Statement of Common Ground CD10.3

***Housing Needs***

6.3 That based on the Five-Year Housing Land Supply (5yrHLS) Position Statement (base date April 2024)[23] the Council cannot demonstrate a 5-year housing land supply.

6.4 That the proposal is capable, subject to it being brought forward quickly, to make a meaningful contribution to the 5yrHLS position of the Council and that it would provide 30% affordable housing. The proposal would be consistent with WCS policies CP43 and CP45.

***Site Location***

6.5 That the site is outside of the settlement boundary of Melksham, and it is agreed that the settlement boundary of Melksham, as set out in the SAP, is out of date and does not align with the current housing needs for Melksham.

6.6 That the site is not allocated in the JMNP2, nor is it a draft allocation in the ELP.

6.7 That Melksham is a sustainable location for new residential growth.

***Transport and Highways***

6.8 That the proposed access is appropriate and safe and that the highway proposals are appropriate for the scale of development and are in keeping with the existing infrastructure on the Eastern Way highway corridor.

6.9 That the proposed development would be integrated with existing development to the west via a new toucan crossing and this would aid active travel connecting to the existing PROW network.

6.10 That Melksham Railway Station is 2.5km from the site and that this is a reasonable distance for cyclists. The local bus services past the site entrance are frequent Monday – Saturday.

6.11 That there are local facilities and services in close proximity to the site and the site is reasonably well located in terms of access to local schools.

6.12 That the proposal is consistent with WCS Policy CP57 and JMNP2 Policy 11.

6.13 That the proposal would not result in an unacceptable impact on highway safety.

***Drainage***

6.14 That foul water will drain into the new sewer network located in the road and that the LLFA raised no objection to the proposal in relation to foul and surface water. The proposal complies with saved Policy U1 of the WWDP.

6.15 That the submitted FRA[24] confirms that the site is impacted by Flood Zones 1, 2 and 3, with Flood Zones 2 and 3 being either side of Clackers Brook and the proposed development and developable areas being restricted to land that is

[23] CD5.1
[24] CD7.13

in Flood Zone 1 only. The Developable Parameters Plan[25] would ensure that developable areas are within Flood Zone 1 and can be secured by condition.

6.16 That the majority of the developable area of the site are at low risk from surface water flooding. Areas of surface water flood risk would effectively disappear post development by minor land reprofiling and through on-site drainage betterment and a formal drainage strategy. It is agreed that the drainage strategy offers a sustainable, safe and robust system which will provide flood risk protection to the future residents of the site.

6.17 That the proposal would not impact strategic water assets and infrastructure.

6.18 That the proposal complies with WCS Policy 67 and JMNP2 Policy 3.

***Landscape & Arboriculture***

6.19 That the site has no statutory or non-statutory designations regarding landscape.

6.20 That the proposal would result in a localised impact on the landscape due to the loss of green fields and their development for housing with consequential harm to the landscape.

6.21 That sufficient vegetated buffers are shown on the Development Parameters Plan[26] that would allow for appropriate landscape mitigation to be provided.

6.22 That the site is predominantly classified as Grade 3a and 3b agricultural land with a small area of Grade 2 in the area of the attenuation basin.

6.23 That the site is not located within an area which should be kept development free for the visual and physical separation of settlements as set out in JMNP2 Policy 19.

6.24 That the proposal is consistent with WCS Policy CP52.

6.25 That there is no statutory objection in relation to arboriculture.

***Amenity***

6.26 That the level of onsite open space provision is appropriate.

6.27 That there are no concerns in respect of land contamination.

6.28 That residents of the site would not be harmfully impacted by noise or disturbance at Melksham Town Football Club and that no noise mitigation is required.

6.29 That the proposal is consistent with WCS policies CP57 and CP58, policies LP4, LP5 and YP1 of the L&RDPD, paragraph 135 of the Framework and the Council's adopted Design Guide.

***Heritage***

6.30 That the proposal would not result in harm to heritage assets.

[25] CD7.5
[26] CD7.5

6.31 That archaeology found on site is likely to have only local significance and should not prevent the grant of planning permission.

6.32 That the proposal is consistent with WCS policies CP57 and CP58 and paragraphs 207 and 216 of the Framework.

***Ecology***

6.33 That there are no statutory or non-statutory nature conservation designations present within or adjacent to the site. Habitats on site are not considered to be of ecological importance but support several protected species. Mitigation measures are proposed to reduce the risk of harm and are sufficient.

6.34 That no statutory objections have been raised in relation to ecology and the scheme is compliant with WCS policies CP50 and CP51, with L&RDPD Policy CR3 and policies 12, 13 and 17 of the JMNP2.

***Sustainability***

6.35 That the appeal proposal is capable, at reserved matters stage of mitigating carbon and energy consumption and reducing natural resources and using them efficiently. The proposal is capable of being consistent with WCS Policy CP41.

***Planning Benefits***

6.36 That there would be a number of material planning benefits resulting from the proposal.

## 7. THE CASE FOR CATESBY ESTATES PROMOTIONS LIMITED

***Introduction***

7.1 The Council's Strategic Planning Committee refused to grant planning permission for the Proposed Development, going against the advice of officers who had recommended it for approval subject to the completion of a section 106 agreement[27].

7.2 Whilst the Decision Notice[28] identified two Reasons for Refusal ('RFR'), the Council did not adduce any evidence in respect of the second of these – a failure to provide or secure adequate provision for on-site or off-site infrastructure – recognising that with a section 106 agreement almost agreed between the parties, the issue would fall away[29]. This is therefore no longer considered to be a matter of dispute between the parties.

7.3 Accordingly, there is only one outstanding RFR: a conflict with Policies CP1, CP2 and CP15 of the adopted Wiltshire Core Strategy ('WCS') and a conflict with the made Joint Melksham Neighbourhood Plan 2 ('JMNP2'). In regard to this RFR, it is important to emphasise at the outset that:

[27] CD9.1 & CD9.2
[28] CD9.3
[29] Mr Reynolds EIC

- in its evidence the Council did not allege a breach with Policy CP1 of the WCS, and the Council's witness accepted in cross-examination that the Council was no longer pursuing a breach of this policy[30]; and

- whilst the Council now alleges a breach of Policy 6 of the JMNP2[31], no reference was made to this specific policy in the Decision Notice itself[32].

7.4 There are therefore three policies that the Council alleges that the Proposed Development conflicts with: Policies CP2 and CP15 of the WCS and Policy 6 of the JMNP2, introduced by the Council after the Proposed Development had been refused[33].

7.5 In addition, whilst the Council alleges harms to landscape and the loss of Best and Most Versatile land ('BMV land'), it accepts that these would not be reasons that would warrant refusal on their own. Furthermore, the Council has adduced no evidence on either of these matters and no objections were received from statutory consultees.

7.6 In regard to the policies that the Council maintains reliance on, the Appellant accepts that there would be some conflict with the Proposed Development[34]. However, such conflict must be viewed in the following context:

- the Council rightly acknowledges that these policies are out-of-date and that the weight that can be attached to them is therefore affected[35];

- the Council acknowledges that the only reason for the conflict with these policies is the fact that the Proposed Development is outwith the settlement boundary; in all other respects it is compliant with the policy requirements[36]; and

- it is common ground that the settlement boundaries have not been revised in more than 20 years, dating back to the West Wiltshire Local Plan 2004.

7.7 As such, the only outstanding RFR, and the only reason identified as being capable of justifying refusal on its own, is a conflict with policies which are accepted to be out-of date, predicated on a settlement boundary that has not been revised in 22 years.

7.8 The Appellant accepts that the Proposed Development would conflict with Policy CP2. However, the Appellant's case is that the conflict with Policy CP15 of the WCS and Policy 6 of the JMNP2 is caused solely by the cross-reference

[30] Mr Reynolds EIC & XX
[31] CD10.1
[32] CD9.3
[33] CD10.1 paragraph 5.8
[34] CD10.3 paragraph 5.34, Mr Neame's POE pages 45-46 Planning Application: PL/2024/07097
[35] Mr Reynolds POE Planning Application: PL/2024/07097
[36] Mr Reynolds XX

in these policies back to Policy CP2[37]. This must be relevant when considering the conflict with these policies.

7.9 It is important to conclude whether a proposal is in conformity with the DP: *City of Edinburgh v Secretary of State for Scotland and Others [1997] UKHL 38; [1998] 1 All ER 174; [1997] 1 WLR 1447* (16th October, 1997).

7.10 Lord Reed in the Supreme Court in *Tesco Stores v Dundee City Council [2012] UKSC* observed that if there is conflict with the DP then it is necessary to understand the nature and extent of the departure from the plan which the grant of permission would involve, before considering other material considerations.

7.11 The position of the Appellant's planning witness is that the conflict is modest. All the policies are out of date because of the shortfall in the 5yrHLS and all relate to the settlement boundary, which is also out of date independent of the lack of a 5yrHLS. The proposal complies with nearly all parts of CP2 and Policy 6 of the JMNP2.

7.12 He therefore concludes that the proposal is in conformity with the Development Plan as a whole[38]: this approach is permitted. A proposal does not need to accord with each and every plan policy of the plan: see *R v Rochdale MBC, ex parte Milne [2000] EWHC 650 (Admin) Sullivan J* at paragraph 50. This was confirmed and cited with approval by the *Court of Appeal in R (on the application of Hampton Bishop Parish Council) v Herefordshire Council [2014] EWCA Civ 878*.

7.13 A proposal can comply with the Development Plan even if it conflicts with a key policy relevant to the proposal: see *Corbett v Cornwall Council [2020] EWCA Civ 508*: see paragraphs 41 and 42.

7.14 The planning witness sets out his evidence on why the proposal is in conformity with the DP as a whole in Chapter 6 of his proof of evidence set out in detail in his Table 6 (page 25 onwards).

7.15 If the proposal is considered to be in conformity with the DP, then one must then consider if there are other material considerations indicating that planning permission should be refused, pursuant to Section 38(6) PCPA 2004. There are very few harms here outside of the Development Plan. There is no breach of Policy 51 of the WCS (page 265) which is for unacceptable landscape harm. It is accepted that there is some landscape harm arising from development of greenfield site and the loss of some BMV, seen in the context of there being hundreds of thousands of hectares of agricultural land in the authority area: most of Wiltshire is agriculture land. But so long as that is acknowledged and addressed then in this case, the proposal could be granted permission for being in compliance with the Development Plan as a whole.

7.16 If there is said to be conflict with the Development Plan, one has to consider the benefits of the proposal. The Proposed Development would deliver

[37] Mr Neame's POE paragraph 6.2 & Table 6, pages 25 & 26 Planning Application: PL/2024/07097
[38] Mr Neame's POE paragraph 6.3, page 27 Planning Application: PL/2024/07097

significant benefits[39], including delivery of up to 300 homes against a shortfall in the 5yrHLS, delivery of up to 90 affordable homes against a shortfall as set out in the evidence of the Appellant's affordable housing witness, and the development of a site acknowledged to be situated in a sustainable location.

7.17 These benefits are all recognised by the Council; the only matter of dispute is the weight to be afforded to them. It is the Appellant's case that they should each attract very substantial weight, having regard to the Council's five-year housing land supply and chronic shortage of both market and affordable homes[40]. Officers believed that they should attract very significant weight; only the Council's planning witness deviates from this view[41].

7.18 On that basis, the Appellant's case is that on an assessment of the planning balance, permission should be granted on the so-called flat balance as set out in the statutory test under section 38(6) of the Planning and Compulsory Purchase Act 2004[42].

7.19 But of course with a shortfall in the 5yrHLS and no footnote 7 exemptions, the tilted balance under paragraph 11(d) of the Framework is engaged and the Council accept this[43].

7.20 Furthermore, the Appellant's case is that paragraph 14 of the Framework does not change this conclusion, because there are contextual circumstances that mean a conflict with the JMNP2 are not decisive[44]. The Appellant relies on the recent Appeal decisions at Wandleys Lane, Fontwell and Horsham Golf Club[45] in support of this approach.

***The location for the Proposed Development***

*Spatial Context*

7.21 The spatial context in Wiltshire County ('the County') is set out in the Proof of Evidence of the Appellant's planning witness[46]. He gave evidence that development across the County is heavily constrained by the fact that 44 per cent of the Council's administrative area is designated as an Area of Outstanding Natural Beauty, in addition to a small area of the New Forest National Park in the south and a small area of green belt[47]. It is a matter of fact that there is a significant part of the County – nearly half – which cannot easily accommodate new development due to environmental designations on the land.

7.22 In this context, Melksham is relatively unconstrained and has a wide range of amenities and infrastructure, including businesses, shops, a train station, several bus routes and a number of primary schools, secondary schools and

[39] Mr Neame's POE paragraph 13.1 onwards, page 47 Planning Application: PL/2024/07097
[40] EIC of Mr Harris & Ms Gingell
[41] CD10.3 Table 8
[42] Mr Neame's POE paragraph 13.8 onwards, page 49 Planning Application: PL/2024/07097
[43] Mr Neame's POE paragraph 13.15 onwards, page 50 Planning Application: PL/2024/07097
[44] Mr Neame's POE paragraph 13.18 onwards, page 51 Planning Application: PL/2024/07097
[45] Appendix 3 of Mr Neame's POE Planning Application: PL/2024/07097
[46] Mr Neame's POE Section 3, page 13 Planning Application: PL/2024/07097
[47] Mr Neame EIC

GP surgeries[48]. The Appellant's planning witness Proof of Evidence sets out the important role it plays in employment terms, forming part of the A350 employment growth area. In his evidence, he characterised Melksham as having 'an unusually good level of employment', which he rightly noted was an important consideration when looking at where to locate new housing[49].

7.23 The Council also recognises the importance of Melksham in accommodating growth across the County. In the WCS, Melksham is classified as a market town which is a second-tier settlement, defined as having 'the potential for significant development' under Policy CP1[50]. In the regulation 19 version of the emerging Local Plan, Melksham retains its status as a market town in draft Policy 1[51], which in turn are defined as having 'the potential for significant development'. There is therefore no change in the status of Melksham between the WCS and the emerging Local Plan; both recognise its potential to accommodate 'significant' new development.

7.24 Importantly, the emerging Local Plan goes further than this, stating: 'The Plan identifies Chippenham, Melksham and Trowbridge, as settlements which should be strategically planned in the longer-term. These are referred to as 'broad locations for growth', where additional significant urban extensions should be identified…'. This is included as draft Policy 3[52]. Of the three areas identified, Chippenham and Trowbridge are both identified under draft Policy 1 as 'principal settlements'. Melksham is therefore the only market town identified by the Council as a broad location for growth. This was accepted by the Council's planning witness in evidence[53].

*Site specific context*

7.25 The site of the Proposed Development itself has also performed well in assessments the Council has undertaken as part of its evidence base in support of the emerging Local Plan. The Appellant's planning witness sets out the history of the site and its promotion through the emerging Local Plan in his Proof of Evidence[54].

7.26 The Council assessed the site as part of the regulation 18 consultation[55]. In that document, the site scored green on landscape, heritage and flood risk, and amber on accessibility and traffic. The commentary noted that there were 'no overriding significant impacts that would justify rejecting the site' and recommended that it be taken forward for further assessment.

7.27 The site also formed part of a wider site that the Council assessed as part of its evidence base for the regulation 19 version of the emerging Local Plan[56]. Whilst it is acknowledged that this assessment was of a larger piece of land that included the site, it is plainly relevant that site 1 was assessed as the joint

[48] Mr Neame's POE paragraph 3.10 onwards Planning Application: PL/2024/07097
[49] Mr Neame EIC
[50] CD3.1 page 40
[51] CD4.1 page 25
[52] CD4.1 page 36
[53] Mr Reynolds XX
[54] Mr Neame's POE paragraph 2.4 onwards, page 10 Planning Application: PL/2024/07097
[55] CD4.2 Council's Regulation 18 – Site Selection Report January 2021
[56] CD4.6 Site forms part of Site 1 in Chippenham HMA, Annex 2.9

best-performing site[57] as 'the most sustainable sites when assessed against objectives in the SA Framework[58]'.

7.28 It is therefore the case not only that Melksham is an area that is recognised by the Council as somewhere that is suitable to accommodate significant new development, but that the site itself is also a suitable and sustainable location for development. That the Council recognises this is evident from the Committee Report[59] that officers prepared for the Strategic Planning Committee, which noted that the Proposed Development was 'a sustainable location for future housing growth[60]'. This is also recorded in the Statement of Common Ground[61].

7.29 In this context, the Proposed Development accords with Policy CP1 of the WCS: the settlement strategy. As noted above, the Council no longer pursues a conflict with this.

*Development Plan*

7.30 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is common ground that the core Development Plan documents for this Appeal are the WCS and the JMNP2. As set out above, the core policies within those Development Plan documents are Policies CP2 and CP15 of the WCS and Policy 6 of the JMNP2[62].

7.31 Before looking at the policies individually, it is helpful to consider the matters that are of common ground between the parties on the policies as a whole:

- it is common ground that the WCS was adopted on 20 January 2015 and the strategic policies are now more than five years old[63]; and

- it is common ground that Policies CP1, CP2 and CP15 and JMNP2 Policy 6 are out-of-date for the determination of this Appeal[64].

7.32 The Framework is clear that Development Plans should be up-to-date[65]. This was made clear in the 2018 Framework and has remained the case since. As an overriding point, therefore, it should be borne in mind that out-of-date policies should not be relied upon and should be given little weight[66]. This is so particularly given the scale of housing shortfall in the County, which is set out further below. Any other conclusion would be perverse.

[57] CD4.6 Table 5.18
[58] CD4.6 5.10.5
[59] CD9.1
[60] CD9.1 page 39
[61] CD10.3 paragraph 5.8
[62] CD10.3
[63] CD10.3 paragraph 5.1
[64] CD10.3 paragraph 5.2 page 9
[65] Paragraphs 11, 12 and 15
[66] Mr Reynolds POE paragraph 7.4 Planning Application: PL/2024/07097

*Housing requirement for Melksham*

7.33 In addition to the WCS itself being out-of-date, it is also important to highlight that the housing requirement for Melksham is equally out-of-date. Furthermore, the requirement for Melksham in the emerging Local Plan[67] is likely to significantly increase. It is now common ground that[68]:

- the emerging Local Plan requires 2,160 dwellings for 2020-2038 at Melksham[69];
- the emerging Local Plan requires the Neighbourhood Plan to deliver an additional 270 dwellings at Melksham[70];
- the Neighbourhood Plan figure of 270 dwellings is a result of completions and commitments in the last five years along with allocations proposed in the emerging Local Plan, but that figure is based on 2,160 dwellings, which is an emerging Local Plan figure;
- the emerging Local Plan figure for Wiltshire is 2,041 dpa (36,740 dwellings 2020-2038)[71], which is -26,000 dwellings below the current standard method for local housing need. As such, the emerging Local Plan is only delivering 58.5 per cent of the standard method figure over the plan period;
- the figure of 2,160 is entirely predicated on the assumption that the correct figure for Wiltshire in the emerging Local Plan is 36,740 dwellings; if the local housing need figure for Wiltshire is applied then on a pro-rata basis the appropriate figure for Melksham would be around 3,700 dwellings; and
- the local housing need is being examined under the transition arrangements and does not meet this full need.

7.34 In that context, therefore, the Appellant's case is that there is a potential shortfall of around -1,800 dwellings at Melksham. This is plainly relevant to this Appeal.

*Policy CP2 of the WCS*

7.35 Policy CP2[72] identifies the minimum housing requirement for each Housing Market Area in the County. It confirms that development that is outside of the defined limits of development will not be permitted other than where it is permitted by other policies in the WCS. It is common ground that the Proposed

[67] CD4.1
[68] ID9
[69] CD4.1 Table 4.2, page 51
[70] CD4.1 Policy 17, page 81 & paragraph 4.107, page 89
[71] CD4.1 Policy 2, page 30
[72] CD3.1 page 53

Development is outside of the settlement boundary of Melksham[73]. As such, the Appellant accepts that there would be a conflict with Policy CP2[74].

7.36 Such conflict, however, must be viewed in context:

- the Proposed Development complies with all other aspects of Policy CP2: the Council's witness accepted that there was no other conflict in his evidence[75], which is why the Appellant's planning witness categorises it as a 'limited level of conflict'[76]; and

- the settlement boundaries are chronically out-of-date, having not been revised since they were first defined in the West Wiltshire Local Plan 2004.

7.37 The only element of conflict with Policy CP2 is therefore predicated on a settlement boundary that has not been revised in more than 20 years, despite the Council having had the opportunity to do so in the WCS and the Wiltshire Housing Site Allocations Plan 2020[77]. The Appellant's planning witness was asked by the Inspector whether there was already development outside of the settlement boundary in 2020 when the boundary was reviewed as part of the Wiltshire Housing Site Allocations Plan 2020. Whilst he very fairly stated that he could not be certain of this, he did note that an outline planning consent had been granted outside of the settlement boundary in 2014[78]. It is a matter of fact that planning permission has been granted on greenfield sites outside of the settlement boundary, both by the Council at Blackmore Farm[79] and by Inspectors at Bowerhill and Berryfield, illustrating just how out-of-date the settlement boundary is.

7.38 In this context, therefore, it must be the case that only limited weight can be placed on the settlement boundary, and that this must necessarily affect the weight to be placed on the conflict with Policy CP2.

*Policy CP15 of the WCS*

7.39 Policy CP15[80] of the WCS sets out the spatial strategy for the Melksham Community Area and confirms that the majority of the proposed new housing for the area should be delivered at Melksham. The policy does not identify any specific locations for development at Melksham, but states that growth in the Melksham Community Area over the plan period 'may consist of a range of sites in accordance with Core Policies 1 and 2[81]'. It is for this reason that the

[73] CD10.3 paragraph 5.5, page 9
[74] Mr Neame's POE Table 6, page 25 Planning Application: PL/2024/07097
[75] Mr Reynolds XX
[76] Mr Neame's POE paragraph 6.3 Planning Application: PL/2024/07097
[77] ID8
[78] Mr Neame XX
[79] CD9.4
[80] CD3.1 page 132
[81] CD3.1 page 131

Appellant's planning witness concludes that the Proposed Development 'is in accordance with Policy CP15' but that 'the only limited area for conflict with this policy is the cross referral to Policy CP2[82]'.

7.40 The points set out above in respect of Policy CP2 therefore apply equally to Policy CP15: the conflict is predicated on an out-of-date settlement boundary. In the case of Policy CP15, the conflict is even more limited, as it is confined to a cross reference to Policy CP2. For those reasons, the weight to be placed on this conflict must be limited.

*The JMNP2*

7.41 Before looking specifically at Policy 6 of the JMNP2[83], it is helpful to consider the wider context in which the JMNP2 was made. There are several points that are relevant.

- first, whilst the Examination of the JMNP2 was undertaken against conformity with the WCS, it seeks to align itself with the housing numbers in the emerging Local Plan. This is plainly problematic: as set out above, these numbers are only likely to increase, whilst the Examination of the emerging Local Plan has stalled after Inspectors raised concerns requiring significant further work to be undertaken by the Council;

- second, whilst the Appellant accepts that paragraph 14 of the Framework is engaged for the purposes of this Appeal[84], the evidence at the Inquiry demonstrated that the JMNP2 does not make any significant allocations of land: two of its allocations are for brownfield sites where there would be a presumption supporting development in any event, and one is for a site which already benefits from outline planning permission. Not only is it nonsensical to allocate a site that already has outline planning permission, in circumstances where the reserved matters application would need to be considered against the policies in the JMNP2 in any event, the allocation of this site is also plainly inconsistent when a different approach was taken with Blackmore Farm;

- third, the site that already benefits from planning permission has effectively been 'double counted' in the housing numbers, so the claims made by members of the JMNP2 Steering Committee that the JMNP2 allocates twice the level of housing that it was required to are plainly not right[85]; and

- fourth, there was no consideration of the out-of-date nature of the settlement boundary as part of the JMNP2, which is problematic considering the settlement boundary is such a critical component to Policy 6.

[82] Mr Neame's POE Table 6 page 25 Planning Application: PL/2024/07097
[83] CD3.5 page 43
[84] CD10.3 paragraph 5.5 page 14
[85] ID9

7.42 Furthermore, the process that the making of the JMNP2 followed is also relevant to the consideration of the conflict with the policies which are contained within it. The JMNP2 Steering Committee selected its own Examiner – which it is perfectly entitled to do – and chose one who had undertaken the Examination of a nearby neighbourhood plan that they thought he had done well, and there was no oral hearing of any kind for the Examination process, as is often the case: it was purely a paper-based exercise. The opportunity for detailed scrutiny of the JMNP2 was therefore extremely limited.

7.43 This is the context within which Policy 6 of the JMNP2 must be viewed.

*Policy 6 of the JMNP2*

7.44 Policy interpretation is ultimately a matter of law for the Courts. Legal submissions are required on matters of law. The interpretation of Policy 6 is problematic. It is difficult to see how the proposal does conflict with JMNP2 Policy 6 part 2, when on its wording it does not seek to prevent or prohibit development outside of settlement boundaries. Managing something is not the same as prohibiting it. And in all other respects the proposal complies with Policy 6. Certainly, the officers and members did not identify any breach of Policy 6 of the JMNP2, hence it does not feature in the reason for refusal[86].

7.45 Policy 6 of the JMNP2 deals with housing at defined settlements. As the Appellant's planning witness stated in evidence[87], it is a permissive policy where there is an expectation to manage development. This is clear from the wording of criterion two of the policy, which states: 'Housing outside settlement boundaries will be managed in accordance with the adopted Development Plan and should meet evidenced local housing need'[88].

7.46 The policy clearly anticipates that some development will come forward outside of the settlement boundaries: if it did not, it would not include a criterion setting out how proposals outside the settlement boundaries should be 'managed'. The policy is plainly designed to manage development outside of the settlement boundary, not to prohibit it.

7.47 As has already been set out, the adopted Development Plan is out-of-date, and there is only limited conflict with policies in any event. For the reasons set out below, particularly in respect of the evidence of the Appellant's housing land supply and affordable housing witnesses, the Proposed Development would very clearly meet an 'evidenced local housing need'.

7.48 On that basis, there is therefore a very strong argument to say that the Proposed Development would not conflict with Policy 6 of the JMNP2 at all. Whilst this was not the position adopted by the Appellant's planning witness in evidence, it is well established that the interpretation of development plan

[86] CD9.3
[87] Mr Neame's POE Table 6 & paragraphs 9.15 & 13.25 Planning Application: PL/2024/07097
[88] CD3.5 page 43

policies is a matter for the courts, so it is submitted that it is open to the Inspector to reach such a finding. If the Inspector was to reach this conclusion, the consequence of that would be that paragraph 14 of the Framework would not be engaged, as there would be no adverse impact of allowing development that conflicts with the neighbourhood plan. This is an option that is open to the Inspector.

7.49 In the event that the Inspector does find that there is some conflict with Policy 6 of the JMNP2, the same points as are set out above in relation to Policy CP15 apply: the Council's witness accepted that the Proposed Development would not breach any of the other criterion set out in Policy 6[89], so the only conflict is the cross-reference to Policy CP2 and the settlement boundaries, which are chronically out-of-date and were not revised as part of the JMNP2.

7.50 On that basis, as with Policy CP15 of the WCS, if the Inspector does conclude that there is a conflict with Policy 6 of the JMNP2, the weight to be afforded to such conflict must be limited. As with the WCS policies, the Council's witness accepts that Policy 6 is out-of-date and that this affects the weight to be attached to it[90].

*Conclusion and compliance with the Development Plan as a whole*

7.51 In concluding, it is important to emphasise that the Proposed Development conforms with all other Development Plan policies, including housing policies, highway policies and infrastructure requirements, and that whilst the Council states that there would be some harm to landscape and the loss of BMV, there is no alleged breach of policy[91].

7.52 Drawing all of that together, the Appellant's planning witness concluded that the weight to be given to conflict with the Development Plan was limited, on the basis that the Development Plan and its most important policies are out-of-date and the only conflict identified by the Council is the fact that the site is outwith a settlement boundary that is 22 years old[92].

7.53 For those reasons, the Appellant's case is that the Proposed Development accords with the majority of relevant policies in the Development Plan, and that it is therefore in compliance with the Development Plan when taken as a whole[93].

[89] Mr Reynolds XX
[90] Mr Reynolds POE paragraph 7.4 Planning Application: PL/2024/07097
[91] Mr Reynolds POE paragraph 6.36 onwards, page 19 Planning Application: PL/2024/07097 & CD10.3
[92] Mr Neame EIC
[93] Mr Neame's POE paragraph 6.3, page 27 Planning Application: PL/2024/07097

*Housing land supply*

7.54 Paragraph 78 of the Framework requires the Council to demonstrate a minimum of five years' worth of housing against its local housing need and an additional five per cent buffer. It is common ground that the Council is unable to do this[94]; there is, however, a dispute as to the extent of the shortfall. The Council believes it has a housing-land supply of 2.42 years[95]; the Appellant says it is 2.16 years[96].

7.55 Prior to setting out the Appellant's case, it is necessary to make two overarching points:

- first, whilst the Council has disputed the Appellant's figure, it has not produced any evidence of its own. The only evidence on housing land supply that is before the Inquiry is therefore the evidence of the Appellant's housing land supply witness[97]; and

- second, despite the Council's strong protestations that there was no need to hear evidence on housing land supply as it would not affect the weight to be afforded to it, the extent of the shortfall is plainly relevant, particularly when considering the contextual circumstances in regard to the application of paragraph 14 of the Framework. In this regard, the quantum of the shortfall is a relative consideration.

7.56 With those points in mind, the Inspector is invited to adopt the Appellant's housing land supply witness' figures, which showed a housing land supply of only 2.16 years, equating to a shortfall of some 10,404 dwellings[98]. Whilst the Council's own figures suggest a shortfall of 9,367 dwellings[99], there is a difference between the two of over 1,000 homes, which must be relevant.

7.57 The housing land supply witness gave evidence on the methodology he had adopted, explaining why he had discounted 12 sites from the list of deliverable sites that the Council relies on and why he had reduced the Council's figure for windfall allowance[100]. He confirmed that his approach to windfall sites was in line with the approach taken by an Inspector in a recent Appeal decision in Westbury[101], whilst his approach to deliverable sites drew from Lichfields' Start to Finish document and site-specific delivery data[102].

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[94] CD10.3 paragraph 5.3, page 9
[95] Mr Reynolds POE paragraph 7.3, page 36
[96] Mr Harris POE paragraphs 1.9 & Table 1.1 page 2 and 7.3 & Table 7.1 page 37 Planning Application: PL/2024/07097
[97] Mr Harris POE Planning Application: PL/2024/07097
[98] Mr Harris POE paragraphs 7.1 – 7.5 Planning Application: PL/2024/07097
[99] Mr Harris POE Tables 1.1 page 2 and 7.1 page 37 Planning Application: PL/2024/07097
[100] Mr Harris POE Section 6 Planning Application: PL/2024/07097
[101] Mr Harris POE Appendix EP2 Planning Application: PL/2024/07097
[102] CD5.5

7.58 Importantly, he confirmed that the Council had not provided the evidence he would expect to see to support its numbers – he described the evidence as 'significantly lacking' – despite them being aware of the sites he was seeking to dispute[103].

7.59 The Appellant's housing land supply witness has vast experience in this area, having done appeals in Wiltshire since 2009/10 and approximately 20 inquiries across the country last year, in addition to advising developers on housing land supply[104]. He described the shortfall as 'very substantial'[105] and said the Council was one of the worst when measured by quantum[106].

7.60 Furthermore, his evidence made clear that the Council will not address this shortfall through the emerging Local Plan as the housing target has been reduced from the regulation 18 version: he said that there was a 'latent need in the background' that the emerging Local Plan would not be meeting in the short or medium term[107].

7.61 In the absence of any evidence from the Council to challenge Mr Harris's evidence, the Appellant invites the Inspector to conclude that the deliverable supply is 2.16 years, which equates to a shortfall of 10,404 dwellings. It is the Appellant's case that the level of the shortfall means that the provision of up to 300 homes should attract very substantial weight in the planning balance[108], whilst the overall quantum and extent of the shortfall is also relevant in the application of paragraph 14 of the Framework. The Council's planning witness puts the weight at several steps below this[109].

*Affordable housing need*

7.62 In addition to the significant shortfall in housing across the County, there is a particularly acute shortage of affordable housing. This was set out graphically by the Appellant's affordable housing witness, whose evidence was entirely unchallenged by the Council[110]. In addition, as with housing land supply, the Council has not put any evidence before the Inquiry.

7.63 The affordable housing witness' evidence set out the scale of shortfall of affordable homes in the County:

- there are nearly 4,000 households on the Housing Register[111];

[103] Mr Harris EIC
[104] Mr Harris POE Section 1 Planning Application: PL/2024/07097
[105] Mr Harris POE paragraph 4.8, page 12 Planning Application: PL/2024/07097
[106] Mr Harris EIC
[107] Mr Harris EIC
[108] Mr Neame's POE Table 11, page 47 Planning Application: PL/2024/07097
[109] Mr Reynolds POE paragraph 7.5 page 37 Planning Application: PL/2024/07097
[110] Ms Gingell's POE Section 5, page 29 Planning Application: PL/2024/07097
[111] Ms Gingell's POE paragraph 5.25, page 33 Planning Application: PL/2024/07097

- there has been net housing delivery of around 577 dwellings per annum since 2009/10, against a target in the WCS of 650 dwellings per annum[112];

- there is a shortfall of over 1,000 affordable homes against the WCS target of 650 dwellings per annum, rising to a shortfall of 12,523 dwellings when measured against the needs identified in the 2011 SHMA[113]; and

- there are significantly more people bidding for affordable homes than are available: in Melksham Parish, there were an average of 90 bids for just 25 one bed properties, 50 bids for 20 two-bed homes and 155 bids for just five three-bed homes; in Melksham Without Parish, there were 125 bids for just four one-bed homes and 68 bids for four two-bed homes[114].

7.64 The need for affordable homes in Melksham was described as 'clear and pressing'[115].

7.65 In addition to the numbers, the affordable housing witness also gave evidence on the real-world consequences of the Council's failure to deliver adequate affordable housing. To give just one example, she said that as of 31 March 2025, there were 96 households housed in temporary accommodation by the Council, 59 per cent of which had at least one dependent child. In total there were 133 children in temporary accommodation on that date[116]. She said that this had real implications for these families: housing of this nature is typically not secure, such as B&Bs and hotels, which can affect the educational attainment of children who often have to move frequently.

7.66 Her Proof of Evidence demonstrates that the problem is compounded by the lack of anticipated supply: the existing shortfall of 4,302 affordable homes at the end of the 2023/24 monitoring period will increase by 147 per cent to 10,637 affordable homes by the end of 2028/29[117].

7.67 The Proposed Development would provide up to 90 new affordable homes – 30 per cent of the total number of dwellings. The affordable housing witness stated in evidence that in her opinion the weight to be given to this should be very substantial[118]. She further confirmed that no evidence had been adduced by the Council to support the lower weight it had given it. In those circumstances, it is the Appellant's case that the provision of up to 90

[112] Ms Gingell's POE Table 6.1, paragraph 4.11, page 20, paragraph 6.10, page 42, paragraph 6.22, page 45 and paragraph 10.9, page 69 Planning Application: PL/2024/07097
[113] Ms Gingell's POE paragraph 6.11, page 42 Planning Application: PL/2024/07097
[114] Ms Gingell's POE paragraph 9.29, page 65 Planning Application: PL/2024/07097
[115] Ms Gingell's EIC & POE paragraph 8.19, page 61 Planning Application: PL/2024/07097
[116] Ms Gingell's POE paragraph 5.39, page 36 and paragraph 9.32, page 65 Planning Application: PL/2024/07097
[117] Ms Gingell's POE Table 8.1 and paragraph 8.8, page 59 Planning Application: PL/2024/07097
[118] Ms Gingell's POE paragraph 8.19, page 61 Planning Application: PL/2024/07097

affordable homes should attract very substantial weight in the planning balance.

*Other material considerations*

*Landscape*

7.68 At the outset, it is important to recognise that whilst landscape harm is identified in the Council's Statement of Case[119], it was not a RFR. Indeed, from the transcript of the Strategic Planning Committee meeting[120] that refused to grant planning permission, it is clear that landscape harm was not a concern that was raised by any councillor.

7.69 The Inquiry has the benefit of expert evidence from the Appellant's landscape consultant[121]. He also undertook the initial Landscape and Visual Impact Assessment ('LVIA') for the Proposed Development[122]. Conversely, the Council has produced no evidence against the Proposed Development on landscape or visual impact grounds, nor does it contest the content of the LVIA itself[123]. In addition, no objections were received from statutory consultees.

7.70 The landscape consultant sets out the context within which the Proposed Development would be situated: it would fall broadly within the limits set by Snarlton Farm complex to the north, with Melksham football grounds to the south, which includes a club house, parking and flood lighting, and the existing settlement edge to the west.

7.71 Importantly, he makes clear that the recently consented Blackmore Farm development would 'further extend the urban area of Melksham out into the countryside, and will establish an area of residential land use directly to the north of the Site. He concludes:

*Overall, while there will continue to be some relatively localised adverse effects on landscape character and views as a result of the Proposed Development, the consented Blackmore Farm scheme will have an urbanising influence on the baseline environment and will provide a stronger settlement context for the Proposed Development. There will also be a reduction in effects on the Wooded Greensands Hills LCA / Sandridge as a result of the Blackmore Farm scheme.*[124]

7.72 The granting of planning permission for the Blackmore Farm site is plainly relevant to the consideration of the effect that the Proposed Development would have on the landscape. As the Appellant's planning witness states in his Proof of Evidence, the Proposed Development is now more appropriate in

[119] CD10.1 paragraph 5.25, page 26
[120] CD9.7
[121] Mr Neame's POE Appendix 5 Planning Application: PL/2024/07097
[122] CD7.16
[123] CD10.3 paragraph 5.33, page 12
[124] Mr Neame's POE Appendix 5, page 76

landscape character and visual impact terms than it was at the time of the LVIA[125]. That is important, particularly when it is borne in mind that even before this, landscape harm was not a matter identified as a RFR by the Council, nor one that had attracted any objections from statutory consultees.

7.73 Accordingly, the Appellant's case is that whilst there would be some limited harm to the landscape, such harm would be consistent with that which would occur with the development of any greenfield site. It is certainly not something that would go anywhere near to amounting to a harm that would warrant refusal[126].

*BMV land*

7.74 The Council's Statement of Case identifies the loss of BMV land as an issue of concern[127], and the Appellant's planning witness was cross-examined on it during the Inquiry. Notwithstanding that, many of the points set out above in relation to landscape harm apply equally to the loss of BMV land: it did not form a RFR, there is no record of it having been a concern at the Strategic Planning Committee meeting[128], and the Council has not produced any expert evidence. In those circumstances, the only evidence that the Inquiry has available to it is the expert evidence of the Appellant's agricultural consultant[129].

7.75 His evidence demonstrates that:

- the majority of the site is classified as Grades 3a and 3b, with a smaller area of Grade 2[130];
- since the land was classified, the area of Grade 2 has been reduced due to the presence of a balancing pond which renders that location non-agricultural[131];
- the residual area of Grade 2 is approximately 1.2 hectares[132]; and
- the Proposed Development would utilise the lowest quality suitable land for development within the site boundary[133].

7.76 The Appellant's agricultural consultant concludes that the total area of built development on BMV land would be approximately 4.4 hectares, which represents the area of BMV land that would not be reversible. He concludes that this 'is not a significant loss' and that it is 'substantially below' the

[125] Mr Neame's POE paragraph 12.17, page 45 Planning Application: PL/2024/07097
[126] Mr Neame's POE paragraphs 12.16 - 12.18, page 45 Planning Application: PL/2024/07097
[127] CD10.1 paragraphs 5.26 – 5.28, page 26 onwards
[128] CD9.7
[129] Mr Neame's POE Appendix 4 Planning Application: PL/2024/07097
[130] Mr Neame's POE Appendix 4 paragraph 3.5, page 5 Planning Application: PL/2024/07097
[131] Mr Neame's POE Appendix 4 paragraph 3.6, page 5 Planning Application: PL/2024/07097
[132] Mr Neame's POE Appendix 4 paragraph 3.6, page 5 Planning Application: PL/2024/07097
[133] Mr Neame's POE Appendix 4 paragraph 3.8, page 5 Planning Application: PL/2024/07097

threshold of 20 hectares that would require Natural England to be consulted. He notes that as this is the threshold for the national statutory authority in local decision making, 'it is commonly taken as a measure of significance of the loss of BMV agricultural land'. Furthermore, he states that the economic benefit of the 4.4 hectares of BMV land is 'very limited'[134].

7.77 In those circumstances and in the absence of any evidence from the Council, the Appellant's case is that whilst the loss of BMV land would result in some limited harm, it does not warrant the refusal of planning permission[135].

*Statutory consultees*

7.78 As has been set out above, there were no objections to the Proposed Development from statutory consultees. The report to the Strategic Planning Committee confirmed the position in relation to the consultee comments[136] and in recommending approval officers confirmed that there were no outstanding objections that would warrant refusal[137].

*Public comments*

7.79 The Inquiry heard from a number of public speakers, although the vast majority of these were affiliated with the Parish and Town Council that developed the JMNP2. Their concerns predominantly focused on the conflict with Policy 6 of the JMNP2, which has been addressed above.

7.80 It is also important to highlight that only 19 letters of representation in total were received in response to the Proposed Development and only 17 letters of objection[138]. Given that the population of Melksham at the 2021 census was 8,113, the level of public objection to the Proposed Development is very limited.

*Planning balance*

7.81 As set out in the Proof of Evidence of the Appellant's planning witness, he has considered the overall planning balance following a staged approach, which demonstrates that permission should be granted via the flat balance and the titled balance, and that paragraph 14 of the NPPF would not change this conclusion[139].

*Flat balance*

7.82 His analysis demonstrates that planning permission should be granted based on the flat balance, the statutory test under section 38(6) of the Planning and Compulsory Purchase Act 2004. This is because:

- the Proposed Development accords with the Development Plan taken as a whole and material considerations support the grant of planning permission;

[134] Mr Neame's POE Appendix 4 paragraphs 3.9 & 3.10, page 6 Planning Application: PL/2024/07097
[135] Mr Neame's POE paragraph 12.24, page 46 Planning Application: PL/2024/07097
[136] CD9.1 pages 13-21
[137] CD9.1
[138] Planning Application: PL/2024/07097
[139] Mr Neame's POE paragraph 13.8 onwards, page 49 Planning Application: PL/2024/07097

- there are no statutory consultee objections or technical reasons that would warrant refusal; and
- the Proposed Development would deliver a wide range of material planning benefits, which carry significant weight, even if the conflict is outweighed by material considerations.

*Tilted balance*

7.83 Framework paragraph 11 allows for the so-called tilted balance. The adverse impacts are largely defined by the alleged breaches of DP policy. The alleged conflict with Policy 6 of the JMNP2 and CP2 and CP15 of the WCS are matters to which limited weight should be given. This is the approach that the Appellant's planning witness adopts. And he does so for good reason. The weight that can be attributed to these conflicts is significantly reduced in this case for the following reasons – taking the approach adopted by Inspector Young[140]:

- First, the Council is unable to demonstrate a 5-year supply of housing or anything close to it. The shortfall against what should actually be provided is today over 10,000 homes. As a consequence, the most important policies for determining the application are automatically out-of-date, which plainly includes all the policies the Council seeks to rely upon to try and stop the development. The weight to be given to these policies is reduced because they are out of date. When there is no 5yrHLS a more flexible approach to policy needs to be applied: *Lord Gill in Suffolk Coastal v Hopkins Homes: Richborough Estates v Cheshire East [2017] UKSC 37*: paragraph 77, 79 and 83. That includes the housing requirement in the WCS. It also includes the JMNP2. That might seem surprising to local people given it has only just been made. But that is the consequence of Wiltshire Council not having a 5yrHLS: see Lord Carnwath in Richborough paragraph 66.
- Secondly, the enormous scale of the shortfall means the weight to be given to the conflict with these policies should be vastly reduced.
- Thirdly, the settlement boundary for Melksham, upon which the Council rely is self-evidently out of date, having not been changed for over 20 years, meaning the weight to be given to the conflict with these policies should be vastly reduced for this reason as well, regardless of the lack of 5yrHLS.
- Fourthly, the Council have already accepted that greenfield sites are required outside the Melksham settlement boundary evidenced by

  a. the grant of permission by the Council for the Blackmore Farm site in 2025

  b. the decision of the Council not to contest Terra Strategic appeal at Berryfields in 2024; and

  c. the decision of the Council not to contest Hallam Land's appeal on the Bowerhill site for 210 homes and 70 units of care accommodation in 2023.

  Consequently, a degree of landscape harm and loss of BMV has been tolerated, including on the Blackmore Farm site where the Council itself concluded in the

[140] CD8.1

work for the regulation 18 ELP that the landscape impact would be adverse, whereas no such harm was found to arise from development on the appeal site for housing.

- Fifthly, the degree of harm to a non-designated landscape in this case has been judged by the Appellant's landscape consultant, who is the only person to give evidence on this matter, the only expert landscape architect to give evidence and the only person to have produced a Landscape and Visual Impact Assessment is that the harm is limited; please see page 73-75 of the Appellant's planning witness' appendices. The landscape consultant note also assesses the effect in light of Blackmore Farm: see page 76. The Council have no evidence to support its witness' assertion that it is moderate.

- Sixthly, there is no realistic prospect of the current shortfall being addressed in the short term. The housing requirement in the WCS became out-of-date in 2020. Over the last 6 years the Council has failed to adopt a replacement plan. This is why the Standard Method figure applies. The only prospect the Council has of addressing the shortfall is if it is able to adopt a new local plan with a lower housing requirement than the Standard Method. That does not look remotely likely this year and indeed the actual timescale is completely uncertain. The Local Plan inspectors have raised a whole series of concerns about the Regulation 19 version of the Plan[141], from the start date and the stepped trajectory to the lack of allocations in the Growth Area and the vagueness of the new settlement proposals. It is a plain that the ELP seeks to put off making the necessary allocations even if to address the lower transition housing. At the very least substantial further work will need to be done if the ELP is to progress at all. That includes allocating a lot more land for development, which is precisely what the Council has sought to avoid. This is even before the inspectors examine the issue of whether the ELP significantly boosts the supply of housing (which it does not – it proposes the same level as the WCS) and the fact the ELP fails to address the huge level of unmet need for affordable housing (see affordable housing witness' evidence). The ELP inspectors have made very clear in their letter their initial concerns are without prejudice to other issues they have yet to hear evidence on. It is therefore simply not possible to say when the ELP will be adopted or indeed whether it ever will be adopted.

7.84 For all of the above reasons, the Inspector is invited to give only limited weight to the identified policy conflicts. In so doing, it is important to carefully acknowledge the implications of the alleged conflict with the JMNP2. Given it has only just been adopted and contains policies and allocations to address an identified need given to the Steering Group by Wiltshire Council, protection is afforded by Framework paragraph 14 which states that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided it is less than 5 years old and contains policies and allocations to meet its identified housing requirement. As the Council accepted, the inclusion of the word "likely" does not represent an embargo or prohibition of development in these circumstances[142]. Nor that it will be only on rare occasions when the development will be acceptable. The Council accepts that

[141] CD4.8
[142] Mr Reynolds XX

all that is required that is in the majority of cases permission will be refused. In short, permission will normally be refused – which as the Council highlighted, is in fact the wording used in the original Framework 2012.

7.85 This is not a normal case:

a. The shortfall in the 5yrHLS is over 10,000 homes

b. The adopted Core Strategy is over 10 years old

c. The settlement boundaries of Melksham are over 20 years old.

7.86 No authority should be in this position and it precisely for circumstances like this that paragraph has been written to still allow permission to be granted for sites when paragraph 14 applies.

7.87 As the Fontwell inspector correctly observed[143], and as the Council accepted, paragraph 14 has to be approached taking account of the context in which the decision is being taken. He expressly highlighted the need to consider the contextual circumstances. Those extend to everything relevant to the decision about whether to grant or withhold planning permission. The Council agreed that factors relevant to the context here are[144]:

a. The scale of the shortfall in the 5yrHLS

b. The most important policies being out-of-date

c. What the housing requirement in the NDP is based on

d. The need for affordable housing

e. The scale of unmet affordable housing need

f. The absence of any other grounds for refusal (aside from policy)

7.88 All of those factors point heavily to the grant of planning permission. Paragraph 14 of the Framework is not written so as to predetermine the weight of the benefits which need to overcome the presumption in favour of refusal.

7.89 Added to which, the context here is:

- NDP which is not based on a housing figure from an adopted Local Plan. The figure actually comes from the ELP which has already run into difficulties. So whilst the guidance in the PPG[145] permits the Steering Group to ask Wiltshire Council for a figure from an emerging local plan, the weight to be given to that figure cannot be same if it comes from a local plan which will not progress in its present form, compared to a figure from an up-to-date adopted Local Plan.
- Indeed the JMNP2 was only found to be in conformity with the WCS, and the housing requirement in that is very obviously out of date. That has to be relevant to a decision about whether Melksham should now not have any more

[143] Mr Neame's POE Appendix 3 Planning Application: PL/2024/07097
[144] Mr Reynolds XX
[145] CD1.2

new housing on greenfield sites for the next 5 years, which is what the council and Steering Group are saying.

- Indeed despite being a major settlement, a market town and a focus for growth in the ELP both in terms of new housing and new employment, the JMNP2 was only required to allocate 200 homes.
- So all it has done is to allocate two sites at Melksham both of which are brownfield, when it is plainly necessary that greenfield sites are required at Melksham. Add to that, the fact the JMNP2 examiner did not consider the very out of date nature of the Melksham settlement boundary.
- The examiner did what was required of him. He assessed the proposal against the Basic Conditions[146], which required neither the JMNP2 to be consistent with the Framework, nor in conformity with an up-to-date Local Plan or its strategic policies. This is plainly relevant context.
- The JMNP2 allocates a site which already has planning permission and which was relied upon by Wiltshire Council as a commitment to set a target for Melksham of 200 dwellings.
- The target in fact ignores the fact that the 500 homes Blackmore Farm had a resolution to grant at the time of the JMNP2 examination (and a planning permission at the time it was made).
- In truth, it all points to the fact that Policy 6(2) is not about preventing new housing come forward, which would be highly problematic for Wiltshire Council as it attempts to progress the ELP focussing on Melksham as a major focus for growth. alongside the two largest settlements of Chippenham and Trowbridge. That is why the policy seeks only to manage new housing development, not prevent it.
- In that context, the Appellant's planning witness has not sought to argue paragraph 14 is not engaged.

7.90 In truth, the JMNP2 has plainly been pushed through at a time when the ELP supported a low figure for Melksham, and it would be very dangerous to allow it to block new housing sites coming forward for the next 5 years. That would simply encourage other main towns and areas proposed for growth to seek to make NDPs which restrict new development to brownfield sites, in a authority area where such opportunities are very limited.

7.91 Putting that matter to one side, the housing requirement in the JMNP2 is out-of-date because all the most important policies for determining the application are (see above).

7.92 Even in the alternative, compliance with second limb of paragraph 14 is not determinative for the reasons explained above. The planning balance is heavily skewed in favour of the development such that any conflict with Framework paragraph 14 and the JMNP2 would be outweighed by "other considerations" in the case of a s38 balance or the "benefits" of the scheme in the tilted balance under Framework paragraph 11(d).

[146] CD3.8

7.93 The benefits of the scheme and the Appellant's planning witness' weighting are set out below[147]:

- The Proposed Development would deliver significant material planning benefits, set out in the Statement of Common Ground[148]. The benefits are not disputed by the Council; the only dispute is to the level of weight. It is important to note that the Council has reduced the weight of a number of benefits since the Proposed Development was reported to the Strategic Planning Committee[149], but was unable to point to any evidence or justification for this in its evidence to the Inquiry[150].
- The benefits that the Proposed Development would deliver, alongside the weight that the Appellant invites the Inspector to afford to each one, are:

  a. the provision of up to 300 dwellings. This should be given very substantial weight considering the chronic shortage of five-year housing land supply which amounts to a shortfall of over 10,000 homes;

  b. the provision of up to 90 affordable homes. This should be given very substantial weight considering the acute shortage of affordable homes and the forecasted position in future years which would see an increase of 147 per cent from an existing shortfall of 4,302 affordable homes at the end of 2023/24 to 10,637 affordable homes by the end of 2028/29;

  c. an appropriate, locally sensitive, mix of dwelling types and sizes. This should be given substantial weight;

  d. a sustainable location for development. This should be given substantial weight, particularly given Melksham's status in the WCS and the emerging Local Plan and the significant constraints on development in other parts of the County;

  e. land for community use. This should be given substantial weight;

  f. provision of two new accesses onto Eastern Way that will deliver improvements in terms of vehicle, pedestrian and cycle connectivity. This should be given substantial weight;

  g. improvements to the public right of way network. This should be given moderate weight;

  h. the provision of onsite, publicly accessible open space. This should be given substantial weight;

  i. the provision of equipped play space. This should be given moderate weight;

  j. the provision of landscape enhancement. This should be given moderate weight;

  k. the delivery of BNG over the statutory requirements. This should be given moderate weight;

[147] Mr Neame's POE Section 13, Table 11, page 47 Planning Application: PL/2024/07097
[148] CD10.3 page 16
[149] CD10.3 Table 8
[150] Mr Reynolds XX

l. the provision of a managed, positive, surface water drainage system to improve the surface water regime in the locality. This should be given moderate weight;

m. the delivery of short-term economic benefits during the construction of the development. This should be given moderate weight; and

n. the delivery of long-term economic benefits from additional spending in the local area. This should be given moderate weight.

7.94 These are significant and tangible benefits that would be delivered by the Proposed Development. Collectively they are very weighty.

7.95 Planning permission should be granted under the tilted balance taking account the alleged conflict with the DP and paragraph 14 of the Framework.

*Conclusion*

7.96 For all of the reasons set out above, the Appellant invites the Inspector to allow the Appeal.

## 8 THE CASE FOR WILTSHIRE COUNCIL

*Introduction*

8.1 This appeal concerns a principle of fundamental importance in the planning system: the weight and protection that national policy affords to neighbourhood planning. Neighbourhood plan protection has been a consistent feature of the Framework since 2012, and the Government's intention to retain this protection is clear from the consultation draft for the emerging version of the Framework.

8.2 Paragraph 15 of the current Framework sets out that the planning system "should be genuinely plan-led", including providing "a platform for local people to shape their surroundings". The Joint Melksham Neighbourhood Plan 2 ('JMNP2') has sought to do just that. As the Independent Examiner for the JMNP2 highlighted[151]:

"*The Plan is an excellent example of a neighbourhood plan review. It seeks to bring the Plan up-to-date. It includes a variety of policies and identifies positive and sustainable development. It addresses housing delivery in the Plan period.*

*The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation."*

8.3 The level of participation from the local community in this appeal reflects that steadfast commitment to meeting those objectives.

8.4 Paragraph 14 of the Framework provides a critical safeguard. It directs that where a neighbourhood plan is in force that is less than five years old (which is the case here), and it makes allocations to meet its identified housing need (again, here), the adverse impact of allowing development that conflicts with the neighbourhood plan "is likely to significantly and demonstrably outweigh

[151] CD3.8 executive summary

the benefits". This is one of the rare circumstances where national policy gives explicit guidance as to the likely outcome of the planning balance.

8.5 This appeal is precisely the set of circumstances for which paragraph 14 of the Framework has been designed for. The administrative area of Wiltshire Council is one of the largest local authorities in England with an area covering approximately 1,257 square miles and a population of approximately 510,400 people[152]. As the Appellant's planning witness accepts, Melksham is already slated to take on the most amount of housing growth of all the 'Market Towns' in Wiltshire in its emerging Local Plan. The Appellant's position is that it must take more[153]. The policy in paragraph 14 of the Framework seeks to ensure that those communities who actively plan for the growth they need, by engaging constructively with the planning system and updating their neighbourhood plans, remain in charge of deciding where that growth takes place and are not undermined by more general housing land supply shortfalls elsewhere.

*The appeal site is not an appropriate location for the proposed development having regard to policies which direct the provision of housing*

8.6 The parties agree on the documents which comprise the Development Plan for Wiltshire[154]. This includes the Core Strategy (2015), the JMNP2 and the Housing Site Allocations Plan (adopted 25 February 2020).

8.7 CP1[155] identifies Melksham as a second-tier settlement with the potential for significant development. CP1, however, does not provide open licence for development anywhere within the settlement area. The locations for development are managed through other spatial policies, importantly CP2[156] and CP15[157].

8.8 CP2 provides the delivery strategy and is key to how growth in Wiltshire is managed. It establishes a presumption in favour of development within defined settlement limits and specifically provides that development outside settlement boundaries will only be permitted in a limited set of circumstances.

8.9 CP15 sets out the spatial strategy for the Melksham Community Area, and it tells us explicitly to look at CP2 to determine what growth in this area over the plan period may consist of. If a proposal cannot meet CP2, then it follows that it conflicts with the rationale behind CP15.

8.10 This appeal proposal seeks permission for up to 300 dwellings on a site which the parties agree is not an allocation for development and is located outside of the settlement boundary[158]. The parties agree that the appeal scheme does not fall within any of the permitted categories in CP2[159]. No matter how the Appellant may seek to characterise it, this is not some peripheral or trivial

[152] CD4.1 paragraph 1.13, page 9
[153] Mr Neame XX
[154] CD10.3
[155] CD3.1 page 40
[156] CD3.1 page 44
[157] CD3.1 page 132
[158] CD10.3 paragraphs 5.5 & 5.7
[159] Mr Neame's POE paragraph 9.9, page 34 Planning Application: PL/2024/07097

conflict; it goes to the heart of how these spatial policies operate. The proposal is therefore squarely in conflict with CP2 and CP15[160].

8.11 The same is true for Policy 6 of the JMNP2. This policy makes clear that housing outside boundaries "will be managed in accordance with the adopted Development Plan and should meet evidenced local housing need". Since the CS permits housing outside settlement boundaries in only a closed set of circumstances, and the proposal fails to fall within one of those exceptions, it is also in conflict with Policy 6. It simply cannot be "in accordance" with the Development Plan if it fails to comply with its core spatial policies[161].

8.12 The JMNP2 allocates a number of sites for residential development to meet (and exceed) the need for new housing in Melksham identified at the time[162]. While the Appellant has tried repeatedly to assert otherwise, those allocations were not chosen arbitrarily: they were informed by a Housing Needs Assessment[163] which provided updated independent evidence of the specific housing needs within the neighbourhood area. Following an extensive 'call for sites' and Strategic Housing and Economic Land Availability Assessment, 109 possible sites were assessed, including the appeal site which was not ultimately allocated[164].

8.13 As other inspectors have repeatedly made clear, "an appeal made under s78 of TCPA is not the forum to review a NP, rerun arguments tested at the Examination or set an indicative housing requirement[165]". Despite the Appellant's planning witness accepting that this was also his position, this has not prevented the Appellant from attempting repeatedly to undertake that sort of exercise. The Appellant's unwarranted attack on the impartiality of the Examiner is not supported by any evidence or found anywhere in the planning witness' proof, which he acknowledged[166]. The Appellant's big point appears to be that the JMNP2 allocations are not "true" allocations because the Bowerhill site is a "commitment"[167] by virtue of already having outline permission. This idea is not only misconceived, it also goes nowhere:

- First, this point was raised expressly by the Appellant in representations to the Independent Examiner[168], who made specific findings on the matter and was satisfied that there was no issue with the JMNP2's approach to its allocations[169],
- Second, the fact that Blackmore Farm was not included as an allocation is not evidence of inconsistency. As the Appellant's planning witness accepted, Blackmore Farm is an allocation in the emerging LP and had it been included in

[160] Mr Reynolds POE paragraphs 6.4 - 6.5, page 11 onwards Planning Application: PL/2024/07097
[161] Mr Reynolds POE paragraph 6.12 onwards, page 13 Planning Application: PL/2024/07097
[162] CD3.5 page 46 onwards
[163] CD3.6
[164] CD11.1
[165] Mr Neame's POE Appendix 3Planning Application: PL/2024/07097 & CD8.3
[166] Mr Neame XX
[167] CD3.5 Policy 7.3, page 58
[168] CD11.2
[169] CD3.8

the JMNP2 then that would have been a clear case of double counting[170]. Further, Blackmore Farm was only granted planning permission on 12 May 2025[171], which post-dated the JMNP2 examination. There is no evidence that representations were made regarding its alleged "omission", nor can the Examiner be faulted for not taking it into account.

- Third, in any event, and as the Appellant's planning witness confirmed, there is nothing in terms of law, policy or guidance to support the proposition that a site with outline permission cannot be included as an allocation in a neighbourhood plan[172].

8.14 Which means that there is no proper basis to challenge the validity of the JMNP2's allocations. The Examiner assessed the rationale of the identified housing figure and was satisfied that the JMNP2 met the necessary basic conditions and addressed housing delivery in the plan period[173]. This is not the forum to go behind that finding. As the Council's witness explains, it is evident that all of the JMNP2 allocations are beginning to come forward, save for Land at Whitley Farm, despite the plan having only been recently made[174]. The JMNP2 is delivering growth within the Melksham Community Area in a plan-led way.

8.15 The parties nonetheless agree that the policies of the CS and JMNP2 are out of date and that this affects the weight to be attached to them. It is critical, however, to understand that the fact that policies are out of date does not necessarily mean they have no weight – simply reduced weight. The JMNP2 was very recently made and continues to attract significant weight in the Council's assessment.

8.16 Similarly, the fact that the settlement boundaries are out of date is not determinative of this appeal. The settlement boundaries for Melksham were reviewed as recently as 2020 as part of the Wiltshire Housing Site Allocations Plan[175]. That review updated settlement boundaries across Wiltshire and made residential allocations where necessary. In relation to Melksham, no changes were proposed to the settlement boundary of the town. At that time, Melksham was forecast to exceed its indicative housing requirement by 14%[176]. As explained by the Council's witness, housing delivery has remained strong in Melksham through the CS plan period, completions have exceeded the CS indicative requirement and, factoring in additional deliverable commitments, 453 total dwellings above this requirement are now forecast (an additional 20%)[177].

8.17 The settlement boundaries were therefore considered and confirmed as recently as five years ago – notwithstanding that neighbourhood plans are considered to have reviewed their settlement boundaries where the issue

[170] Mr Neame XX and CD9.4 Policy 17, page 82
[171] CD9.4
[172] Mr Neame XX
[173] CD3.8
[174] Mr Reynolds POE paragraph 6.23, page 16
[175] CD3.4, page 82
[176] CD3.4 Table 4.10, page 22
[177] Mr Reynolds POE paragraphs 6.9 – 6.11, page 12

has been explicitly addressed through the neighbourhood plan process, even if the eventual outcome is to retain the existing settlement boundary[178]. The policy rationale underpinning them, i.e. directing development to the most sustainable locations and protecting the countryside, remains sound. The out-of-datedness of the boundaries relates to their age and the method by which housing need was calculated, not to any fundamental flaw in the spatial approach they implement.

8.18 The position is therefore as follows. The appeal proposals are in direct conflict with CS policies CP2 and CP15, and JMNP2 Policy 6. The proposals also conflict with the emerging Local Plan. All of these policy-making tools have rejected the appeal site in favour of more sustainable sites. We should take great care over any suggestion that this appeal site will *inevitably* come forward for development when the Council comes to reassess its housing numbers and allocations in future. That the regulation 19 consultation draft included this site within the most sustainable site options in Melksham is potentially misleading. The sustainability appraisal underpinning that draft never considered this site as a standalone site. This site was assessed as part of a significantly larger "Site 1" containing several other land parcels which also were discounted at Stage 4 of the site selection process[179]. As the Appellant's planning witness accepted, there is no evidence before this Inspector that if this appeal site were assessed against the sustainability appraisal criteria on its own, then it would be the most sustainable option in Melksham, let alone allocated[180].

8.19 The parties agree that deciding whether a proposal is or is not in accordance with the Development Plan as a whole is not a tallying exercise[181]. The approach to the application of section 38(6) was set out in *City of Edinburgh Council v Secretary of State for Scotland* [1997] 1 WLR 1447, which confirms at (26) that there may be policies applying to a proposal which point in different directions, and the decision maker will therefore have to assess the weight to be given to all of these considerations and decide whether the development plan should not be accorded the priority which the statute has given to it. For the reasons just explained, the core spatial policies of the CS and JMNP Policy 6 should not be dismissed simply because they are out of date, and they continue to attract weight (significant weight in the case of Policy 6 on the Council's case). As the Appellant's planning witness accepted, conflict with a single policy can, in principle, be enough for a negative determination; it depends on the importance of the policies which are infringed and the extent of the breach. This is entirely consistent with the established authorities: see *R (Corbett) v The Cornwall Council* [2020] EWCA Civ 508, [41]-[42]; *Tesco Stores Limited v Dundee City Council* [2012] UKSC 13, (22).

8.20 Applying that here, the spatial strategy directs housing development towards the defined settlements, but development located beyond the settlement boundary conflicts with the Development Plan unless it falls

[178] CD3.4 paragraph 6.5
[179] CD4.2 Figure 11, page 102
[180] Mr Neame XX
[181] Mr Neame XX

within specified exceptions. As noted by the inspector in the Papist Way appeal: *"Despite the proposal's compliance with many specific policies of the development plan, it cannot be said to accord with the development plan taken as a whole if it is fundamentally at odds with the plan's strategy"*[182]. The Appellant here accepts that it is in breach of CP2, CP15 and JMNP2 Policy 6. Accordingly, the appeal proposal is in direct conflict with the key housing policies and spatial strategy. It therefore fails to comply with the adopted Development Plan when taken as a whole.

8.21 The appeal site is not suitable in principle for the proposed development.

*The parties agree that the proposals would cause other harms*

8.22 The development of a housing estate consisting of 300 dwellings, potentially with further community buildings, and associated infrastructure located on what is currently an agricultural field will inevitably harm the character and appearance of the area. The site lies within the Avon Open Clay Vale LCA which is defined by a strong sense of openness[183].

8.23 It is common ground that the appeal scheme would cause landscape and visual harm. The Appellant's own landscape expert has identified that there will be some moderate effects to landscape character and views, along with further lower level effects. These include potentially moderate adverse effects to the Open Clay Vale LCA within the site's immediate context, moderate adverse effects to views from the site's immediate boundary (including where footpaths MEL22 and 23 cross) and potentially more moderate effects from the public right of way to the east / north of the site[184]. The Council's witness has carefully considered that evidence and concluded that this would result in **moderate** harm overall.

8.24 There would also be a loss of Best and Most Versatile ('BMV') agricultural land. Paragraph 187(b) of the Framework guides that planning decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of BMV land. The proposals, to the extent to which they utilise BMV land, fail to do this. As the Council's witness identified, the Appellant has downplayed some of the loss of BMV land by excluding the Grade 3a land which is not being used for housing[185]. Despite asserting in the Council's witness' cross-examination that this was a preposterous position, the Appellant notably refused to engage with the appeal decision at Papist Way where it appears large amounts of open space were included in the overall loss of BMV land[186]. The Inspector can consider that decision for herself, which in turn will reveal that the Council's witness is perfectly entitled to point out that the Grade 3a open space here should also count towards the overall BMV land loss. In the end, the Council's witness entirely fairly attributes **moderate** weight to this harm.

8.25 Whether or not these harms were listed as reasons for refusal does not diminish their relevance. Both the effect on landscape character and loss of

[182] CD8.5 paragraph 392
[183] CD3.7
[184] Mr Neame's POE Appendix 5 Planning Application: PL/2024/07097
[185] Mr Reynolds EIC
[186] CD8.5 paragraphs 15, 31, 378

BMV land were identified as harms in the Officer's Report to Committee[187]. The Council has always accepted that neither of these harms would be sufficient to warrant the refusal of permission on their own[188], but they nonetheless must be taken into account in the overall planning balance.

*The benefits*

8.26 The appeal proposals would deliver up to 300 dwellings, 30% of which would be affordable. The Council acknowledges that there is a significant shortfall in housing land supply, which is between 2.14 and 2.42 years based on the parties' respective positions. In line with several of the appeal decisions referred to in this Inquiry[189], it is perfectly acceptable for the Inspector to adopt an approximate figure or range for present purposes, particularly as the parties have confirmed that the respective weight that they would give to the delivery of housing would not change in either event[190]. Further, as the Appellant's housing land supply witness confirmed, in the two most recent appeals in this district, other inspectors have been safely able to adopt the Council's 2.42 figure for the purposes of determining those appeals[191].

8.27 In judging the weight to be afforded to the provision of housing in this case, the Inspector can take into account the past record of delivery in Melksham, and the presence of the JMNP2 which provides a framework to deliver levels of housing above its identified target. Housing delivery has been strong within the Melksham Community Area, exceeding CS targets. The Council has performed well on the Housing Delivery Test (135% in 2024; 106% in 2023; 141% in 2022)[192]. The JMNP2 allocations are all beginning to progress. Further, across the three draft allocations in the emerging Local Plan, planning permission has been granted for up to 500 dwellings (Blackmore Farm), and planning applications are currently being considered across the other two proposed allocations totalling up to a further 500 dwellings. It is evident that despite the emerging Local Plan not yet being adopted, it is steering and bringing forward growth in Melksham[193]. Consistent with the decisions in Fontwell[194] and Cholsey[195], the Council therefore considers that the benefits of providing up to 210 market homes and 90 affordable homes should each be afforded significant weight in the overall planning balance.

8.28 The provision of public open space, equipped play space and improvements to the public right of way network will be principally required to meet the needs of the development. This notwithstanding, the Council's witness awards this benefit moderate weight. The extent of BNG exceeds the statutory minimum, and the Council considers that moderate weight can

[187] CD9.1 pages 48 - 49
[188] Mr Reynolds POE paragraphs 6.42 & 6.46
[189] CD8.3, CD8.5, Mr Neame's POE Appendix 3 Planning Application: PL/2024/07097
[190] CD10.3 paragraph 4.26
[191] Mr Harris POE paragraph 4.7 Planning Application: PL/2024/07097 & XX
[192] Mr Reynolds POE paragraph 7.2 Planning Application: PL/2024/07097
[193] Mr Reynolds POE paragraph 6.26 Planning Application: PL/2024/07097
[194] Mr Neame's POE Appendix 3 paragraphs 59-60 Planning Application: PL/2024/07097
[195] CD8.5 paragraphs 25-26

be attached to this benefit, along with limited weight to the provision of a surface water drainage system. The parties agree on moderate weight to the economic benefits of employment during construction and long-term spending in the local area, which have not been quantified[196].

8.29 As a package, the benefits attract **significant** weight. The benefits which would result in this case are typical of those that would be expected to accrue at any large residential proposal at the edge of a settlement. While this does not diminish the weighty nature of these benefits, they do not justify the fundamental conflict with the neighbourhood plan, as explained below.

*Framework Paragraph 14*

8.30 The JMNP2 was made on 4 August 2025 and is therefore less than five years old, meeting paragraph 14(a). The paragraph 14(b) test is an objective one: whether the neighbourhood plan contains policies and allocations to meet its identified requirement. The JMNP2 contains policies and allocations which meet and exceed its identified housing requirement of 270 dwellings. It is agreed that paragraph 14 is engaged[197].

8.31 Over the course of this Inquiry, we have heard a series of criticisms directed at the neighbourhood plan process: criticisms of the manner in which the Examiner was appointed; arguments about the basic conditions against which neighbourhood plans are assessed; and suggestions that the logic of including certain site allocations was flawed.

8.32 The Appellant's planning witness accepted in cross-examination that none of these points are relevant to whether or not paragraph 14 of the Framework is engaged. He confirmed that there is nothing in his proof of evidence commenting on the independence or impartiality of the Examiner, or the process by which examiners are appointed. He accepted that he was not arguing that the weight to be given to paragraph 14 should be reduced because neighbourhood plans are assessed against the basic conditions rather than some other standard[198]. That is obviously correct.

8.33 Paragraph 14 provides an important exception to the tilted balance. Where both criteria are met, the conflict with the neighbourhood plan is given considerable weight because this policy provides a rebuttable presumption that the adverse impacts are *"likely to significantly and demonstrably outweigh the benefits"*. The Appellant's planning witness agreed with that approach[199]. The Appellant, however, argues that the tilted balance should not be outweighed in this case on the basis of the housing shortfall in this district; the core policies being out of date; and the concerns raised by the examining inspectors over the emerging Local Plan.

8.34 But we know that the latest position is that the examining inspectors are "*satisfied at this stage that there is sufficient prospect that the existing legal compliance and soundness deficiencies [...] identified could be*

[196] Mr Neame XX & CD10.3 paragraph 5.58
[197] Mr Neame XX
[198] Mr Neame XX
[199] Mr Neame XX

*overcome"*[200]. The inspectors have confirmed that the emerging Local Plan is capable of resuming to examination, and the Council's witness provided an update to this Inquiry that the Council intends to provide a timetable as requested to pave a way forward for addressing those concerns. As the Appellant's planning witness accepted[201], this is not a situation where the examining inspectors have said the emerging Local Plan simply cannot continue[202].

8.35 The Appellant's reliance on the housing shortfall and out of datedness of the spatial policies is not a trump card against the weight to be given to paragraph 14. The policy operates on the specific basis that the tilted balance is engaged because the most important policies for determining the application are out of date (including where there is no five-year housing land supply). To a large extent, the factors relied on by the Appellant are already baked into the exercise. What paragraph 14 tells us is that in that scenario, the starting point is the strong presumption against granting permission.

8.36 Appeal decisions from Burghclere[203], Farnham[204] and Cholsey[205] collectively demonstrate the considerable weight that inspectors and the Secretary of State attach to the operation of paragraph 14 where it is engaged. In each instance, notwithstanding (i) the application of the tilted balance, (ii) a lack of a five year housing land supply, (iii) a housing shortfall and (iv) proposals promising considerable public benefits, those decision makers consistently treated the fundamental conflict with the neighbourhood plan strategy as a matter which significantly and demonstrably outweighed the benefits of additional housing.

*Striking the balance*

8.37 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.38 In light of the agreed housing land supply position, national policy tells us that paragraph 11(d) of the Framework applies. The paragraph 14 protection, however, strikes an important balance between the imperative to boost housing supply and the objective of maintaining a genuinely plan-led system, in which communities that have taken responsibility for planning for growth are afforded an appropriate degree of certainty and protection. If neighbourhood plans ceased to have force whenever housing supply is inadequate, paragraph 14 would be deprived of any coherent

[200] CD4.8
[201] Mr Neame XX
[202] The closing submissions were made prior to the publication of the Council's response to the examining Inspectors (ID16) and to the Inspectors further letter dated 27 February (ID17) and the withdrawal of the plan from examination on 22 May 2026 (ID23) – the details of which are dealt with in Main Consideration 5
[203] CD8.3 paragraphs 65-66

[204] CD8.4 paragraphs 103-105
[205] CD8.5 paragraphs 44-50

purpose. The policy exists precisely because local housing delivery rarely aligns neatly with strategic ambitions.

8.39 The Qualifying Bodies have been through two plan-making processes over prolonged periods of time, delivering the original JMNP and JMNP2. A dedicated, hard-working local community has driven this process. Confidence in the plan- making process would be seriously undermined were this appeal to be allowed despite the recency of adoption of the JMNP2 and the fact that it provides for growth exceeding its identified housing requirement. This is precisely the set of circumstances for which paragraph 14 has been included within the Framework.

8.40 The appeal scheme conflicts fundamentally with the core spatial policies of the Development Plan. This includes conflict with the very recently made JMNP2, to which the Council attaches **substantial** weight. There are additional harms in respect of the character and appearance of the area and the loss of BMV agricultural land, which can be attributed **moderate** weight. On balance, and with the strong presumption that comes with paragraph 14 protection, these harms are more than sufficient to outweigh the acknowledged contribution this scheme could make to the housing needs of the district and the other benefits that it might deliver.

8.41 It follows that the appeal scheme does not accord with the Development Plan taken as a whole, and there are no material considerations that would justify a decision to grant planning permission.

8.42 For all these reasons, the Council invites the Inspector to dismiss the appeal

## 9 THE CASES FOR INTERESTED PARTIES APPEARING AT THE INQUIRY[206]

***Jacob Lawrence speaking on behalf of Brian Mathew MP***

9.1 Brian Mathew is the MP for the Melksham & Devizes Constituency. Mr Mathew's statement related to the national policy context, the intent of neighbourhood planning and Framework paragraph 14 and national precedent.

9.2 Neighbourhood planning is an essential consideration for any application, especially in instances where an abundance of agreeable sites have already been identified and allocated. This is a central tenant of the National Planning Policy Framework which explicitly states in Paragraph 14, 'the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits [where] the neighbourhood plan contains policies and allocations to meet its identified housing requirement'.

9.3 The Government has repeatedly endorsed a vision for planning in which communities are encouraged to plan positively for the future, in a way that aligns with resident aspirations for their hometowns. It is vital that planning authorities listen to and respect communities who have gone above and beyond to deliver adequate sites to meet local housing need. To be clear, the Melksham Joint Neighbourhood plan has allocated sites equivalent to double its

[206] ID4 & ID5

specified housing requirement and has been praised as "an excellent example of a neighbourhood plan review" by its independent examiner.

9.4 Ignoring communities, disrespecting their wishes, and overruling local knowledge will only increase dissatisfaction and resistance to the level of housing construction needed in this country. Framework paragraph 14 exists to protect these communities and give certainty that neighbourhood plans will be respected.

9.5 If a neighbourhood plan can be ignored, popular engagement in the planning process will be damaged and trust in plan-led decision making undermined. Less local input would be immeasurably detrimental to the quality of future developments and can only lead to greater resident dissatisfaction.

9.6 The circumstances of this appeal, in particular its proximity to the adoption of a neighbourhood plan, make this distinctive. Decision makers should ensure they consider the case carefully in light of the national precedent this could set. The integrity and importance of neighbourhood planning as a key tool of local democracy is under the spotlight and I repeat my call for paragraph 14 to be paramount in the consideration of this appeal.

9.7 Dismissing the appeal would reinforce the integrity and democracy of neighbourhood planning nationally and the intended effect of paragraph 14.

***Cllr David Pafford***

9.8 Cllr Pafford is Chair of the Joint Melksham Neighbourhood Plan 2 (JMNP2) Group & Vice Chair of Melksham Without Parish Council. He spoke on behalf of a co-ordinated group of interested parties who object to the appeal.

9.9 You will hear from parish and town councils, neighbourhood plan steering group members, professional bodies, residents and community groups. We are not here to duplicate the Council's evidence, nor are we opposing growth. We have a shared concern that the appeal seeks to override a recently made, up-to-date neighbourhood plan that has positively planned for housing, exceeded its requirements and benefits from full protection under Framework paragraph 14. If allowed, the harm would not be confined to this site; it would undermine neighbourhood planning, weaken the plan-led system, and damage public confidence in lawful plan-making – locally and nationally. Our evidence focuses on 1) wider harm to neighbourhood planning and paragraph 14; 2) local harm from conflict with JMNP2 policies; 3) longer-term harm to proper plan-led future planning of Melksham. Each speaker will address a specific issue once only; submissions should be taken together as a coherent body of interested party evidence and should be given full weight.

9.10 JMNP2 has been independently examined and found sound, it was approved at referendum and is a made neighbourhood plan. JMNP2 allocates housing sites and exceeds the housing requirement set for the area. It is up to date, meeting the criteria for NPPF paragraph 14 protection. Paragraph 14 is therefore triggered and is intended to provide full protection in decision-making. JNMP2 was made less than 24 hours before the Strategic Committee decision on the application. Paragraph 14 is clearly triggered, and full weight must be given to JMNP2 in the planning balance.

***John Glover***

9.11 John Glover is Chair of Melksham Without Parish Council and member of JMNP2 Steering Group.

9.12 Melksham is pro-growth and plan-led. This is our second neighbourhood plan. Both reflect the needs of our Joint Councils' area of responsibility.

9.13 Melksham has embraced growth through lawful plan-making and positive planning for housing. Engaging with developers to ensure that the neighbourhood plan policies are deployed. JMNP2 allocates housing and more than doubles the housing delivery requirement set for the area. There have been pre-app discussions with potential Plan Led site developers to ensure the best solution to neighbourhood plan requirements.

9.14 The Plan adopts a brownfield-first approach, including difficult and complex sites. JMNP2 has been independently examined and found sound. The Examiner said "The Plan is an excellent example of a neighbourhood plan review. It seeks to bring the Plan up-to-date. It includes a variety of policies and identifies positive and sustainable development. It addresses housing delivery in the Plan period." 88% 'Yes' vote at referendum demonstrates a strong democratic mandate for the plan-led approach and follows from considerable public consultation.

9.15 The objection is not to growth, but to growth outside the agreed plan-led strategy. This is not opposition to housing; it is a request that plan-led growth and the community's democratic mandate are respected. Otherwise what is the point of an adopted neighbourhood plan.

***Saffi Rabey***

9.16 Saffi Rabey is Mayor of Melksham Town Council.

9.17 The Town Council fully supports planned and sustainable growth delivered through adopted local plans and lawful decision-making.

9.18 Growth is most effective when it is shaped through a transparent planning framework, where proposals are assessed against policies that have been democratically agreed and publicly consulted upon. Working within these adopted plans ensures consistency, fairness and long-term certainty for residents, developers and partner authorities.

9.19 The community has already recognised the need for new housing and has supported a plan that makes difficult but necessary choices for the future.

9.20 Through previous consultations and plan-making processes, residents have constructively engaged with the realities facing the area – such as housing demand, demographic change, and the infrastructure required to support growth. This willingness to confront challenging decisions demonstrates strong civic responsibility and an understanding that well-managed development can benefit the wider community.

9.21 The Joint Melksham Neighbourhood Plan reflects genuine collaboration between the Town Council and Parish Council, resulting in a strategy built on compromise, joint evidence and positive planning.

9.22 The Joint Melksham Neighbourhood Plan is not a document of resistance but one shaped through partnership working. By aligning priorities, sharing data, and balancing local insight with district-wide strategic needs, both councils have produced a plan that is pragmatic, proportionate, and deliverable. It represents a shared commitment to orderly development that respects community character while meeting identified needs.

9.23 Speculative development that falls outside the agreed plan risks undermining that collaborative work and damaging public confidence in the planning system.

9.24 When unplanned or speculative proposals come forward in isolation from the adopted strategy, they can erode trust in the process, create uncertainty and undermine carefully balanced compromises reached during plan preparation. This not only threatens the coherence of the local growth strategy but also risks reducing community engagement in future planning activity, as residents may feel their input and previous commitments have been disregarded. Allowing this appeal would undermine public confidence in lawful plan-making and the plan-led system.

***Chris Holden***

9.25 Chris Holden is Chair of Melksham Community Partnership and a member of the JMNP2 steering group.

9.26 As Chair of the Melksham Community Partnership, have seen first-hand the effort required to bring together councils, organisations, landowners and residents to support and plan for growth. As an active member of the JMNP2 Steering Group, I know the Neighbourhood Plan has planned positively for housing and meets the paragraph 14 criteria. As such paragraph 14 is triggered, so it is surprising and somewhat disappointing that this is being pursued through appeal rather than respecting the made plan. The Appellant's website states that as a land promoter they believe in a collaborative approach to land promotion, with a strong commitment to community engagement. The work that has culminated in the Neighbourhood Plan began in early 2014 and has had widespread engagement, input, review and consultation across the community.

9.27 Delivery partners rely on certainty; ignoring paragraph 14 undermines confidence and makes coordinated delivery harder. Policy 7.1 (Cooper Tyres) and 7.2 (Melksham Library) ambitiously allocates brownfield land that necessitates partnership delivery; ignoring paragraph 14 and undermining plan led development risks delivery of this important brownfield regeneration. This is about delivering growth properly through considered plans, not resisting development. We're not saying that houses shouldn't be built; far from it. We're simply saying that we want houses built on brownfield sites and that the Neighbourhood Plan, (some 12 years in the making), representing our community's own vision for the future of the Melksham Area, should be respected. Proceeding as if paragraph 14 protection can simply be set aside damages certainty, delivery confidence and the credibility of plan-led growth.

***Cllr Richard Wood***

9.28 Cllr Richard Wood is Chair of the Planning Committee, Melksham Without Parish Council; former Chair, JMNP1 Seering Group. Cllr Wood spoke about the

principle of development; settlement boundary breach and spatial strategy harm.

9.29 The appeal site lies outside the defined settlement boundary and in open countryside. It is a large outward extension beyond the logical edge of Melksham. Eastern Way forms a strong physical boundary; development beyond it would erode the defensible settlement edge. Approving the development would undermine the spatial strategy and set a precedent for further proposals beyond the settlement edge. The proposal conflicts with Policy 6 in principle and would cause strategic harm to plan-led growth.

***Liz Rowley***

9.30 Liz Rowley is a local resident who spoke about flood risk and drainage.

9.31 She lives near the site and has direct experience of flooding and drainage issues in the area. Surface water management locally is already under strain. Wessex Water have had to do work to Lopes Close to address flooding issues in the Primrose Drive area further downstream. Central parts of the site are affected by flood risk, including along Clackers Brook, and there are areas of Flood Zones 2 and 3. Policy 3 requires a precautionary approach and avoidance of increased flood risk elsewhere; the risks are not theoretical. Development here would worsen flood risk in an already sensitive area and conflicts directly with JMNP2 Policy 3.

***Graham Ellis***

9.32 Graham Ellis is a member of the JMNP steering group and Chair of Melksham Transport User Group. He spoke about JMNP2 Policy 11 – Sustainable transport and active travel.

9.33 Eastern Way is a fast, heavily trafficked route and acts as a barrier rather than a connector; it's the defacto Eastern Bypass whilst plans for one are assessed by the Department for Transport. Pedestrian and cycling connectivity from the site to facilities is poor and indirect. The location would force reliance on the private car for most trips, contrary to Policy 11's objectives. There is a limited supply of local employment land in this part of Melksham, meaning additional housing here would reinforce out-commuting patterns and further increase reliance on private car travel. This location entrenches car dependency and conflicts directly with JMNP2 Policy 11.

***Cllr Simon Wise***

9.34 Cllr Wise is Vice Chair of Lacock Parish Council and spoke about traffic and rat-running impacts on Lacock.

9.35 Traffic associated with the proposal would add to existing pressures on rural lanes and routes towards Lacock. Approaching from Melksham involves constrained routes and bridge crossings at Reybridge, which are prone to flooding and closures between September and March. These routes include single-track stretches with limited passing places, increasing conflict and safety risks for residents and visitors. Additional traffic would increase risks for pedestrians, cyclists and horse riders on rural lanes in a tourist area. Further traffic interventions would impose costs on a small rural parish. Additional

traffic would intensify rat-running and cause lasting harm to Lacock's rural lanes, community safety and visitor environment.

***James Bradshaw***

9.36 James Bradshaw represented the National Trust (Lacock) and spoke about heritage and visitor impacts on Lacock and Lacock Abbey setting.

9.37 Lacock is an exceptionally intact historic village of national significance, with narrow streets and high pedestrian activity. The bridge crossings at Reybridge form a key part of the approach and setting to Lacock and Lacock Abbey, and are a constraint point for traffic. Increased traffic would harm visitor experience through noise, congestion, safety conflict and erosion of historic character. Traffic pressure is compounded by periodic flooding-related closures. Heritage policy requires great weight to be given to conserving designated heritage assets and their settings. Increased traffic would cause unavoidable heritage and visitor harm to Lacock that must weigh heavily against the appeal.

***Fiona Dey***

9.38 Fiona Dey is a East Melksham resident and spoke about JMNP2 Policy 18 – Landscape character.

9.39 The site is visually open and forms part of the eastern rural setting of Melksham. There are long views across the Avon Open Clay Vale and the site contributes to openness and rural character. Public rights of way and informal routes experience the site as open countryside; development would change that experience permanently. Once built, the loss of openness and rural character cannot be restored. This proposal would cause irreversible landscape harm that conflicts with JMNP2 Policy 18.

***Anne Henshaw***

9.40 Anne Henshaw is the Chair of CPRE Wiltshire and spoke about JMNP2 policies 18 & 12 – Strategic landscape and green/blue infrastructure harm.

9.41 CPRE supports plan-led development that balances growth with protection of countryside character. The site contributes to landscape openness and the rural setting of Melksham; development would represent an advance into open countryside. Policy 12 (Green and Blue Infrastructure) seeks to protect and enhance multifunctional green and blue infrastructure; development would erode these functions. Landscape and GBI harms would be permanent and irreversible. Protecting landscape character and green/blue infrastructure is integral to plan-led growth; this appeal conflicts with policies 18 and 12 and should be dismissed.

***Nico Mengini***

9.42 Nico Mengini is Director of Jarboom (festival organiser); speaking about Oakfields as a community venue.

9.43 Oakfields is a valued community sports venue supporting a range of activities, including mixed-ability/SEND sports. Oakfields is also used as a venue for community events and local music festivals operated by Jarboom, supporting community sport and youth provision. Housing directly adjacent would

increase the risk of complaints and operational constraints, threatening events and future improvements. Policy 15 seeks to protect community facilities and avoid placing incompatible development next to them. This proposal would threaten the long-term viability of valued community facilities and conflicts with JMNP2 Policy 15.

***Cllr Nick Holder***

9.44 Cllr Holder is a Wiltshire Councillor for the Bowerhill ward containing the appeal site. He spoke about the strategic prejudice to plan-led growth; the Local Plan at examination; regeneration and coordination.

9.45 The existing area of Bowerhill is a great example of plan led development. Whilst made up of over 1500 dwellings there is great linkage around the whole area via the road network, pavements and footpaths. There are also well laid out and maintained play areas. At the centre of Bowerhill are the pub, the local shops, the village hall and the primary school. We have a recognised sense of place. The two most recently added on housing areas Parkfinder Place (250 homes) and Marston Close (12 homes) are well connected to the historic core of Bowerhill. Bowerhill's future growth needs to be strategically planned so as to create connected communities. The Wiltshire Local Plan is currently at examination stage and the housing developments for Bowerhill have been allocated in order to manage its growth in a comprehensive way. Approving unplanned development by appeal risks prejudicing the plan led approach and reducing strategic flexibility.

9.46 Unplanned housing growth ahead of co-ordinated employment provision risks worsening the existing housing-jobs inbalance underpinning the comprehensive approach being tested through the local plan examination. The future growth and expansion of Bowerhill must be shaped through plans, not appeals. This proposal would prejudice comprehensive plan-led development and create unplanned communities with no sense of place.

***Cllr Charlena Stokes***

9.47 Cllr Stokes is a Wiltshire Councillor for Melksham East and spoke about Snarlton specific strategic impacts, regeneration and inefficient use of land.

9.48 This proposed site borders Melksham East. Our Neighbourhood Plan is built on a plan-led approach, ensuring development comes forward in the right sequence, supported by necessary infrastructure. This is fundamental to delivering sustainable growth and regeneration for our community. Take the Cooper Tires site, for example. It is a major allocated regeneration site in Melksham in our Neighbourhood Plan under Policy 7.1. It has the potential to deliver at least a hundred homes alongside employment space and community facilities. This site is central to revitalising a brownfield area and reducing pressure on greenfield land. If this appeal is allowed, it risks diverting investment and developer focus away from planned sites such as Cooper Tires, delaying its delivery and undermining the regeneration benefits it offers.

9.49 For Snarlton Farm specifically, the proposal represents an inefficient use of land. The application lacks integration with existing services, infrastructure and the local community, which is in direct contrast with our more comprehensive plan-led options. Clackers Brook runs through the site – no bridge planned. Approving this appeal would fragment that strategy, leaving us with piecemeal

growth and missed opportunities for joined-up planning. Allowing the appeal would undermine comprehensive planning for Melksham and should be afforded significant weight against the proposal.

***Campbell Ritchie***

9.50 Campbell Ritchie represents WALPA (Wiltshire Area Localism and Planning Alliance), a Wiltshire-wide neighbourhood planning alliance representing 30+ neighbourhood planning groups. He spoke about the wider precedent harm to neighbourhood planning and paragraph 14 protection.

9.51 WALPA is an informal liaison and mutual support organisation of over 30 town, parish and neighbourhood planning groups, so including communities like Salisbury, Chippenham, Melksham, Trowbridge, Malmesbury and many others, which together have developed and maintain neighbourhood plans that cover hundreds of thousands of Wiltshire residents. Mr Ritchie was Mayor of Malmesbury.

9.52 Any neighbourhood plan is the result of a huge amount of time, effort and resource committed by communities. They are the embodiment of bottom up place making, built on partnership working and are a successful part of effective plan led development. They are closely inspected and shaped by independent examiners. They pass a referendum. They have public commitment and confidence. Research is clear – the major Reading University study in 2020 for the Government, for example, shows Neighbourhood Planning delivers more housing than Local Plan allocations, more tailored housing mixes and better quality.

9.53 The Joint Melksham Neighbourhood Plan 2 is front and centre of this Appeal. It is examined, made, up to date – it could hardly be more up to date!, allocates housing, supported by the public and is exceeding requirements. It had to be reviewed when it was, without delay, to maintain NPPF currency versus the 2 year and 5 year limitations. It has examiner agreed mechanisms in place to allow for community led amendment if circumstances require. Absolutely a neighbourhood plan covered by paragraph 14 – and, if there is any doubt, paragraphs 69 and 70 in respect of numbers – of the current Framework. It is absolutely a neighbourhood plan that the government clearly wants protected. Without doubt, a neighbourhood plan to which the adverse impact of allowing development that conflicts with it is likely to significantly outweigh the benefits.

9.54 Which is the case here. It is inconceivable that this Appeal is allowed. Any thought of, for example, treating wider strategic shortfalls as overriding this neighbourhood plan would nullify the National Planning Policy Framework in practice. It would not be compliant with the National Planning Policy Framework.

9.55 I can also say that this Appeal is not just about this application at this site. Allowing it would undermine public confidence in the planning system not just in and around Melksham. It would discourage communities from engaging in neighbourhood planning across Wiltshire. This appeal should be dismissed to uphold the JMNP2's Paragraph 14 protection and avoid wider harm to neighbourhood planning across Wiltshire.

***Lance Allan***

9.56 Lance Allan is President of the Society of Local Council Clerks (SLCC) and spoke about Council's investment and plan-led certainty.

9.57 Mr Allan has a BSc (Hons) in Transport Operations & Planning and was the Trowbridge town clerk from September 2005 to August 2025. He participated at the Core Strategy and Housing Sites Allocation Plan Examinations and has been involved in development of the Local Plan, as well as participating as a Rule 6 Party in appeals in Wiltshire.

9.58 The SLCC works with partners, including the National Association of Local Councils (NALC), to support neighbourhood planning. These organisations provide advice and support to members and offer national policy positions both proactively and in response to government. My attendance here today is a reflection of the importance of the issue to the whole local council sector.

9.59 The Framework at paragraph 14 is very clear. The adverse impact of allowing this appeal, will significantly and demonstrably outweigh the benefits. Certainty that 'made' plans will be respected is essential for good governance and partnership working. If paragraph 14 protection can be overridden immediately, confidence in lawful plan-making is damaged and future plan-making is discouraged. Town & Parish councils have been at the forefront of neighbourhood planning, 90% of 'made' plans being in parish areas.

9.60 Allowing this appeal, will have a detrimental effect on national neighbourhood planning, impacting communities across the country, eroding the confidence that communities have to make proposals to support growth; and the expectations of the public in the value of involvement in positive plan making.

9.61 The appeal decision must; recognise the significant time and resources invested to develop this updated neighbourhood plan, jointly by the growing community of Melksham, with Melksham Town Council and Melksham Without Parish Council; an exemplary neighbourhood plan which reinforces the community's role in delivering growth for Wiltshire.

9.62 The appeal decision must; support the efforts of communities across the country, willing to proactively deliver neighbourhood plans in line with the Framework and local plans. Dismissing the appeal significantly & demonstrably reinforces confidence in lawful plan-making and the plan-led system.

***Vaughan Thompson***

9.63 Vaughan Thompson is a chartered town planner who has supported both Councils and the steering group of local people in making JMNP1 and JMNP2. He spoke to provide the closing statement on behalf of Interested Parties.

9.64 JMNP2 was judged by the Examiner to be an excellent example of a reviewed plan and represents precisely how the Framework intends Neighbourhood Plans should support sustainable development. It was examined in May 2025 under the transitional arrangements of the 2024 version of the Framework. Its approach to housing allocations was found to be sound and up to date and there is commitment for plan review if circumstances demand. It became part of the development plan only six months ago, immediately before the planning

decision and contains policies and allocations that meet and exceed its identified housing requirement. Framework paragraph 14 is clearly triggered.

9.65 You have heard why the proposed development conflicts with a raft of policies in JMNP2 and its adverse impacts would significantly and demonstrably outweigh any of the claimed benefits. It is contrary to the development strategy and causes irreversible harm, including to landscape, sustainable transport and flood risk impacts. There is also wider harm to the proper planning of Melksham, including potentially undermining the viable regeneration of important allocated brownfield sites and future growth of Melksham to its east. For those reasons, the Interested parties respectfully ask that the appeal be dismissed and that full weight be given to JMNP2 and paragraph 14 of the Framework.

***Teresa Strange***

9.66 Teresa Strange is the Clerk to Melksham Without Parish Council and she spoke about the S106 and conditions.

9.67 The submission is made without prejudice and only applies if the appeal were to be allowed. The Parish Council would wish to participate in round-table discussions on conditions and section 106 obligations to ensure minimum safeguards are secured. The Parish Council is interested in first refusal for equipped play areas, allotments and community orchards. The Parish Council has secured land for a community centre east of Melksham on the Blackmore Farm site and requires additional funding to deliver this long-standing community objective. The Parish Council would therefore wish to engage in discussions about whether development contributions could support the delivery of this long-standing community objective.

***Francis Morden***

9.68 Francis Morden is a local resident. He spoke to say that he agreed with Lance Allen and that the appeal will turn on paragraph 14. He supports the Council's decision. The National Planning Policy Framework is a statement of government policy and paragraph 14 is quite separate from paragraph 11(d). Paragraph 14 (a) and (b) are both met. Paragraph 14 states that neighbourhood plans are paramount and there are no wholly exceptional circumstances in this case.

## 10. WRITTEN REPRESENTATIONS

10.1 **Local Residents:** A number of representations were received from local residents objecting to the proposal (17 at application stage). These include concerns regarding Melksham already being overpopulated and developed; the closure of Cooper Tyres meaning that the only significant employer has been lost; proposed development will destroy only access to open countryside of any significance for walkers; if there has to be any new building in Melksham, it should be on the Brown Avon Tyres site; damage to/loss of habitat and wildlife; loss of greenspace/agricultural land; detrimental to the rural character; encroachment into the countryside; housing needs to go on brownfield/industrial sites; not enough capacity at secondary and primary schools; difficulty booking appointments with doctors and dentists, lack of infrastructure to support new households, lack of retail and leisure provision in the town; existing roads unable to manage traffic; additional traffic

congestion; traffic calming measures would be needed along Eastern Way; increase in traffic; increase in speeding car racing and anti-social behaviour; bypass should be approved first; more sewage in rivers; potential flood risk; houses would not be affordable; pollution generated from the construction phase of the development; should be rejecting unplanned development; unsustainable location and isolated from facilities.

10.2 A number of other representations were received from internal and external consultees, with the exception of **Active Travel England** who were unable to support the application due to concerns regarding the supporting information and the lack of commitment to modal shift, no objections were raised to the proposal in addition to those set out in the previous section from the **National Trust** and **Town and Parish Councils**. In some cases this was subject to the imposition of suggested conditions and obligations within a S106 legal agreement.

## 11. CONDITIONS AND PLANNING OBLIGATION

11.1 The Appellant and the Council submitted a schedule of agreed conditions which were discussed at the inquiry. A S106 obligation was also agreed between the Council and Appellant and discussed at the inquiry. These conditions and the S106 planning obligation are discussed below.

## 12. INSPECTOR CONSIDERATIONS

*References to earlier paragraphs in this report are in square brackets [].*

### *Main Issues*

12.1 The main considerations are:

- Whether the appeal site is an appropriate location for the proposed development having regard to policies CP1, CP2 and CP15 of the Wiltshire Core Strategy and Policy 6 of the Joint Melksham Neighbourhood Plan 2;
- If not, whether the proposal would result in any other harm, with particular regard to landscape and BMV[207];
- Whether the Council can currently demonstrate a five year housing land supply and if not, the extent of the shortfall;
- Any benefits of the proposal and the weight to be given to them;
- If the Council cannot demonstrate a five year housing land supply, whether the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (the Framework) taken as a whole, taking into account the recently made NP and the wording of paragraph 14.

[207] Best & Most Versatile Agricultural Land

***Main Consideration 1 – whether the appeal site is an appropriate location for the proposed development having regard to the WCS policies CP1, CP2 and CP15 and JMNP2 Policy 6***

[5.3, 5.4, 6.1, 6.2, 6.5, 6.6, 7.3, 7.4, 7.6 – 7.8, 7.11, 7.21 – 7.32, 7.35 – 7.53, 8.2, 8.6, - 8.21, 9.18, 9.23, 9.24, 9.29, 9.45, 9.46, 9.48, 9.49, 9.65, 10.1]

12.2 The appeal site comprises undeveloped agricultural land. The parties agree that it is in the open countryside beyond the settlement boundary of Melksham as defined in the development plan [6.5].

12.3 WCS CP1 sets out the settlement strategy for Wiltshire and directs development to the identified principal settlements, market towns (including Melksham), local service centres and large and small villages with differing scales of development deemed acceptable in different locations. Whilst no reference is made within the policy to development beyond the identified settlements, supporting paragraph 4.16 states, amongst other things, that there is a general presumption against development outside the defined limits of development of the identified settlements.

12.4 WCS CP2, amongst other things, states that other than in circumstances as permitted by other policies in the Plan, development will not be permitted outside the limits of development as defined on the policies map. It further states that the limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans. None of the circumstances apply here and the settlement boundary of Melksham was not altered by either the SAP or the JMNP1 or JMNP2.

12.5 WCS CP15 states that development in the Melksham Community Area should be in accordance with the settlement strategy set out in CP1 and that growth in the Melksham Community Area may consist of a range of sites in accordance with CP1 and CP2. The Melksham Community Area comprises the area beyond the settlement boundary of Melksham.

12.6 JMNP2 Policy 6 part 2 states that housing outside settlement boundaries will be managed in accordance with the adopted Development Plan and should meet evidenced housing need. Supporting paragraph 4.7.1 of the JMNP2 states, amongst other things, that development within settlement boundaries is generally supported and development outside boundaries is more controlled in the interests of balancing social, economic and environmental needs.

12.7 Noting the position of the appeal site beyond the settlement boundary for Melksham, the proposal is clearly contrary to WCS Policy CP2. Although the wording of JMNP2 Policy 6 is such that it does not explicitly preclude development outside settlement boundaries, it states that such development should be managed and anticipates accordance with the adopted Development Plan and the meeting of an evidenced local housing need.

12.8 The Appellant accepts that the proposal conflicts with WCS CP2 [7.8] and there is no suggestion that it meets an evidenced local housing need. The Appellant's planning witness also accepts that the breach of WCS CP2 results in a breach of WCS CP15 and JMNP2 Policy 6 [7.8].

12.9 Notwithstanding that WCS Policy CP1 is referred to in the RfR relating to the site location (RfR1), CP1 is silent regarding development outside of the identified settlements. Consequently, I do not find any direct conflict with this policy and this is consistent with the agreed position of the parties at the time of the Inquiry.

12.10 Having regard to all the above, I conclude that the appeal site is not an appropriate location for the proposed development having regard to WCS policies CP2 and CP15 and JMNP2 Policy 6. I will consider the weight to be given to this conflict later in my decision.

***Main Consideration 2 – Other Harm***

[5.3, 5.4, 5.21, 5.22, 6.19 – 6.25, 7.5, 7.68 – 7.77, 8.22 – 8.25, 9.29, 9.31, 9.33, 9.35, 9.37, 9.39, 9.41, 9.43, 9.45, 9.46, 9.48, 9.49, 9.65, 10.1]

12.11 Though not forming part of the Council's reasons for refusal, the Council's evidence identifies other harm to landscape and BMV.

*Landscape*

12.12 It is common ground that the proposal would result in some landscape harm because it involves the development of un-developed agricultural land and the loss of green fields [6.20][208]. However, at the time of determining the application, the Council did not consider that the degree of harm would be significant enough to warrant refusal of the application on landscape grounds. This remains the case but nevertheless, the parties agree that the degree of landscape harm is something to be weighed in the planning balance.

12.13 The application was accompanied by a LVIA addendum dated July 2024[209] and a note on landscape and visual impact prepared by the Appellant's landscape consultant dated December 2025 was submitted with the appeal (Appendix 5 of Mr Neame's POE). The note summarises the position as set out in the LVIA and considers the landscape and visual impact implications of the recently consented Blackmore Farm development including up to 500 dwellings to the north of the site (Ref PL/2023/11188)[210].

12.14 The appeal site is located within the Avon Open Clay Vale Landscape Character Area as identified in the Wiltshire Landscape Character Assessment (WLCA)[211] but is not subject to any specific landscape designations. The WLCA sets out

[208] CD10.3
[209] CD7.16
[210] CD9.4 – CD9.6
[211] CD3.7

the key characteristics of the character area which includes a level land form with wide open skies and views to ridges and downs.

12.15 The LVIA addendum concludes that no significant environmental effects were identified in landscape and visual terms and that whilst some adverse effects were identified on the landscape character of the site and views, these effects are limited in geographical extent and typical of greenfield development. The note states that whilst these relatively localised effects will remain, the consented Blackmore Farm development will have an urbanising effect on the baseline environment, providing a stronger settlement context for the proposal.

12.16 As stated, the appeal site comprises undeveloped agricultural land located to the east of the settlement of Melksham and residential development to the west of Eastern Way, a distributor road. The Snarlton Farm complex lies to the north of the site with Melksham Football and Rugby Clubs to the south. Beyond these developments, land to the north, east and south of the site is largely undeveloped, though as stated, there is a resolution to grant planning permission for development including residential development at Blackmore Farm to the north of the site.

12.17 Given this context and the scale of development proposed, I agree with the parties that the proposal would result in some landscape harm. However, I consider that any landscape harm would be limited and in the main fairly localised. This is noting the findings of the LVIA addendum, the methodology of which is accepted by the Council and the submitted development parameters plan which shows extensive areas of open space including areas along the northern, eastern and southern boundaries of the site. This would allow for substantial landscaping to help to mitigate the visual effect of the development on the wider undeveloped area.

12.18 Notwithstanding the agreed landscape harm, the parties agree that there would be no conflict with WCS CP52 and the Council considers the proposal to comply with WCS CP51. I agree with that position given the limited extent of the harm. For the same reason there would be no conflict with JMNP2 Policy 18.

*BMV*

12.19 It is common ground that the proposal would result in some loss of BMV agricultural land. The appeal site comprises a mixture of land classified as Grade 2, Grade 3a and Grade 3b with only Grade 2 and 3a classed as being BMV[212]. However, as with landscape harm, at the time of determining the application, the Council did not consider that the degree of harm would be significant enough to warrant refusal, but the parties agree that the loss of BMV is something to be weighed in the planning balance.

12.20 A note regarding BMV prepared by the Appellant's agricultural consultant dated December 2025 was submitted with the appeal (Appendix 4 of Mr Neame's POE) and discussed during the Inquiry. It estimates the loss of BMV land on the site to be approximately 4.4 ha of the total site area of 19.2 ha. The

[212] Framework Annex 2: Glossary definition

Council considers that the loss of BMV land would be more significant as even if it is not built on, other land within the site boundary would no longer be available for agriculture and should therefore be considered as lost. My attention was drawn by the Council to the Papist Way appeal decision[213] and the findings of the Inspector on BMV loss.

12.21 It appears from the evidence before me that not all the land within the appeal site is BMV, with a large section of land on the southern portion of the site being Grade 3b, not of a high enough quality to be classified as BMV. Nevertheless, I consider that any part of the development that would take place on BMV land, including ancillary areas such as open space, would in effect result in its loss to agriculture even if not being built on given the residential and long-term nature of the proposal. Consequently, the amount of BMV loss would be higher than that stated by the appellant and in the absence of specific figures, is more likely to be nearer to half of the appeal site area, so approximately 9 ha.

12.22 The BMV loss in the Papist Way case was 26.25 ha, so greater than here, and most was Grade 3a with a small area of Grade 2, so similar to the appeal site. The Inspector dealing with the Papist Way case accepted that ancillary parts of the development would also be unavailable to agriculture. I have taken a similar approach.

12.23 The Council presented no expert evidence on this issue and in the absence of this, and based on the evidence before me, I am satisfied that even if I consider that approximately half the site would be lost in terms of BMV, the proposal would not involve the significant development of higher quality agricultural land, of the type that section 15 of the Framework (paragraphs 187 & 188 and footnote 65) seeks to avoid. I therefore conclude that the harm arising from the loss of BMV would be moderate.

*Other Alleged Harms*

12.24 As set out above, at the Inquiry I heard from a number of interested parties raising concerns regarding the proposal. I have also had regard to the written representations received.

12.25 Although the appeal site is outside of the settlement boundary of Melksham, it is adjacent to it, close to existing and proposed residential development and services and facilities. I am satisfied that it has good connectivity and note that no concerns were raised in this regard by the Council who consider Melksham to be a sustainable location with the potential for significant development[214]. There is therefore no conflict with WCS policies CP60 and CP61 and JMNP2 Policy 11. I do not consider that approval of the proposal would set a precedent for development beyond the settlement boundary as my recommendation is based on the particular circumstances of this case with any other future developments needing to be assessed on their own merits and in light of the 5yrHLS position at that time.

[213] CD8.5
[214] CD3.1 WCS Policy CP1

12.26 Although I note evidence regarding other flooding in the area and the presence of Flood Zones 2 and 3 within the appeal site, as agreed by the parties[215] [6.15], there is no evidence that the proposal would result in an increase in flooding nearby or that suitable drainage cannot be provided to serve the development. The submitted FRA[216] confirms that the proposed development and developable areas are restricted to land that is in Flood Zone 1 only. Moreover, the Developable Parameters Plan[217] would ensure that developable areas are within Flood Zone 1 and can be secured by condition. There is therefore no conflict with WCS Policy CP67 or Policy 3 of the JMNP2.

12.27 Concerns were raised regarding the effect of traffic associated with the proposal, including on the heritage assets of and visitors to Lacock village and Abbey and on the bridge crossing at Reybridge. Whilst these concerns are noted, I note that no objections have been raised by the Council in this regard with no highway safety objections being raised by the Highway Authority. It is common ground between the parties that the proposal will not result in any harm to designated heritage assets. I have seen no evidence that suggests that any increase in traffic resulting from the proposal would have a materially harmful effect on the heritage assets at Lacock or on those visiting them. There is therefore no conflict with WCS policies CP58 and CP61.

12.28 I have found the landscape harm resulting from the proposal to be limited and have had regard to this in the planning balance. The Council has raised no concerns in respect of the loss of blue and green infrastructure, and I can see no reason to disagree with its findings on this matter noting that no objections were raised to the proposal by the Council's ecologist or arboriculture officer. There is therefore no conflict with WCS policies CP50, CP51 and CP52 and JMNP2 policies 12 and 18.

12.29 Reference has been made to a lack of employment facilities in the area and to a lack of integration with existing services, facilities and infrastructure. However, as stated, the appeal site is located at the edge of Melksham with good access to a range of services, facilities and transport options. Consequently, I consider it to be well-integrated and that future occupiers of the proposal would have sufficient access to services, facilities and employment opportunities. There is therefore no conflict with WCS policies CP3 and CP60 and JMNP2 Policy 11.

12.30 I understand from the evidence that the nearby sports clubs are used for events including a music festival. Concerns have been raised that the future presence of residential occupiers on the appeal site may lead to noise complaints when such events are taking place with consequent undue restrictions being placed on them. Notwithstanding that the illustrative masterplan shows residential development to the south of the site, near to the sports clubs and their facilities, there is no substantive evidence before me to suggest that the proposal would place any such restrictions on the future use of the sports clubs, including for events. There is therefore no conflict with WCS Policy CP57.

[215] CD10.3 paragraphs 5.20 & 5.21
[216] CD7.13
[217] CD7.5

12.31 Finally, given the particular site constraints, I am content that the proposal makes efficient use of land and note that the illustrative masterplan shows a footpath route across Clackers Brook[218], thereby providing connectivity across the site. There is therefore no conflict with WCS policies CP57 and CP60.

***Main Consideration 3 – Housing Land Supply***

[5.8, 5.15, 5.18, 6.3, 7.54 – 7.61, 8.26]

12.32 There is agreement between the parties that the Council cannot currently demonstrate a 5yrHLS [6.3]. However, there is disagreement regarding the extent of the shortfall with the Council stating that it currently has a 2.42 year supply and the Appellant stating a 2.16 year supply.

12.33 The Council relies on its Housing Land Supply Statement dated June 2025 (HLSS 2025)[219] which states that as of 1 April 2024, the Council had a deliverable supply of 2.42 years. This is based on an agreed requirement of 18,312 dwellings for the period 1 April 2024 to 31 March 2029 and on the Council's figures, this equates to a shortfall of 9,367 dwellings over the five year period. The Council provided no expert housing land supply evidence to the Inquiry, though the matter was addressed briefly in section 7 of Mr Reynolds' POE[220].

12.34 By contrast, I heard specific evidence on housing land supply from Mr Harris on behalf of the Appellant[221]. Although Mr Harris agrees with the Council's requirement figure, he concludes that the deliverable supply is reduced by 1,038 dwellings (7,907 versus the Council's figure of 8,945). This is because of dwellings being removed from the supply figure, from the windfall allowance and from 12 disputed sites.

12.35 Mr Harris' evidence sets out that his approach to windfall sites is consistent with that adopted by other Inspectors and sets out in some detail why not all the sites relied upon by the Council contribute to the deliverable supply or contribute as much as the Council suggests. In the absence of any substantive evidence from the Council regarding 5yrHLS to rebut Mr Harris' detailed evidence, I accept his evidence which I found to be pragmatic, credible and robust and having regard to the requirements of the Framework and relevant NPPG.

12.36 Although the Council referred Mr Harris to several recent appeal decisions in Wiltshire where a 5yrHLS figure of 2.42 years has been accepted (page 12 of Mr Harris' POE), it appears from the evidence before me that in those cases the 5yrHLS figure was not in dispute and so the Inspectors were not required to make a specific finding on it. I therefore attach limited weight to them insofar as they relate to 5yrHLS.

12.37 Similarly, when determining a very recent appeal decision for residential

[218] CD7.4
[219] CD5.1
[220] Planning Application: PL/2024/07097 Mr Reynolds POE
[221] Planning Application: PL/2024/07097 Mr Harris POE & verbal evidence as referenced in ID14

development in Melksham[222] dated 9 April 2026, an Inspector proceeded on the basis that the Council has a 5yrHLS of 2.42 years. However, I do not know what evidence regarding 5yrHLS was before the Inspector in that case and at the Inquiry, I heard evidence to suggest that this matter was not in dispute between the parties in this other Melksham appeal.

12.38 Therefore, for the purposes of this appeal and based on the evidence before me, I consider that the extent of the shortfall is 2.16 years which equates to 10,405 dwellings. This is a very significant shortfall.

12.39 In such circumstances, and as agreed by the parties, paragraph 11(d) of the Framework states that the policies which are most important for determining the application are out of date and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having regard to the stated key policies. This would be the case even if I had accepted the Council's higher 5yrHLS figure.

***Main Consideration 4 – Other Considerations including Benefits of the Proposal***

[4.1, 4.3, 6.4, 6.16, 6.36, 7.16, 7.17, 7.62 – 7.67, 7.93, 7.94, 8.26 – 8.29] (and 12.77 & 12.78 regarding S106 planning obligation)

*Provision of open-market housing*

12.40 The proposal includes development of up to 300 dwellings, in a location accessible to various services and facilities, 30% of which would be affordable. This equates to up to 210 open-market dwellings which the Appellant states would comprise of a locally sensitive mix of dwelling types and sizes. As agreed by the parties[223], the proposal is capable, subject to being brought forward quickly, of making a meaningful contribution to the 5yrHLS position of the Council. Notwithstanding previous housing delivery within the Melksham Community Area over the WCS period and the Council's recent Housing Delivery Test results[224], noting the current extent of the Council's 5yrHLS shortfall, I attach significant weight to the provision of open-market housing on the scale proposed. This would have been the case even if I had accepted the Council's figure for the 5yrHLS shortfall.

*Provision of affordable housing*

12.41 The proposal includes development of up to 90 affordable dwellings and complies with the requirements for affordable housing as set out in Policy CP43 of the WCS[225]. Ms Gingell provided expert evidence for the Appellant in relation to affordable housing. She set out that there is a significant existing need for affordable housing in Wiltshire and that this equates to an affordable housing emergency. Her POE[226] sets out that Policy CP43 of the WCS is underpinned by an expectation that around 13,000 affordable homes would be delivered over

[222] APP/Y3940/W/25/3374421
[223] CD10.3
[224] Mr Reynolds POE paragraphs 7.1, 7.2 & 7.5 Planning Application: PL/2024/07097
[225] CD3.1
[226] Planning Application: PL/2024/07097 Ms Gingell's POE Summary paragraphs 10.8 to 10.11

the plan period, equivalent to approximately 650 dwellings per annum. This is below the need for 1,360 affordable homes per annum identified by the 2011 SHMA[227] and 1,667 per annum identified in the 2023 LHNA[228]. Ms Gingell's POE states that delivery has consistently failed to meet DP expectations with net affordable housing delivery of around 577 dwellings per annum since the Council was formed in 2009/10[229]. Since 2020/21 she states that the Council has met only a third of the need identified in the 2023 LHNA all this resulting in historic and ongoing under-delivery.

12.42 Ms Gingell's evidence was not challenged by the Council who did not provide an expert witness on this matter. Given the unchallenged evidence of an acute need for affordable housing in the area and the contribution that the proposal would make to affordable housing, I attach significant weight to this benefit.

*Other Social Benefits*

12.43 The development also includes land for a community use or building, the provision of on-site publicly accessible open space, the provision of an equipped play space and improvements to the public rights of way network. Some of these aspects of the development are shown on the submitted plans and detailed in supporting documents[230] and others are dealt with and secured by the obligations in the S106 planning obligation. I attach moderate weight to these other social benefits of the proposal.

*Economic Benefits*

12.44 The proposal would deliver short-term economic benefits during the construction period and long-term economic benefits from additional spending in the local area. Given the scale of the proposal, I attach moderate weight to these benefits.

*Environmental Benefits*

12.45 The parties agree that the site is capable of exceeding its statutory 10% BNG requirements and that the completed statutory metric calculation (dated 19 July 2024) confirms that the proposal would result in a percentage gain of 29.21% for habitat units, 10.24% for hedgerows and a 58.1% gain for watercourse units[231]. Noting the extent of the BNG proposed, I attach moderate weight to these environmental benefits.

12.46 It is common ground that the proposal would result in improvements to on-site surface water drainage[232], though to ensure that all the Council's drainage officer requirements are met, additional information regarding drainage is required to be submitted by the imposition of conditions. However, based on the available evidence, there are no concerns that all the requirements can be met. Noting this, I attach moderate weight to these environmental benefits.

[227] CD6.10
[228] CD6.11
[229] Table 6.1, page 42 of Ms Gingell's POE
[230] CD7.4, CD7.5, CD7.6, CD7.19, CD7.33, CD7.36
[231] CD10.3
[232] CD10.3

12.47 The Appellant also refers to the social and environmental benefits associated with the provision of two new accesses onto Eastern Way and to the environmental benefit of landscape enhancement. However, as the accesses are required solely for the proposed development and do not appear to connect to other access routes including cycle routes, I do not consider them to offer wider benefits and therefore attach no weight to this matter. Similarly, as it is agreed that there would be landscape harm arising from the proposal, I do not consider that there would be landscape enhancement or that this would amount to an environmental benefit.

12.48 In determining the weight that ought to be attached to the various identified benefits, I have had regard to the evidence before me. However, I note that in some cases my weightings differ from those applied by other Inspectors dealing with similar proposals under similar 5yrHLS circumstances, including the Inspector who determined a recent appeal in Melksham[233]. Nevertheless, given I have very limited knowledge of the evidence before those Inspectors, I have considered the proposal before me on its own merits.

***Main consideration 5 – Planning Balance***

[5.3, 5.4, 5.8 – 5.17, 5.23, 5.24, 6.1, 6.2, 6.5 – 6.7, 6.9 – 6.11, 7.6 – 7.15, 7.20, 7.22 – 7.28, 7.33, 7.34, 7.41, 7.51 – 7.53, 7.81 – 7.92, 7.95, 8.1 – 8.5, 8.12 – 8.17, 8.30 – 8.42, 9.2 – 9.7, 9.9, 9.10, 9.12 – 9.15, 9.17 – 9.24, 9.26, 9.27, 9.29, 9.48 – 9.49, 9.52 – 9.55, 9.59, 9.62, 9.64, 9.65, 9.68]

12.49 The parties agree that WCS policies CP1, CP2 and CP15 and JMNP2 Policy 6 are out of date for the purposes of the determination of the appeal[234]. The parties also agree that this affects the weight to be given to these policies, though differ in terms of the actual weight itself.

12.50 The Appellant considers that the weight is limited and that the proposal complies with the development plan as a whole. However, the Council considers that the WCS policies carry reduced weight but that JMNP2 Policy 6 should be afforded significant weight given that the JMNP2 is recently made, has been found to meet the basic conditions for NPs and provides for at least twice the level of growth which it has been identified to provide. The Council therefore attaches substantial weight to the conflict with JMNP2 and moderate weight to the conflict with the relevant WCS policies identified.

12.51 As outlined above, I have found conflict with WCS policies CP2 and CP15 and JMNP2 Policy 6. Notwithstanding compliance with other policies within the development plan, including those listed earlier in this report as being of relevance, given that these policies form an important part of the spatial strategy for the area, I find conflict with the development plan as a whole. Nonetheless, given the Council's 5yrHLS which I have found to be 2.16 years, significantly below the five year requirement, I give limited weight to the harm arising from the conflict with these policies as well as to the identified landscape harm with the loss of BMV attracting moderate weight.

[233] ID21
[234] CD10.3 paragraph 5.2

12.52 Weighed against this harm are the significant benefits that would arise from the proposal as set out above and which include up to 300 dwellings, up to 90 of which would be affordable against a backdrop of a very poor 5yrHLS position of 2.16 years and a deficit of 10,405 dwellings. In this case and applying the tilted balance of paragraph 11(d) of the Framework, any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, including the stated key policies which include those providing affordable homes.

12.53 In coming to this conclusion I have given careful consideration to the fact that the JMNP2 is a recently made neighbourhood plan (made in August 2025) and paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

12.54 There is no dispute between the parties that the neighbourhood plan is less than five years old and that paragraph 14 is engaged[235]. I have found conflict with Policy 6 of the JMNP2. However, the wording of paragraph 14 is such that conflict with a neighbourhood plan will not be determinative in every case.

12.55 The JMNP2 identifies a housing figure of approximately 270 dwellings for the neighbourhood plan area for the plan period of 2020-2038. This figure is derived from the ELP figure of 2,160 dwellings for Melksham and is a result of completions and commitments in the last five years along with allocations proposed in the ELP. At the Inquiry the Council and interested parties stated that the JMNP2 is over-providing against its housing requirement with allocations within the JMNP2 providing for more than 270 dwellings on sites more appropriate than the appeal site[236]. The JMNP2 housing allocations provide for a figure up to 415 dwellings plus any dwellings provided at Whitley Farm.

12.56 The ELP was withdrawn from examination on 22 May 2026[237] following various correspondence between the Council and the examining Inspectors.

12.57 The most recent letter from the Inspectors[238] concludes that they had significant soundness concerns regarding the ELP, some of which are strategic in nature and relate to housing[239]. They therefore suggested that the ELP be withdrawn and that the Council prepare a new plan under the new local plan-making system. They stated that the alternative would be for the examination

[235] CD10.3 paragraph 5.58
[236] CD3.5 Policies 7.1 to 7.5 page 46 onwards
[237] ID23
[238] ID17
[239] CD4.8

to progress but that this would inevitably lead to a recommendation that the ELP is not adopted due to soundness concerns. As stated, the Council subsequently withdrew the ELP from examination meaning that the ELP position at the time that the Inquiry closed has moved on somewhat such that there is no longer any prospect of the deficiencies of the ELP being overcome during the current examination as referred to by the Council in closings[240].

12.58 Given the above, there is no longer an ELP and there is therefore no prospect of a new plan to replace the CS in the short to medium term. The CS housing figures are now significantly out of date. The ELP is the plan which the housing figures in JMNP2 are derived from and rely upon. The Qualifying Bodies (QBs) preparing the JMNP2 sought a housing figure for the neighbourhood plan from the Council and were perfectly entitled to rely upon it in preparing the JMNP2. However, circumstances have since changed and based on the evidence before me, there is no longer any sound basis for this housing figure or any compelling evidence that the housing requirement identified in the JMNP2 is sufficient to meet the needs of the area over the plan period.

12.59 Whilst the housing allocations in the JMNP2 exceed this figure of 270 dwellings and allocate land for up to 415 dwellings plus any dwellings provided at Whitley Farm, there remains a high level of uncertainty regarding the housing requirement for Melksham. The ELP was being examined under the transitional arrangements set out within the Framework but the housing requirement of any new plan to replace the CS will be expected to be calculated in accordance with the standard method. Based on the current standard method, this will result in a higher housing requirement for Melksham than that set out within either the CS or the ELP, upon which the JMNP2 housing requirement was based.

12.60 Moreover, there is agreement between the parties that the settlement boundary of Melksham is out of date and does not align with the current housing needs for the town and that Melksham is a sustainable location for new residential growth[241]. Several residential developments beyond the settlement boundary have recently been granted planning permission, both by the Council and at appeal, including at Blackmore Farm[242] and at Woodrow Road[243].

12.61 It is understandable that the QBs will be frustrated by all of this given that the JMNP2 is very recently made and reflects local wishes, but for the reasons stated, the housing requirement within it can no longer be relied upon. The circumstances of this case together with the wording of paragraph 14 of the Framework means that I do not consider that allowing this appeal would seriously undermine the neighbourhood plan making process or diminish its role in the planning system. It is clear that local residents have invested a significant amount of time and effort in producing the JMNP2 which was recognised as an exemplar by the independent examiner. Nevertheless, its housing requirement is not a sound basis upon which to assess housing proposals in Melksham and for the reasons stated, I am not convinced that the

[240] ID13 paragraph 34
[241] CD10.3 paragraphs 5.6 & 5.8
[242] CD9.4 & CD9.5
[243] ID21

higher housing figure provided for by the JMNP2 allocations is likely to be enough to meet the needs of the neighbourhood plan area moving forward.

12.62 The relationship between the JMNP2 and the ELP and consequent uncertainty regarding the housing requirement for the neighbourhood plan area was recognised by the independent examiner who stated that the QBs should assess the need or otherwise for a review of the JMNP2 within six months of the adoption of the ELP[244]. The examiner did not anticipate a situation where the ELP was not adopted as is the case now, but its withdrawal only increases the uncertainty regarding the robustness of the JMNP2 housing requirement.

12.63 Under these circumstances, it could be argued that Framework paragraph 14 is no longer engaged. However, given the central importance of this matter to the case and to the interested parties, I have taken it into account. Nonetheless, due to the substantial housing land supply shortfall in the area, including the affordable housing shortfall, and the withdrawal of the ELP, I conclude that conflict with the neighbourhood plan is not determinative. In the particular circumstances of this case therefore, the adverse impact of allowing development does not significantly and demonstrably outweigh the benefits.

12.64 Concerns have been raised by interested parties that the JMNP2 housing allocations include brownfield sites, some of which are difficult and complex and that approval of the proposal on a greenfield site will undermine the delivery of the JMNP2 sites. However, there is no compelling evidence that this would be a likely consequence of approval of the proposal, particularly given the current significant housing shortfall in the area which means that demand for additional housing will be high.

12.65 The Council has drawn my attention to several appeal decisions where Inspectors have found conflict with NPs and Framework paragraph 14 and where appeals have been dismissed[245]. Whilst I have had regard to these, I note that other Inspectors have taken a different view[246].

12.66 In dismissing the appeals cited by the Council, the Inspectors had regard to the circumstances of those cases before them which differ to those before me and so the cases are not directly comparable. I therefore attach limited weight to these other decisions cited by the Council and have made a recommendation on the case before me on its own merits.

12.67 To conclude and having regard to all of the above, notwithstanding conflict with the neighbourhood plan and other development plan policies, any adverse impacts of granting planning permission for the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, including paragraph 14.

[244] CD3.8 paragraph 7.66
[245] CD8.3, CD8.4, CD8.5
[246] CD8.1, Mr Neame's POE Appendix 3

### *Conditions and Planning Obligation*

*Conditions*

12.68 In the event that planning permission is granted, the Appellant and the Council have agreed a list of conditions that they consider ought to be imposed.

12.69 Conditions relating to the submission of the reserved matters; what these are and the timing of this as well as requiring the commencement of development within 2 years of the approval of the last of the reserved matters are necessary. The reduced timeframe of 2 years is agreed and is justified in this case to ensure that development comes forward without delay to address the housing shortfall in the area and to bring forward the benefits associated with the development (conditions 1, 2 & 4). Condition 3 relating to the phasing of the development is necessary to ensure the proper delivery of the development.

12.70 Condition 5 specifies the approved plans and is necessary to provide certainty. Condition 6 is necessary to ensure that the reserved matters applications accord with the design parameters set out within the Design and Access Statements and that they include an acoustic design scheme. A condition is also necessary to ensure that the reserved matters applications make provision for various sustainable transport requirements in order for the development to prioritise sustainable modes of transport. This condition requires agreement prior to any works taking place on site due to the strategic nature of the requirements (condition 7). Condition 8 requires a detailed housing mix to be submitted as part of the reserved matters and is necessary to ensure the development provides a diverse and balanced range of housing types and sizes. A final sustainable energy strategy is also required to be submitted with the reserved matters and is necessary to ensure that the development appropriately responds to climate change (condition 9).

12.71 Conditions 10 to 20 (inclusive) prevent development from taking place until the requirements of the conditions have been met. These requirements relate to tree protection and arboricultural management, archaeological investigations, drainage strategy, foul drainage, the need for a construction management plan, a landscape and ecology management plan, a habitat management and monitoring plan, construction details of the accesses and details of the internal estate roads. The nature of the requirements of these conditions is such that details need to be agreed and measures put in place prior to any works taking place. They are necessary to ensure tree protection, the protection of archaeological features, suitable drainage including foul drainage and appropriate management of the construction phase of the development to ensure no adverse effects on living conditions, highway safety and the wider environment, ecological management and enhancement and a safe and sufficient access strategy.

12.72 Condition 21 is necessary to ensure that sufficient access facilities are provided prior to each phase of the development being occupied. Condition 22 requires a scheme of water efficiency to be submitted and is necessary to ensure that the development contributes to sustainable development and responds to climate change. Details are required to be submitted regarding the proposed bus stop/shelter and toucan crossing which shall be provided prior to first occupation and regarding an extension of the existing shared walking and

cycling facility along Eastern Way (conditions 23 & 24). These conditions are necessary to ensure that safe and sufficient access is provided and that the development is accessed by a variety of transport modes.

12.73 A condition is required to ensure that any lighting on site meets appropriate standards so as to not cause harm to bats (condition 25) and an updated mitigation strategy for Great Crested Newts and Badgers are required to be submitted by condition 26. This is necessary to ensure adequate protection for these protected species. Finally, condition 27 relates to the delivery of the proposed site for the community use/building and is necessary to ensure its provision.

12.74 The two suggested conditions regarding landscaping (numbered 25 & 26 on ID10) are not necessary as landscaping is a reserved matter so can be dealt with at that stage.

12.75 Where necessary I have amended the wording of the suggested conditions slightly to improve clarity, to require the approval of details in writing and to remove tailpieces at the end of conditions as these create uncertainty and do not meet the tests for conditions as set out at Framework paragraph 57, particularly the precision test. However, none of these amendments have fundamentally altered the requirements of the conditions.

*Planning Obligation*

12.76 A S106 planning obligation has been completed by the Appellant and the Council together with the site owners[247].

12.77 The planning obligation includes the following covenants and obligations:

- The provision of at least 30% of the residential units within the development as affordable housing of which 60% will be affordable rent, 15% as shared ownership and 25% as First Homes.
- The submission of a Landscape Plan including Management Scheme and Allotment Scheme prior to the commencement of development and to complete the open space works and play area works in accordance with the approved Landscape Plan and to complete the allotments in accordance with the approved Allotment Scheme.

12.78 The planning obligation also includes the payment of a financial contribution towards:

- Biodiversity Net Gain monitoring;
- The provision of a bus service in the vicinity of the development;
- The cost of provision of a community building in the vicinity of the development;
- The administration, printing and provision of cycle maps for the purposes of distribution to local residents of the development as part of the Travel Plan;

[247] ID15

- The provision of a new primary school or towards the provision of early years facilities at the new nursery site;
- Green travel vouchers for occupiers of the residential units;
- Additional floorspace at nearby medical centres;
- The delivery of cycling and walking improvements to connect the development to the town centre and associated facilities and employment opportunities;
- Various highway works;
- The delivery of a public art scheme;
- Accessibility measures and facility enhancements at Melksham Railway Station;
- Various works to public rights of way near to the development;
- The provision of sports pitches or ancillary provision within the vicinity of the development;
- Travel Plan monitoring; and
- The provision of waste and recycling equipment.

12.79 Having regard to the submitted CIL compliance schedule[248] and to discussions at the Inquiry, I am satisfied that all the obligations included within the S106 planning obligation are supported by policy and meet the tests for obligations set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework. I have therefore taken them into account in considering the proposal.

12.80 The obligations also mean that the Council's initial concerns regarding infrastructure as set out in RfR2 have been overcome. The S106 planning obligation makes adequate provision for on-site and off-site infrastructure to make the proposal acceptable in planning terms and to ensure that it complies with Policy CP3 of the WCS and with the relevant requirements of paragraph 8 of the Framework.

***Conclusion and overall Planning Balance***

12.81 Although I have found that the proposal conflicts with the development plan as a whole, in this case there are material considerations which indicate that the decision should be taken otherwise in accordance with it.

## 13 RECOMMENDATION

13.1 I recommend that the appeal should be allowed.

*Beverley Wilders*

INSPECTOR

[248] ID12

## ANNEX A – APPEARANCES

### FOR Wiltshire Council

Edward-Arash Abedian, Counsel instructed by Hannah Bartlett of Wiltshire Council

They called:

| | |
|---|---|
| Mark Reynolds, BSc (Hons), MSc, MRTPI | Planning<br>Managing Director of Context Planning Ltd |

*Additional participants at the Conditions and Obligations Round Table Session:*

| | |
|---|---|
| Verity Giles-Franklin | Senior Planning Officer, Wiltshire Council |
| Kenny Green | Planning Manager, Wiltshire Council |
| Robert Rossiter | Strategic Specialist for Major Highways Projects, Wiltshire Council |
| Chris Herz | Senior Legal Assistant, Wiltshire Council |
| Chrisa Tsompani | Solicitor on behalf of Wiltshire Council |

### FOR Catesby Estates Promotions Limited

Christopher Young KC and Tobin Byers, Counsel instructed by Ian Humble of Catesby Estates Promotions Limited

They called:

| | |
|---|---|
| David Neame, BSc (Hons), MSc, MRTPI | Planning<br>Director of Neame Sutton Chartered Town Planners |
| Stephen Harris, BSc (Hons), MRTPI | Housing Land Supply<br>Director, Emery Planning |
| Annie Gingell BSc (Hons) MSc MRTPI | Affordable Housing<br>Associate Director, Turley |

*Additional participants at the Conditions and Obligations Round Table Session:*

| | |
|---|---|
| Rhiannon Jones | Neame Sutton Limited |
| Ian Humble | Catesby Estates Promotions Limited |
| Karen Howe | Shoosmiths |

## INTERESTED PERSONS

| | |
|---|---|
| Lance Allan | Society of Local Council Clerks |
| James Bradshaw | National Trust (Lacock) |
| Fiona Dey | Local Resident |
| Graham Ellis | Melksham Transport User Group |
| John Glover | Melksham Without Parish Council |
| Anne Henshaw | CPRE Wiltshire |

| | |
|---|---|
| Chris Holden | Melksham Community Partnership |
| Cllr Nick Holder | Wiltshire Council |
| Jacob Lawrence | On behalf of Brian Mathew MP |
| Nico Mengini | Director, Jarboom (festival organiser) |
| Francis Morden | Local Resident |
| Cllr David Pafford | Melksham Without Parish Council |
| Saffi Rabey | Mayor – Melksham Town Council |
| Campbell Ritchie | WALPA (Wiltshire Area Localism and Planning Alliance |
| Liz Rowley | Local Resident |
| Cllr Charlie Stokes | Wiltshire Council |
| Teresa Strange | Melksham Without Parish Council |
| Vaughan Thompson | Chartered Town Planner |
| Cllr Simon Wise | Lacock Parish Council |
| Cllr Richard Wood | Melksham Without Parish Council |
| | |
| Jerry McConn | Press – Melksham Independent News |

**ANNEX B: CORE DOCUMENTS**

Core Documents can be accessed at: AP-37487

| CD Ref | Title |
|---|---|
| CD1 | National Policy and Guidance |
| CD2 | Other National Guidance Documents, including MHCLG |
| CD3 | Adopted Wiltshire Council Development Plan Documents, Guidance and Background Documents |
| CD4 | Wiltshire Local Plan Review Examination Documents |
| CD5 | Housing Land Supply Documents |
| CD6 | Affordable Housing Documents |
| CD7 | Appeal Scheme Documents |
| CD8 | Case Law and Appeal Decisions |
| CD9 | Other Relevant Documents |
| CD10 | Planning Appeal Documents |
| CD11 | JMNP2 Evidence Base |
| CD12 | Inquiry Documents |

Proofs of Evidence can be accessed at: Planning Application: PL/2024/07097

| POE Ref | Title and Author |
|---|---|
| **FOR Wiltshire Council** | Proof of Evidence of Mark Reynolds on behalf of Wiltshire Council – Mark Reynolds |
| **FOR Catesby Estates Promotions Limited** | Proof of Evidence – Planning Matters – David Neame |

Proof of Evidence – Housing Land Supply – Stephen Harris
Proof of Evidence - Affordable Housing Matters – Annie Gingell

## ANNEX C: DOCUMENTS SUBMITTED DURING THE INQUIRY

Inquiry Documents can be accessed at: AP-37487

| INQ Ref | Description |
|---|---|
| ID1 | Latest version of Draft S106 |
| ID2 | Appellant's Opening Statement |
| ID3 | Council's Opening Statement |
| ID4 | Interested Parties details and overview of their comments |
| ID5 | Detailed Comments of Interested Parties |
| ID6 | Paper Copy Bundle of Plan before the Council when it made its decision |
| ID7 | Updated CIL Compliance Schedule |
| ID8 | Settlement Boundary Note |
| ID9 | Housing Requirement for Melksham addendum to SOCG |
| ID10 | Updated Conditions List |
| ID11 | Updated Draft S106 |
| ID12 | Updated CIL Compliance Schedule with Appendices |
| ID13 | Council's Closing Statement |
| ID14 | Appellant's Closing Statement |
| ID15 | Completed S106 |
| ID16 | Council response letter to ELP Inspectors dated 30 January 2026 |
| ID17 | ELP Examining Inspectors letter to Council dated 27 February 2026 |
| ID18 | Council response letter to ELP Inspectors dated 12 March 2026 |
| ID19 | Appellant's comments on ID17 |
| ID20 | Council's comments on ID17 |
| ID21 | Appeal Decision APP/Y3940/W/25/3374421 |
| ID22 | Appellant's comments on ID21 |
| ID23 | Council letter to PINS dated 22 May 2026 withdrawing the ELP |
| ID24 | Interested Parties comments on ID21 and ID23 |

## ANNEX D – SCHEDULE OF RECOMMENDED CONDITIONS

1) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

2) Application(s) for the approval of all reserved matters specified in Condition 4 shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

3) No application for reserved matters shall be submitted until there has been first submitted to and approved in writing by the Local Planning Authority a detailed Phasing Plan and order of delivery schedule for the entire application site indicating geographical phases for the entire development.

   Where relevant these phases shall form the basis for the reserved matters applications, and each phase shall include within it the defined areas and the quantities of open market and affordable housing as well as the community area, POS, on-site BNG provision, and on-site play provision uses and associated infrastructure relevant to any given phase.

   The 'order of delivery schedule' shall also specify the order in which each land parcel shall commence.

   In addition, detailed plans and an order of delivery schedule for 'non-phase specific' landscape and ecology mitigation measures shall be submitted to and approved in writing by the local planning authority.

   The development shall be carried out in strict accordance with the provisions of the approved phasing plan.

4) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

   a) The scale of the development.
   b) The layout of the development.
   c) The external appearance of the development.
   d) The landscaping of the site.

   The development shall be carried out in accordance with the approved details.

5) The development hereby permitted shall be carried out in a phased manner in accordance with the following approved plans and documents:

   Dwg 05d, Location Plan, received on 22 May 2025;
   Dwg AI14h, Development Parameters Plan, received on 22 May 2025;
   Dwg 18507-03-1 Rev C, Proposed Roundabout Site Access and Crossing Works (North Access), received on 22 July 2025;
   Dwg 18507-06, Proposed Roundabout Site Access (South Access), received on 22 May 2025;
   Dwg 18507-03-3 Rev A, Proposed Toucan Crossing, received on 4 September 2024;

Ecological Impact Assessment (Produced by Ethos, issue V1, dated July 2024);
Great Crested Newt Licensed Mitigation Strategy (Produced by Ethos, issue V1, dated March 2025);
Ecological Parameters Plan (Produced by Ethos, dated 15 May 2025);
Tree Retention and Removal Plans (produced by EDP, reference edp8111_d002b (Overview and Sheets 1- 4)

6) The subsequent reserved matters application(s) (phased or otherwise) to be submitted pursuant to Condition 4 shall accord with the principles, objective and parameters set out in the Design and Access Statement (produced by Catesby Estates, Parts 1-4, Rev D, dated 24 July 2024) and the Design and Access Statement Addendum (produced by Catesby Estates, Rev C, dated 6 March 2025) to ensure a high standard of design and placemaking is achieved at detailed design stage and shall include an acoustic design scheme for protecting the proposed dwellings from external (traffic) noise.

7) The subsequent reserved matters applications (phased or otherwise) shall make appropriate provision for the following:

- Plan to deliver a contiguous carriageway network to reduce the need for large vehicle turning areas.
- Provide refuse collection vehicle tracking and walking distances to collection points.
- Provide full details of pedestrian realm infrastructure and the means to identify priority and continuity across side roads and where routes cross the spine road.
- Provide full details of Public Rights of Way treatment, including construction and surfacing materials where appropriate and any diversions/stopping up.
- Provide an access and movement plan illustrating dedicated walking and cycling routes, construction, geometry and connectivity with external networks.
- Provide full details of Shared Surface streets and transitions, including geometry details and material treatment
- Provide full details for the on-street landscaping.
- Provide details on speed restraint measures to reduce on-site traffic speeds to 20mph or lower.

With the aforesaid requirements for any given phase to be submitted to and approved in writing by the Local Planning Authority before any on site works commence. Following receipt of written approval, the work shall be delivered in full accordance with the phasing plan.

8) A detailed housing mix strategy, including the number and size of dwelling units shall be submitted as part of the reserved matters application(s) (phased or otherwise). The development shall be carried out in accordance with the approved housing mix.

9) A final Sustainable Energy Strategy shall be submitted as part of the reserved matters application(s) for the housing development to provide details of operational energy, embodied carbon, climate change adaptation measures, low-carbon and renewable energy technologies, water efficiency, electric

vehicle charging points, cycle parking, and sustainable transport for the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

10) No site clearance, preparatory work or development shall take place until an Arboricultural Impact Assessment incorporating a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement prepared in accordance with BS5837:2012, has been submitted to and approved in writing by the Local Planning Authority as part of the first reserved matters application and then submitted with each subsequent reserved matters application, to demonstrate the protection of all trees and hedgerows and the appropriate working methods and materials used for construction. The development shall then be carried out in accordance with the details approved by the Local Planning Authority.

11) No development shall commence on site until:

a) A Written Programme of archaeological investigations is submitted to, and approved in writing by, the Local Planning Authority. This programme will include archaeological Strip, Map and Record (SMR) excavations covering the locations of evaluation trenches 5, 6, 7, 8 and 9 in Field 1(field numbers as defined by the evaluation report of January 2025) and trenches 33, 35, 36, 43, 44, 45, 50, 51, 53, 55, 56 and 57 in Field 4, as well as an open area excavation site in Field 2, covering locations of evaluation trenches 19, 20, 22, 24, 26, 27, 28, 29 and 30. The written programme should include all on-site work and off-site work, including the analysis, publishing and archiving of the results; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details between the calendar months of April and September.

The excavations and required works are to be undertaken by qualified archaeologists following the standards and guidelines for Sites and Monuments Records and open area excavations, as set out by the Chartered Institute for Archaeologists (CIfA).

12) No development shall commence on site until a detailed drainage strategy for the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority and detailing the following matters.

- Evidencing how the surface water disposal hierarchy has been applied and how all other options have been exhausted.
- Providing drainage calculations which demonstrate that the required 30% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100-year return period storm events. Large attenuation features shall achieve a minimum of 300mm freeboard above the 1 in 100 year + 45% climate change water level.
- Confirmation that there is sufficient attenuation on site to fully attenuate the 1 in 100 years plus climate change storm event.

- Full labelled drawings for the proposed drainage layout, including layout plans to show the pipe network and attenuation ponds, which should correspond with the drainage calculations.
- Cross sections and design details for all attenuation ponds and their components.
- Confirmation that all development and SuDs attenuation areas are located outside the current and future flood extents.
- Confirming the arrangements for ownership and ongoing maintenance of SuDS over the lifetime of the development.
- Construction phasing plan.

The development shall then be carried out in accordance with the approved details.

No housing shall be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

13) No development shall commence on site until a scheme to dispose of foul drainage, including connection to the public foul sewer network, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

14) No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP), has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

i. The movement of construction vehicles;
ii. The parking of vehicles of site operatives and visitors;
iii. The cutting or other processing of building materials on site;
iv. Wheel washing and vehicle wash down facilities;
v. The transportation and storage of waste and building materials;
vi. The storage of plant and materials used in constructing the development;
vii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
viii. Measures to control the emission of dust and dirt during construction;
ix. A scheme for recycling/disposing of waste resulting from demolition and construction works;
x. Measures for the protection of the natural environment;
xi. Pre-condition photo survey of local roads and highway infrastructure;
xii. Large Vehicle Routing plan;
xiii. Traffic Management Plan (including signage drawing(s));
xiv. Number (daily/weekly) and size of delivery vehicles;
xv. Number of staff vehicle movements;
xvi. Details of temporary/permanent Traffic Regulation Orders;
xvii. Construction phasing plan;
xviii. The recycling of waste materials (if any);
xix. The loading and unloading of equipment and materials;
xx. The location and use of generators and temporary site accommodation;

xxi. Where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts;
xxii. Hours of construction, including deliveries;
xxiii. Hours of Operation (8am to 6pm Mon – Fri, 8am – 1pm Sat, no working on Sundays or Bank Holidays)

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

15) No development shall commence on each phase of the development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to the following, and the development shall be carried out in strict accordance with the approved CEMP:

a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing;

b. Working method statements for protected/priority species, such as bats, nesting birds, riparian mammals and reptiles;

c. Mitigation strategies for great crested newts and badger – this should comprise the preconstruction/construction related elements of strategies only;

d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;

e. No external night-time works or use of artificial lighting during the construction phase;

f. Pollution prevention measures including the location of site and storage compounds, the use of plant and machinery, measures to control of dust and noise, the location and use of wheel washing and vehicle washdown plant/machinery, and the location and use of oils/chemicals;

g. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

16) No site clearance or development shall commence on each phase of the development hereby approved until a Landscape and Ecology Management

Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

i. An Ecological Enhancement Plan showing:

a. The location, number and type of features for wildlife in accordance with Paragraph 7.2.1 of the Ecological Impact Assessment.

b. Locations of fence gaps for hedgehogs.

c. The location, type and extent of exclusion measures (e.g. fencing) to protect sensitive ecological features i.e., great crested newt breeding pond.

d. Identification of the habitats to be created/enhanced and managed specifically for the benefit of target species i.e. great crested newt.

ii. Long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature shown on the Ecological Enhancement Plan.

iii. The mechanism for monitoring success of the management prescriptions and a procedure for review and necessary adaptive management in order to attain targets.

iv. Details of the mechanism(s) by which long-term implementation of the plan will be secured.

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

17) No site clearance or development shall commence on each phase of the development hereby approved until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the statutory Biodiversity Gain Plan, has been submitted to and agreed in writing with the Local Planning Authority. The HMMP shall include:

1. A non-technical summary;

2. The roles and responsibilities of the people or organisation(s) delivering the HMMP;

3. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the statutory Biodiversity Gain Plan and schedule for implementation;

4. The management measures to maintain habitat in accordance with the statutory Biodiversity Gain Plan for a period of 30 years from the completion of development; and

5. The monitoring methodology and specification of a Monitoring Pack (to include but not exclusively up to date Management Actions Logs, Habitat Condition Assessment Reports, metric calculation, and corresponding post-intervention Habitat Map), which shall be submitted to the Local Planning Authority in years 2 (two) 5 (five) 10 (ten) 15 (fifteen) 20 (twenty) and 30 (thirty) of the Maintenance Period.

6. A timetable for the delivery of the habitation creation enhancement works

The created and/or enhanced habitat shall be managed and maintained in accordance with the agreed HMMP at all times thereafter.

18) Notwithstanding the submitted details, no works shall commence (except for site enabling or site clearance operations) on site until full construction details for the northern access have been submitted to and approved in writing by the Local Planning Authority.

The construction details shall take into consideration planned and delivered pedestrian infrastructure in the vicinity of the junction, including necessary carriageway surface treatments, and shall incorporate details of an uncontrolled LTN 1/20 compliant crossing of the development arm of the roundabout. The full construction details shall be subject of a Stage 2 Road Safety Audit.

Prior to first occupation of any dwelling served from the northern access, the northern access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

19) Notwithstanding the submitted details, no works shall commence (except for site enabling or site clearance operations) on site until full construction details for the southern access facilities have been submitted to and approved by the Local Planning Authority. The construction details shall include details of an uncontrolled LTN 1/20 compliant crossing of the development arm of the roundabout. The full construction details shall be subject of a Stage 2 Road Safety Audit. Prior to first occupation of any dwelling served from the southern access, the southern access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

20) No works shall commence (except for site enabling or site clearance operations) on site until full details of all internal estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works (or during which phase) shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall not be first occupied until the works have been undertaken in accordance with the approved details and timetable.

21) The internal estate roads, including footpaths and turning spaces where necessary, shall be constructed so as to ensure that before that phase is occupied, each dwelling shall be provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

22) No development shall commence above ground floor slab level until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

23) No development shall commence above ground floor slab level until full construction details of the proposed toucan crossing and bus stop and shelter provision have been submitted to and approved in writing by the Local Planning Authority. The construction details shall include but not be limited to all necessary surface treatments to accommodate the crossing, shelter and real time information specification and orientation of bus stops to maximise pedestrian crossing visibility.

The full construction details shall be subject of a Stage 2 Road Safety Audit.

Prior to first occupation of any dwelling, the Toucan Crossing and Bus Stop/Shelter provision shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

24) No development shall commence above ground floor slab level until full design and construction details of an extension of the existing shared walking and cycling facility along the eastern side of Eastern Way linking the existing facility to the south with Bridleway MELW41 in the north have been submitted to and approved in writing by the Local Planning Authority.

Prior to first occupation of the 150th dwelling, the shared walking and cycling facility shall be provided in all respects in accordance with the approved details and maintained as such thereafter.

25) All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 'Bats and artificial lighting at night', issued by the Bat Conservation Trust and Institution of Lighting Professionals and shall demonstrate that bat habitat (trees with bat roost potential, Clacker's Brook river corridor and hedgerows) on the perimeter of the site shall remain below 0.5 lux (or no higher than existing.

26) The Reserved Matters application(s) (phased or otherwise) shall be accompanied by an updated mitigation strategy For Great Crested Newt and Badger. The mitigation strategies shall be informed by up-to-date surveys where required.

27) The site for the Community Use/Building, as shown on the Development Parameter Plan Reference AI14h, shall be delivered by the occupation of the 200th dwelling, in accordance with details and a specification to be submitted to and approved in writing by the Local Planning Authority.

END.

Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

**RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

**SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS**

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

**Challenges under Section 288 of the TCP Act**

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

**SECTION 2: ENFORCEMENT APPEALS**

**Challenges under Section 289 of the TCP Act**

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

**SECTION 3: AWARDS OF COSTS**

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

**SECTION 4: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.