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MELKSHAM WITHOUT PARISH COUNCIL

Clerk: Mrs Teresa Strange

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Monday, 20 February 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, 27 February 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 HERE

Yours sincerely,

Teresa Strange, Clerk



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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 Planning Applications:**

[PL/2023/00808:](#) Land West of Semington Road. Approval of Reserved Matters following outline application 20/07334/OUT approved under Appeal Ref: APP/Y3940/W/21/3285428 for up to 50 dwellings, (appearance, scale, layout and landscaping). Applicant Living Spaces (**Comments by 17 March**)
7. **Revised Plans:** To comment on any revised plans received within the required timeframe (14 days)

Land East of Semington Road [PL/2022/02749:](#) To note comments of the Planning Officer regarding proposals for a gate to the Southern boundary.
8. **Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.
9. **Planning Policy**
 - a) **Neighbourhood Planning**
 - i) To note Minutes of Steering Group meeting held on 25 January 2023 and 22 February (if available).
 - ii) Update on the Neighbourhood Plan Review and to consider any time critical requests before the next Steering Group meeting.
 - b) National Planning Policy Framework (NPPF) Consultation. To consider a response to the consultation (deadline for comments 2 March).

<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>
10. **S106 Agreements and Developer meetings: (Standing Item)**

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- a) To note update on ongoing and new S106 Agreements**
- i) Hunters Wood/The Acorns:**
 - To note any updates on footpath to rear of Melksham Oak School
 - ii) Bowood View:**
 - To receive update on village hall, play area.
 - iii) Pathfinder Place:**
 - To receive update from Taylor Wimpey on issues eg light, play area etc
- b) To note any S106 decisions made under delegated powers**
- c) Contact with developers.**

Copy to all Councillors

20/07334/OUT: Land West of Semington Road, Melksham. Outline planning permission for up to 50 dwellings and formation of access and associated works (outline application to consider access with all other matters reserved). Applicant Terra Strategic

Extract from the Minutes of 5 October 2020:

Members had raised a number of concerns at the meeting with the developers on 30 September as follows:

- Highway safety with regards to pedestrians crossing the A350 both on the light-controlled crossing to the East and the informal crossing to the West of this site, both of which are dangerous. With various near misses, some involving children, being reported to the Parish Council.
- Loss of Grade 2 Agricultural land.
- The unsustainability of the site.
- Outside the settlement boundary.
- The need for proposed affordable housing to be tenant blind.
- Impact traffic calming measures will have on vehicles accessing/egressing the site.
- The impact this application would have on proposals for the Wilts & Berks canal "Melksham Link" project.
- Increased traffic using the A350, particularly since the temporary closure of Cleveland Bridge, Bath to HGVs with the potential for this application to exacerbate this further.
- That further development could take place on the piece of land currently in the developer's ownership adjacent this site, if this application were approved.
- It was noted that some residents of Townsend Farm accessed their properties to the rear and used the 'green' lane adjacent to gain access and it would appear this may be hindered by proposals for this site.

Councillor Pafford raised a concern at the impact of Wiltshire Council allowing planning approval for the Pathfinder Way development in Bowerhill, which had set a precedent for development in inappropriate locations and allowed for opportunistic applications by developers.

Councillor Pafford also felt some of the comments in the report provided by the developer were over optimistic with regards to the level of facilities available within Melksham at the current time.

Members reiterated concerns regarding the safety of pedestrians crossing the busy A350 to access Aloeric School and the town centre and the impact these plans would have on the Wilts & Berks Canal project. It was noted that the access road to this site may impact proposals for an access road to Berryfield which was included in the canal plans, with potential for two roads to be adjacent to one another.

It was understood that any significant development on the West side of Semington Road would have to contribute towards the canal, however, if this development were to go ahead this could set a precedent for future development taking place and therefore not contributing towards the canal, given the current delay in the plans.

Members felt the site was unsustainable for various reasons, including the lack of public transport serving this area.

It was noted some parents may wish to send their children to St George's, Semington and be tempted to go through the 'bus gate' rather than via the A350.

Discussion ensued on what Members would like to see included on the site, if Wiltshire Council were minded to approve the application.

Concern was raised at some inaccuracies within the Design & Access Statement ie.

1.3.20: Further to the West is the River Avon, which forms part of the Wilts & Berks Canal. As part of the Council's Melksham Link project.

The Melksham Link has not been created yet, however, it is anticipated that the River Avon will form part of the canal link. The project is also not a project of 'the Council'.

Whilst page 30 shows an indicative layout of the plans to be submitted, on page 35 it shows a site layout similar to that submitted previously for 160 dwellings on the whole site.

The Clerk informed the meeting Wiltshire Council had refused another application on this site by Terra Strategic (17/01095/OUT) in May 2017 for 160 dwellings on the following grounds:

- 'The site is located in open countryside outside the limits of development defined for Melksham in the Core Strategy.
- The proposal conflicted with the Council's plan-led approach to the delivery of new housing sites outside of the identified limits of development, as set out in Core Policy 2 of the Wiltshire Core Strategy, which seeks to provide new housing sites to deliver the identified needs in Melksham Community Area through a Site Allocations DPD and/or Neighbourhood Plan.
- The proposal would create a large block of housing isolated from other development by surrounding fields.
- The application would result in the loss of Grade II Best and Most Versatile Agricultural land where the loss of land is not considered to be necessary.
- Increase in pedestrians crossing the Western arm of the A350 roundabout where there is no formal crossing and such a crossing facility could not be safely provided due to the proximity of the roundabout.
- The various constraints on the site and the impact on the character of the locality.
- The proposal does not provide for the delivery of the necessary infrastructure (eg affordable housing, education provision, and open space) required to mitigate the direct impacts of the development.'

Comment: To Object to this application on the following grounds:

- The proposal is outside of the settlement boundaries for both the village of Berryfield and Melksham Town, and as such would be development in the open countryside which would erode the rural buffer between these two settlements.
- This is an inappropriate site for development and could possibly prejudice some of the enabling development required for the Wilts & Berks Canal Link. The route of the canal is protected under Core Policy 16 of the Core Strategy.

This application threatens any road access into Berryfield as proposed in the Wilts & Berks Canal Plans and could result in two roads adjacent to one another.

- The proposed site entrance is very close to the entrance to the Mobile Home Park, and in addition to the road calming measures already in place this could lead to congestion and traffic issues, especially on the Semington Road roundabout on the A350. The A350 is a primary route with 20,000 vehicles a day using it.
- The site is considered to be inaccessible from Town. There are concerns over how children would get to primary schools, such as Aloeric Primary, St Georges in Semington, Bowerhill and any new school forming part of the Pathfinder Way application and to secondary school - Melksham Oak.
- Highway safety. Several near misses on the light-controlled crossing on the A350 have been reported to the Parish Council, some of these near misses have involved children attending Aloeric School.
- This development would result in the loss of Grade 2 agricultural land.
- The unsustainability of the site and lack of public transport.
- The reasons planning application 17/01095 was refused by Wiltshire Council in May 2017 for a development of 160 dwellings still stand.
- In the Case Officer's report for another application in Berryfield, 16/11901/OUT, which was approved on 23 March, 2017, under the Assessment of the Principle Development, the Officer stated the following:

"Appendix F of the Wiltshire Core Strategy sets out that Berryfield is a Small Village with no settlement boundary therefore a judgement has to be made as to whether the application site is "within the existing built area" of Berryfield.

Berryfield is considered to form a large group of dwellings located mainly to the West of Semington Road leading to the A350.

The application site is located on the northeast edge of the village forming part of a spur of residential development that extends North out of the village. Residential development is located to the South and North of the application site

(489A Semington Road and 490 Semington Road) and opposite (West) is a public house.

To the East lie open fields however this site has outline permission for 150 dwellings (16/00497/OUT). The application site is therefore bordered by development on three sides and proposed development on the fourth. Due to the location of the site between existing development it is considered that the application site lies within the existing built area of Berryfield. Due to the location of the application site between existing residential development it is also considered that the development would be considered infill development. The proposed development therefore complies with Core Policy 2 of the Wiltshire Core Strategy”.

The Council therefore considers, taking into account the evidence for the approval of application 16/11901/OUT, that this application does not fall “within the existing built area” of Berryfield, having only a small area of development to the East of the application site, open fields to the South and West of the site and the A350 to the North; neither does it fall within the settlement boundary of Melksham Town.

This application therefore does not comply with Core Policy 2 of the Wiltshire Core Strategy, in that it is outside of the defined limits of development and has not been brought forward through the Site Allocations DPD or the emerging Melksham Neighbourhood Plan.

Should Wiltshire Council be minded to approve this application the Parish Council would like to see the following conditions included in the Heads of Terms for the S106 Agreement:

- The development is tenant blind.
- There are practical art contributions.
- A LEAP (Local Equipped Area of Play) is provided which includes bins and benches as well as public open space and the regular emptying of bins to be reflected in any future maintenance contribution.
- The Parish Council wish to enter into discussions on being the nominated party for any equipped play area for the site, and the associated maintenance contribution.
- Bus shelters to be provided in Semington Road with WiFi connectivity to provide Real Time Information.
- 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.
- There is a visible delineation between the pavement and the road.
- As no community facility is being provided from this application, that a contribution is made towards the running costs of the new village hall being provided as part of planning application 16/00497/OUT on Semington Road.
- A contribution is made to public transport.
- A contribution towards the canal scheme.
- Equipment is provided for teenagers, such as a teen shelter with WiFi connectivity.

- The provision of circular walking routes with the provision of benches and bins.

Councillor Holder following the comments raised above stated he would 'call in' this application to be considered at Committee.

In order to give context, the comments raised by residents under Public Participation are below:

Two residents of Townsend Farm and one resident of Berryfield attended the meeting to voice their objections to proposals for 50 dwellings on land West of Semington Road by Terra Strategic. The objections raised were as follows:

- The red line indicating the extent of the application appeared to take in an area of land around Townsend Farm which residents had a right of way over.
- Proposed parking for the site was adjacent to Townsend Farm boundary.
- The plans appeared to include the access road for Townsend Farm.
- The fields within the site often flooded, particularly this time of year, which did not appear to be taken into consideration in the Flood report, with regards to what measures would be put in place to mitigate against this.
- Loss of part of Grade 2 agricultural land.
- The loss of farmland in general.
- Melksham has met its housing allocation.
- Lack of infrastructure, such as schools and health care.
- Whilst this application is for half the site, once approved the rest of the site could be put forward for development and the extra impact this would have on current facilities within the town.
- Road safety – The nearest primary school would be Aloeric School. People would be tempted to cross the A350 using the crossing to the West rather than the light-controlled crossing to the East of the site, both crossings are dangerous however. There have been several near misses, on the East crossing, some of which have involved children where vehicles have not stopped on a red light.
- Impact on Berryfield and the destruction of the area due to inappropriate development.
- Impact on local wildlife, adders, which are a protected species are known to inhabit areas of the site.
- Impact the extra traffic will have on Semington Road.
- The lack of a holistic approach to development in the area, resulting in the lack of new infrastructure being delivered.
- Lack of a footpath along the A350, particularly for students wishing to access Melksham Oak or other primary schools in the area.
- Traffic is already busy on the A350, particularly at rush hour and the impact this development will have on traffic.
- The impact this development will have on the Right of Way residents of Townsend Farm have to the rear of their properties.

Councillor Wood stated that current development taking place in Berryfield would not have taken place, if it had not been for a previous lack of 5 year land supply by Wiltshire Council.

Regarding the Right of Way currently enjoyed by residents, he felt it was important to draw this to the attention of the developers and asked that the Clerk contact the developers regarding this.

Also at the same meeting, a Road Safety Report relating to a planning application in Semington Road (20/01938) was also discussed therefore, I am forwarding an extract of the minutes referring to this item, as Members' concerns regarding road safety will be relevant to this application:

A copy of the Road Safety Report relating to the proposed development for 144 dwellings off Semington Road, Berryfield had been forwarded to the Parish Council, following a concern raised when discussing this application previously, at the safety of children having to cross the A350 to access education facilities.

Councillor Baines raised concern there appeared to be several omissions from the report as it did not refer to several other roads having to be crossed to access Aloeric School, such as Longford Road and Lewington Close. He also noted that the footpath between Peel Court and Lewington Close was often obstructed by vehicles parking on the footpath.

Other observations:

- Reference had been made by the Road Safety Officer that whilst undertaking the assessment they witnessed an unaccompanied child travelling by scooter to Aloeric Primary School waiting at the barriered central refuge at the double toucan crossing, pressing the wait button and then not wait for the 'green flashing safe to walk lights' as there were no oncoming vehicles.*
- Poor visibility when approaching the toucan crossing via vehicle from the East due to an overgrown hedge, with the writer of the report noting this had obscured their view of several cyclists waiting at the crossing.*

It was noted the Parish Council had made several requests for this hedge to be cut back due to poor visibility.

- The shortest direct route crossing the A350 is via the West informal crossing, which the Road Safety Officer felt was not a safe option.*

It was noted the Parish Council had also raised this as a concern.

Members also raised a concern at the safety of pedestrians using the light-controlled crossing to the East, which was felt to be very dangerous. Having received several reports of near misses whereby vehicles had not stopped at a red light, the Parish Council had asked at a recent Community Area Transport meeting (CATG) that extra safety measures be installed at this crossing.

- The report only referenced children accessing Aloeric School, however, children from this development could attend other primary schools in the area such as Bowerhill, St George's in Semington and the proposed new school at Pathfinder Way.*

- *The report stated the walk to Aloeric School from this site was safe if accompanied by an adult, however, older primary school children often walked and cycled to school on their own.*

It was noted there is no preschool provision at Aloeric School and therefore, it needed to be borne in mind where preschool children would attend and what walking route would be used.

Standing Orders were suspended to allow Members of public to speak to this item.

A resident of Berryfield expressed their concern at how dangerous crossing the A350 is and stated they had previously made the Parish Council aware of a near miss when attempting to cross the Eastern crossing when traffic was on a red light.

Another resident reiterated concerns regarding crossing the A350 and stated adults were more aware of their surroundings, however, children often were not and expressed a concern at the potential dangers of unaccompanied children crossing the A350.

Standing Orders were reinstated.

Recommendation: *To forward the above comments to the Wiltshire Council Road Safety Team and to remind them that a report on safe walking routes to other schools in the vicinity had also been requested and to ask that they bear in mind where preschool children would attend in their report.*

20/07334/OUT: Land West of Semington Road, Melksham. Outline planning permission for up to 50 dwellings and formation of access and associated works (outline application to consider access with all other matters reserved). Applicant Terra Strategic

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- Loss of Grade 2 Agricultural land.
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- Outside the settlement boundary.
- The need for proposed affordable housing to be tenant blind.
- Impact traffic calming measures will have on vehicles accessing/egressing the site.
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- Increased traffic using the A350, particularly since the temporary closure of Cleveland Bridge, Bath to HGVs with the potential for this application to exacerbate this further.
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Comment: To Object to this application on the following grounds:

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- Highway safety. Several near misses on the light-controlled crossing on the A350 have been reported to the Parish Council, some of these near misses have involved children attending Aloeric School.
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This application therefore does not comply with Core Policy 2 of the Wiltshire Core Strategy, in that it is outside of the defined limits of development and has not been brought forward through the Site Allocations DPD or the emerging Melksham Neighbourhood Plan.

Should Wiltshire Council be minded to approve this application the Parish Council would like to see the following conditions included in the Heads of Terms for the S106 Agreement:

- The development is tenant blind.
- There are practical art contributions.
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- The Parish Council wish to enter into discussions on being the nominated party for any equipped play area for the site, and the associated maintenance contribution.
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- 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.
- There is a visible delineation between the pavement and the road.
- As no community facility is being provided from this application, that a contribution is made towards the running costs of the new village hall being provided as part of planning application 16/00497/OUT on Semington Road.
- A contribution is made to public transport.
- A contribution towards the canal scheme.
- Equipment is provided for teenagers, such as a teen shelter with WiFi connectivity.

- The provision of circular walking routes with the provision of benches and bins.

Councillor Holder following the comments raised above stated he would 'call in' this application to be considered at Committee.

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Two residents of Townsend Farm and one resident of Berryfield attended the meeting to voice their objections to proposals for 50 dwellings on land West of Semington Road by Terra Strategic. The objections raised were as follows:

- The red line indicating the extent of the application appeared to take in an area of land around Townsend Farm which residents had a right of way over.
- Proposed parking for the site was adjacent to Townsend Farm boundary.
- The plans appeared to include the access road for Townsend Farm.
- The fields within the site often flooded, particularly this time of year, which did not appear to be taken into consideration in the Flood report, with regards to what measures would be put in place to mitigate against this.
- Loss of part of Grade 2 agricultural land.
- The loss of farmland in general.
- Melksham has met its housing allocation.
- Lack of infrastructure, such as schools and health care.
- Whilst this application is for half the site, once approved the rest of the site could be put forward for development and the extra impact this would have on current facilities within the town.
- Road safety – The nearest primary school would be Aloeric School. People would be tempted to cross the A350 using the crossing to the West rather than the light-controlled crossing to the East of the site, both crossings are dangerous however. There have been several near misses, on the East crossing, some of which have involved children where vehicles have not stopped on a red light.
- Impact on Berryfield and the destruction of the area due to inappropriate development.
- Impact on local wildlife, adders, which are a protected species are known to inhabit areas of the site.
- Impact the extra traffic will have on Semington Road.
- The lack of a holistic approach to development in the area, resulting in the lack of new infrastructure being delivered.
- Lack of a footpath along the A350, particularly for students wishing to access Melksham Oak or other primary schools in the area.
- Traffic is already busy on the A350, particularly at rush hour and the impact this development will have on traffic.
- The impact this development will have on the Right of Way residents of Townsend Farm have to the rear of their properties.

Councillor Wood stated that current development taking place in Berryfield would not have taken place, if it had not been for a previous lack of 5 year land supply by Wiltshire Council.

Regarding the Right of Way currently enjoyed by residents, he felt it was important to draw this to the attention of the developers and asked that the Clerk contact the developers regarding this.

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Councillor Baines raised concern there appeared to be several omissions from the report as it did not refer to several other roads having to be crossed to access Aloeric School, such as Longford Road and Lewington Close. He also noted that the footpath between Peel Court and Lewington Close was often obstructed by vehicles parking on the footpath.

Other observations:

- *Reference had been made by the Road Safety Officer that whilst undertaking the assessment they witnessed an unaccompanied child travelling by scooter to Aloeric Primary School waiting at the barriered central refuge at the double toucan crossing, pressing the wait button and then not wait for the 'green flashing safe to walk lights' as there were no oncoming vehicles.*
- *Poor visibility when approaching the toucan crossing via vehicle from the East due to an overgrown hedge, with the writer of the report noting this had obscured their view of several cyclists waiting at the crossing.*

It was noted the Parish Council had made several requests for this hedge to be cut back due to poor visibility.

- *The shortest direct route crossing the A350 is via the West informal crossing, which the Road Safety Officer felt was not a safe option.*

It was noted the Parish Council had also raised this as a concern.

Members also raised a concern at the safety of pedestrians using the light-controlled crossing to the East, which was felt to be very dangerous. Having received several reports of near misses whereby vehicles had not stopped at a red light, the Parish Council had asked at a recent Community Area Transport meeting (CATG) that extra safety measures be installed at this crossing.

- *The report only referenced children accessing Aloeric School, however, children from this development could attend other primary schools in the area such as Bowerhill, St George's in Semington and the proposed new school at Pathfinder Way.*

- *The report stated the walk to Aloeric School from this site was safe if accompanied by an adult, however, older primary school children often walked and cycled to school on their own.*

It was noted there is no preschool provision at Aloeric School and therefore, it needed to be borne in mind where preschool children would attend and what walking route would be used.

Standing Orders were suspended to allow Members of public to speak to this item.

A resident of Berryfield expressed their concern at how dangerous crossing the A350 is and stated they had previously made the Parish Council aware of a near miss when attempting to cross the Eastern crossing when traffic was on a red light.

Another resident reiterated concerns regarding crossing the A350 and stated adults were more aware of their surroundings, however, children often were not and expressed a concern at the potential dangers of unaccompanied children crossing the A350.

Standing Orders were reinstated.

Recommendation: *To forward the above comments to the Wiltshire Council Road Safety Team and to remind them that a report on safe walking routes to other schools in the vicinity had also been requested and to ask that they bear in mind where preschool children would attend in their report.*

Q	Question Wording	Y/N/other	Comment
1	Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?		
2	Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?		
3	Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?		
4	What should any planning guidance dealing with oversupply and undersupply say?		
5	Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?		
6	Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?		
7	What are your views on the implications these changes may have on plan-making and housing supply?		
8	Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?		
9	Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?		
10	Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?		

11	Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?		
12	Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?		
13	Do you agree that we should make a change to the Framework on the application of the urban uplift?		
14	What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?		
15	How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?		
16	Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?		
17	Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?		
18	Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?		
19	Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?		
20	Do you have views on a robust method for counting deliverable homes permissioned for these purposes?		
21	What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?		

22	Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?		
23	Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?		
24	Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?		
25	How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?		
26	Should the definition of "affordable housing for rent" in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?		
27	Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?		
28	Is there anything else that you think would help community groups in delivering affordable housing on exception sites?		
29	Is there anything else national planning policy could do to support community-led developments?		
30	Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?		
31	Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?		
32	Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?		

33	Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?		
34	Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?		
35	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?		
36	Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?		
37	How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?		
38	Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?		
39	What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?		
40	Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?		
41	Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?		
42	Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?		

43	Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?		
44	Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?		
45	Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?		
46	Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?		
47	Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?		
48	Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?		
49	Do you agree with the suggested scope and principles for guiding National Development Management Policies?		
50	What other principles, if any, do you believe should inform the scope of National Development Management Policies?		
51	Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?		
52	Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?		
53	What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?		

54	How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?		
55	Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?		
56	Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?		
57	Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?		

Twenty-six things clerks need to know about the government's consultation on the National Planning Policy Framework

The government has published its long anticipated and delayed prospectus 'Levelling-up and Regeneration Bill: reforms to national planning policy' setting out its proposed revisions the National Planning Framework (NPPF).

The NPPF covers all planning issues and sets out the government's planning policies for England and how these should be applied.

The key proposals or areas of interest to clerks are outlined below:

1. **It is big.** It is over 50 pages, spans most of the planning system and poses 58 questions.
2. **A key theme is determining how to assess how many new homes need to be built and this should be distributed.** The government remains committed to its manifesto commitment of building of 300,000 new homes a year. It is not proposing any major changes to the existing national formula used to distribute this housing target across local authorities but will enable them plan for fewer homes in special circumstances "taking into account what should be protected in each area - be that our precious Green Belt or national parks, the character or an area, or heritage assets". Local authorities will also be able to bring forward their own method for assessing housing needs if they have exceptional circumstances, such as unusual demographic and geographic factors.
3. **Local planning authorities (LPAs) will be not required to alter Green Belt boundaries** if this would be the only way of meeting their housing need.
4. **Nor will they be required to build at high densities** (which would be significantly out-of-character with the existing area) if this would be the only way of meeting their housing need.
5. **The requirement for LPAs with an up-to-date local plan to continually demonstrate a five-year housing land supply will be removed.**
6. **They will also not be required to have a buffer of 5%, 10% or 20% on top of their 5-year housing land supply.**
7. **The uplift of 35 per cent to the assessed housing need for the 20 largest towns and cities in England will be retained.**
8. **Additional protections for neighbourhood plans** where a LPA's policies for the area covered by the neighbourhood plan are out-of-date.
9. **The process to prepare Local Plan** will be simplified such as relaxing the 'soundness' text through which they are examined.
10. **The provision of Social Rent homes to be enhanced.**

11. **More to be done to support the supply of specialist older people's housing.**
12. **Measures to encourage more community led housing developments especially affordable housing.**
13. **Past "irresponsible planning behaviour" by developers could in future be taken into account when applications are being determined.**
14. **Government data will be published on developers of sites over a certain size who fail to build out according to their commitments.** Such developers also may be subject to financial penalties.
15. **References to "Well-designed" to be changed to "Well designed and beautiful".**
16. **To consult on whether permitted development rights can be moderated by Design Codes.**
17. **Mansard roofs to be encouraged.**
18. **Seeking views on how planning policy can be strengthened to promote small-scale changes that can enhance biodiversity and support wildlife recovery including restricting the use of artificial grass by developers.**
19. **Food production value of land to be a consideration in the determination of planning decisions.**
20. **More measures aimed at supporting energy efficiency especially onshore wind development.**
21. **Reformed plan-making system to be introduced in late 2024.** LPAs will be required to start work on new plans by, at the latest, five years after adoption of their previous plan, and to adopt that new plan within 30 months.
22. **Plan-makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, etc.** for independent examination under the existing legal framework.
23. **Supplementary planning documents (SPDs) will be replaced by Supplementary Plans, which will be afforded the same weight as a local plan.**
24. **The new National Development Management Policies (NDPMs) to be published as a separate document and have statutory weight.** The concept is that such 'general' development control policies will be set by the government through the NDMP rather than LPAs.
25. In addition, to the reforms contained in the prospectus the government has also stated that it proposes to consult on measures to **give places greater local control over tourism accommodation** including a tourist accommodation registration scheme and reviewing the Use Classes Order.

26. The deadline for comments is 11.45pm on 2 March 2023.

Further information including a copy of the consultation document and how to consult can be found at [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy)

NPPF consultation: a summary

As part of its commitment to levelling up across the country (see [2022 Levelling Up White Paper](#) and the [Levelling-up and Regeneration Bill \(the Bill\)](#)), the Government is [consulting until 2 March 2023](#) on how it might develop new and revise current national planning policy to support its wider objectives. This includes a series of specific changes to the NPPF as well as a wider range of proposals on key issues, including the envisaged role for National Development Management Policies (NDMPs).

A fuller review of the NPPF was also announced, which is likely to take place following the implementation of the government's proposals for wider changes to the planning system, including the Levelling-up and Regeneration Bill.

Below is a high-level summary of the consultation to help you get a sense of some key proposals that are particularly relevant to neighbourhood planning and community engagement in the planning system.

1. Supporting neighbourhood planning

Boosting the status of neighbourhood plans

Currently, the NPPF protects neighbourhood plans from the presumption in favour of sustainable development in circumstances where a local planning authority's (LPA) local plan is out of date, by stating that "the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly outweigh the benefits". However, this only applies if certain conditions are met. Where the conditions are met the relevant policies in a neighbourhood plan can still carry weight, despite the local plan being out of date.

The Government proposes to amend these conditions so that more neighbourhood plans can continue to carry weight in local planning decisions for longer. This includes extending the protections outlined above to neighbourhood plans that are up to 5 years old, instead of the current requirement of the plan being less than 2 years old.

The condition that requires the LPA to have at least a 3-year housing land supply and 45% of housing delivery over the past 3 years would also be removed, meaning that even neighbourhood plans in areas with low housing delivery and supply would benefit from this protection.

Additionally, even older neighbourhood plans will be more likely to benefit from increased protection as a result of proposals to remove the requirement for LPAs with an-up-to-date local plan to continually provide a 5-year housing land supply. This is because they will not be subject to the presumption in favour of sustainable development as often as they currently are, as long as the local plan for their area is up to date (see section 4. below for more details).

Introducing a new neighbourhood planning tool

As part of the Levelling Up and Regeneration Bill, the Government plans to introduce a simplified version of neighbourhood plans called “neighbourhood priorities statements”. Although this consultation does not make any specific proposals in relation to this new tool, it does allude to it as a means for communities to “formally input into the preparation of local plans”. It is important to note that this won’t replace neighbourhood plans as we know them, it is just an alternative.

2. Introducing National Development Management Policies

As part the Levelling Up and Regeneration Bill and following further consultation, the Government plans to introduce a series of nationally set policies aimed at decision-making on planning applications. These National Development Management Policies (NDMPs) would be given the same statutory weight as local development plans in certain planning decisions and could be a material consideration (i.e. relevant and that need to be considered) in some other planning decisions.

Current development management policies in the NPPF are significant material considerations, but do not have any statutory status. The Government proposes to use these policies as the starting point for creating NDMPs and welcomes views on other topics that should be added. It is proposed that NDMPs are set out in a separate document to the NPPF. The NPPF would be refocused on principles for plan making and would continue to act as material consideration and not carry statutory weight.

It is proposed that NMDPs will not impinge on local policies for shaping development nor directing what land should be allocated for. New development plans would not be able to include policies which duplicate or are inconsistent with NDMPs, but proposals retain scope for LPAs and local communities to produce their own policies on distinctly local issues. Where there is a conflict between them and development plan policies when making a decision on planning applications, NDMPs would take precedence.

3. Simplifying local plan making

The Government proposes to simplify the tests of ‘soundness’ through which local plans are examined, so that they are no longer required to be ‘justified’. They intend to do this to allow a more proportionate approach to local plan examination. Instead, local plan examination would assess whether the LPA’s proposed targets meet needs so far as possible, taking account of other policies in the NPPF, and whether they are effective and deliverable.

Proposed changes also require LPAs to meet their objectively identified housing need “so far as possible”, instead of the current requirement that this is met “as a minimum”. The need for local plans to be informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated would also be removed.

4. Assessing housing need and delivery

Updates to the housing land supply requirements

Currently, LPAs are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their local housing requirement. When an LPA cannot demonstrate that they have identified such supply, its policies are considered out of date and the presumption in favour of sustainable development kicks in.

The Government is proposing that LPAs with a housing requirement in their local plan that is less than 5 years old (or that has been reviewed and found not to require updating) will no longer need to continually demonstrate a deliverable five-year housing land supply for their local plan to be considered up to date.

Updates to the Housing Delivery Test

The Housing Delivery Test currently measures the number of homes built within an LPA area against the number of homes required. If delivery of built homes is below 75% of the housing requirement over the previous 3 years, the local plan is considered out-of-date and the presumption in favour of sustainable development applies.

To avoid unfairly penalising LPAs where slow housing delivery results from developer behaviour, the Government proposes that permissions for housing development are counted in as part of the Housing Delivery Test, in addition to the number of homes delivered. This means that the presumption in favour of sustainable development would not apply as a consequence of under-delivery if an LPA can demonstrate that there are ‘sufficient’ deliverable permissions to meet its housing need requirement.

Adapting housing need figures to local circumstances

The Government aims to clarify when it is acceptable to bring forward a local plan that does not meet locally identified housing needs in full. This includes proposing that clear evidence of past over delivery (in terms of permissions) may be deducted from the total housing requirement in the new plan. Proposals also clarify that LPAs are not required to undertake Green Belt reviews in order to find land on which to meet housing need, and specify that if housing need can only be met by building at densities that would be significantly out of character with the area (taking account of design guides or codes), then this may justify them not meeting their housing need in full.

Further proposals clarify that the outcome of the [standard method for assessing local housing need](#) (the Government formula set out to identify the minimum number of homes expected to be planned for locally) is a non-mandatory, advisory starting point and that there may be exceptional circumstances relating to geographical and demographic local characteristics which justify an alternative approach to assessing housing need.

5. Affordable housing and housing market diversification

Supporting the role of community-led housing groups

Proposed NPPF changes encourage LPAs in rural areas to support development proposals from community-led housing groups. Views are sought on what further changes could facilitate community-led development of good-quality affordable homes, particularly on exception sites.

Giving more weight to social rent homes

The Government intends to make changes to the NPPF to clarify that LPAs need to give greater importance in planning to social rent homes, both when addressing their overall housing requirements and when making planning decisions to encourage more homes of this type. Views are sought on this proposal and so are suggestions on the best mechanisms to deliver it.

Encouraging the use of small sites

Initial views are sought on whether, and how, the NPPF could be strengthened to encourage greater use of small sites, particularly in urban areas to speed up housing delivery (particularly affordable housing) and help diversify the house building market.

6. Tackling slow build out and developer accountability

In response to concerns about the pace at which some sites with planning permissions are progressing, a series of measures are proposed, including NPPF changes clarifying

that delivery can be a material consideration in planning applications (meaning that applications proposing a slow delivery rate may be refused).

Views are also sought on ways to improve developer accountability to ensure that “bad developers cannot continue to play the planning system”. This includes the option of enabling LPAs to consider past irresponsible behaviour a material consideration when determining planning applications, or to decline to determine applications where the applicant has a demonstrable track record of past irresponsible behaviour.

7. Promoting beauty and design quality

Proposed changes to the NPPF confirm that the primary means of assessing and improving the design of development should be through the preparation of a design code in line with the National Model Design Code. In order to support effective enforcement of design guides and codes, further proposed changes state that LPAs should ensure relevant planning conditions refer to clear and accurate plans and drawings providing visual clarity about the design of the development and use of materials. The Government also recognises the important role of gentle densification via upward extension in achieving well designed places (particularly mansard roofs) and is proposing that this is better reflected in the NPPF.

8. Supporting a localist approach to onshore wind development

Currently, permission for wind energy development involving turbine(s) can only be granted through designation in the development plan. In order to better reflect views of local communities, proposals include giving LPAs the option to grant permission for this type of development through Local Development Orders, [Neighbourhood Development Orders and Community Right to Build Orders](#), provided it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and that the proposal has demonstrable community support.

9. Setting out a timeline for transitional arrangements

The fully reformed plan making system is set to be introduced in late 2024, following further consultation. In the meantime, the Government intends to update national policy in Spring 2023 to reflect proposed changes set out in the current consultation.

It is proposed that plan makers have until 30 June 2025 to submit their Local Plan, Neighbourhood Plan, and other local development plan document for examination under the existing legal framework. LPAs and community groups that do not meet this deadline will need to prepare plans under the new plan-making system. It is also specified that made neighbourhood plans prepared under the current system would continue to remain in force under the reformed system until they are replaced.