



Melksham Neighbourhood Plan

Steering Group Meeting

Date: Wednesday 29 June 2022

Start: 6.30 pm

Present:

Steering Group Members Present

Councillor David Pafford (MWPC)
Councillor Richard Wood (MWPC Sub)
Councillor Jon Hubbard (MTC)
Councillor Gary Cooke (MTC Sub)
John Hamley (MTUG)

Officers

Teresa Strange (MWPC)
Lorraine McRandle (MWPC)
Linda Roberts (MTC)
David Way (WC)

Task Group Members:

Councillor Baines (MWPC)
Councillor Mark Harris (MPWC)
Graham Ellis (MTC)

Planning Consultants:

Vaughan Thompson (Place Studio)

Via Zoom:

Shirley McCarthy (Environment)

MTC	Melksham Town Council
MWPC	Melksham Without Parish Council
WC	Wiltshire Council
MTUG	Melksham Transport User Group

MINUTES

1. Welcome & Housekeeping

Until a new Chair was voted in, Councillor Wood, as the current Chair (albeit a substitute for the meeting) took the Chair and welcomed everyone to the meeting.

The MWPC Clerk pointed out the various fire escapes.

(NB: Shirley had joined the meeting via Zoom. Unfortunately, due to various technical issues, Shirley was only able to listen to the meeting and not take part in discussions)

2. To note new representatives from Melksham Town Council and Melksham Without Parish Council

The meeting was informed that the following Neighbourhood Plan representatives were appointed at the Town Council and Melksham Without Parish Council's respective Annual Council meetings held in May.

Councillor Jon Hubbard:	Melksham Town Council
Councillor Pat Aves:	Melksham Town Council
Councillor John Glover:	Melksham Without Parish Council
Councillor David Pafford:	Melksham Without Parish Council

3. To note apologies

Apologies were received from Councillor John Glover (MWPC) who was unfortunately having to attend a funeral and therefore Councillor Richard Wood was substituting. Apologies had also been received from Councillor Aves (MTC) who was attending another meeting with Councillor Gary Cooke substituting.

Apologies had also been received from Chris Holden who was unwell and Colin Harrison who was on holiday.

The MWPC Clerk informed the meeting that no apologies had been received from Wiltshire Councillor Mike Sankey (representative for the Area Board).

Members of the various task groups had been invited to attend the meeting; therefore, the following were in attendance and introduced themselves:

	Task Group(s)
Councillor Alan Baines (MWPC)	Housing, Bypass
Councillor Mark Harris (MWPC)	Housing, Bypass & Canal
Councillor Graham Ellis (MTC)	Heritage, Bypass

4. To elect new Chair & Vice Chair of Steering Group

Councillor Wood explained that he had stepped down as being a representative of the parish council for the Steering Group and was only in attendance at this meeting as a substitute. He was the outgoing Chair of the Steering Group and had been on the Steering Group, and its Chair, since the beginning of the process, for a number of years. In line with the Terms of Reference, the Chair of the Steering Group was elected every June, and therefore sought nominations for the Chair.

Councillor Baines proposed Councillor David Pafford as Chair.

The MWPC Clerk explained only Steering Group members were able to vote and nominate at present, as per the Terms of Reference, however, these were due to be reviewed later in the meeting.

Therefore, Councillor Wood nominated Councillor Pafford as Chair and sought a seconder.

Councillor Hubbard expressed concern that there was a perception that the parish council were leading the Neighbourhood Plan process. He noted that in the past that the Town Council had not been as engaged in the process as they could have been and therefore wondered if a Chair from the Town Council should be sought in order that residents would feel the Town Council were more involved.

Councillor Hubbard stated that he understood originally that there was supposed to be a rotating Chair from the respective councils each year which had not been the case, and whilst appreciating the involvement of Councillor Wood as Chair in the Neighbourhood Plan process to date, realised it was the Steering Group's decision.

The MWPC Clerk clarified that there was no rule regarding a rotating Chair between both Councils (as per the Terms of Reference, which had been agreed by both councils) and that the position of Chair had come up every year for the past 8-9 years and during this time Councillor Wood has been the only person to be nominated Chair with no other nominations coming forward from the group, including from the Melksham Town Council representatives.

Councillor Wood sought further nominations, with Councillor Jon Hubbard stating as he had raised the issue, he would put himself forward as Chair, noting Councillor Aves as the other Town Council representative was not present.

Councillor Wood sought a nomination for Councillor Hubbard from the Steering Group. Councillor Gary Cooke, after initially stating he was substitute for Councillor Aves and had not been given a remit on who she would nominate as a Chair, nominated Councillor Hubbard following further debate.

There was no seconder for Councillor Hubbard and therefore Councillor Hubbard reluctantly seconded Councillor Pafford as Chair.

As Shirley was having difficulty speaking remotely at the meeting and therefore unable to vote and John Hamley was the only other Steering Group member able to vote who felt unqualified to vote as he did not know the proposed candidates. It was suggested to defer this item until the next meeting, when hopefully more Steering Group members would be in attendance, which was agreed.

Councillor Wood continued chairing the meeting.

5. Declarations of Interests & Register of Interests

There were no declarations of interest, with a reminder for those who had not already done so to complete a Register of Interest Form for interests in the whole of the Neighbourhood Plan area.

Forms were handed to Councillors Jon Hubbard and Gary Cooke to complete and return.

6. Public Participation

There were no members of public present.

7. To agree Minutes of Meeting held on 27th April 2022

Resolved: To approve and for the Chair to sign the minutes of the meeting held on 27 April 2022.

8. To review Terms of Reference

The MWPC Clerk explained the Terms of Reference had been reviewed by the Steering Group in early 2021 and agreed by both councils as qualifying bodies, however there had been a recent question from the Town Council regarding point 7.4 regarding “dual hatted” councillors as they felt this prevented Town Councillors, who were also Wiltshire Councillors, being Steering Group members.

7.4 If a Steering Group Member is a member of more than one organisation, they should declare their wider interest. Members must not be ‘dual hatted’, for example, they cannot be a town, parish or Wiltshire Councillor if representing a community group.

The MWPC Clerk explained that this rule had been applied when a representative was recently sought from MTUG (Melksham Transport User Group) as Graham Ellis had been nominated but was not eligible under the Terms of Reference as a Melksham Town Councillor.

The MWPC Clerk also explained the Steering Group had previously consisted of Leads of the various task groups, with voting rights, during the drafting stage of NHP#1 and asked if the Steering Group wished the current Leads on the various task groups to join the Steering Group as previously, with voting rights.

Councillor Pafford proposed the Leads from each task group join the Steering Group as voting members, as this gave the group a broad spectrum of people on the group and hopefully more people attending meetings.

Councillor Hubbard expressed concern at widening the group to include the Leads from the various Task Groups, as some may be town or parish councillors and stated the Steering Group needed to consider if a Town Council representative who was also a Wiltshire Councillor was eligible to join the Steering Group under the current Terms of Reference, and expressed frustration at the current rules.

Councillor Pafford at this stage withdrew his proposal that Leads from the task groups join the Steering Group.

Councillor Wood felt if a Councillor was also a Wiltshire Councillor or a member of an organisation, they could be on the Steering Group but would only get one vote.

Councillor Pafford noted other minor amendments needed to be made to the Terms of Reference with regard to the Core Strategy and timings of meetings to reflect current practice.

Resolved: For both councils to approve amendments to the Terms of Reference as follows:

Point 7:4 to read as follows:

If a Steering Group Member is a member of more than one organisation, they should declare their wider interest (*removing the reference to “dual hatted” members*)

Point 10.1: The Steering Group will meet as required *rather than monthly*.

Point 10.2: Meetings will convene no earlier than 6.00pm and no later than 7.30pm and last for 2 hours.

Reference to the Core Strategy throughout the document to be amended to the Local Plan where appropriate.

9. To receive update on Task Group work to date, progress with Locality Technical Support packages and agree next steps

Vaughan updated the Steering Group on the recent work undertaken by the various task groups.

a) Housing

i. Housing Needs Assessment and Housing Needs Local Survey

A draft Housing Needs Assessment has been provided by AECOM via Technical Support and a local Housing Needs Survey has also been undertaken and the results collated which will provide a data approach specific to the neighbourhood plan area. Some aspects had been broken down where possible into the settlements of Melksham & Bowerhill, Shaw & Whitley and the wider rural area to align with the Core Strategy and Local Plan Review settlements.

The next steps for the group will be to review AECOM's work and completion of the survey work, which will provide the material to produce potentially a new housing policy to meet local housing needs. This will require developers to demonstrate how they considered the local type and tenure requirements in their proposals to meet the specific needs of the community. It can also influence housing allocations to ensure they respond to the community's housing needs.

ii. Site Assessment

The housing allocation/call for sites work is currently underway. Vaughan thanked both the Clerk to Melksham Without and David Way who had pulled together a long list of sites (currently circa 90 sites) which would need to be assessed for their suitability and sustainability. These sites will feed into an assessment process by AECOM via Technical Support and will take 12-16 weeks to complete. The next steps will be for the Steering Group to select the preferred sites later in the Autumn.

Vaughan explained this process will take some time to complete and extend into the Autumn, when it was hoped that the Local Plan would be available, in order to see what Wiltshire Council were proposing in terms of housing numbers and locational strategy. The choice of sites and number of houses for the NHP#2 to allocate can be informed by the Local Plan, with a meaningful amount required to ensure that NHP#2 sustains and refreshes its NPPF Paragraph 14 protection.¹

Vaughan explained Berryfield appeared to have been enveloped in the urban area in AECOM's report and this would be fed back to AECOM with a request it is put back to a small village.

David explained as a small village Berryfield will only take infill development as per the current Wiltshire Council policy.

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Councillor Baines highlighted recent revisions of parish boundaries between the town and parish had also not been taken into account in AECOM's report.

b) Design Codes (including update on Wiltshire Council Design Code)

Vaughan explained this policy was going to be strengthened with a character statement and design code for the whole of the neighbourhood plan area. The group had obtained Technical Support to provide design characteristics for the different parts of Melksham and Melksham Without. The work has been approved and will start shortly.

Vaughan sought members from the steering group or task group to assist AECOM with this and suggested sending out an email for volunteers after the meeting. Wiltshire Council will be looking at more strengthened design policies and will be more specific.

The next stage will be to get the design code work from AECOM, review it and approve it.

c) Town Centre Master Plan

Vaughan explained the town centre featured as a Policy and a Priority Statement in the existing Plan, with good progress being made on this work with AECOM.

A meeting had taken place with AECOM and a Town Centre Master Plan brief produced which cut across Priority for People and also looked at connectivity between the rest of the Neighbourhood Plan area.

Vaughan explained the plans had to focus on things that can be delivered through planning but could talk about non planning items which are material to the future vitality of the town centre.

The next stage would be to appoint AECOM to do a Town Centre Masterplan via Technical Support.

Councillor Wood asked how this work fitted in with the work the Town Council had already undertaken.

The MTC Clerk clarified the Town Council had agreed the Neighbourhood Plan would do this wider work with any implications to be considered by the town council as they arose.

Councillor Hubbard explained the Masterplan had not come to council as yet, but a proposal regarding Priority for People had been put to the Parish Council.

The MWPC Clerk explained the Priority for People proposal had gone to a recent Full Council meeting and a response would be forwarded to the Town Council in due course. The Parish Council wanted to understand the substance of what the Town Council were trying to achieve and who would be meeting the costs involved in achieving some of the proposals. As an example, easy walking routes to schools was one of the first things on the list but they were aware of the high costs of these highway works, with only short section of footway in the parish recently costed at £100,000.

Councillor Hubbard explained the plan needed to cover the whole community in order to be an effective document which is used, and needed all stakeholders to be involved in order for proposals to be achieved.

Councillor Baines felt Priority for People extends beyond the Neighbourhood Plan area and therefore needed to include those communities as well.

Vaughan clarified the Town Centre Masterplan was not Priority for People, but could provide spatial representation on how things can be, and should be, delivered, such as connecting the town centre to communities.

Vaughan explained the next stage would be to get the Town Centre Masterplan underway as soon as possible, dovetailing design coding and character work with the Town Centre Master Plan in order to get a joined-up approach.

Vaughan explained the Priority Statement for the Town Centre had also been discussed and along with the Policy would need to be updated, particularly as national legislation for Use Classes relating to town centres had been changed since the production of the current Neighbourhood Plan.

Vaughan explained other resources were available which could help with the Town Centre Master Plan, including resources from Wiltshire Council.

d) Local Green Spaces

Vaughan explained this identified local green spaces which are valuable to the community and qualify for designation as Local Green Space, which gives similar support in planning terms to a piece of land in a green belt.

The task group were currently working through a list of approximately 280 sites which had been identified by the community as important green spaces.

The next step is to review the list to get down to a deliverable short list of sites to be assessed against a strict criteria.

Vaughan explained engagement would also need to take place with the landowners of those sites which are considered suitable for designation as Local Green Spaces, in order for them to consider the appropriateness of this designation and have an opportunity to object to proposals.

Councillor Pafford explained one Neighbourhood Plan elsewhere in the county had identified where they wanted housing, but not where they didn't want housing which then was queried at Appeal, and asked whether this would be the same with green spaces.

Vaughan explained those sites which were eligible and pass the criteria would be okay as they would be protected as designated Local Green Spaces. However, those sites which did not meet the criteria would be vulnerable but could be identified as spaces of local value and be given material consideration. Therefore, a way of optimising protection for those sites which did not meet the necessary criteria needed to be found.

David Way sought clarification of designation of spaces of local value against an area being designated as a local green space, which in the National Planning Policy Framework (NPPF) would hold more weight.

Vaughan explained the Neighbourhood Plan had policies on green infrastructure and the green environment and therefore there would be an evidence base which would show those areas identified by the community which were of local value, but did not meet the criteria to be designated as a Local Green Space. David explained it would be helpful if sites put forward could be listed as part of the Neighbourhood Plan, as part of the evidence base.

Vaughan explained he had taken on board the comments raised on this issue and would look at ways of including those sites put forward, but not meeting the relevant criteria, in the Neighbourhood Plan.

e) Local Heritage Assets

Vaughan explained that Local Heritage Assets were for assets that did not meet the criteria to be 'Listed' but were still of value to the local community. A shortlist had been collated of assets put forward by the community and were currently being assessed. Owners would have to be consulted and those meeting the relevant criteria would be part of the evidence base for the heritage policy, this will enable both councils to respond to planning applications by referring to those on the list.

Councillor Wood mentioned Kelly's Lamp on Bowerhill, which was a local asset. Vaughan agreed to check Kelly's Lamp was included on the list of Heritage Assets for consideration.

Graham, as a member of the Heritage Task Working Group, explained only 7 or 8 had been nominated and were being reviewed currently and asked if an asset was of extreme value if it could be considered for being 'Listed'.

In the same vein, the MWPC Clerk stated the Parish Council had previously asked if The Spa could be considered as a Conservation Area but unfortunately there seemed to be no appetite at the time from Wiltshire Council or Historic England and therefore asked if the Neighbourhood Plan could give The Spa more than Listed status.

Vaughan explained there was a separate process through Historic England to list buildings, but would investigate the process, which would be outside the Neighbourhood Plan, but the site could be included as a local heritage asset.

David Way explained that as The Spa buildings were Listed, their setting was of great weight in the planning process.

f) Climate Issues

Vaughan explained this was about strengthening the existing commitments and actions for sustainable development and climate change responses in the neighbourhood plan. Wiltshire Council had advanced their climate strategy and other Neighbourhood Plans since Melksham's was adopted have pushed the envelope in their responses to climate change and sustainability and it was worth investigating these.

Vaughan explained Katie Lea from Place was assisting on this and had provided a topic paper for the task group to review and look at additional potential policy and evidence, and what pointers to best practice should be referenced in the neighbourhood plan.

g) Implications of Bypass

Vaughan explained the implications of the bypass had been included as a Priority Statement in the current Neighbourhood Plan. There was a need to get the priority statement factual and to consider how the Neighbourhood Plan represented the communities' views.

The task group had met the project engineer for the scheme in order to understand the latest on the project.

Vaughan explained the next stage would be to craft and refresh the Priority Statement in the Neighbourhood Plan. After this, it would be to agree the level of support which is given in the Neighbourhood Plan to proposals, once more information is released on the project. Trajectory of housing would also be a critical path.

h) Implications of Canal Link

Vaughan explained the task group were trying to arrange a meeting with the Wilts & Berks Canal representative to get the latest update on the project, to inform the position of the Neighbourhood Plan Priority Statement review.

The current Wiltshire Council Core Strategy protects the route of the proposed canal link; therefore it is not the job of the Steering Group to protect a route. However, he understood there is a concern regarding proposals for enabling development.

Councillor Hubbard queried whether the group could be confident the new Local Plan would protect the route of the proposed canal.

David Way explained it should do, but could not say for sure and explained that the Wilts & Berks Canal Group had recently produced a vision document with a safeguarded route which still went through Berryfield, behind the New Inn Pub, and followed the same route as previously detailed.

David explained the Local Plan would probably safeguard a Bypass route as well and understood consultation was taking place on a slightly revised route following feedback. He was hopeful that by the time Wiltshire Council went out to Regulation 19 consultation on the Local Plan later in the year, there would be a safeguarded route for the bypass, as with the canal.

David asked when the Steering Group hoped to go out to Regulation 14 in the Autumn and whether this would be prior to the publication of the Local Plan in the Autumn, as there would be quite a few things in the document the Steering Group would need to take into account.

It was agreed the Steering Group aimed to go out to Regulation 14 after the publication of the Local Plan Review, as long as the publication of the Local Plan did not slip several months, given the tight timeframe.

Vaughan explained the site assessment work may not come back until October and then the Steering Group would have to make the choices about the sites and which to include in the Neighbourhood Plan. It would then need complete the SEA (Strategic Environmental Assessment) and HRA (Habitats Regulations Assessment) on those proposals with the Plan being appropriately amended and refined before going out to Regulation 14

consultation. Vaughan anticipated that the Reg 14 consultation would be ready at Christmas/New Year time and would be informed by reviewing in line with the Local Plan.

Concern was expressed that the group only had 1 year left to get the review done in order to keep the 2 years protection from a lack of 5-year land supply, provided by Paragraph 14 of the NPPF.

Councillor Pafford sought guidance on what stage Wiltshire Council would give weight to the Neighbourhood Plan in determining speculative planning applications.

David clarified that pre-Reg 14 consultation, or even during the consultation, that the Neighbourhood Plan would have little weight; only when the Plan had been submitted and was going through the Examination process would it have more weight.

Concern was expressed at the delay in the Local Plan and the impact on the Neighbourhood Plan review and the need to keep in step with the Local Plan Review in order to adhere to policies in the Local Plan.

David felt that it was not the intention of the Government for groups to keep updating their Neighbourhood Plans every 2 years to keep Paragraph 14 protection.

Vaughan explained that as the Neighbourhood Plan consultant he would need to make sure the Neighbourhood Plan did not conflict with the emerging Local Plan and therefore was sound when going forward for examination.

i) Request for screening opinion for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA)

Vaughan explained as the Plan will be allocating a site(s) there will be a requirement for an SEA and HRA.

David had enabled a draft screening opinion on the SEA, with a request being submitted to Natural England, the Environment Agency and Historic England, requesting comments within 5-6 weeks.

Vaughan explained that an SEA usually happens at the end of the draft Plan process but David had been helpful in providing a draft opinion to allow the application to Locality for Technical Support for AECOM to progress this week. The aim was to drip feed components of the updated policies etc to AECOM to undertake this piece of work during the coming months, whilst waiting for the housing elements to progress and this should speed up the whole process, rather than doing it all at the end and adding delays.

David explained that with regard to the HRA screening a draft plan would be required in order to do this. The first Plan did not need an HRA, which will be undertaken by Wiltshire Council, as the area does not have a lot of European sites or sensitive sites compared to other areas and only allocated a site for 18 houses. It was possible that an HRA would be required for the review Plan however if larger site/s had housing allocations.

j) Policy Review

Vaughan explained that following the Appeal hearing for the site to the rear of Townsend Farm, the Planning Inspectorate had noted that there was no specific buffer protection in place in any of the policy frameworks. Therefore, there was an opportunity in the Plan review to consider advancing a new green buffer/green wedge policy to identify the areas of the rural environment between Melksham and its neighbouring settlements to ensure there is no coalescence or erosion of the green environment, which is part of local distinctiveness.

David agreed this would be a good idea, other Plans had done similar in order to prevent coalescence and would be considered a Landscape Gap policy. Members discussed examples of where the question of areas to be protected had arisen before; such as between Bowerhill and the canal, between Melksham and Beanacre, between Melksham and Shaw & Whitley; between Shaw and Whitley, between Melksham and Bowerhill, and between Melksham and Berryfield.

10. To review Programme Dates

Vaughan explained the group was on programme with all of the topics and explained that the meeting today had been picked as a logical date in the programme as a lot was happening with the evidence gathering exercises, which were coming to an end, or where Technical Support had been granted and various assessments were being undertaken and reports produced.

In the next 3 months the policies would start to be shaped, with the site assessment work running for a bit longer. Therefore, the housing allocation will be later in the programme and there will need to be further discussion with Wiltshire Council regarding the Local Plan to understand housing numbers and strategic sites.

The MWPC Clerk clarified that with regard to the Landscape Gap assessment work that this would be outside the current approved quote from Place; and therefore, required a resolution to take forward a request for additional funding from the parish and town council.

Vaughan explained such a policy would need to be based on a robust landscape assessment which would stand up to challenge by a landscape advocate for a developer. It would need to be defined on robust landscape grounds and assessed by a Chartered Landscape Architect. The work would take approximately 3-4 days' work. If this was based on the standard consultant daily rate of £500 (as this is the maximum rate that Locality accepted for such work, so a good baseline indicative figure) it would cost about £2,000-£3,000; this would provide an effective robust evidence base for a policy; to enable it to stand up against future challenge or scrutiny.

Councillor Pafford proposed this, which was seconded by Councillor Hubbard.

It was noted the costs of undertaking this work would have to be split between both councils, with the MTC Clerk expressing a concern the Town Council had already spent the budget set aside for the Neighbourhood Plan Review.

Resolved: To instruct a Chartered Landscape architect to undertake work in order to formulate a landscape gap policy, pending both Council's funding approval.

11. To approve latest invoices and note current financial report.

An invoice from Place for £5,540.46 (£6,648 including VAT) had been received and related to work undertaken on the Housing site selection and other work and included travel expenses. Apart from the travel expenses the rest of the invoice would come from the £10,000 Locality grant funding.

The MTC Clerk understood further Place invoices had been received earlier in the day, but would investigate.

The MWPC Clerk explained there had been 3 full page adverts in the Melksham News, which the Town Council should have received the invoices, which would come out of grant funding.

Vaughan stated the last invoice took over a month to be paid and as only a small company they were unable to carry such debt and therefore asked if payments could be paid within the 30 days payment period.

The MTC Clerk explained she would investigate why the payment had been late but hoped going forward this would not be the case, as the Town Council now had the capability to pay by BACS.

12. To receive update on Appeal APP/Y3940/W/21/3285428 for 20/07334/OUT - Semington Road, Melksham, SN12 6EF and next steps undertaken

David explained the approval of the plans was not what everyone had expected, including Wiltshire Council, with the appeal been won, as the developer had

changed the allocation from market value housing to 100% affordable housing at Appeal stage. The Inspector had given great weight to the need for affordable housing in Wiltshire and therefore this swayed his opinion.

David explained that when looking at Paragraph 14 of the National Planning Policy Framework (NPPF), which gives areas with a Neighbourhood Plan protection for 2 years from speculative, not Plan led, development, the Inspector had said the Melksham Plan had met all four of the criteria, where there is a newly made neighbourhood plan and the adverse impacts are likely to significantly and demonstrably outweigh the benefits of the housing proposal.

David believed the original proposal, which was policy compliant with 30% affordable housing would not have been allowed at Appeal and from reading the Inspector's report did not think he had discussed the adverse impacts of having 50 affordable houses in one place as normally the policy is to spread affordable housing within a development.

Councillor Wood asked what lessons had been learnt from the outcome of the appeal.

David explained Wiltshire Council had refused the application and defended it at the hearing, as best they could. The decision was not based on the lack of 5-year housing supply and only need a 3-year land supply to afford Paragraph 14 protection.

Councillor Wood asked if another application for 50 affordable houses came along elsewhere would this be defensible.

David explained consideration would need to be given to the appeal decision and as a different site they would look at other impacts i.e. landscape, biodiversity etc and refuse on those reasons and defend those reasons at appeal.

Councillor Pafford asked if the developer were to come back with another application for market value housing on all or part of the site due to lack of viability what would be the response of Wiltshire Council.

David explained this could happen, and in all likelihood would be refused as the appeal was won as the application was changed to 100% affordable housing. Most developers would not put in an application for 100% affordable housing as it was not profitable. If a developer came forward with 60% or 70% affordable housing it would likely be refused given the fact the Neighbourhood Plan has recently been made. However, it could be appealed by the developer and Wiltshire Council would have to defend their decision.

David expressed frustration that officers' time was taken up in defending appeals, which are time consuming, as this meant their time was taken away from obtaining a 5-year land supply position.

Vaughan asked if there was any other course of action which could be taken in challenging the Inspector's decision, if considered to be unacceptable.

David explained a judicial review could be requested or Wiltshire Council could challenge the decision made. Wiltshire Council, as the Local Planning Authority, would have to request a judicial review but there are significant cost implications in doing this. It would also be hard for Wiltshire Council to put forward the argument that Wiltshire does not need affordable housing and whether a Judge would dismiss the Inspector's decision on this.

Councillor Baines expressed concern at having affordable housing in one location.

Councillor Hubbard felt in the end it may have to be accepted that the Appeal was lost, despite an understanding that 100% affordable housing was against planning policy and hoped there would be officer support at Wiltshire Council to reject any subsequent plans which are submitted by the developer for a change in the scheme as the development is no longer viable.

Vaughan expressed concern that the Inspector had not taken account the Core Strategy's balanced community policy in arriving at his view on the balance of the benefits outweighing the harm. He felt it was not about whether the Inspector's view on 'balance' was right when it came to the appeal, but about whether he took account of a policy and whether his decision is sound and compliant.

David explained he had expressed his opinion and that of the Steering Group at a higher level in Wiltshire Council and he had proposed they look into getting legal advice into a legal challenge/judicial review. The 50 affordable houses will be of different tenures, with some social housing as well as First Homes and shared homes.

The MWPC Clerk explained that the Parish Council had written to Parvis Khansari (Wiltshire Council's Corporate Director of Place), to seek assurance of how officers in the future were going to treat any speculative development applications in the Melksham Neighbourhood Plan Area, bearing in mind it had met Paragraph 14 conditions, and secondly what would Wiltshire Council do if the applicant were to come back with a revised scheme using the viability argument.

Parvis Khansari had written back to say he had forwarded the Council's concerns to the Head of Planning to investigate.

The MWPC Clerk also explained that the Townsend Farm Residents Association had written to Michael Gove MP as head of the Department for Levelling Up, Housing and Communities, as well as their local MP, to express frustration at the decision, given all the hard work undertaken by the Neighbourhood Plan Steering Group. Michelle Donelan MP had responded to say she was looking into arranging a meeting with the Housing Minister, to discuss the concerns. The Parish Council had written back to Michelle Donelan MP to say the Council would support such discussions and would like to be part of that meeting.

David explained he hoped the Government would look at this, as most neighbourhood plan groups would wonder whether it was worth continuing.

The MWPC Clerk noted the development did not make any contribution to the canal in the s106 unilateral agreement, which was in the original report as a condition and felt it would be interesting to understand who and why this had been taken out of the new Unilateral Agreement.

Councillor Baines explained the developer had only put forward the first half of their land holding and would probably come back with the other half of the site, which is Grade 2 agricultural land and what the reaction would be from Wiltshire Council as this would be for market value housing presumably to make the whole site viable.

Resolved: To write to Parvis Khansari, Corporate Director Place to ask if Wiltshire Council are happy that the Planning Inspector took heed of the Wiltshire Council policies regarding balanced and inclusive communities on this Appeal decision, and if the impact of 50 affordable housing dwellings in one place was considered appropriately.

13. Latest WALPA (Wiltshire Area Localism Planning Alliance) update

The Steering Group noted the various reports and update from WALPA.

14. To agree date and venue of Next Meeting of Steering Group

Vaughan suggested as there was plenty of work for the various task groups to undertake that the next Steering Group meeting be held at the end of September in order the evidence collated could be presented.

Resolved: The next Steering Group meeting to be held on 28 September at 6.30pm (Venue TBC)

Meeting closed at 8.35pm

Signed
Chair, 28 September 2022