

**MINUTES of the Planning Committee of Melksham Without Parish Council
held on Monday, 8 July 2024 at Melksham Without Parish Council Offices
(First Floor), Melksham Community Campus, Market Place,
Melksham, SN12 6ES at 7.00pm**

Present: Councillors Richard Wood (Chair of Planning); John Glover (Council Chair); David Pafford (Vice Chair of Council); Alan Baines, Martin Franks (substituting for Councillor Terry Chivers), Mark Harris and Peter Richardson

Officer: Teresa Strange, Clerk

In attendance: Wiltshire Councillor Phil Alford (Melksham Without North and Shurnhold), Wiltshire Councillor Nick Holder (Bowerhill Ward) and 10 members of public

97/24 Welcome, Announcements & Housekeeping

Councillor Wood welcomed everyone to the meeting and went through the fire evacuation procedures for the building. He informed everyone that the meeting was being recorded to aid the production of the minutes and would be uploaded to YouTube, then deleted once the minutes had been approved.

98/24 To receive Apologies and approval of reasons given

The Clerk informed the meeting she had not heard from Councillor Chivers. Councillor Franks attended as his substitute.

99/24 Declarations of Interest

a) To receive Declarations of Interest

Councillor Pafford declared a non-pecuniary interest in Planning application PL/2024/05437: 17 Park Road, Bowerhill as he had been contacted by neighbours on how to lodge an objection to the proposal, therefore would not take part in discussions on this application.

Councillor Richardson declared a non-pecuniary interest in planning application PL/2024/05566: 214 Corsham Road, Whitley as he knew the applicant.

b) To consider for approval any Dispensation Requests received by the Clerk and not previously considered

None received.

c) To note standing Dispensations relating to planning applications

To note the Parish Council has a dispensation lodged with Wiltshire Council dealing with S106 agreements relating to planning applications within the parish.

100/24 **To consider holding items in Closed Session due to confidential nature** *Under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during consideration of agenda item 13(a) & 14(c) as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.*

The Clerk advised item 13(a) relating to Confidential Notes of the Neighbourhood Plan Steering Group meeting held on 5 June did not need to be discussed in closed session now the information was in the public domain as part of the current public consultation.

Regarding item 14(c) and the meeting held on 5 June the Clerk suggested this item be held in closed session, as the landowner did not wish the information to be in the public domain as yet.

Resolved: To hold item 14(c) in closed session for the reason given.

101/24 **Public Participation**

Standing Orders were suspended to allow both Wiltshire Councillors Alford and Holder, as well as members of the public to speak to the committee.

Wiltshire Councillor Phil Alford

With regard to proposals by Lime Down Solar for a battery storage facility in Whitley, he had received a response from the Wiltshire Council's Director of Planning to concerns raised by Community Action Whitley & Shaw (CAWS) which he agreed to forward to the Clerk for information.

Following the results of the recent General Election and change in Government, they were keen to see planning reform and had issued a new Planning Statement in relation to on-shore wind developments, how this would impact Wiltshire is unclear at this stage

The new Government have also suggested they are keen on Local Plans and to re-introduce top-down targets. Having looked at the housing figures Wiltshire Council had set up to 2038 of 42,000 new homes in Wiltshire, this would broadly be in line with the annual housing target set by Government. Therefore, there should not be too much of an impact on the housing figure for Wiltshire. However, there were a number of reserved sites in the draft Local Plan, which potentially could come into play if necessary.

Wiltshire Councillor Nick Holder

Wiltshire Councillor Nick Holder provided the following update:

- Public open space adjacent to the proposed new primary school on Pathfinder Way, is being progressed by the Planning Enforcement Officer who is monitoring the situation.
- Proposed Primary School, Pathfinder Way (PL/2023/080469), revisions have been made to the plans which have been agreed particularly with regard to the access point to the rear of the site, following approval of the 210 homes on land south of Western Way adjacent to the site (PL/2022/08504).
- 17 Park Road, Bowerhill (PL/2024/05437) having reviewed proposals felt there were no planning reasons to refuse this application but was in attendance to listen to the discussion.
- Snarlton Farm proposals – Catesby Estates. Having seen comments on social media, stressed Catesby were currently undertaking public consultation on their proposals and not Wiltshire Council. In his response to the consultation had expressed disappointment with their approach as the site was neither allocated in the draft Local Plan or draft Neighbourhood Plan (JMNP2). The application had also been previously withdrawn following changes to the National Planning Policy Framework (NPPF) in December 2023 with regard to the 5-year land supply issue.

17 Park Road, Bowerhill (PL/2024/05437)

Several residents of Park Road were in attendance to voice their concerns at proposals for a 2-storey extension as follows:

- The applicant did not contact the nearby residents on proposals prior to submitting an application to Wiltshire Council, with residents only being made aware of proposals having received a formal letter from the Planning department at Wiltshire Council.
- The estate was built early/mid 2000s and this part of Park Road is characterised by a close-knit development of large detached houses ie not overly large plots. The density of the development has resulted in the houses being situated close together, therefore a large and particularly a 2-storey extension adjacent to existing housing can have a significant impact on houses and the quality of spaces around them if green areas or gardens are given up to further development.
- Loss of light to adjacent garden plots and homes.
- The planned extension works would make for an uncomfortable hemmed in relationship with the neighbouring properties and duly impose on the residential amenities of neighbours.

- The proposed extension would take the development further into the rear garden space than the existing building.
- The development when initially designed was laid out to give each property its own space without feeling shoe horned in and each property has its own private amenity space. This is achieved by the positioning of the houses and the plots in which they sit.
- The proposal increases the height and massing of the existing house to a point it will be unduly overbearing to adjacent properties both physically and visually.
- Due to the size and height and siting of the extension it will overshadow neighbouring properties and gardens at certain times of the day.
- Wiltshire Core Policy 57 seeks well designed development which will not impinge upon amenity of adjoining occupiers and also states: 'regard should be given to the consideration of privacy and overshadowing etc'. Therefore, given the characteristics of the proposal, there appears to be a conflict with the aim of this core policy.
- The proposed extension does not provide the house with an additional bedroom and will remain a 4-bedroom house, with a master suite, including dressing room and en-suite bathroom and provides for an additional bathroom. This will provide the house with 2 en-suite bedrooms and a bathroom for a 4-bedroom house. Whilst the desire of this level of facilities is acknowledged, the way in which this is achieved is considered to have a knock on and harmful impact to adjacent properties.
- If the large open plan kitchen/diner is desired this can be achieved in a single storey extension and remove the need for the 2-storey element and potentially have less of an impact to the loss of day light on neighbouring properties.
- Materials used, the red brick and concrete tile elevation will create an oppressive and overbearing backdrop when viewed from neighbouring properties.
- First floor windows will look directly into the adjacent neighbours' garden and property.
- Some elevations of the extension appear to be too close to existing properties than planning rules allows.
- A single storey extension which is more common in the area and/or a loft conversion would be more suitable.

Kays Cottage, 489 Semington Road (PL/2024/04135: Certificate of Lawfulness existing annexe and 489a Semington Road (PL/2021/06824 Re garage and breaches of planning conditions)

A resident of Semington Road was in attendance to speak to his concerns regarding planning application PL/2024/04135: Certificate of Lawfulness for existing separate annexe and PL/2022/04135 and concerns the garage was being used as a dwelling.

**PL/2024/04135: Certificate of Lawfulness, 489 Semington Road:
Concerns raised as follows:**

- Previous applications for Certificate of Lawfulness have been refused by Wiltshire Council with the last application (PL/2023/02893) subsequently dismissed at Appeal by the Planning Inspectorate.
- The property has been occupied since Christmas and understand without a Certificate of Lawfulness this is illegal and have contacted Planning Enforcement on several occasions to make them aware with no response.
- There is no parking provision for the property and from a highway point of view this part of Semington Road is becoming difficult. Only recently whilst trying to overtake parked vehicles outside the property was hit by another vehicle coming from the other direction, with both vehicles losing a wing mirror. The road is used by double decker buses and is a rat run for businesses on Hampton Park West and is part of a National Cycle Network. However, is quite dangerous for cyclists who often end up using the pavement.
- Traffic calming does not work.
- Speeding is a concern with regular Community Speed Watch taking place which is appreciated.

Planning Enforcement: 489a Semington Road and use of garage (PL/2021/06824) as a dwelling. Concerns raised:

- The garage will never be used as such. Wiltshire Council Planning Enforcement and Wiltshire Councillor Jonathon Seed have been contacted on several occasions and breaches of conditions imposed on the application ie: it shall not be occupied at any time other than for the purpose's ancillary to the residential use of the main dwelling.
- There are no cars in the garage and it is occupied.
- If converted longer term into living accommodation this will create parking problems on Semington Road, as there is no parking provision.

The owner of 489 Semington Road informed the meeting two parking spaces were available, one for the Annexe and another one for the Coach House ie: double garage with offices above (planning application PL/2021/06824). With regard to Planning Enforcement, Wiltshire Council were in possession of all material facts of all planning permissions obtained on 489 Semington Road. He also informed the meeting he lived in the Coach House with Wiltshire Council aware of such material information for many months.

With regard to parking on Semington Road, Highways had confirmed the road is unclassified and clarified that predominantly it is a service road serving Berryfield and had no concerns about parking 3 cars in the front of the property.

The owner's wife expressed concern people had taken pictures of where they were staying at the Coach House, particularly as they had a child.

Councillor Wood explained whilst the parish council had approved the garage with office over, they had noted the garage had sliding glass door and not garage doors, with Members concerned the garage was being lived in.

The owner explained he had OCD and could not abide a garage door and stated the garage was going to be used to store a classic car, however this did not materialise. However, he had stored his own car in the garage over several months and had evidence to prove this.

52e Chapel Lane (Planning application PL/2023/05883: Revised Plans)

Several residents of Chapel Lane were in attendance to voice their concerns as follows:

- The removal of existing hedgerow, contrary to previous submissions.
- The elevations on the Drainage Design plan have no height specified. If the dwellings are built higher than neighbouring properties, this could impact on their privacy.
- A revised flood risk and drainage report by Infrastruct CS Ltd stated the nearest main river watercourse was the River Avon 500m away, which is not true, there is a brook closer to the site, as well as a drainage ditch running alongside the site.
- The Drainage Report states bore holes have been undertaken on the site and established water levels at one bore hole as being 0.2m below ground level. However, even quite recently, the site has been saturated with water.
- Regarding the proposed Sustainable Urban Drainage Systems (SUDS), Guidance for Pollution Prevention updated March 2022, with regard to oil from vehicles it stated any discharge to surface water will require a Class 1 separator, however, this is not detailed in the SUDS plan.
- A sample owner manual regarding SUDS maintenance guidance has been submitted, however, this is vague and ambiguous. How will anyone ensure compliance. The report also mentions rain water harvesting in water butts, however, this assumes people will discharge this water and not let them overflow.
- Three separate entry points are proposed, how will the storm drains which will have to be driven over be reinforced.

Standing Orders were reinstated.

102/24 To consider the following new Planning Applications:

[PL/2024/05175](#): Oak Tree House, Lower Woodrow, Forest. Proposed installation of ground solar photovoltaic (PV) panels.

Comments: No objection, however, the parish council would prefer to see the panels located within the curtilage of the residential property.

PL/2024/05437: **17 Park Road, Bowerhill.** Proposed Two Storey Rear Extension.

Comments: To object to proposals given the impact on adjacent properties with regard to loss of light, privacy and over-shadowing.

To request the planning application is 'called in' for consideration at a Wiltshire Council Planning Committee.

PL/2024/04135: **Kays Cottage, 489 Semington Road, Melksham.** Certificate of lawfulness for existing separate annex.

Comments: Noting a Certification of Lawfulness had previously been dismissed at Appeal by a Planning Inspector, this council have no further comments to make.

PL/2024/05551: **20 Hercules Way, Bowerhill.** External non illuminated static signage

Comments: No objection.

PL/2024/05566: **214 Corsham Road, Whitley.** Change of use of existing ancillary garage outbuilding to a single holiday let.

Comments: No objection as long as any queries made by the Highway Officer can be satisfactorily resolved.

103/24 Revised/Amended Plans/Additional Information: To comment on any revised/amended plans/additional information on planning applications received within the required **timeframe (14 days)**.

PL/2023/05883: **Land to the rear of 52e Chapel Lane, Beanacre.** Erection of three dwellings, with access, parking and associated works including landscaping (Outline application with all matters reserved – resubmission of PL/2022/06389)

Comments: The new drainage report issued does not alleviate concerns the parish council have relating to drainage and flooding and therefore objects to proposals and reiterate their previous comments made.

They also object to the removal of an established hedgerow in revised plans and hope if future plans are

submitted, proposals for the removal of the established hedgerow are not included.

The parish council also raise concern at the 3 separate access points requiring additional piping of the watercourse, which could be a source of future drainage difficulties.

Given the concerns the parish council have, the request for a call-in for the application to be considered a Wiltshire Council Planning Committee remains.

104/24 Land off Beanacre Road, Beanacre (Revised Tree Preservation Order (TPO) – Addition of T6 Beech Tree)

Resolved: To support the addition of a beech tree (T6) in the revised Tree Preservation Order (TPO/2024/00015) for Land off of Beanacre Road, Beanacre.

105/24 Public Consultation: Snarlton Farm for 300 dwellings

Correspondence had been received from Catesby Estates informing the parish council they proposed to resubmit a planning application for 300 dwellings at Snarlton Farm and were currently undertaking public consultation on proposals at <https://www.catesbyestates.co.uk/land/land-south-of-snarlton-farm-melksham> with a deadline for comments of 14 July

Resolved: To submit the following response to the public consultation:

- Loss of Greenfield site.
- The development is in the open countryside, outside the Settlement Boundary of Melksham & Bowerhill, isolated and therefore unsustainable.
- This site equates to piecemeal development and is not plan led. Wiltshire Council's current Core Strategy, and its draft Local Plan does not include this site as a strategic allocation. There is no allocation for Melksham in the adopted Wiltshire Housing Site Allocations Plan (adopted February 2020) either. Melksham's made Neighbourhood Plan (adopted July 2021), does not include this site as a housing allocation; nor does it include it in its reviewed Plan currently out for its second Regulation 14 consultation (Version B: June 2024). This version of the Neighbourhood Plan has housing allocations for at least 483 dwellings across 5 sites. The emerging Local Plan has allocations for 845 dwellings across 3 sites. This gives a total allocation of 1,328 set against a residual figure in the Melksham area of 1,120 and 68 for Shaw and Whitley (as at 31 May 2023) as set out in the draft Local Plan.

Following changes to the National Planning Policy Framework (NPPF) announced at the end of 2023, new guidance means such development can be refused, as Wiltshire Council can prove they have a 4.2-year land supply (as confirmed in a Briefing Note dated 12 June 2024) and have met the condition to have undertaken a Regulation 19 Local Plan consultation within 2 years. In addition, the Melksham Neighbourhood Plan (adopted in July 2021) now has full paragraph 14 protection until July 2026 and is currently being reviewed and is out for its second Regulation 14 consultation. In your letter to the parish council about your plans to resubmit your planning application, you explain that this change in policy context is why you withdrew the application, there has been no further change in planning policy since then.

- This site has not been allocated in the draft Local Plan and therefore this site does not form part of the strategic thinking with regard to housing and infrastructure requirements in Melksham. The site is not part of a wider strategic site bringing with it infrastructure, such as schools, medical facilities, community centre, highway improvements and a local centre etc.
- As an example of the lack of master planning across the wider area, the neighbouring site at Blackmore Farm has a current planning application for 500 houses (PL/2023/11188), with a primary school and Local Centre land with no accessibility from this proposed development. In addition, there is only one footway running along Eastern Way on its Western side and not adjacent to this development. Therefore, children wishing to access the proposed primary school at Blackmore farm will have to cross Eastern Way and cross back again.
- Proposals do not include 40% affordable housing as per the draft Local Plan requirement.
- Highway Safety Concerns:

There is the possibility of an Eastern Bypass and if the bigger highway scheme could not be afforded, Eastern Way could potentially be the Eastern route for the A350 bypass, therefore, isolating the site even further.

The impact this development will have on New Road, which is a single-track road and used as a 'rat run' to access Chippenham and the M4 via the National Trust village of Lacock including its medieval bridge which again is single track.

Consideration needs to be given to how this site could impact the new roundabout under construction in Spa Road as part of the East of Melksham extension. This route may potentially be the preferred route

by drivers to access road infrastructures North and South.

Consideration needs to be given to the provision of a roundabout on the Southern entrance to the site, as opposed to traffic lights as previously proposed in planning application PL/2023/07107, particularly as this entrance serves the larger part of the site.

Eastern Way is not well served by bus routes and would result in the reliance upon the need for travel by car, which is contrary to Core Strategy Policies 60 and 61.

- As part of the current review of the Neighbourhood Plan, AECOM has undertaken an independent Site Assessment and assessed SHELAA^[1] site 3525, which includes this site, with the following comments:
 - Impact on non-statutory environmental designations: The site is adjacent to public open space (playing field), Primrose Drive Nature Area and located along indicative green infrastructure corridor.
 - The central part of the site along Clackers Brook is in Flood Zone 2 and 3. The site is proposed for more vulnerable uses (residential). The sequential test and a site level exception test would need to be applied before these parts of the site could be developed.
 - Over 15% of the wider SHELAA site is affected by high risk of surface water flooding.
 - The site is Grade 3 Good to Moderate Quality Agricultural Land. More detailed site surveys would be required to assess whether the site is Grade 3a Good Quality Agricultural Land. (The Parish Council note in terms of potential changes to the National Planning Policy Framework (NPPF), the land has been used for food production until recently, which is planned to carry more weight in the new NPPF amendments)
 - The site includes Public Rights of Way MELW23 and MELW22.
 - The site has several mature and semi mature trees within its boundary. Further arboricultural assessment would be required to understand their significance.
 - Accessibility of the site in relation to facilities being within a 5-minute walk (400m). The following areas are over a 5-minute walk away:

Town/Local Centre/Shop:	>1200m
Train Station:	>1200m
Secondary School:	>1600-3900m
Cycle Route:	>800m
 - The site falls within the Open Clay Vale Landscape Character Area of the Melksham Neighbourhood Plan Local Landscape Character

^[1] Strategic Housing & Employment Land Availability Assessment
<https://www.wiltshire.gov.uk/planning-policy-monitoring-evidence>

Report 2020 and the West Wiltshire Landscape Character Area Report 2006. This area has a strong sense of openness with occasional deciduous copses and ancient woods to the east. The management objectives of this Landscape Character Area are to conserve and enhance the landscape setting of Melksham, screen visually intrusive urban edge of Melksham, conserve open views across the clay vale to distant down land ridges and conserve and enhance the existing hedgerow network.

- The site contains some valued features including the Clackers Brook, continuous tree line along the Brook which provides an intimate setting and boundary vegetation. The site makes a significant contribution to the rural and tranquil landscape character of the area. Development on the site would represent a significant advancement into open countryside, beyond the current defined settlement edge formed by the Eastern Way.
- The site is visually open and has high intervisibility with the surrounding landscape. Development may adversely impact views of the surrounding open clay vale landscape, as well as from the Public Rights of Way crossing the site.
- The site strongly relates to the rural character and sense of openness of the area. Development of the site would contribute to a substantial urban expansion into open countryside.

The Parish Council also wish to submit the following comments in relation to your information published on your website www.catesby-snarltonfarm.co.uk:

- Concern is raised at proposals to release surface water into the public sewer, which is understood is not permitted.
- Object to proposals for Community Infrastructure Levy (CIL) funds to be used for transport infrastructure, education, health, community facilities such as indoor and outdoor sports /leisure facilities, outdoor play areas etc and green infrastructure, as these are usually included within Section 106 Agreements. It is understood developers cannot dictate what local authorities or parish/town councils can spend their CIL funding on.
- Concern is raised if this development comes forward prior to the housing allocation within the draft Local Plan at Blackmore Farm (adjacent to the site) which includes a primary school, there will be insufficient primary school facilities for any future primary aged children. Wiltshire Council have already stated their objection to the planning application for 650 houses at neighbouring Blackmore Farm as there are insufficient secondary school places until the Local Plan allocation south of Melksham Oak school (Policy 19) is progressed.

If the development were to go ahead, the Parish Council welcome the opportunity to discuss aspects of the application and be party to the s106 agreement. In addition, they would like to see:

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

- The road layout is such that there are no dead ends in order that residents and refuse lorries do not need to reverse out of roads.
- Contribution to educational and medical facilities within the Melksham area.
- There is visible delineation between pavement and roads so they are easily identifiable.
- The provision of bird (swift boxes), bat and bee bricks, reptile refugia and hibernacula within the development, in order to increase biodiversity.
- There are various Rights of Way in the vicinity, which could be improved/upgraded, including the provision of lighting via Section 106 contributions from this application if approved. The provision of a footpath to access Prater's Lane from Sandridge Common (MELW40); MELW30 becoming a bridleway to connect up bridleways at MELW40 & 41. Provision of kissing gates on the various bridleways between East of Melksham and Redstocks.
- Provision of allotments with access to parking and water supply.
- Provision of convenience store with free access cash point.
- Ground source heat pumps to be included in proposals.
- To include capacity for hydrogen heating in the future within proposals.
- Provision of solar panels and storage batteries for every house or group of houses/block of flats.
- Inclusion of lifebuoys, noticeboards and defibrillators. The maintenance of these items to be undertaken by the management company, unless the council decides that they would like to take on the asset.

As part of any community facilities the parish council would like to see, the Parish Council request a community centre large enough to include additional health facilities (with room for GP clinics as well as complimentary services like physio, chiropodist, osteopath etc.) as well as associated facilities to service and provide a 3G pitch.

Due to the piecemeal nature of development currently proposed East of Melksham, the Parish Council have also requested the same for proposals for 500 dwellings (PL/2023/11188) on land adjacent to your site at Blackmore Farm.

106/24 Planning Appeals

- a) **Land West of Semington Road. Outline permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved (PL/2022/08155).**

Confirmation had been received from the Planning Inspectorate the Appeal Hearing would take place on 10 September at 10.00am (venue to be confirmed).

Councillor Wood informed the meeting having previously agreed to attend the Hearing, was unfortunately unavailable now the date was known and therefore sought a substitute.

The Clerk informed the meeting Wiltshire Councillor Jonathon Seed had confirmed he would be attending the Appeal Hearing and suggested members of Berryfield and Semington Road Action Group (BASRAG) may also wish to attend the hearing, as well as representatives of the Townsend Farm Residents' Association.

Resolved: Councillor Pafford to attend the Appeal Hearing on 10 September along with Councillor John Glover.

107/24 Lime Down Solar Farm:

a) To approve notes of meeting held on 12 June 2024.

The Clerk explained having received the notes of the meeting held on 12 June, Councillor Richardson had reviewed them and made some amendments and sought a steer from Members they were happy with the suggested amendments.

Resolved: To approve the notes of the meeting held on 12 June as amendment by Councillor Richardson and as per Council Pre-App Policy to include these within the minutes as follows:

Those in attendance at the meeting included from Melksham Without Parish Council, Councillors Wood, Glover, Harris, Richardson, Teresa Strange, Clerk and Lorraine McRandle, Parish Officer. Will Threlfall, Project Development Manager, Island Green Power and Beth Motley, Director of Energy & Utilities, Counter Context were also present.

Will explained several consultation events had taken place with the scoping document being finalised which will go to the Planning Inspectorate on 8 July, in order for them to come back with an 'Opinion'.

Have been engaging with Wiltshire Council who are consultees and who will be feeding back into the consultation, still gathering thoughts on consultation and the various feedback received and now a first iteration of a design which is complete. This will start being fed into with reports and survey data to build-up a more refined version of the project ahead of statutory consultation. Hopefully before Christmas or early next year will start re-engaging with further plans for the project and consult with those consulted with previously, the consultation will include more data and technical information and will take 6 weeks, which is standard for solar farm schemes.

In advance of this consultation a statement of community consultation will be drawn up which sets out methodology of who consulting with,

when, how and where and will formally consult with Wiltshire Council on this. A Preliminary Environmental Information Report (PEIR) will also be included, there will also be a non-technical summary included in the consultation.

Members expressed concern the period of non-statutory consultation which had recently taken place was not long enough, particularly for local parish councils adjacent to the sites. Therefore, it was suggested the statutory consultation period needed to be longer than 6 weeks and if answers were supplied to points raised at the non-statutory stage would have more reliable information for the next stage of consultation which would be useful.

Beth explained the feedback from the consultation was currently being reviewed and a consultation summary report would be produced, summarising issues raised. Some questions asked related to a level of detail not yet reached.

Feedback from consultation:

8 information events had been held (6 in person and 2 online) with over 1000 people attending over the entire area ie Malmesbury, Whitley & Shaw etc.

Shaw Event:	191 people attended
Corsham Event:	107 people attended
Sherston Event:	263 people attended (highest number of attendees)

Online 125 people attended in total across the 2 sessions.

An Invitation was sent to all town and parish councils who sat within the red line boundary of the project, Michelle Donelan MP was also invited to attend an event.

Wiltshire Community Foundation had been spoken to and Wiltshire Councillor Phil Alford briefed. Those people living adjacent to the red line boundary of the sites had also been contacted, including Whitley (Top Lane) and 4 site visits took place, with site visits continuing.

Over the course of consultation 1425 submissions were received, a good level of feedback for the size of project, which were currently being reviewed.

Will explained since the consultation there was more information available to answer questions. Both sites for a battery storage facility were still being considered with issues flagged for both sites which were being looked at, in order to alleviate concerns, and would like to get decision of which site is preferable before the start of statutory consultation.

Concern was expressed that a decision was being made on which site for a battery storage was preferable prior to the statutory consultation being completed, particularly as it was understood this decision would be made before going forward with a planning application.

Will explained a lot of information had been received during the non-statutory consultation period which had been useful and a decision on the preferred site would be made prior to a planning application being submitted, lots of data was also available such as survey data and further technical studies.

Q: When will you be in a position to make a decision on which is the preferred battery storage site?

A: The scoping report which goes to the Planning Inspectorate on 8 July has a 45 day turn around that takes into account everything worked on and will be publicly available when published. That will contain all the information and will refer to and need feedback on some from ecology for instance. That will come back end of August with a decision early September, will let the council know if there is a delay and why.

Beth explained she hoped to complete the analysis of the feedback by mid/end July. There is a lot of feedback which needs to be analysed and responded to and this information is being fed back to a wider consultation team so they have sight of issues flagged up which they need to take account of with regard to survey work etc. The Development Consent Order (DCO) process requires feedback which is done as part of the consultation report which is also part of the DCO process.

Q: When the scoping report is submitted on 8 July, will all the material be complete?

A: Only the environment side of project will be fed into the environment report and this is required to make a decision. There may be things which come back from technical reports which back up concerns the public may have feedback during the consultation period.

The scoping report defined the parameters of what will be assessed for the purposes of producing the Preliminary Environmental Information Report (PEIR) and submitted to the Planning Inspector. The Planning Inspectorate will go out to statutory consultees, with the parish council considered a statutory consultee and engaged with in a formal capacity for feedback on the scoping document.

Can do non-statutory consultation before the scoping document is submitted or after. However, on this project it was determined to do the non-statutory consultation prior to submitting a scoping document.

Q: Why submitting the scoping document prior to completing analysis of the non-statutory consultation?

A: Been through feedback and assessed the different criteria and consultants have been through the feedback to pull out specific material issues that might be additionally included in the scoping report. The Scoping Report defines things such as heritage, flooding, drainage, landscape and visual impact and these are the areas we are going to assess for the purposes of identifying what mitigation is needed to be put in place which will be set out in the Preliminary Environmental Information Report (PEIR).

Objecting to the scheme is not a material consideration for the scoping report. What is sought is feedback on what are the issues if the scheme is consented ie what are the things wanted to be taken into account to try and deliver the best scheme possible. A lot of feedback was not necessarily picking out these issues but still have to go through all of the feedback which will be included in the consultation report.

Q: Will a bat survey be undertaken?

A: This will be undertaken over the summer period including the cable corridor.

Q: When will a decision be made on the cable corridor?

A: This is still to be assessed.

Will explained heritage and archaeological studies had taken place of the BESS site and there were issues which will need careful consideration in the Whitley area. The land grade has come back as 3B and is developable, there had been a suggestion it was 3A, however, an independent assessment by Reading Agricultural Consultants has come back to say it is 3B.

With regard to sound pollution, Will explained this data had not come back as yet. However, from a personal perspective there were design considerations of a considerable amount to reduce noise at this location, such as acoustic fencing which would not normally be installed around battery storage facilities but appreciated this would have a visual impact on the listed buildings nearby and the visual points from Shaw and these points are being taken into consideration.

The Clerk explained the parish council had recently raised concerns regarding the batteries which had recently been installed off of Westlands Lane (south of the sub-station at Beanacre) with Environment Health visiting and conditions put on the planning application to address the noise. With Will confirming there was a

noise element to the batteries themselves it was suggested that noise mitigation should also be part of the Consultation Plan.

With regard to the concerns of fire, which had come up a lot during consultation, Will explained there had been one fire in the UK, however, this had been due to spacing between batteries being quite close, however, there has been a change in the industry maximising space between batteries. A fire safety plan for the Cleve Hill site had been undertaken and was really useful and had been fed into the rest of the industry. If the Whitley site is chosen, in order to provide enough space between them, the number of containers on the site will be reduced.

Q: Will the consultation period cover the Christmas period, if so, the parish council would ask for this is extended.

A: It will be before the Christmas period and if it did cover the Christmas period this will be taken into account.

Q: Is there a need to have batteries, understand can be charged off the grid?

A: Two options if have a standalone battery facility will trade ie take energy off the grid at night in order to disperse energy and sell it back, however, finances are quite tight on this option. With it being co-located or at least feeding into the same project/same point can charge up the battery from the grid or from solar. There is a need for renewable energy and when there is no sun and therefore no solar this is when batteries come into play. The National Grid have moved forward on a number of connection dates recently which will allow for more renewable generation to feed into the grid for longer periods.

Q: Understand the business case is not as robust as it was in order to balance the grid?

A: Will explained there are specific locations where the grid is constrained as there is too much power going in without investment. However, this area has been chosen as Melksham is at a crossroads for everything going north, the major power lines then go West to Hinkley Point C and then East towards London and start feeding the South West and is a major connection location.

Q: Whilst understand the connection to the grid at Beanacre, do not believe this should dictate the location of a battery storage facility.

A: Standalone batteries try and be no further than 5km from connection points with 1km being ideal, however this is not a standalone battery storage project and hence why able to make the cabling work. It was clarified there were no overhead cabling going in and would be underground.

Q: Smaller battery storage facilities do not connect to the grid; therefore, why can you not build a smaller site?

A: Unfortunately, the capacity is no longer available.

Q: Does this mean if Lime Down goes ahead are we coming to an end of solar farms in this area?

A: Will: personal opinion is that connections will come afterwards. There is a 1gw connection coming in 2027 for solar and battery which has not got a connection yet and will have to be within 20km of Melksham which suggests there will be an upgrade to the grid.

Q: Would this mean up-grading Beanacre sub-station?

A: Potentially, there is currently a grid update taking place, mostly off the North Sea at the moment.

Q: When will the points raised by Community Action Whitley and Shaw (CAWS) as part of its Consultation Submission and the parish council when we last met be answered?

A: With regards to the questions from CAWS, not in a position to answer some of them as yet but will feedback on those questions which can be answered.

Councillor Glover left the meeting at 1.23pm.

Q: In a letter circulated by the developer it states that there will be an "on-site" battery storage facility and therefore, the community of Whitley has interpreted this to mean the battery storage facility is going elsewhere as the one proposed in Whitley is not an "on-site" facility but remote from solar panels. Have you therefore decided on a site?

A: A decision has not yet been made and are still considering both locations.

Q: Secretary of State for Energy made a statement about renewables and protecting food security, do you have a response to this statement?

A: In line with national policies, which has not changed. The feeling in the industry is that if 3A, 3B land was not available for development most solar schemes would struggle to be allowed but this would not achieve net zero.

Q: Are you aware Wiltshire Council recently debated the cumulative impact of solar farms etc and were seeking clarification from Government on what is meant by cumulative impact?

A: There is no definitive guidance on cumulative impact but aware of debate at Wiltshire Council. A similar motion was passed at Lincolnshire Council and understand cumulative impacts will be taken into account based on known schemes.

Q: Do you think policy will stay the same, given there may be a new Government shortly?

A: Not aware. There is a hope more projects will be passed through due to their importance for energy security.

Q: In terms of cumulative impact for schemes that are known they will they be part of consideration when working through the planning process?

A: Yes, will look at and feed into site selection. However, there is no directive and nothing to work to as yet, however the motion from Wiltshire Council may bring a localised cumulative restriction.

Q: Have you stopped the evaluation of other sites which might be suitable in terms of battery storage sites?

A: Looked at others including brownfield sites but down to 2 sites ie Hullavington and Whitely.

Q: When putting cabling run in how long will the land be out of commission.

A: Will clarify this.

Q: What is the percentage loss of energy given length of cable?

A: On cable runs 33kw (lower voltage) they can lose 16 times more energy than on a 400kv cable (which is proposed). Understand given the length of cabling proposed as soon as put into ground the power factor drops to 95%, therefore losses fairly negligible for a 400kv connection. Will be able to give specific figures once it has been assessed.

Councillor Glover returned to the meeting at 1.43pm

Q: Will crops grow above the cable line once installed.

A: It was confirmed crops will grow above.

Q: How wide will the cabling be?

A: This information is available on the National Grid website.

Q: Regarding the Scoping Report and environment impact does this take account of construction and delivery not just install?

A: There will be a section on traffic management. The final Development Consent Order (DCO) will cover construction in terms of traffic management plans, operation and decommissioning, the land will have to revert to its original use.

Q: Will the cables be removed once the site has been decommissioned.

A: Understand the National Grid may do this.

Q: Understood Wiltshire Council were not making comments to consultation, however, earlier in the meeting said you were in consultation with them, can you clarify?

A: Usually, statutory consultees are consulted at a later stage, however, some engaged earlier in the process and some engaged, as they had relationships with consultants. However, this has now stopped and have to have a Planning Performance Agreement in place with Wiltshire Council which is currently being negotiated and is a legal document which sets out how to work together, as they want to be more engaged.

Q: Therefore, the drainage engineers, highway engineers, planning, environment have not contributed prior to the scoping document being submitted.

A: Yes a few have such as Highways regarding the cabling, however, this does not form part of the Planning Performance Agreement. At this stage the scoping opinion will set out what needs to be worked on, what will be working to and things which need looking at, which has not been agreed yet. However, the intention has always been to put in a Planning Performance Agreement with Wiltshire Council when drainage highways etc will be consulted with.

Regarding community engagement the scoping opinion consultation from the Planning Inspectorate will be submitted to Wiltshire Council, they will go out to all the statutory consultees of which Wiltshire Council is one. However, there is no mandatory requirement for them to feedback to the non-statutory consultation, as this is the community facing version of the scoping opinion.

Concern was expressed in particular that the Principal Drainage Engineer at Wiltshire Council had not been consulted given the flooding experienced in the area. It was confirmed they would be consulted with formally in order to feedback on a more technical level.

Q: The access to the site is on a fast road, which is a concern, will there be wheel washing on site prior to vehicles accessing the main road.

A: Take on point. There will be things put in place to ease relationships during construction and as the project moves forward.

It was agreed:

- Councillor Richardson to forward a copy of questions raised by CAWS).
- The Clerk to re-send the Council's questions.
- Will to come back on questions raised previously by the parish council and Community Action Whitley and Shaw (CAWS).
- Will to forward the Fire Safety Report on Cleve Hill.
- Will to inform the parish council when the scoping report is available on the Planning Inspectorate website and provide a link.
- Beth to provide a copy of the slides which include a timeframe for all the stages of the project and extent of consultation.
- Beth to look at the question of whether the cumulative impact would be taken into account in respect of the battery location and other existing electrical infrastructure in the immediate area.
- Beth to send the National Grid link re cable sizes
- To arrange another meeting in early September to provide an update.

b) To note correspondence from CAWS (Community Action: Whitley & Shaw) to Wiltshire Council re cumulative effect of renewable energy installations

Councillor Richardson explain following Wiltshire Council agreeing several weeks ago to ask the Secretary of State for guidance on what cumulative effect meant in relation to solar farms etc, he had written to Wiltshire Council on behalf of CAWS to ascertain when the question would be submitted to the new Government for a response. He had also asked in the meantime what framework would be used to assess cumulative impact, given the Government may not immediately get to Wiltshire Council's question. Clarity was also sought on the methodology which would be used to determine whether a development of this nature was necessary, particularly as the previous Secretary of State for Energy had said such developments would only be built on agricultural land when they were deemed to be necessary.

At the Wiltshire Council meeting when a motion had been put forward to seek clarity on cumulative effect, he had asked to include the above question in their submission to the Secretary of State. However, this had not been included as it was stated this was an issue purely for Wiltshire Council to determine. Therefore,

had also asked Wiltshire Council for their framework on determining whether such developments are necessary.

Councillor Richardson also informed the meeting various questions (170) had been raised by the community of Whitley & Shaw with Lime Down Solar on their proposals. However, no responses had been received to date and also raised concerns the questions asked by the parish council at a recent meeting would also remain unanswered.

c) To consider reply from Wiltshire Council following submission of parish council's consultation comments (if received).

The Clerk explained she would submit the parish council's comments on Lime Down Solar proposals for a battery storage facility in Whitley to Wiltshire Council the following day now it was apparent Wiltshire Council were being consulted on proposals having previously been informed they would not be.

108/24 Current planning applications: Standing item for issues/queries arising during period of applications awaiting decision.

- a) Blackmore Farm (Planning Application PL/2023/11188):** Outline permission for demolition of agricultural outbuildings and development of up to 500 dwellings; up to 5,000m² of employment (class E(g)(i)) & class E(g)(ii); land for primary school (class F1); land for mixed use hub (class E/class F); open space; provision of access infrastructure from Sandridge Common; and provision of all associated infrastructure necessary to facilitate the development of the site.

The Clerk informed the meeting the Senior Planning Officer had written to Wiltshire Councillor Holder to ask he advise the Parish Council "negotiations were still underway on the above application and should amended plans/details be submitted Wiltshire Council would run a formal re-consultation - and it was unlikely a decision would be made until the end of the year".

- b) Proposed Primary School, Land at Pathfinder Way, Bowerhill. Reserved Matters application (PL/2023/08046)** pursuant to outline permission 16/01123/OUT relating to the appearance, landscaping, layout and scale of the proposed primary school (including Nursery and SEN provision).

No update to report.

- c) PL/2024/04223: 19 Lancaster Road. Bowerhill.** Construction of new single storey building to the rear of the site with the removal of the existing conservatory. Work also includes the removal of the garage and associated raised platform.

The Clerk informed the meeting the applicant had written to the parish council seeking support for their application to extend ABC Nursery, now that they had submitted a Travel Plan to Wiltshire Council and details of the suggested revised access and car parking. The Travel Plan (included in the agenda pack) had since been approved with Wiltshire Council subsequently approving the planning application.

109/24 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.

a) 489a Semington Road. To consider concerns at breaches of planning conditions relating to recently built garage (PL/2021/06824) being used as a dwelling.

The Clerk explained concerns had been raised by a resident regarding breaches of planning conditions in relation to the garage being used as a dwelling, which had been forwarded to Planning Enforcement to investigate, however, no reply had been received as yet.

110/24 Planning Policy

a) Melksham Neighbourhood Plan

Members noted the draft Steering Group minutes of 5 June 2024.

b) Wiltshire Council Briefing Note 24-13 Re Housing Land Supply and Housing Delivery Test.

Members noted the current housing land supply figure was 4.2 years using a base date of 1 April 2023. This will be used to inform decision making of planning applications and appeals. It was noted that since the changes in the NPPF (National Planning Policy Framework) on 19th December 2023 that for two years from the date that the NPPF was updated, local planning authorities such as Wiltshire that have an emerging local plan that has reached Regulation 19 stage, will only be required to demonstrate a four-year requirement, rather than a 5-year requirement.

c) To consider presentation from Town and Parish Council Planning Forum at Wiltshire Council on 25 June

The Clerk explained unfortunately no one could attend the Forum from Melksham Without, however the slides had been forwarded for information which she briefly went through, noting the following key dates for the Local Plan:

September 2024: Publish representations on Website
8 October 2024: Submitted to Cabinet

23 October 2024: Submitted to Council
December 2024: Submission and commencement of Examination
Mid 2025: Examination in Public Hearings
End of Q3 2025: Adoption

The Clerk informed the meeting with regard to the Development Plan Development (DPD) on Gypsy and Traveller sites, understood no sites were proposed in Melksham Without or the surrounding area.

d) To consider new Government's Manifesto pledges re Planning/Housing Targets

The Clerk informed the meeting that having reviewed the new Government's manifesto with regard to changes in planning, whether this had triggered Catesby Estates to re-submit their plans having previously withdrawn them, following changes to the National Planning Policy Framework (NPPF).

It was noted Angela Rayner as well as being the Deputy Prime Minister was also the Levelling Up, Housing and Community Minister.

111/24 S106 Agreements and Developer meetings: (Standing Item)

a) Updates on ongoing and new S106 Agreements

i) Pathfinder Place:

Wiltshire Councillor Nick Holder had provided updates earlier in the meeting, with the Clerk explaining there were no further updates to report, with an update on Burnet Close in papers.

Councillor Glover noted there were signs attached to the fencing of the play area saying it was the responsibility of Melksham Without Parish Council and to contact us if there was an issue. However, the play area had not been signed over to the parish council as yet and suggested the signage be covered over until the Agreement had been signed.

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

Councillor Wood informed the meeting the sales suite was now open, with the first house now sold, the entrance to the site had now been tarmacked. However, work was still to be undertaken on the entrance from the site to Shails Lane.

It was noted a resident had raised concerns at the lorries queuing up on Semington Road. However, Councillor Wood felt whilst it was a nuisance at the time, this had been a one off.

iii) Land to rear of Townsend Farm for 50 dwellings (PL/2023/00808)

There was no update to report.

iv) Land South of Western Way for 210 dwellings and 70 bed care home (PL/2022/08504).

The Clerk explained as the reviewed Neighbourhood Plan (JMNP2) was out for its second round of consultation and therefore in the public domain, to note this site was included in JMNP2 as a housing allocation, in order to get some community control over the site following its approval at Appeal.

Councillor Glover explained there was an access into the field from the A365 and wished to ascertain if this was to be closed up, as currently there was no gate on it, the Clerk agreed to look into this.

b) To note any S106 decisions made under delegated powers

None to note.

Members of public left the meeting at this point.

c) Contact with developers

HELD IN CLOSED SESSION.

Resolved: To write to the landowner and their agent to highlight the two maps are different and for the notes from the meeting held on 5 June to be included in Confidential Notes of this meeting.

Meeting closed at 8.59pm

Signed:.....
Chair, Full Council, 29 July 2024