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MELKSHAM WITHOUT PARISH COUNCIL

Clerk: Mrs Teresa Strange

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Market Place, Melksham,
Wiltshire, SN12 6ES
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Monday, 16 October 2023

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

You are invited to attend the Planning Committee Meeting which will be held on **Monday 23 October 2023 at 7.00pm at Melksham Without Parish Council Offices (First Floor), Melksham Community Campus, Market Place, SN12 6ES** to consider the agenda below:

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

Click link here:

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

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.co.uk. If you have difficulties accessing the meeting please call (do not text) the out of hours mobile: 07341 474234

YOU CAN ACCESS THE AGENDA PACK HERE

Yours sincerely,

Teresa Strange, Clerk



Serving rural communities around Melksham

AGENDA

1. **Welcome, Announcements & Housekeeping**
2. **To receive Apologies and approval of reasons given**
3. **Declarations of Interest**
 - a) **To receive Declarations of Interest**
 - b) **To consider for approval any Dispensation Requests received by the Clerk and not previously considered.**
 - c) **To note standing Dispensations relating to planning applications.**
4. **To consider holding items in Closed Session due to confidential nature**

Under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during consideration of business where publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.
5. **Public Participation**
6. **To consider the following new Planning Applications:**
 - a) [PL/2023/08347](#): Land adjacent to existing substation, East of Sandridge Solar Farm, Snarlton Lane, Melksham. Extension of existing substation, including installation of new plant and machinery, fencing and hardstanding. Applicant SSE (**Comments by 3 November**)
 - b) [PL/2023/08046](#): Land at Pathfinder Way, Bowerhill. Reserved Matters application pursuant to Outline Planning Permission 16/01123/OUT, relating to the appearance, landscaping, layout and scale of the proposed primary school (including Nursery and SEN provision). Applicant Wiltshire Council (**Comments by 3 November**)
 - c) [PL/2023/07756](#): Woolmore Farm Buildings, Bowerhill. Variation of Condition 1 (approved plans) on PL/2022/05895 (Redevelopment of redundant farm buildings to provide B1 employment space, involving change of use of existing agricultural buildings, plus erection of new build B1 offices, together with demolition, construction of a new access with associated parking, landscaping and ancillary works) to facilitate a redesign of Unit 5. Applicants McBallester Ltd and A J Turner (**Comments by 27 October**)
7. **Revised Plans:** To comment on any revised plans on planning applications received within the required **timeframe (14 days):**
8. **Current planning applications:** Standing item for issues/queries arising during period of applications awaiting decision.
 - a) **Blackmore Farm (Planning Application PL/2023/01949).** Outline permission with some matters reserved for demolition of agricultural outbuildings and development of up to 650 dwellings; land for primary school; land for mixed use.

- b) **32 Lancaster Road, Bowerhill (former Christie Miller site) (Planning Application PL/2023/01008)**. To note additional comments submitted following meeting with Wiltshire Air Ambulance re concerns at potential 'bird strikes'.
 - c) **Land to the West of Semington Road (Planning Application PL/2022/08155)**: Outline application for up to 53 dwellings including formation of access and associated works, with all other matters reserved.
9. **Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.
- **489 Semington Road.** To note update from Planning Enforcement and correspondence from resident.
10. **Planning Policy**
- a) **Neighbourhood Planning**
 - i) To note the Neighbourhood Plan minutes of 27 September 2023 (if received) and Confidential Notes to accompany the minutes.
 - ii) **Cooper Tire Site allocation in NHP#2.** To consider contributing to the Neighbourhood Plan consultant costs relating to viability work associated with the site.
 - iii) **To note Regulation 14 formal consultation commenced on 16 October and Modifications Statement (changes between adopted and new draft Plan)**
 - iv) To reflect on responses to planning applications for monitoring of the Neighbourhood Plan.
 - b) **Wiltshire Council Local Plan.** To review the emerging response to the draft Local Plan consultation <https://www.wiltshire.gov.uk/planning-policy-local-plan-review>
11. **S106 Agreements and Developer meetings: (Standing Item)**
- a) **Updates on ongoing and new S106 Agreements**
 - i) **Hunters Wood/The Acorns:**
 - To note any updates on footpath to rear of Melksham Oak School.
 - ii) **Pathfinder Place:**
 - To note any update on outstanding issues:
 - Highways
 - Management Company
 - Play Area
 - iii) **Buckley Gardens (144 dwellings on Semington Road)**
 - To note any updates and consider a way forward
 - iv) **Land to rear of Townsend Farm for 50 dwellings (PL/2023/00808)**
 - To note any updates and consider a way forward.
 - b) **To note any S106 decisions made under delegated powers**
 - c) **Contact with developers**

Copy to all Councillors

POLICY 2: NHP#1



Local Energy Generation

This policy helps meet objective 1: Reducing carbon emissions to contribute to carbon neutrality in Wiltshire by 2030

...and objective 2: Planning for new development that addresses the impact of climate change.

Policy 2: Local Renewable and Low Carbon Energy Generation

Renewable and low carbon energy generation projects that are led by or benefit local communities will be supported subject to the following criteria:

- i. the siting and scale of the proposal is appropriate to its setting;**
- ii. the proposal does not create an unacceptable impact on the amenity and safety of local receptors, and**
- iii. the proposal does not have an unacceptable degree of impact on a feature of natural or biodiversity importance.**

Schemes where the energy produced can be used on or near the generation site/where energy storage is incorporated will be supported.

The reason for the policy

4.3.1 The NPPF states that local planning authorities “should support community-led initiatives for renewable and low carbon energy” (NPPF paragraph 152). As part of moving towards a low carbon future in a changing climate, this Plan supports generation of zero or low carbon energy at the local level from sources such as hydro-electricity, geothermal, biomass or solar energy, particularly where it enables communities to take a more active role in the production of renewable and low carbon local energy.

4.3.2 As evidenced by the number of solar farms, solar is a particularly good form of renewable energy for this area. The Planning Practice guidance for ‘Renewable and Low Carbon Energy’ sets out information on how to assess and mitigate the impact of glare and glint from solar panels on residents and other receptors, which can be a problem locally. The key receptors with respect to glint and glare are residents in surrounding dwellings, road users, train infrastructure (including train drivers), and aviation infrastructure.

POLICY 2: NHP#2

Sustainable Development and Climate Change



Local Renewable and Low Carbon Energy

This policy helps meet objective 1: Reducing carbon emissions to contribute to carbon neutrality in Wiltshire by 2030 and beyond.

...and objective 2: Planning for new development that addresses the impact of climate change.

Policy 2: Local Renewable and Low Carbon Energy

1. Proposals for renewable energy, low carbon energy generation projects/developments, will be supported where it can be demonstrated that:

- a. the siting and scale of the proposal is appropriate to its setting;
- b. the proposal will not result in adverse impacts on the local environment which cannot be satisfactorily mitigated;
- c. the proposal does not create an unacceptable impact on local amenity and safety;
- d. the proposal does not have an unacceptable degree of impact on a feature of heritage, natural or biodiversity importance. Proposals for stand alone, ground mounted solar photovoltaic development will be expected to demonstrate that some form of agricultural activity will continue, and/or there are biodiversity improvements around arrays; and,
- e. there are direct benefits to the local community.

Proposals for community energy generation projects, where there is full or partial ownership and/or control by a local community, will be strongly supported.

2. Schemes where the energy produced can be used on or near the generation site/where energy storage is incorporated will be supported. Proposals for energy storage will be supported, where it meets one or more of the following:

- a. it is located on or near, existing or proposed renewable energy generation sites;
- b. it alleviates grid constraints; and
- c. it enables the delivery of further renewable developments.

Teresa Strange

From: Teresa Strange
Sent: 10 October 2023 16:50
To: Developmentmanagement; jemma.foster@wiltshire.gov.uk
Cc: Nick.Holder@wiltshire.gov.uk; Pest Control; Richard Miller; Matt Wilcock
Subject: ADDITIONAL COMMENTS FOR PL/2023/01008 32 Lancaster Road, Bowerhill, Melksham - new highways depot on site of ex Christie Miller sports centre

Dear Jemma

I am writing further to a meeting this morning at the Wiltshire Air Ambulance HQ, please see detail below for background information. A safety concern has been raised by the Air Ambulance regarding flocks of seagulls on their flight path.

One of the things that came out of the meeting this morning, which included Claire Francis from Wiltshire Council's Public Protection team, is the need for a Bird Management Scheme to be taken into account for any new buildings that are on the flight path of the helicopter to and from its base at Outmarsh; ie over Bowerhill Industrial Estate. The previous Christie Miller building, that has now been demolished, was a site of nesting seagulls and the information that Claire provided this morning is that they return to breed from their original nesting site.

Can conditions be applied please to ensure proofing against seagull roosting and a bird management scheme be put in place?

I have copied in both Public Protection and the Air Ambulance so that further information and/or supporting evidence can be supplied if you require further information.

With many thanks,

Teresa

PL/2023/01008

Site Address

32 Lancaster Road, Bowerhill, Melksham, Wilts, SN12 6QU

Proposal

New Highways depot, include the installation of modular buildings for office block, portacabins for operative welfare, works vehicle parking, material storage, external lighting and car parking

Teresa Strange
Clerk & Responsible Financial Officer
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From: Matt Wilcock <mattw@wiltshireairambulance.co.uk>

Sent: 25 September 2023 15:34

To: Pest Control <PestControl@wiltshire.gov.uk>; Richard Miller <Richardm@wiltshireairambulance.co.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Cc: Holder, Nick <Nick.Holder@wiltshire.gov.uk>

Subject: RE: AIR AMBULANCE Seagull safety warning over Bowerhill Industrial Estate

Hi Claire

I am aware of the legal challenge which changed the use of the 'General Licence' with regards control of certain bird species.

We do seem to be getting a growing population of Seagulls which hang around just to the north of our base and at a height which we will sooner or later hit one. We have in the last year hit 2 birds, 1 of which we are fairly certain was a seagull when flying near Calne.

We do have a bird scarer at base but it does not seem to deter the seagulls. Clearly, we do not own the buildings the seagulls seem to live on so there is not much we can initially do but there may be some deterrence methods which may work here, but my experience tells me that they will just move to a nearby set of buildings.

As a helicopter operating base who have a good case to put to NE for a licence to have the gulls permanently removed, but there are just some hoops to jump through.

Happy to help if I can.

Matt Wilcock

Capt

Chief Pilot

Wiltshire Air Ambulance

Type text here

T: 01380 819339

M: 

 **Wiltshire Air Ambulance, Outmarsh, Semington, Wiltshire, BA14 6JX**



Wiltshire
Air Ambulance
funded by you, flying for you

**We know times are
difficult at the moment.**



Registered charity number 1144097



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From: Pest Control <PestControl@wiltshire.gov.uk>

Sent: Monday, September 25, 2023 3:05 PM

To: Richard Miller <Richardm@wiltshireairambulance.co.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; Pest Control <PestControl@wiltshire.gov.uk>

Cc: Matt Wilcock <mattw@wiltshireairambulance.co.uk>; Holder, Nick <Nick.Holder@wiltshire.gov.uk>

Subject: RE: AIR AMBULANCE Seagull safety warning over Bowerhill Industrial Estate

Hi Teresa and Richard

Thank you for raising this issue.

Since 2019 when a legal challenge was launched there have been changes made to the way Gulls can be controlled, this has made it difficult for Gulls to be controlled other than by using proofing methods unless a license is applied for from Natural England. These licenses have been tightly controlled and I am not aware of any that have been successful in Wiltshire. A license has to be meet certain criteria and to pass a screening test to control gulls:-

- **preserve air safety**
- prevent disease or serious agricultural damage to livestock, animal feed, crops, growing timber, fisheries or inland waters
- preserve public health or safety
- conserve wild birds, other animals or plants

You must also show that :-

- actual damage or a problem is occurring, or likely to occur – and the target species is causing it
- you have tried non-lethal solutions or you can show that they would not be effective or practical
- there are no suitable alternative methods of control
- action you take under the licence will contribute to preventing damage or resolving the problem
- action you take under the licence will not negatively affect the conservation status of the wild bird

It would be useful to understand more about where the gulls are that are causing a problem and to consider what the options are. I am happy to visit the site and look at the issues and potentially seek advice from Natural England.

Kind regards

Claire

Claire Francis
Public Protection Manager Pest Control, Dog Service and Anti-Social Behaviour
Public Protection



Tel: 01249 706309

Email: claire.francis@wiltshire.gov.uk

Website: www.wiltshire.gov.uk

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From: Richard Miller <Richardm@wiltshireairambulance.co.uk>

Sent: Monday, September 25, 2023 10:32 AM

To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; Pest Control <PestControl@wiltshire.gov.uk>

Cc: Matt Wilcock <mattw@wiltshireairambulance.co.uk>; Holder, Nick <Nick.Holder@wiltshire.gov.uk>

Subject: RE: AIR AMBULANCE Seagull safety warning over Bowerhill Industrial Estate

Some people who received this message don't often get email from richardm@wiltshireairambulance.co.uk. [Learn why this is important](#)

Hi All

Thanks Teresa, more than happy to set up a meeting hear at the airbase if it helps.

Take care

Rich

Richard Miller

Safety & Operations Manager

T: 01380 819306

M: [REDACTED]



📍 Wiltshire Air Ambulance, Outmarsh, Semington, Wiltshire, BA14 6JX



Registered charity number 1144097



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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Monday, September 25, 2023 10:25 AM
To: pestcontrol@wiltshire.gov.uk
Cc: Richard Miller <Richardm@wiltshireairambulance.co.uk>; Matt Wilcock <mattw@wiltshireairambulance.co.uk>; Nick.Holder@wiltshire.gov.uk
Subject: AIR AMBULANCE Seagull safety warning over Bowerhill Industrial Estate
Importance: High

Dear Pest Control
After a couple of 'phonecalls to Wiltshire Council this morning I am sending this concern to you direct as have been advised that you are the right department/authority to talk to.
This has been raised as a safety concern by the Air Ambulance who are based in the parish.
Its hard to spot but you can see the gulls in the photo below.
The contact details for the Air Ambulance are below, but if you can keep us in the loop and/or let us know if there is anything we can assist with, please let us now.
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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From: Richard Miller <Richardm@wiltshireairambulance.co.uk>
Sent: 25 September 2023 10:17
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Cc: Matt Wilcock <mattw@wiltshireairambulance.co.uk>
Subject: RE: Seagull safety warning over Bowerhill Industrial Estate

Hi Teresa

Thanks for the chat earlier, really appreciate your support. Especially as this has now raised a safety report at Wiltshire Air Ambulance.

We've noticed over the last 2 years an increase in bird (mainly Seagulls) activity coming from and over Bowerhill Industrial Estate. At the moment we haven't had to avoid any on our approach/departure from our landing site in Melksham, but I'm fearing it won't be long until it happens.

On the 24th September around 1900 we noticed twice a large sum of gulls which we estimated to be around 100 coming from the industrial estate and I'm wondering what we can do to prevent a serious accident from happening (picture below).



More than happy to come across and chat if it helps.

Regards

Rich

Richard Miller

Safety & Operations Manager



T: 01380 819306

M: [REDACTED]

 Wiltshire Air Ambulance, Outmarsh, Semington, Wiltshire, BA14 6JX



Registered charity number 1144097



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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Monday, September 25, 2023 10:05 AM
To: Richard Miller <Richardm@wiltshireairambulance.co.uk>
Subject: Seagull safety warning over Bowerhill Industrial Estate

Morning Richard

Good to talk to you this morning, if you are able to reply with a couple of details of what we discussed this morning, and I will let you know what I can find out in terms of responsibility etc. and a way to proceed.
Kind regards, Teresa

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Comment

Melksham Without Parish Council's comment

Planning Application

[PL/2022/05895](#)

Stance

No Objection

Details

Files

✓ **Information**

Comments

Melksham Without Parish Council's comment

Comment Number

WC-22-09-244314

Text

Whilst the Parish Council have no objection to this application ask what pedestrian access is available through the industrial units to the proposed dwelling.

Date Created

07/09/2022

Employment Sites

This policy helps meet objective 8: The retention, regeneration and intensified use of previously developed employment land.

...and objective 7: Protecting and enhancing the vitality of Melksham Town Centre.

Policy 10: Employment Sites

Proposals for the retention and reuse of previously developed employment land will be supported in principle, particularly by start-up and small businesses bringing a range of new employment opportunities. The Principal Employment Areas and the central Commercial Area are shown on Figure 7.

Proposals should seek to generate the same number, or more, permanent full time equivalent jobs as the existing or former use.

The reason for the policy

4.11.1 Melksham is located between Chippenham and Trowbridge meaning that it serves a mainly local catchment area for top-up shopping and for leisure and other services. The Wiltshire Employment Land and Workspace Review 2017¹⁴ notes that the two largest employment sectors in the Melksham Community Area are manufacturing and wholesale/retail. The employment profile of the Neighbourhood Plan area has moved in recent years from an industrial economy, dominated by one large international employer, to a mixture of industrial, service and retail businesses.

4.11.2 The level of out-commuting to neighbouring towns and to jobs along the M4 corridor is high, and community engagement confirms that people want to work closer to their homes. Expansion of new employment opportunities within the Plan area is considered desirable to reduce the amount of out-commuting to deliver sustainable travel movements.

4.11.3 Wiltshire Core Strategy Core Policies 35 (Existing Employment Sites) and 36 (Economic Regeneration) require that sites which are existing employment uses within Market Towns are only redeveloped if meeting certain criteria. The areas hatched in red on Figure 7 are covered by Wiltshire Core Strategy Core Policy 35 which allows

Employment Sites

This policy helps meet objective 8: The retention, regeneration and intensified use of previously developed employment land.

...and objective 7: Protecting and enhancing the vitality of Melksham Town Centre.

Policy 10: Employment Sites

Proposals for the retention, intensified and reuse of previously developed employment land will be supported in principle, particularly where they will provide space for start-up and small businesses, bringing a range of new employment opportunities. Proposals will be expected to generate the same number, or more, permanent full time equivalent jobs as the existing or former use.

The reason for the policy

4.10.1 The Wiltshire Employment Land and Workspace Review 2017¹⁴ notes that the two largest employment sectors in the Melksham Community Area are manufacturing and wholesale/retail. The employment profile of the Neighbourhood Plan area has moved in recent years from an industrial economy, dominated by several large international employers, to a mixture of industrial, service and retail businesses.

4.10.2 The level of out-commuting to neighbouring towns and to jobs along the M4 corridor is high, and community engagement confirms that people want to work closer to their homes. Expansion of new employment opportunities within the Plan area is considered desirable to reduce the amount of out-commuting to deliver sustainable travel movements.

4.10.3 Wiltshire Core Strategy Core Policies 35 (Existing Employment Sites) defines Principal Employment Land and seeks to retain these and other employment land within similar employment levels in use classes B1 (office), B2 (general industrial) and B8 (Storage and distribution).

Joint Melksham Neighbourhood Plan

Draft Modification Proposal Statement

Prepared in accordance with Regulation 14(a)(v) of the Neighbourhood Planning (General) Regulations 2012 (as amended) in respect of the Modification Proposal to the made Joint Melksham Neighbourhood Development Plan.

October 2023

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1. Introduction

- 1.1. As the joint ‘Qualifying Bodies’, responsible for the Joint Melksham Neighbourhood Development Plan (JMNP), Melksham Town Council and Melksham Without Parish Council propose to modify the ‘made’ JMNP (“the Made Plan”) of July 2021. To satisfy the regulation requirement to have one single qualifying body for administrative purposes, the lead Council is Melksham Town. However, in every other respect the two Councils will jointly lead and share responsibility for the Plan.
- 1.2. This Statement is published as part of the ‘Pre-submission’ consultation on the proposed modified Neighbourhood Development Plan – JMNP2 (“the Modified Plan”). Following Regulation 14 consultation, the Modified Plan and this Statement will be finalised and submitted for examination alongside a Basic Conditions Statement and a Consultation Statement, in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.3. The Town and Parish Councils consider that the proposals represent material and significant modifications to the Made Plan, and are considered so significant or substantial as to change the nature of the Made Plan. It is therefore considered that modifications change the nature of the plan and require examination and a referendum. Regulation 14v of the amended 2012 Regulations¹ requires:

“in relation to a modification proposal, a statement setting out whether or not the qualifying body considers that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion”.

- 1.4. This Statement serves this purpose and notes the following additional requirements in the Planning Practice Guidance (PPG)² this document is therefore setting out the background reason to this modification, sets out what the modification is and will set out the reasons as to why the Town Council and Parish Council believe that this modification of the plan is significant enough as to change the nature of the Made Plan.

¹ <https://www.legislation.gov.uk/uksi/2012/637/regulation/14>

² <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan> Paragraph: 085 Reference ID: 41-085-20180222

2. Background

- 2.1. The Made Plan covers the period up to 2026. The designated neighbourhood area covers the same area as the Town Council area and the Parish Council area which surrounds the town. On 7th July 2021, Wiltshire Council agreed to 'make' the JMNP following a referendum which took place on Thursday 1st July 2021. The results showed 84% of those who voted were in favour of the plan.
- 2.2. The Made Plan – which is termed Neighbourhood Plan 1, or JMNP1 – focuses on a number of key policy areas relevant to the Plan area as a whole, including an allocation of housing for the large village of Shaw and Whitley that contributed to meeting local housing need.
- 2.3. Through the Local Plan Review process, Wiltshire Council were also set to allocate land for development in Melksham, but no final decision had yet been made on the precise scale or location of any allocation at the time of drafting Neighbourhood Plan 1. It was therefore agreed by the qualifying bodies that Neighbourhood Plan 1 should not reach decisions on, or move to allocate, in any other location.
- 2.4. However, Neighbourhood Plan 1 made a commitment to review the Made Plan, once the draft Local Plan Review reached an appropriately advanced stage, in order to determine how the Neighbourhood Plan should respond to strategic housing numbers and allocations in the Local Plan. JMNP1 also made a commitment to pick up on a number of other more detailed issues in a Modified Plan, such as the designation of Local Green Spaces.
- 2.5. The Town and Parish Council has also been mindful of the housing land supply position in Wiltshire and of how this has led to significant unplanned development proposals being granted planning permission if the weight of the relevant development plan is weakened. As a result, it has examined how a first review of the Made Plan may continue to engage paragraph 14 of the National Planning Policy Framework (NPPF) – essentially to maintain the full weight of its policies for another two years.
- 2.6. The Neighbourhood Plan Steering Group was reconvened in late 2021 by the Parish and Town Council after a brief period following the successful referendum vote role of steering the modifications to Neighbourhood Plan, and in anticipation of the Local Plan Review reaching Regulation 19 Pre-Submission Consultation Stage.
- 2.7. The Wiltshire Local Plan (also referred to here as 'the Plan') has reached what is known as the publication stage ([Regulation 19](#)) of its preparation, and is currently in a consultation period of eight weeks running from Wednesday 27 September to Wednesday 22 November.
- 2.8. The Modified Plan runs over an extended plan period to 2038, which aligns with the Local Plan Review period. The proposed modifications are the result of updated evidence base, including local consultation, which will ensure the Modified Plan retains the primacy of an up to date, plan-led development management framework for decision making that represents the community of the neighbourhood area.

3. The Proposed Modifications

- 3.1. The purpose of the Statement is to explain the reasons why the Town and Parish Council considers the proposed modifications to the Made Plan ‘changes the nature’ of the Plan. It should be read alongside the separate Modified Plan document – JMNP2.
- 3.2. The following table provides a summary of the modifications – comprising the modified and new policies – and explains why the Town and Parish Council considers they change the nature of the plan.
- 3.3. It should also be noted that the Made Plan refers to the Core Strategy, and though this continues to be the current Local Plan until such time that the Local Plan Review has completed all necessary stages, as it has reached the stage of Pre-Submission Consultation, the Modification Plan references the Local Plan as the emerging policy framework for the Neighbourhood Plan.

Table: Modifications Summary

Policy Title	Summary of Modifications	The Change of Nature of the Plan Test
Policy 1: Sustainable Design and Construction	The policy continues to place the energy hierarchy as a core principle, and has sought to update policy text with the key changes being: The addition of clause (d) which seeks to see that heat and power demands are minimised through energy targets where viable. The addition of clause (g) has also been added existing buildings which may be retrofitted to improve energy efficiency.	The modifications to this policy are simply adding greater detail and clarity, rather than contradicting or changing the principles of the original policy. These modifications are therefore not considered to change the nature of the plan.
Policy 2: Local Renewable and Low Carbon Energy	This policy has been updated to expand its scope beyond energy generation schemes that are led by, or benefit the local community.	The modifications to this policy are expanding the scope, of the original policy, but does not contradict or change the principle. These modifications are therefore not considered to change the nature of the plan.
Policy 3: Flood Risk and Natural Flood Management	This policy has not been updated.	N/A
Policy 4: Ultra Low Emission Vehicle	This policy has not been updated.	N/A
Policy 5: Pre-application Community Engagement	This policy has not been updated.	N/A
Policy 6: Housing in Defined Settlements	This policy has been updated to refer to updated evidence base material (Housing Needs Assessment) and draws on specific aspects to set updated policy parameters for housing types, sizes and tenures.	The modifications to this policy are adding greater detail and clarity, drawing on a technical evidence base rather than contradicting or changing the principles of the original policy. These modifications are

		therefore not considered to change the nature of the plan.
Policy 7.1: Land at Cooper Tires	This is a new policy. It allocates a key brownfield site in the town for comprehensive and exemplary mixed-use conservation and development.	As this policy is allocating land for a mixed-use development, it introduces a change to the nature of the plan.
Policy 7.2: Land at the Former Melksham Library Site	This is a new policy. It allocates a brownfield site in the town for residential redevelopment to meet local housing needs to accessible and affordable housing for older and/or disabled people.	As this is a new policy that is allocating land for a residential development, it introduces a change to the nature of the plan.
Policy 7.3: Land at Whitley Farm, Whitley	This is a new policy. It allocates a farm site for residential development in Melksham Without. It contributes to meeting housing targets set by Wiltshire Council through for the next Local plan period up to 2038 for the large villages of Shaw and Whitley.	As this is a new policy that is allocating land for a residential development, it introduces a change to the nature of the plan.
Policy 7.4: Land at Middle Farm Plot A	This is not a new policy. However, it has been updated and does link to a new policy which allocates land to the east (Plot B). It contributes to meeting housing targets set by Wiltshire Council through for the next Local plan period up to 2038 for the large villages of Shaw and Whitley.	Whilst the principle for development in this location is already established in the Made Plan, the policy is linked to an extended allocation to the east – Plot B (see below). It therefore introduces a change to the nature of the plan.
Policy 7.5: Land at Middle Farm Plot B	This is a new policy. It allocates the site to the east of Plot A. It contributes to meeting housing targets set by Wiltshire Council through for the next Local plan period up to 2038 for the large villages of Shaw and Whitley.	As this is a new policy that is allocating land for a residential development, it introduces a change to the nature of the plan.
Policy 8: Infrastructure Phasing and Priorities	This policy has not been updated.	N/A
Policy 9: Town Centre	This policy has been updated to refer to updated evidence base material (Town Centre Master Plan Report 2023) and introduces a new clause (a) that references that document and the priority aims set out by it. A final paragraph has also been added and it references an updated map figure (10).	The modifications to the original policy are not significant and it is therefore considered that they do not change the nature of the plan in respect to this modification.
Policy 10: Employment	This policy has been updated slightly to remove the final sentence of the first paragraph.	The modifications to the original policy are not significant and it is therefore considered that they do not change the

		nature of the plan in respect to this modification.
Policy 11: Sustainable Transport and Active Travel	This policy has not been updated.	N/A
Policy 12: Green Infrastructure	This policy has not been updated.	N/A
Policy 13: Biodiversity	This policy has not been updated.	N/A
Policy 14: Open Spaces	This policy has not been updated.	N/A
Policy 15: Community Facilities	This policy has not been updated.	N/A
Policy 16: Local Green Spaces	This is a new policy. Areas of green space that are considered to meet the criteria for Local Green Space Designation are identified.	As this policy is designating land as Local Green Space, the policy has the potential to change the nature of the Plan.
Policy 17: Trees and Hedgerows	This policy has been slightly modified. A sentence has been added to the final paragraph to reflect best practice and guidance updated for tree canopy coverage targets.	The modifications to the original policy are not significant and it is therefore considered that they do not change the nature of the plan in respect to this modification.
Policy 18: Landscape Character	This policy has been slightly updated in that it no longer refers to figure 7 as in the last sentence of the Made Plan.	The modifications to the original policy are not significant and it is therefore considered that they do not change the nature of the plan in respect to this modification.
Policy 19: Green Wedges	This is a new policy. It identifies areas of countryside where any development should not lead to coalescence of separate settlements.	This is a significant policy addition as this policy is identifying areas of land as 'Green Wedges' that will serve a policy purpose of preventing coalescence between settlements. In light of this, the policy has the potential to change the nature of the Plan.
Policy 20: Locally Distinctive, High Quality Design	This is an updated policy which links to a major update to the evidence base which has been produced as part of the Modified Plan process - the Melksham Design Guidelines and Codes (2023). The modification text is within the second paragraph of the policy which now references the Code above rather than a Rapid Community Character and Distinctiveness Statement.	The modifications are not considered so significant to change the nature of the plan in respect of this modification specifically.
Policy 21: Local	This is an updated policy. It now references non-designated heritage	The modifications to the original policy are not significant and it is therefore

	assets which have been identified through the Plan Modification preparation process.	considered do not change the nature of the plan in respect to this modification.
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4. Strategic Environmental Assessment

- 4.1. Wiltshire Council considered that, in relation to the modifications, a Strategic Environmental Assessment (SEA) will be required under the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended). A Draft SEA and Scoping Report therefore accompanies the Modified Plan and this Statement.

5. Conclusion

- 5.1. The analysis set out in Table A indicates that a significant number of modified or new policies have the potential to change the nature of the Made Plan in terms of key spatial or design principles. Whilst the modifications are in conformity with the spirit and stated intentions of the original principles of the Plan and in some cases, this is not so substantial nor so significant to warrant consideration as a change to the nature of the Plan. Overall, the modifications are considered to change the nature of the Plan.
- 5.2. As a result, the Town and Parish Council consider that the modifications are material and significant, and therefore change the nature of the Plan.
- 5.3. In summary the Modified Plan proposes the modification of policies in the Made Plan and the addition of new policies. The Plan period now runs to 2038 to align with the Local Plan Review. The proposed modifications will ensure the Modified Plan retains the primacy of an up to date, plan-led development management framework for decision making in the neighbourhood area. The modifications are material, beneficial and change the nature of the Made Plan.

Teresa Strange

From: Thompson, Andy <Andy.Thompson@wiltshire.gov.uk>
Sent: 03 October 2023 10:57
To: Teresa Strange
Subject: RE: Tedder Gardens dropped kerb

Hi Teresa,

At present there seems to be a pause in Taylor Wimpey/ MJ Evans (MJ Evans having 'brought out' Flynn's) Program of Remedial Works still required. Clive Aveyard is still the 'Project Manager' for the Development. I had a Site Meeting with him on the 19th September in which we discussed the number of outstanding defects that still required attention, plus works that have already been costed such as Final Surfacing in Maitland Place, and Newal Road.

With regards to management of the Verges, this still remains with Taylor Wimpey until the 278 Works are 'signed off' and a Final Certificate issued. I'll give Clive a call and see if we can get something done about the vegetation.

As for a Timescale for Adoption, the 278 Works will need to be on a Provisional Certificate with a 12 month Maintenance period, and the Section 38 Agreement will also have a 12 month Maintenance period set against it before any thought of Final Adoption, saying that we'd be looking at the end of 2024, early 2025, which would be my earliest guess.

Kind Regards,

Andy.

Andy Thompson
Highways Technician
Section 38 & 278 Works
Local Highways
Highways and Transport
Mobile 07976 343887
Email Andy.Thompson@wiltshire.gov.uk

Wiltshire Council

From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Tuesday, October 3, 2023 10:08 AM
To: Thompson, Andy <Andy.Thompson@wiltshire.gov.uk>
Cc: Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Subject: RE: Tedder Gardens dropped kerb

Morning Andy

Thank you very much for this response which was really helpful, and the members looked at last night as part of their planning meeting.

CLLr Nick Holder and I walked the development yesterday with the Chair of the Pathfinder Resident Association and representatives from the Management Company Remus.

We looked at several areas of vegetation that were full of weeds and not maintained. Some were identified as land to be adopted – so Taylor Wimpey responsibility now, and moving on to Wiltshire Council.

Do you have an idea of timescale when these areas will be under Wiltshire Council's control? In the meantime, is this something you will/are addressing with Taylor Wimpey or should we be doing that?

With kind regards, Teresa

From: Thompson, Andy <Andy.Thompson@wiltshire.gov.uk>

Sent: 15 September 2023 08:14

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

Subject: RE: Tedder Gardens dropped kerb

Hi Teresa,

For your information please see the attached Inspection from March 2022, you will note I've already highlighted the need to replace signage for Tedder Grds & Babington Close. It's just unfortunate that Taylor Wimpey have yet to begin undertaking any Remedials on Phase 1 or completing Road Surfacing on Phase 2 (Maitland Place). This may be due to a number of reasons, but please be rest assured, all outstanding works will be attended to prior to issuing a Final Certificate.

With regards to adding a 'H' Bar to highlight an access, to be kept clear, a Program of Lining is still outstanding on Pathfinder Way, so quite feasible that a request could be submitted to Taylor Wimpey / MJ Evans (contractor now replacing Flynns) for the Marking to be added, however just to remind you Local Highways preference would be not to have anything that would create a 'Maintenance Issue' and so it would be doubtful that once the 'H' Bar was installed, it would be unlikely that it would get refreshed once it started fading, and with little or no other White Lining on the Development, apart from 'Give Ways' at the junctions of Newell Rd & Maitland Place, priority to refresh would be quite low.

With regards to the 'Turning Heads' again amicable behaviour from residents & motorists, this should not be a problem, if there were repeated infringements, advice should be sought from the local Community Police Force.

There is still some considerable work left for Taylor Wimpey to complete, I've undertaken a number of Inspections, be that Sec38 or 278 Works that still remain to be completed on Pathfinder Way/Bath Road/Western Way/Spa Road. Please be rest assured all outstanding remedial work will be addressed.

Kind Regards,

Andy.

Andy Thompson

Highways Technician

Section 38 & 278 Works

Local Highways

Highways and Transport

Mobile 07976 343887

Email Andy.Thompson@wiltshire.gov.uk

The logo for Wiltshire Council, featuring the text "Wiltshire Council" in a green, sans-serif font, with a green wavy line underneath.

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

Sent: Thursday, September 14, 2023 2:30 PM