

JOINT MELKSHAM NEIGHBOURHOOD PLAN 2020 - 2030

**The Report of the Independent Examiner to Wiltshire Council on the Joint
Melksham Neighbourhood Plan**

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24th March 2021**

Summary

I was appointed by Wiltshire Council, in agreement with the Melksham Town and Melksham Without Parish Councils, in February 2021 to undertake the Independent Examination of the Joint Melksham Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 9th March 2021.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Joint Melksham Neighbourhood Area. There is an evident focus on safeguarding the very distinctive character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Wiltshire Core Strategy (adopted January 2015).

Subject to a series of recommended modifications set out in this Report, I have concluded that the Joint Melksham Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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Introduction

This report sets out the findings of the Independent Examination of the Joint Melksham Neighbourhood Plan 2020 - 2030. The Plan was prepared and submitted to Wiltshire Council by Melksham Town and Melksham Without Parish Councils as the Qualifying Bodies.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2018, updated in February 2019, and it is against the content of this NPPF that the Plan will be examined.

This report assesses whether the Joint Melksham Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Joint Melksham Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Joint Melksham Neighbourhood Plan would then be used in the process of determining planning applications within the Neighbourhood Area as an integral part of the wider Plan.

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by Wiltshire Council, in agreement with the Melksham Town and Melksham Without Parish Councils, to conduct the examination of the Joint Melksham Neighbourhood Plan and to report my findings. I am independent of both Wiltshire Council and the Melksham Town and Melksham Without Parish Councils. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Joint Melksham Neighbourhood Plan is submitted to a referendum; or
- the Joint Melksham Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Joint Melksham Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this examination I have considered the following documents:

- Joint Melksham Neighbourhood Plan 2020 - 2030 as submitted
- Joint Melksham Neighbourhood Plan Basic Conditions Statement and Appendices (October 2020)
- Joint Melksham Neighbourhood Plan Consultation Statement and Appendices (October 2020)
- Strategic Environmental Assessment Final Screening Determination for the Joint Melksham Neighbourhood Plan (July 2020)
- Habitats Regulations Assessment (HRA) of the Joint Melksham Neighbourhood Plan (January 2021)
- Content at: www.melkshamneighbourhoodplan.org/ and <https://consult.wiltshire.gov.uk/kse/event/35884>
- Representations made to the Regulation 16 public consultation on the Joint Melksham Neighbourhood Plan - as shown at: https://consult.wiltshire.gov.uk/kse/event/35884/peoplesubmissions/Joint_neighbourhood_plan_regulation_16_consultation
- Wiltshire Core Strategy (adopted January 2015)
- Wiltshire Council Housing Land Supply Report December 2020 (base date April 2019)
- Planning for Melksham – Wiltshire Council (January 2021)
- National Planning Policy Framework (NPPF) (2019)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)
- Written Ministerial Statement to the House of Commons dated 25th March 2015

I carried out an unaccompanied visit to the Neighbourhood Area on 9th March 2021. I looked at all the various sites and locations identified in the Plan document in their rural context.

The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Joint Melksham Neighbourhood Plan could be examined without the need for a public hearing and I advised Wiltshire Council accordingly. The Qualifying Bodies and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence is included on the Wiltshire Council Neighbourhood Planning website for the Joint Melksham Neighbourhood Plan.

Joint Melksham Neighbourhood Area

A map showing the boundary of the Joint Melksham Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Melksham Town and Melksham Without Parish Councils, Wiltshire Council approved the designation of the Neighbourhood Area on 14th July 2014 and this was amended on 8th November 2017 to

accommodate the revised parish boundary of Melksham Without Parish. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Bodies have prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].” (Reference ID: 41-047-20140306)

The submitted Consultation Statement notes that a wide variety of media has been used to maintain contact with the two Parish communities and to encourage input and feedback. The range includes a dedicated website, Facebook, Twitter and Instagram accounts in addition to their own local Newsletters. Information on consultation events as well as articles about progress with the Plan were published in the local Newspaper, Melksham Independent News, which is circulated to all households every fortnight. Information was also provided in several community newsletters such as Bowerhill Villager and Shaw & Whitley Connect.

The Melksham Neighbourhood Plan Steering Group was formed as early as 2012 following several meetings with both Melksham Town Council and Melksham Without Parish Council to prepare a joint Neighbourhood Plan. Meetings of the Steering Group were held monthly and open to members of the public and included a “public participation” section for residents to raise issues or queries. A Public Consultation Group was set up in December 2014 reporting to the Steering Group. The brief for the group was to agree a suggested calendar of engagement activities. Various stakeholders were invited to join this group, such as community groups, schools and charitable organisations.

A number of drop-in events were held in the earlier stages of Plan preparation (2016/17). Care was taken to hold events at various locations within the Neighbourhood Area and on different days and different times of day in order to attract a wider audience. In November-December 2017 with the assistance of public engagement consultants, community engagement regarding the location of housing sites took place using an online survey with hard copies available in various locations, such as the Town Hall, Melksham Without offices and the library. Over 200 people responded to the consultation on future housing growth with over 1,200 individual comments made. Steering Group members also attended community events throughout the Neighbourhood Area to update on the progress with the Plan and feedback to the next Group meeting. Additionally, specific estate agent and business surveys were conducted to ensure the Group was well informed about local property and employment matters.

The Regulation 14 consultation period was initially planned to begin in early April 2020, however the national lockdown due to Covid-19 necessitated a temporary pause. The Consultation was finally launched on 1 June 2020 and ran for 8 weeks until 27 July 2020, a period extended to ensure that people had sufficient time to respond during the pandemic. To ensure that people who live, work or carry out business in the Neighbourhood Area were aware of the consultation, how to comment and by when, a multi-channel approach was

adopted. Leaflets were posted via Royal Mail, delivered to 12,854 properties, including businesses, and social media and radio were used extensively. People were invited to call or email with any questions or for support to access the plan and/or comments form with the offer to post hard copies to those who would prefer to receive the documents in that format. Once the publication of the Melksham Independent News recommenced in June, 13,500 homes and businesses in the Plan area received the free newspaper and within it, information about the consultation and the extension to the consultation deadline. Over 3,000 visits to the Neighbourhood Plan website by 2,100 different people were recorded. The total responses received was 96 but because individual responses often referred to several policies just under 300 representations were received. Those responses and how they were addressed is shown in an Appendix to the Consultation Statement.

Finally, I note that, in acknowledgement of the disruptive effects of the Covid-19 lockdown, the Regulation 16 community consultation was extended. The draft Plan was therefore available for comment from Wednesday 2nd December 2020 to Wednesday 3rd February 2021. Particularly in the absence of any adverse comments, I am satisfied that this has allowed the consultation to be concluded satisfactorily.

Accordingly, overall I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Bodies have already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Wiltshire Council from Wednesday 2nd December 2020 to Wednesday 3rd February 2021 – a period extended in recognition of the hindrance arising from the Covid 19 pandemic and responses to it. I have been passed the representations – 19 in total – which were generated by the consultation and which have been included on the Wiltshire Council consultation website. I have not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

The Neighbourhood Plan

The Parish and Town Councils are to be congratulated on their extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the Plan period. I can see that a sustained effort has been put into developing a Plan guided by a series of objectives set down in section 3 of the Plan and a Vision “to make the town of Melksham and the parish of Melksham Without great places to live, to work, to play and to visit; attractive, healthy, convenient and environmentally sustainable, with access to employment, education, shops and services via walking, cycling and public transport.” The Plan document is impressively presented with a distinctive combination of text, clear images and Policies that are, subject to the specific points that I make below, well laid out and colour-coded helpfully for the reader. As an incidental note, I particularly liked the ‘vox-pop’ quotations that accompany each Policy set which help to integrate the public consultation within the core of the Plan. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher-level planning

policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of "direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area" (Planning Practice Guidance Reference ID: 41-001-20140306).

Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to have regard to Core Strategy strategic policies. However, a contentious issue has been omission from the Plan of any allocations of housing land for the town of Melksham, a matter that has led some to assert that the Basic Conditions have not been met. I will therefore address that issue before looking at the Plan in detail.

Contentious Issue

First I note that "Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need" (Planning Practice Guidance Paragraph: 040 Reference ID: 41-040-20160211). I note that the Plan does contain policies relevant to housing supply. Both the Qualifying Bodies and the local authority have drawn my attention to the latest Wiltshire Housing Land Supply Statement (HLSS) (dated December 2020) with a base date of April 2019. Appendix 6 in that document assesses delivery by Community Area settlements and rural "remainders" against the housing requirements set out in the Wiltshire Core Strategy documents. The Neighbourhood Area includes the whole of "Melksham and Bowerhill" and part of the "Melksham CA Remainder". The data shows that completions and commitments at Melksham and Bowerhill total 2594 dwellings - which is 115% of the requirement. Since that report was published 'Land at Semington Road, Melksham' (planning app 20/01938/OUT) for 144 dwellings received a resolution to grant at the Strategic Planning Committee on 27th January 2021 (subject to the signing of a S106 Agreement). This would increase provision to 122% of the requirement. For Melksham CA Remainder, completions and commitments total 190 dwellings - this is 146% of the requirement (although it must be noted that the Melksham CA Remainder also covers a wider number of parishes than just Melksham Without). Therefore, it is evidenced that the Neighbourhood Plan, taking account of "of latest and up-to-date evidence of housing need", does not have a housing requirement to address.

However, the Guidance further says: "Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan
- the emerging local plan (or spatial development strategy)
- the adopted development plan

with appropriate regard to national policy and guidance.

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies" (Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509). I note that the Wiltshire Core Strategy runs to 2026 whereas the Neighbourhood

Plan runs to 2030 and therefore there is an apparent issue as to what housing need the Neighbourhood Plan should address 2026 – 2030. The local authority has advised that the emerging Local Plan Review, which will extend the Plan period to 2036 is still at an early stage of development and is currently consulting at Regulation 18 stage on the ‘scope’ of the Plan; proposals are therefore not yet decided and carry little weight. Any suggested housing requirements for the Melksham Neighbourhood Area may change. And the Qualifying Bodies note that they do not wish the Neighbourhood Plan to prejudge strategic sites that may come forward in the emerging Local Plan Review.

It is evidenced, and agreed by both parties, that the local authority and the Qualifying Bodies have worked “collaboratively”, as the Guidance expects. Consequently, the agreed method for ensuring “that complementary neighbourhood and local plan policies are produced” was for the Neighbourhood Plan not to allocate sites at Melksham and Bowerhill, where it is anticipated that strategic sites will be coming forward within the Local Plan Review. The Qualifying Bodies are committed (on record) to reviewing the Neighbourhood Plan, this review to take place alongside the Wiltshire Local Plan Review, and considering housing allocations in addition to any strategic sites in Melksham and its neighbourhood in the emerging Local Plan. The review would take the Neighbourhood Plan period up to 2036 to align with the new Wiltshire Local Plan. Since the NPPF says (paragraph 29) that “Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies” the approach respecting the distinction between strategic and non-strategic policies is entirely appropriate. The Basic Conditions test requires that the Neighbourhood Plan policies are in “general conformity” with the strategic policies in the Core Strategy, not a future plan in preparation. I note and accept that the allocation of land for housing in the Melksham CA Remainder is non-strategic.

However, a representation has commented: “Preventing development at sustainable locations is not in the spirit of the NPPF, nor should Neighbourhood Planning be used by local communities to prevent sustainable development.” I note that not allocating land for housing cannot be equated with “preventing” development and neither does the Plan noting that housing requirements from the Core Strategy have already been met and exceeded equate with using a Neighbourhood Plan to prevent development. Since the Plan is not obliged to contain policies addressing all types of development, I accept that it is reasonable for it to focus on priorities where “general conformity” with strategic policies can be assured and not those that have the potential to give rise to conflict with still emerging Local Plan strategic policies.

For the avoidance of misinterpretation, both the Qualifying Bodies and the local authority have proposed that the Plan period for the Neighbourhood Plan should be amended to align with the existing Core Strategy – to 2026. I note that this was the Plan period used when the Plan had its Regulation 14 consultation. Since the Plan was submitted in 2020 and cannot be made until 2021 at the earliest, this would give an effective Plan period of 5 years. There is no minimum plan period set for a Neighbourhood Plan but I note that 5 years is the period within which a local authority is legally obliged to review their Local Plan; the Qualifying Bodies have committed to reviewing the Neighbourhood Plan in the light of the new Local Plan which is presently estimated to reach adoption in Q2/2023, which would fit well with a review of the Neighbourhood Plan before 2026. I note that the Planning Guidance says: “Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people” (Paragraph: 003 Reference ID: 41-003-20190509). In this instance, the use of a 5-year period may be said to “meet identified local need and make sense for local people”. A contrary view taken by some in representations is that the plan period ought to be extended to 2036 in order to align with the Local Plan Review period. However, this would involve restarting the Plan and its

consultation processes without, even now, having the benefit of sound input from that Review. It is evident that, when embarking in 2014 on the task to prepare a Neighbourhood Plan, the Qualifying Bodies could not have predicted what, if any, progress would be made with a Local Plan Review. Whilst not ideal, a revised Plan period to 2026 is, I conclude, a logical response to the circumstances in which the Neighbourhood Plan will become part of the Development Plan; certainly it does not offend national policy or guidance.

Conclusion

Having considered all the evidence and representations submitted as part of the Examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance and the local strategic policy context in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community's priorities and establishes a sound basis for proportionate growth whilst seeking to identify and safeguard Melksham and Melksham Without's distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Wiltshire Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly I have been obliged to recommend modifications so as to ensure both clarity and meeting of the 'Basic Conditions'. In particular, Plan policies as submitted may not meet the obligation to "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the 'Basic Conditions'.

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the "Basic Conditions", as set out in law following the Localism Act 2011; in December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to these requirements and has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Wiltshire Core Strategy (adopted January 2015).

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

The Plan in Detail

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination broadly in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Front cover

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a prominent reference to the Plan period 2020 – 2030 on the front cover. As discussed above, there are good reasons to alter the Plan end date to 2026, so that it explicitly aligns with the end date for the Wiltshire Core Strategy. The Qualifying Bodies and the local authority have all expressed the view that this is appropriate and I concur. The reference to “Submission Draft” can now be removed.

Overview information

The first paragraph here needs to be updated to reflect the fact that the Plan is now going forward to referendum.

Contents

The listings will need to be reviewed once the text has been amended to accommodate the recommendations from this Report.

Foreword

No comment.

Recommendation 1:

1.1 Amend the Plan period on the front cover (and each subsequent page) from “2020 – 2030” to ‘2020 – 2026’; remove from the front cover “Submission Draft”.

1.2 Once the Plan text has been amended, review the “Contents” page to accommodate as required the recommended modifications from this Report.

1 Introduction

1.1 What is a Neighbourhood Plan?

The first page of the Introduction has the first ‘information box’, a feature that I find extremely helpful in both attracting the eye, providing succinct information and also in breaking up the text. The Qualifying Bodies have agreed that it would not severely compromise the format of these boxes if the source reference for the quotation/information was included, and therefore that is what I recommend.

1.2 What area does this Neighbourhood Plan cover?

Sometimes precision with wording is important. What actually was designated by Wiltshire Council was the “Neighbourhood Area” – not Neighbourhood Plan area - and that is also what the accompanying map is required to show, not the “Joint Plan Area”.

1.3 Who has prepared the Melksham Neighbourhood Plan?

No comment.

1.4 How does the Neighbourhood Plan represent the community’s views?

Paragraphs 1.4.4 and 1.4.5 are now in need of updating and I have suggested some wording below.

1.5 Navigating the Plan

This is a very helpful page and clearly a great deal of thought has gone into the readability of the Plan document. I did however note to the Qualifying Bodies that no forewarning is

provided that the footnote details are collected together after the Glossary and they agreed to add a note to the information box on this page.

Recommendation 2:

2.1 Within the ‘information boxes’, provided at intervals throughout the Plan, add a source reference where appropriate.

2.2 Under the heading “1.2 What area does this Neighbourhood Plan cover?”, in paragraph 1.2.1 replace “Neighbourhood Plan area” with ‘Neighbourhood Area’ and on the adjacent figure 1 replace “Joint Plan Area” with ‘Neighbourhood Area’.

2.3 Under the heading “1.4 How does the Neighbourhood Plan represent the community’s views?” replace the last sentence of paragraph 1.4.4 and the whole of 1.4.5 as follows: ‘In October 2020 the Joint Melksham Neighbourhood Plan was formally submitted to Wiltshire Council. The Council then arranged the public consultation required under Regulation 16; the period for this consultation was also extended as a response to the Pandemic. An Independent Examiner then considered the Plan and the representations received through the consultation and the Plan is now, modified as recommended by the Examiner, put to a community referendum. If approved at a referendum, the Neighbourhood Plan will become part of the overall development plan for Wiltshire to guide developers, planning officers and Councillors when considering planning applications in the Neighbourhood Area.’

2.4 Under the heading “Navigating the Plan” add in the ‘information box’ a mention of the footnote details which follow the Glossary.

2 Setting the Agenda

2.1 Why a Joint Melksham Town and Melksham Without Parish Neighbourhood Plan?

No comments.

2.2 Key facts about the Plan area

This is a useful section highlighting data but, for effective use, the source of each entry needs to be declared and the read across between the quoted fact and the source document needs to be accurate. In this regard the second element of the second and the last two bullet points need a source reference and the last but one needs clarity about who expected what.

2.3 The wider context

National

Here is another instance where accuracy with wording is important. The Basic Conditions in fact require that the Neighbourhood Plan should have “regard to” to national policies and guidance and “be in general conformity with the strategic policies” of the Local Plan.

Wiltshire

I noted that paragraph 2.3.4 references “The Melksham Community Area (shown on Figure 3)” but in fact figure 3 shows the communities of the Neighbourhood Area. I further noted the statement that “the Melksham Community Area will change from May 2021” and that will be before the Plan can be made, but the significance of the change is not explained. The Qualifying Bodies responded that text relating to figure 3 in paragraph 2.3.4 needs to be removed as that figure was changed following the Regulation 14 consultation. Since the Community Area map is no longer included, the text needs editing to avoid confusion and to keep it pertinent.

I note that there is now a more recent than 2018 Wiltshire Council Housing Land Supply Statement and so the reference to this needs to be updated.

2.4 The approach to the Neighbourhood Plan

I note that paragraph 2.4.2 refers to a “Statement of Common Ground” without much clarity but the Qualifying Bodies and the local authority agree that this reference should be removed and replaced with a reference to the Local Plan Review material.

Paragraph 2.4.5 notes: “Due to a lack of supply since 2000, rural settlement affordable housing need has not been met in the neighbourhood plan area”; however, there is no source reference that establishes this unmet need. The local authority has requested that further clarity be provided here by reference to the Council’s most recent Housing Land Supply Statement with a base date of April 2019.

2.5 Melksham Town and 2.6 Melksham Without Introduction

No comment (but the picture selection is impressive).

2.7 Sustainable Development and Climate Change

I note that paragraph 2.7.4 uses the form of words advised by Wiltshire Council that accords with the resolution passed by the Council. However, paragraph 2.7.6 does not and I suggest that the words “to be Carbon Neutral by 2030” are simply omitted.

Recommendation 3:

3.1 Under the heading “2.2 Key facts about the Plan area” ensure that all the bullet points are appropriately source referenced and that the clarity of the last-but-one point is improved.

3.2 Under the heading “2.3 The wider context: National”:

3.2.1 In paragraph 2.3.1 replace “be consistent with” with ‘have regard to’.

3.2.1 In paragraph 2.3.2 replace “all higher level planning policy” with “the strategic policies of the Wiltshire Core Strategy (adopted 2015)’.

3.3 Under the sub-heading “Wiltshire”:

3.3.1 In paragraph 2.3.4 remove “(shown on Figure 3)” and “(the Melksham Community Area will change from May 2021)”.

3.3.2 In paragraph 2.3.5 replace “the housing requirement in Melksham (Town) and the remainder of the Community Area is now zero (Wiltshire Council Housing Land Supply Statement, April 2018)” with ‘there is no outstanding housing requirement for either area (Wiltshire Council Housing Land Supply Statement (HLSS), December 2020)’.

3.4 Under the heading “2.4 The approach to the Neighbourhood Plan”:

3.4.1 In paragraph 2.4.2 replace the second half beginning “This will be borne out in ...” and its bullet points with ‘The ‘Planning for Melksham’ paper currently forming part of the Local Plan Review Regulation 18 consultation states that Place Shaping Priorities ‘will be the basis for an overarching planning policy for Melksham and are also a starting point for policies that can be in neighbourhood plans. The Council will continue to work with Town and Parish Councils to find the priorities best suited to delivering sustainable development and town centre improvements.’

3.4.2 In paragraph 2.4.5 replace point 4 with:

‘According to the latest Wiltshire Council HLSS (December 2020), housing requirements for the Melksham Neighbourhood Area have been met. The specific situation at Shaw/Whitley, as evidenced in housing supply data provided to the steering group by Wiltshire Council, is that little market housing and no affordable housing has been delivered in the village since 2000. This would not be addressed through strategic Local Plan allocations. Meeting a rural housing need will be

addressed in this Neighbourhood Plan through an allocation of land at Middle Farm Whitley (see Policy 7).'

3.5 Under the heading "2.7 Sustainable Development and Climate Change" in paragraph 2.7.6 omit the words "to be Carbon Neutral by 2030".

3 The Vision and Objectives

3.1 The Vision and 3.2 Objectives

These have admirable clarity and I have no comments.

4 Planning Policies

Figure 5 will need to be reviewed in the light of my Recommendations on the Policies and its key needs some more detail to allow for it to be easily read.

Recommendation 4:

Under the heading "4 Planning Policies" on figure 5:

4.1 Relabel the "Strategic Green Infrastructure Corridors" as 'Indicative Green Infrastructure Corridors' and bring the detail into line with figure 9, ensuring that all the GI corridors (and the key) are, appropriately to their indicative status, exactly the same width across each of their lengths.

4.2 Replace the acronyms in the key with full Plan titles.

4.3 Add to the key entry for "Settlement Framework Boundary". 'Core Strategy CP2 and Wiltshire Housing Site Allocations Plan (WHSAP).'

Sustainable Development and Climate Change

Policy 1: Sustainable Design and Construction

I note that the context for Policy 1 in the National Planning Policy Framework (2019) says (para 149 and footnote 48): "Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures, in line with the objectives and provisions of the Climate Change Act 2008." However, The Secretary of State in a Written Ministerial Statement to the House of Commons (March 2015) stated that neighbourhood plans should not set "any additional local technical standards or requirements relating to the construction, internal layout or the performance of new dwellings". The ability to set energy efficiency targets is limited to local plans only, as set out by the Secretary of State in the same Written Ministerial Statement. Matters relating to reducing the carbon footprint of new dwellings is being taken forward by the Government, at a national level particularly through the Building Regulations (particularly Part L). The Government has recently issued a response to the Future Homes Standard consultation which confirmed the actions that are being taken forward to address this in line with international obligations. Therefore, the wording of Policy 1 (and the supporting text) needs to be tempered accordingly.

In its representation Wiltshire Council has commented: "Wiltshire Council as an organisation is aiming to become carbon neutral by 2030, whereas it is '**seeking to make the county of Wiltshire carbon neutral by 2030.**' There is a subtle difference because the Council cannot control every activity taking place in the county. The wording of Policy 1 reads as though the neighbourhood plan is supporting Wiltshire Council as an organisation to become carbon neutral but it should be referring to the county of Wiltshire as a whole. It is suggested the policy is reworded as follows: 'We will support development and infrastructure proposals that contribute to Wiltshire becoming carbon neutral by 2030.'"

However, it is my view that the use of “We” in a Development Plan Policy is misleading and therefore inappropriate. The opening sentence of Policy 1 might therefore be more appropriately worded as ‘Development and infrastructure proposals that contribute to Wiltshire becoming carbon neutral by 2030 will be supported.’ The reference within the Policy to “Innovative approaches” is just one aspect of a planning application which must be judged in the round and therefore ‘are encouraged’ is more appropriate than “will be supported”.

Another representation comments (*inter alia*) “Policy 1 will become part of the adopted development plan once JMNP is 'made' therefore it needs to be sufficiently clear to be applied by decision makers, however it refers to matters that are the subject of building regulations (e.g.; thermal capacity and insulation). These matters should not be the subject of planning policy but should be applied by qualified Building Inspectors through the Building Regulations process” and “Policy 1 gives no indication of the size of development to which this policy should apply, it simply refers to 'any new development'” and “Adopted Policy 41 refers to considerations of viability in its application yet JMNP Policy 1 makes no reference to viability considerations. Planning policy that is overly onerous will hinder the delivery of necessary new homes.” These are relevant considerations which need to be accommodated in the Policy wording.

Recommendation 5:

Under the heading “Sustainable Design and Construction”:

5.1 Within “Policy 1: Sustainable Design and Construction”:

5.1.1 Reword the opening paragraph as: ‘Within the constraints of scale and viability, development and infrastructure proposals that contribute to Wiltshire becoming carbon neutral by 2030 will be supported. Proposals should therefore address sustainable design and construction which includes:’.

5.1.2 From element iv) delete “(e.g. through materials with high thermal capacity and good insulation)”.

5.1.3 In the final paragraph replace “will be supported” with ‘are encouraged’.

5.2 In paragraph 4.2.1 replace “Wiltshire Council’s ambition to make the county carbon neutral by 2030” with ‘Wiltshire Council’s resolution to seek to make the county of Wiltshire carbon neutral by 2030’.

5.3 In the final sentence of paragraph 4.2.3 replace “promote” with ‘acknowledge’.

5.4 In the first sentence of paragraph 4.2.5 replace “sets out” with ‘acknowledges’.

As amended Policy 1 meets the Basic Conditions.

Local Energy Generation

Policy 2: Local Renewable and Low Carbon Energy Generation

I note that there is a context provided within the NPPF for Policy 2 – paragraph 152 states that local planning authorities “should support community-led initiatives for renewable and low carbon energy”. For local context the Qualifying Bodies have explained: “The aim of this policy is again to be supportive and to encourage communities to take a more active role in the production of renewable and low carbon local energy such as in other parts of Wiltshire. For example, Nadder Community Energy Benefit Society, generated approximately 472,458 KW electricity and raised over £90,000 for the community through a range of installations including via solar PV on local school roofs.” I believe that this detail provides a relevant justification and encouragement for a local Policy and it would be helpful to include the detail

in an information box or to replace the more general information in the existing information box “Renewable and Low Carbon Energy”.

The wording of this Policy seeks to make a distinction between generation which will be “supported” and the appropriate locating of the generator which will be “strongly supported”. In practice the added emphasis is irrelevant because every proposal will have to be assessed in context and the weight to be attached to factors will be down to the decision maker to justify.

Recommendation 6:

Under the heading “Local Energy Generation”:

6.1 Within “Policy 2: Local Renewable and Low Carbon Energy Generation” in the second paragraph delete “strongly”.

6.2 On page 31 consider adding an information box or replacing an existing one with details of the Nadder Community Energy Project (including a source reference).

As amended Policy 2 meets the Basic Conditions.

Flood Risk and Natural Flood Management

Policy 3: Flood Risk and Natural Flood Management

The degree to which this Policy is Neighbourhood Area based is questionable. The repetition of related policy expectations and guidance from other planning tiers is not appropriate (NPPF paragraph 16f). Since the National Design Guide already “includes guidance on integrated water management that enhances the character of a place and makes it more resilient” this Policy ought to address what that means in particular for Melksham.

The Qualifying Bodies have responded: “Flood Risk is a key local issue and it was felt important to have a policy that addressed this issue. In particular, the South Brook catchment area has been identified as a priority flood risk area by both the Environment Agency and Wiltshire Council. South Brook and its tributaries flow through Whitley, Shaw, Shurnhold and Beanacre. The area has seen many incidents of flooding as noted in the supporting text. Bristol Avon Rivers Trust (BART) have been working in the South Brook catchment area for the delivery of the Natural Flood Management (NFM) works. This policy seeks to support the local NFM works to conserve and enhance the ecological flood storage value of the water environment, including watercourse corridors and catchments and for developments in areas with known surface water flooding issues, to include appropriate mitigation and construction methods, including where appropriate, contributions towards wider catchment projects.” Therefore, this is the local detail on which a flood policy in a Neighbourhood Plan should concentrate.

Higher water efficiency standards are subject to a very specific set of evidence requirements (www.gov.uk/guidance/housing-optional-technical-standards#water-efficiency-standards); a representation adds “The introduction of enhanced environmental standards (part v) must be supported by an appropriate viability assessment”. It is therefore not appropriate for the Neighbourhood Plan to venture into this topic without detailed work.

A representation also contributes toward an appropriate rewording of elements of this Policy: “The NPPF and PPG both highlight that Sustainable Drainage Systems (SuDS) should be provided as part of major development schemes unless there is evidence that it is not appropriate to do so [NPPF (2019) – Paragraph 165 & PPG Paragraph: 079 Reference ID: 7-079-20150415]In this regard, it is recommended that the following element of the policy is amended to state, “All major development which includes provision of Sustainable Drainage Systems (SuDs), where appropriate, as part of the Natural Flood Management approach and wider Green Infrastructure networking will be supported”.”

Recommendation 7:

Under the heading “Flood Risk and Natural Flood Management”:

7.1 Reword Policy 3 as follows:

‘Particularly in the South Brook catchment area, natural flood management works to conserve and enhance the ecological flood storage value of the water environment, including watercourse corridors and catchments, are supported. Where development proposals are in areas with known surface water flooding issues, they should include appropriate mitigation and construction methods, including where appropriate, contributions towards wider catchment projects. Major development should include provision of Sustainable Drainage Systems (SuDs), where appropriate, as part of the Natural Flood Management approach and wider Green Infrastructure networking.’

7.2 Add an information box alongside this Policy providing the following information with a source reference: *‘The South Brook catchment area has been identified as a priority flood risk area by both the Environment Agency and Wiltshire Council. South Brook and its tributaries flow through Whitley, Shaw, Shurnhold and Beanacre. The area has seen many incidents of flooding. Bristol Avon Rivers Trust (BART) have been working in the South Brook catchment area for the delivery of the Natural Flood Management (NFM) works.’*

As amended Policy 3 meets the Basic Conditions.

Ultra Low Emission Vehicle Charging

Policy 4: Ultra Low Emission Vehicle Charging

Wiltshire Council and others have noted: “The DfT consultation [electric vehicle charging in residential and non-residential buildings] is closed and awaiting feedback. This is likely to be addressed in updated Building Regs and in the Local Plan Review. Wiltshire Council support this policy in principle but without government mandate this is not currently applied by Highways development control on residential developments.” Therefore, the Policy should not seek to address the detail of charging points etc.

A representation comments: “A requirement for large numbers of EVCPs and reliance on electricity to power low carbon heating systems will require a larger connection to new development and will introduce a power supply requirement with any upgrade required dependent on existing capacity in the local network. The Government appreciates that the cost to developers of installing charging points where electrical capacity reinforcement is required will be higher and a potential exemption on the requirement to install a charge point may be considered based on grid connection cost. It is considered therefore that the JMNP should not introduce a policy concerning ultra-low emission vehicle charging prior to the Government introducing nationwide proposals through Building Regulations.”

Summarising, a representation notes: “The policy must be supported by an appropriate viability assessment, and the wording redrafted to confirm 1) the nature of the requirement and 2) insertion of circumstances whereby exemptions would be agreed.”

In response the Qualifying Bodies have commented: “This policy seeks to maximise opportunities to secure ULEV infrastructure through planning policy to assist in meeting carbon neutrality objectives. As set out in the supporting text, there is clear government direction on ULEV, though we are awaiting the outcome of the consultation from the summer of 2019 which proposed to alter building regulations for electric vehicle charge points. The CSE guidance for Neighbourhood Planning [in] a Climate Crisis refers to a made Neighbourhood Plan including a policy for the provision of electric charging points (page 55), but the example policy does not extend to shared or off-plot parking.” I do however note that the Examination of the example Plan signposted was completed in January 2020 whereas there is now more detail on the way that Government intends to address this issue.

Therefore, having regard to the current policy context, Policy 4 can do no more than encourage.

Recommendation 8:

Under the heading “Ultra Low Emission Vehicle Charging” reword Policy 4: Ultra Low Emission Vehicle Charging as follows:

‘Development proposals for houses with on-plot parking spaces and/ or garages are encouraged to provide appropriately located charging technology for charging low emission vehicles, such as an electric vehicle charging point. Where shared or off-plot parking spaces are provided, the charging provision locations should have appropriate regard for pedestrian movement. Proposals for new employment, leisure or retail developments are also encouraged to make provision for charging facilities for staff and / or other users.’

As amended Policy 4 meets the Basic Conditions.

Housing and Infrastructure

Policy 5: Community Engagement

A representation notes: “Policy 5 is not a policy for the development and use of land. Paragraph 041 of the Guidance states that “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications”. In this case, a decision maker would not be able to use draft Policy 5 when determining planning applications; for example, it is not a policy that a decision-maker could include in a list of refusal reasons. Rather it is an advisory procedural statement, expressing an (understandable) aspiration for applicants to engage in proactive and effective engagement on development proposals.”

The Qualifying Bodies responded “This policy seeks to consolidate pre-application community engagement positively as [a] material consideration when an application is being considered, i.e. applications where there has been pre-application engagement with the community, particularly on design issues, will be looked on more favourably than applications where there has not been that engagement (as per NPPF paragraph 128). Through the Neighbourhood Plan Policy and Protocol, locally specific detail is added to enable the delivery of that aspiration outlined in the NPPF and in national planning guidance as set out in the supporting text. It is also noted the neighbouring Parish of Seend has a similar policy in a Neighbourhood Plan which is proceeding to referendum.”

Given that the NPPF provides a specific context within which community engagement might be material to decisions on the development and use of land, and the Seend Neighbourhood Plan provides an acceptable form of words noting that the use of the Protocol can only be encouraged, I recommend that the Policy wording should be amended to align with the Seend wording. In relation to the proposed Protocol, I will note a representation under that heading toward the end of this Report.

Recommendation 9:

Under the heading “Housing and Infrastructure” and sub-heading “Policy 5: Community Engagement” reword Policy 5 as follows:

‘Applications that can demonstrate early, proactive, proportionate and effective engagement with the community will be looked on more favourably than applications that have not, in line with National Planning Policy. Pre-application community engagement is also expected for Reserved Matters Applications as well as Outline or Full. Potential applicants are therefore encouraged to follow the approach set out in the Melksham Community Engagement Protocol and the Wiltshire Council Statement of Community Involvement.’

As amended Policy 5 meets the Basic Conditions.

Policy 6: Housing in Defined Settlements

Wiltshire Council has noted: “Criterion i) of this policy refers to WCS Core Policy 2 with regards to Limits of Development. The Limits of Development for Melksham and Bowerhill and Shaw/Whitley were actually amended by the Wiltshire Housing Site Allocations Plan (WHSAP) - adopted February 2020 - so this policy should refer to both WCS Core Policy 2 and to the WHSAP.”

A representation comments: “The justification for the policy is set out in 4.7.1-4.7.2. However, this is not robust, and fails to reflect the latest assessments of housing need. In any event, the policy wording fails to reflect the Core Strategy which expressly states that the housing requirements are a ‘minimum’ (see Core Policy 2). The last sentence of paragraph 4.7.2 does not make logical sense, and its cross reference to p14 appears incorrect. For all these reasons it is not open to the Draft Neighbourhood Plan to seek to install a settlement boundary and other restrictive policy at a time when radically insufficient provision has been made for housing needs, without following the process in the PPG.” Another representation suggests that the Policy is inappropriate: “[Policy 6] serves no purpose other than to dilute the Core Strategy policy. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The repetition of support for Core Strategy policy is therefore unnecessary and should be deleted.” The representation then goes further and suggests the need for amendment: “It is noticeable from the plans of the area within the Neighbourhood Plan that due to the iterative process in which policy in the Wiltshire Development Plan has been reviewed, not all policies align. In this case, the settlement boundary does not reflect the extent of the Brownfield area of the Upside site, nor the extent of the allocated employment area or area outside the flood risk area. The Neighbourhood Plan should address this to ensure that the full extent of the site is shown located within the Settlement boundary to avoid confusion and maximise the resource of a previously developed site.” A separate representation raises another issue: “the boundary is drawn to exclude the site at Verbena Court / Eastern Way.”

Another representation goes further still and contends that “this policy should be worded more flexibly in accordance with Paragraphs 11 and 16(b) of the NPPF (2019) and the requirement for policies to be sufficiently flexible to adapt to rapid change and prepared positively”. The representation proposes “that Policy 6 should support development adjacent to the existing settlement provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development”.

The Qualifying Bodies have noted that “Core Strategy Policy 2 is adopted and compliant with paragraph 11(d) ii of the NPPF and informs the Wiltshire Council’s Housing Site Allocations Plan 2020. Policy 6 does not seek to redefine settlement boundaries set by the Wiltshire Housing Sites and Allocations Plan 2020. It does not seek to impose alternative criteria associated with proposals for development within, adjacent or beyond them.” To this I would add that, had the Neighbourhood Plan wished to alter such factors or boundaries, significant evidence would have been required in justification.

As it stands Policy 6 simply repeats what is already in the Core Strategy, but I appreciate that it is providing a context for Policy 7. To tailor it to the Neighbourhood Plan, at the very least the relevant settlements should be named. Also, the language helpfully could be simplified – there are too many uses of “permitted” in paragraph 2 and “required” in paragraph 4. The commas in paragraph 3 don’t help its readability and may obscure the point that only rural exception sites are considered “appropriate” outside the built area. I also question the use of “quality” in para 1 (iii) since, if the adjacent area is of poor quality, would

that be the standard to which the new site should aspire? As suggested above, the data provided in paragraph 4.7.1 should now be updated to April 2019.

Section numbering: I note that at this point in the Plan a series of section numbers are applied, here 4.3.2 up to 4.6.4 but these numbers are not used consistently and they do not relate to the paragraph numberings used below them. I conclude that these numbers are a left-over after a re-editing of the section/paragraph numbering. The important thing is that the numbering is consistent and logical, which is not the case presently; my Recommendations below suggest the removal of the numbering because the lack of a number for previous sections/sub-sections has not given rise to any issues (and if they were tied into the Policy numbering then a further editing issue would arise).

Recommendation 10:

Under the sub-heading “4.3.2 Housing Development”

10.1 Remove the “4.3.2” section reference.

10.2 Reword Policy 6 as follows:

‘Proposals for sustainable housing development within the settlements of the Neighbourhood Area will be supported where they:

- i. accord with the Settlement Boundary provisions of Wiltshire Core Strategy Core Policy 2 and the Wiltshire Housing Sites Allocations Plan (WHSAP);*
- ii. include a suitable mix of house types, sizes and tenures informed by and addressing the current and demonstrable needs for Melksham and Bowerhill, Shaw and Whitley large village and the small villages in accordance with Wiltshire Core Strategy Core Policy 45 (Meeting Wiltshire’s Housing Needs), and*
- iii. have regard to the character of and integration with the surrounding area.*

In accordance with Wiltshire Core Strategy Core Policy 2, development will not be permitted outside the Settlement Boundary other than in circumstances as permitted by other policies within the Core Strategy.

At the small villages of Beanacre and Berryfield, development will be limited to infill within the existing built area or, where it is appropriate to provide a rural exception site for affordable housing to meet identified local needs, outside but well connected to the built area.

Affordable housing provision will be in accordance with Core Policy 43 which sets out when this is required and indicates the proportions which will be sought from open market housing development.

In principle support will be given to proposals for custom or self-build projects in locations where new residential development is acceptable.’

10.3 Update paragraph 4.7.1 and the related table to show the 2019 data in place of the 2018 data; update the footnote reference accordingly.

10.4 Within the “Settlement Boundary” box, in the last sentence of paragraph 1, reverse the order of “Shaw and Whitley” and “Melksham and Bowerhill” to accord with the “Market Towns and Large Villages” sequence used earlier.

As amended Policy 6 meets the Basic Conditions.

4.3.3 Allocation of Land at Middle Farm, Corsham Road, Whitley

A representation comments that “In principle” Policy 7 is supported “and the allocation of land at Middle Farm, Corsham Road for the development of approximately 18 dwellings

[which] demonstrates the Plans positive and aspirational approach [Planning Practice Guidance Paragraph: 005 Reference ID: 41-005-20190509].”

Wiltshire Council has commented: “With regards criterion i) of this policy, because the wording refers to ‘approximately’ 18 dwellings, it is quite possible that a developer may come forward with a slightly different number, possibly higher. Therefore, it may be best to remove the specific requirement for 6 affordable homes, and just say ‘including affordable homes in conformity with Wiltshire Core Strategy Core Policy 43’. This will prevent only 6 being provided as part of a possible higher overall provision.” I would add that the site criteria ought also to mention the two Grade II listed buildings located to the north of the site.

Although it is unfortunately not referenced, I am aware that there is supporting material behind the allocation of this site. Whilst the Planning Guidance supports or even encourages Neighbourhood Plans to exceed indicative housing requirements (in this case for the “remainder Community Area”), the accompanying “reason” for the Policy fails to address, briefly, how the scale of the housing requirement was determined and confirmation that the site at the indicated density has been assessed as deliverable, and also why and on what basis a site adjacent to rather than within the settlement was selected. Nor is it explained to what extent the expected provision of a play area on a site of this scale is supported by Wiltshire policies and/or on the basis of a catchment area wider than the site itself. Representations have queried why, if there is a serious commitment to address the local need for affordable housing, the site was not allocated as a “rural exception” site thus providing for 100% affordable housing.

The Qualifying Bodies have responded as follows:

“Allocation Assessment and Viability: A call for sites was conducted as part of the JMNP process. Rural sites were put forward for assessment. No suitable sites within the Shaw and Whitley large village settlement boundary were made available. The site has been the subject of assessment both by AECOM and the Steering Group’s own design and landscape consultants. Whilst some constraints have been identified, the site was considered viable. The proposed amount and density of development has been the subject of dialogue with the land owner and through the Regulation 14 and Regulation 16 consultation processes. This has raised no issues challenging the viability of the site.

Community Green Space and Play Area Provision: There are no public children’s play facilities or any public areas of natural green space in Whitley. The nearest facilities are in neighbouring Shaw. In principle, the provision of these facilities, combined with enhancements to pedestrian crossing facilities and PROW enhancements linking to the open countryside, introduces new green infrastructure facilities to the community. The precise amount and balance between natural open space and equipped children’s play facilities will be the subject of negotiation through any subsequent planning application and be informed by Wiltshire Council’s play space standards.

Rural Exception Site Option: The site needed to be allocated to give greater assurance of the provision of affordable housing as part of a market housing development. There has also been a lack of market housing delivery within Shaw and Whitley. A mixed market and affordable housing development contributes towards addressing this shortfall.”

Another representation comments: “The Core Strategy classes Whitley, along with the adjacent settlement of Shaw, as a large village. It is fifth in the settlement hierarchy (Core Policy 1) which defines Large Villages as settlements with a limited range of employment, services and facilities. It is therefore not a sustainable location for development compared with Melksham which is one of Wiltshire’s largest market towns where there are employment opportunities, a broad range of shops, facilities and services and public transport including a main line railway station. Accordingly, sites should be allocated in Melksham in advance of

rural areas such as Whitley.” I should note here that, as the Examiner, I need to be satisfied that the Neighbourhood Plan contributes to the achievement of sustainable development but not whether, in some way, the Plan could achieve more sustainability. And as noted earlier, “Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop in ways that meet identified local need and make sense for local people” (Planning Practice Guidance Paragraph: 003 Reference ID: 41-003-20190509).

The Qualifying Bodies have responded:

“Sustainability of Shaw and Whitley: It is not accepted that Shaw and Whitley are unsuitable for housing allocation. If the respondent had quoted further, they would have seen Core Strategy Policy 1 classifies large villages as sustainable locations where “...developmentwill be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities”. Comments above set out how development at Middle Farm will deliver the first affordable housing in the village for many years, market housing and community open space and play facilities where none is available in Whitley at present. The allocation may be viewed as a good example of the application of [Core] Policy 1.”

And the approach has been supported by the local authority: “Shaw/Whitley, as a Large Village, is considered by WCS Core Policy 1 as suitable for a limited level of development to help retain the vitality of the settlement. It is appropriate for a neighbourhood plan to allocate sites outside of the settlement boundary of a Large Village as per WCS Core Policy 2. Development at Large Villages should be limited to that needed to help meet the housing needs of settlements, which Policy 7 does.”

In relation to the text supporting Policy 7, Wiltshire Council has also commented: “In its comments on the Reg 14 draft Plan, Wiltshire Council requested that paragraph 4.8.2 be amended as follows: ‘Taking into account the potential large-scale housing requirement for the neighbourhood area through the emerging Wiltshire Local Plan Review, **which may require a strategic approach to allocation through the Local Plan itself**, the decision was taken....’ The addition of the bold text is considered important in order to add clarity to the reason why no site allocations are proposed in Melksham and Bowerhill in the neighbourhood plan.”

I would also add, from my visit to the Neighbourhood Area it was apparent that the eastern boundary to the site does not exist on the ground; therefore figure 6 needs to cover a broader area to allow for the allocated site boundary to be better identified in relation to the existing topography. However, subject to the improvement of the supporting ‘reasons’ section and some amendments to the Policy wording for clarity, I am satisfied that Policy 7 has regard to national policy and guidance, with a well-conducted and proportionate site assessment process, is in general conformity with the Core Strategy, which acknowledges that Neighbourhood Plans will allocate sites to meet local needs, and will contribute to the achievement of sustainable development, appropriately supporting the needs of Shaw and Whitley.

Recommendation 11:

Under the heading “4.3.3 Allocation of Land at Middle Farm, Corsham Road, Whitley”:

11.1 Remove the “4.3.3” section reference.

11.2 Amend Policy 7 as follows:

11.2.1 Add to the first paragraph in brackets after “Whitley” an approximate hectareage for the site and ‘as identified in figure 6’.

11.2.2 From element (i) delete “six”.

11.2.3 In element (iii) correct the formatting.

11.2.4 In element (iv) correct the punctuation.

11.2.5 Add ‘, protects the setting of adjacent listed buildings’ to element (vi) after “Whitley” and before “and conserves”.

11.2.6 In element (vii) replace “an” with ‘any’.

11.2.7 In element (viii) add ‘across Corsham Road’ after “crossing facility”.

11.3 On page 42 improve figure 6 to show more of the surroundings of the site to allow the boundary to be more readily identified in relation to existing features.

11.4 Amend paragraph 4.8.2 to replace the third sentence with: ‘Taking into account the emerging Wiltshire Local Plan Review, which may require a strategic approach to allocation through the Local Plan itself, the decision was taken to give no further consideration in this Plan to those sites adjacent to the settlement boundary of Melksham and Bowerhill.’

11.5 Amend paragraph 4.8.3 to replace the last two sentences with: ‘Since 2000 there has been little market housing and no affordable housing built within either settlement. This land allocation therefore redresses that shortcoming.’

11.6 Between paragraphs 4.8.3 and 4.8.4 (amending the latter paragraph number accordingly) add the following:

‘4.8.4 A call for housing sites was conducted as part of the JMNP process. Rural sites were amongst those put forward for assessment. No suitable sites within the Shaw and Whitley large village settlement boundary were made available. The site has been the subject of assessment both by AECOM and the Neighbourhood Plan’s own design and landscape consultants [add a footnote reference to the ‘Additional Rural Site Assessments’].

4.8.5 Whilst some constraints were identified, the Land at Middle Farm, Corsham Road, Whitley site was selected as viable and capable of development at a scale and density that complements Whitley’s existing residential character. The proposed amount and density of development has been the subject of dialogue with the land owner and community input through the Regulation 14 consultation. These have raised no issues challenging the suitability or viability of the site.

4.8.6 To give greater assurance of the provision of affordable housing, the site has been allocated as a market housing development with an obligation to include affordable housing in accordance with Core Strategy Policies. There has also been a lack of market housing delivery within Shaw and Whitley. A mixed market and affordable housing development contributes towards addressing these shortfalls.

4.8.7 There are no public children’s play facilities or any public areas of natural green space in Whitley. The nearest facilities are in neighbouring Shaw. In principle, the provision of these facilities within the allocated site, combined with enhancements to pedestrian crossing facilities and public footpath enhancements linking to the open countryside, introduces new green infrastructure facilities to the community. The precise amount and balance between natural open space and equipped children’s play facilities will be informed by Wiltshire Council’s play space standards.’

As amended Policy 7 meets the Basic Conditions.

4.3.4 Infrastructure Phasing and Priorities

Evidently Policy 8 has in its sights developments at a scale larger than that provided for at Policy 7. At least part of this Policy wording is not an appropriate part of a land-use policy but may appropriately be part of the “Priority Statements” appended to the Plan.

A representation comments:

“The JMNP should not give false hope to the local community that new housing development can also deliver new community infrastructure as it is for the Town and Parish Council and the Melksham Neighbourhood Board to lobby Wiltshire Council to ensure the delivery of infrastructure identified in the Wiltshire Infrastructure Delivery Plan (IDP). The emerging Wiltshire Local Plan Review should also be accompanied by a new associated IDP on submission.

Housing developments deliver housing and the physical onsite infrastructure necessary to make a scheme sustainable. An applicant is also required to pay a Community Infrastructure Levy where a local authority has an adopted CIL in place and to enter into any S.106 legal agreements that are reasonably related to the proposal which may include on site, off site or financial contributions required to make a scheme policy compliant in terms of open space & playing pitches, affordable housing, education, libraries or other reasonable requirements. Developers are not required to deliver whole healthcare centres, schools or public transport services per se, they can contribute towards these matters in accordance with the viability of a scheme and in accordance with the requirements of S.106 of the Town and Country Planning Act 1990 (as amended).

It is not always possible for the delivery of new community infrastructure to phase with the delivery of new homes owing to the complexity of delivery of schools and healthcare projects requiring public and private sector partners and often a multiplicity of funding streams. This point should be acknowledged in the JMNP and the wording of Policy 8 amended accordingly.”

A supportive representation suggests an amended wording:

“To ensure the sustainability of housing development, proposals must consider, assess and address their necessary infrastructure requirements and, *in so far as they relate to matters within the Applicant’s control*, plan any related programmes of work in parallel with the housing to ensure that infrastructure keeps pace with the needs of the community (*additions in italics*).”

Another representation notes: “To ensure flexibility and the alignment of the neighbourhood plan with the emerging LPR, it is suggested that reference to the Wiltshire Core Strategy is removed and amended with reference to the ‘adopted and relevant development plan documents’.”

The Qualifying Bodies have responded: “We would welcome refinement to this policy as suggested and agree that non land-use elements would be better transferred to the [Priority Statements]”. The Recommendations below adopt that approach.

Recommendation 12:

Under the heading “4.3.4 Infrastructure Phasing and Priorities”:

12.1 Remove the “4.3.4” section reference.

12.2 Amend Policy 8 as follows:

12.2.1 Reword the first paragraph as:

‘To ensure the sustainability of housing development, proposals must consider, assess and address their necessary infrastructure requirements and, in so far as they relate to matters within the Applicant’s control, plan any related programmes of work

in coordination with the housing to ensure that infrastructure keeps pace with the needs of the community.'

*12.2.2 Reword the second paragraph as;
'Infrastructure requirements, in proportion to their scale and in accordance with prevailing Wiltshire policies, will be charged through the Community Infrastructure Levy (in addition to those to be delivered through planning conditions or section 106 agreements).'*

12.2.3 Remove the third paragraph for later inclusion, as considered appropriate, in the "Priority Statements" section.

12.3 Amend paragraph 4.9.3 by deleting the time-expired last sentence.

12.4 Since paragraphs 4.9.5 – 4.9.7 are no longer anchored in the Policy, move this content alongside the related Policy paragraph to the "Priority Statements" section.

As amended Policy 8 meets the Basic Conditions.

Shopping, Working and Getting Around

4.4.1 Town Centre

The Qualifying Bodies have explained that Policy 9 is aimed at reinforcing Core Strategy Retail and Leisure Policy CP38 specifically for Melksham town centre. Its primary aim is to protect the vitality and town centre economy of the defined area. Words used within the Policy hint at an expectation that the Town Centre will expand: "redevelopment of existing employment uses within edge of centre locations must be considered on the basis of their relationship to the existing town centre and the potential to expand the town centre"; indeed there is overlap with Policy 10 on Employment Sites. I note that the "town centre" relates to the "Commercial Area as defined in Wiltshire Core Strategy". To be fully readable figure 7 needs to declare the map source to allow for further reference there.

I note that Policy 9 differs from Core Strategy Policy CP38 in a number of significant respects:

- i) CP38 relates to edge of centre and out of centre locations whereas the equivalent part of P9 relates (confusingly) to proposals "within or adjacent to edge of centre locations" within 300m of Melksham Commercial Area.
- ii) CP38 relates to proposals in excess of 200 sqm whereas P9 relates to all proposals.
- iii) CP38 requires a proportionate impact assessment whereas P9 makes no mention of an impact assessment (although it is perhaps implied by the need for an assessment of harm).
- iv) CP38 references "national guidance and established best practice" whereas P9 references a forthcoming Town Centre Master Plan.

It is evident that the scale of town centres or central areas will vary hugely across Wiltshire and, in acknowledgement of this, the Core Strategy (paragraph 6.29) says "The Core Strategy envisages that each Market Town develops more detailed local policy through neighbourhood planning or another similar process". I further note that the Core Strategy Melksham Area Strategy says (paragraph 5.80) "the town centre is in need of regeneration and the retail offer has suffered for a number of years". More recently the "Planning for Melksham" element of the emerging Local Plan review notes as a policy priority: "Ensure town centre regeneration through continued investment in the town centre, maximising brownfield land and encouraging employment opportunities". I imagine that such thinking is also behind the ambition for a Town Centre Masterplan. A Masterplan supported by proportionate evidence and input from retailers and other central area businesses could provide a sound basis for a local policy. My present assessment however is that proportionate and current evidence is not presented in support of a piecemeal and

potentially flawed (if it diverts investment) approach to town centre support as suggested by parts of Policy 9. The “300m from the Commercial Area” guideline seems particularly arbitrary given the very different constraints that will apply at different parts of the existing, very irregular boundary. Further, the degree of permanence with the significantly changing retail patterns as a response to the pandemic is as yet unclear. Not clear either are the impacts of the Government’s continuing review of the planning use classes, designed to achieve the flexibilities that Policy 9 is also said, in part, to be seeking. These uncertainties add further importance to the need for a thorough and evidenced approach. Therefore Policy 9 from the heading “Edge of Centre Development” onward cannot be considered to meet the Basic Conditions. Since there is already a commitment to an early review of the Neighbourhood Plan, the Town Centre Masterplan ought to be a significant part of that review.

In relation to the wording of Policy 9:

- Although it is difficult to read, figure 5 would seem to indicate that there are parts of the Commercial Area that are not within the Conservation Area; therefore element ii) within paragraph 1 needs to acknowledge that the Conservation Area expectation might not always be applicable.
- It is not clear how a development proposal “iii) ensures access to public transport and car parking”.
- Paragraph 2 has rather been overtaken by national changes with the Use Classes which permit many changes of use without the need for a formal planning consent; at the very least the paragraph would have to acknowledge that it only relates to instances where a planning consent is required. A representation goes further and suggests: “It is anticipated that the changes required to these draft policies [Policies 9 & 10 and arising from the Use Classes changes] are such that further consultation would be required.” However, I note that these changes are imposed as a result of a continuing review of national policy.
- The significance of the references to “waymarked routes” within the Policy is unclear.
- Further to my comments above, it is hard to see what a prospective developer might be expected to provide to satisfy the expectation that “redevelopment of existing employment uses within edge of centre locations must be considered on the basis of their relationship to the existing town centre and the potential to expand the town centre.”
- Since the Town Centre Masterplan has yet to be produced and will not have been subject to the same consultation and referendum as the Neighbourhood Plan, it is not possible for Policy 9 to forward-bind proposals. Whilst the supporting text might reference the intention to produce a Plan (although this is also highlighted in the Priority Statements section) the Policy itself would need to refer more generally to the need to have regard to ‘current and appropriate guidance’.

A representation comments: “Avonside Enterprise Park represents a significant opportunity for Melksham to expand its town centre and deliver a distinctive gateway and riverside location. Changes were requested to the site’s draft designation in the emerging NP. Including the site in an expanded town centre boundary in the NP would be an ambitious change in policy that helps facilitate the comprehensive regeneration of the site in support of the long-term vitality and viability of Melksham Town Centre. [The representation] is disappointed to see that little has changed with regard to the site’s designation or the policy wording of Draft Policy 9 and 10 (Town Centre and Employment) to allow for greater flexibility in the uses on the site. The town centre boundary hasn’t changed. The site remains to be assessed as a ‘Business Park’ under Draft Policy 10, whereby only B1, B2 and B8 uses are supported” [albeit the changes in the Use Classes noted above will apply]. The Qualifying Bodies have noted that considerable additional evidence would have been needed to vary the Commercial Area boundary and “Wiltshire Core Strategy Policy Map 10

(Melksham and Bowerhill Village) identifies Avonside Enterprise Park as an existing employment site which is subject to employment policy CP35. JMNP Policy 10 reinforces CP35 and seeks to protect employment uses and support regeneration of employment sites. The current Local Plan Review provides an opportunity for Avonside Enterprise Park to be promoted for alternative uses.”

Recommendation 13:

Under the heading “4.4.1 Town Centre”:

13.1 Remove the “4.4.1” section reference.

13.2 Amend Policy 9 as follows:

13.2.1 Reword the first paragraph as follows:

‘Development proposals within the town centre Commercial Area as defined in Wiltshire Core Strategy (see figure 7) will be supported provided:

i the use will contribute to sustaining or enhancing the range or quality of shopping provision and the vitality and viability of the town centre;

ii the proposal is in keeping with the scale and character of the centre of this Market Town and, where appropriate, preserves or enhances the Conservation Area;

iii access to public transport, cycle routes and car parking is considered and addressed;

iv where appropriate, a positive contribution is made to conserving and enhancing the appearance and quality of primary frontages and town centre pedestrian and cycle routes;

v appropriate regard is demonstrated for current and appropriate national and local guidance and established best practice.

Development proposals at edge of centre locations which are inter-connected with the Commercial Area will, additionally to the above, be required to evidence that there are no suitable and viable sites or buildings within the defined Commercial Area.’

13.2.2 In the second paragraph replace “Proposals” with ‘Planning applications’.

13.2.3 In the third paragraph delete the second sentence.

13.2.4 Delete the headings “Edge of Centre Development” and “Town Centre Expansion” and their related paragraphs.

13.2.5 Remove the heading “Town Centre Master Plan” and its related paragraph since the subject is already noted below the Policy and the ‘hook’ for future guidance is included within the revised Policy wording.

13.3 Provide a source reference(s) for figure 7 and ensure that the abbreviations used in the key are all included in the Glossary.

13.4 In paragraph 4.10.6 provide a source reference for “The Melksham Town 2020 - 2036 Scoping Report (2019)”.

13.5 In paragraph 4.10.9 ensure that the page reference for the related part of the “Priority Statements” is correct – it presently says page 82 whereas in fact it is 83.

As amended Policy 9 meets the Basic Conditions.

4.4.2 Employment Sites

The sentence in Policy 10 “Proposals for employment development within Melksham and Melksham Without will be supported subject to compliance with all relevant development plan policies” is more a statement of fact than of policy. Further, the Policy would not appear to add anything to the Core Strategy Policies quoted in the supporting text and indeed it may serve to confuse because:

- There is only a partial use of the Core Strategy Policy criteria for Market Towns (and incidentally the supporting text references figure 9 when that should be figure 7).
- Recent changes in the Use Classes should be reflected in the Policy but may need further consideration - the introduction of classes E and F and the consequent subsuming of classes A1; A2; A3; B1 (SI 2020 757).
- The compatibility between the Town Centre content here and Policy 9 is not obvious.

A representation suggests there is some internal Plan inconsistency: “Policy 10 seeks to support employment proposals which retain, regeneration [*sic*] and intensify previously developed employment land, while it is noted that Priority Statement 5 (PS5) highlights that the Parish and Town Councils will support the allocation of new employment land to the Bowerhill Industrial Estate” and therefore “the Councils’ intended approach is unclear and further consistency between the wording of Policy 10, PS5 and Objective 8 is required”.

I suggested to the Qualifying Bodies that it might be said that, after allowing the supporting text to state the Core Strategy position, the elements particular to Melksham are:

- Proposals for the retention, regeneration and intensification of previously developed employment land are encouraged.
- Proposals for start-up and small businesses are particularly encouraged to enable the growth of a range of new employment opportunities.

The Qualifying Bodies responded: “The Parish and Town Council both support employment proposals on previously developed employment land and supports (*sic*) the allocation of further land to ensure sufficient employment locally.” In relation to the latter, I note that the Neighbourhood Plan does not seek to allocate specific sites for employment use (and indeed there is no obligation upon it to do so) and the “Planning for Melksham” document for the emerging Local Plan Review says: “On current evidence, further employment land is not needed at Melksham. Land is already allocated in the existing Wiltshire Core Strategy. Employment land supply has been reviewed and the existing supply is available and is capable of meeting needs”. To avoid unhelpful repetition and potential confusion the scope of Policy 10 needs to be amended and simplified. The Town Centre Policy 9 already addresses the particular policy requirements for that area.

Recommendation 14:

Under the heading “4.4.2 Employment Sites”:

14.1 Remove the “4.4.2” section reference.

14.2 Amend Policy 10 as follows:

“Proposals for the retention and reuse of previously developed employment land will be supported in principle, particularly by start-up and small businesses bringing a range of new employment opportunities. The Principal Employment Areas and the central Commercial Area are shown on figure 7. Proposals should seek to generate the same number, or more, permanent full time equivalent jobs as the existing or former use.”

14.3 In paragraph 4.11.1 provide a reference for the “2016 Joint Strategic Assessment”.

14.4 In paragraph 4.11.3 correct “area within the black boundary on figure 9” as “the areas hatched in red on figure 7 are”.

As amended Policy 10 meets the Basic Conditions.

Sustainable Transport and Active Travel

I note that Core Strategy Policy 60 supports the approach of Policy 11: “The council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.” Some small wording changes in Policy 11 will improve clarity and use.

The Qualifying Bodies agreed with a suggestion in a representation that consideration might be given to the spending of CIL receipts on improvements to the sustainable travel network, and public realm and the Recommendations below therefore suggest that this be added to the “reason for the policy” section.

Recommendation 15:

Under the heading “Sustainable Transport and Active Travel”:

15.1 Within Policy 11:

15.1.1 In the first paragraph capitalise “Travel Plan” and immediately after add in ‘(in accordance with Core Strategy Policy CP61); delete “in the Plan area” and replace “access” with ‘movement’.

15.1.2 In the second paragraph replace “our” with ‘the local’, between “network,” and “further” add ‘proposals that would achieve’, delete the two subsequent uses of the word “strongly”.

15.2 Add to paragraph 4.12.1 “Consideration will be given to the spending of Town and Parish Council CIL receipts on improvements to the sustainable travel network, and public realm.”

15.3 Update the fifth paragraph under the heading “Melksham Railway Station” by replacing “is being implemented in 2020” with ‘commenced in 2020’.

15.4 Add a source reference for figure 8 and the “Sustainable transport hierarchy” diagram.

As amended Policy 11 meets the Basic Conditions.

Community Well-being and Nature Green Infrastructure

The context for Policy 12 is the NPPF section 15 and Core Strategy Policy CP52. Figure 9 makes it clear that Policy 12 aims to be particular to Melksham. However, the two parts of Policy 12 seem, essentially, to repeat the same points, which could be better distinguished. Figure 9 is referenced in the Policy but that is not itself source referenced. Figure 9 refers to “Key Assets and Priorities” but neither the key nor the text makes any distinction between what constitutes a ‘key asset’ and what a ‘priority’; the status of the elements illustrated, some of which are not included in the key, is therefore unclear (although the information content on page 60 is helpful). This lack of clarity has already given rise to questions and challenges:

i) Wiltshire Council has commented: “Wiltshire Council has an objection to the size and location of the GI corridor north of Melksham shown in figures 5 and 9, between the River Avon and the historic line of the Wilts and Berks canal. It is considered that the River Avon

should certainly be a GI corridor but it should not extend all the way east to the historic canal line (restoration of which is a very long-term aspiration), creating an unnecessarily wide bulge. Wiltshire Council own Forest Farm and the land around the farm contained in this part of the proposed GI corridor – it is agricultural land, very little of which falls within the Avon flood plain. The Council requests that this proposed GI corridor is amended to make it narrower and associated with the River Avon only.”

ii) Another representation has commented: “With regards to the annotation of plans within the Neighbourhood Plan, it should also be made clear that these are diagrammatic. For example, Figure 5 shows the strategic green infrastructure corridor line over virtually the whole of the Upside site which is not all within a Green Corridor. The Corridor is the line of the South Brook here and redevelopment of the site will help to enhance this and the plans should be amended in this regard to avoid misinterpretation.”

iii) Another representation recommends “that the Plan’s green infrastructure priorities are focussed toward specific schemes and assets such as the MELW42 walking route, national cycle route and canal link project; rather than highlighting an extremely broad area of illustrative setting where demonstrable physical attributes that elevate its importance out of the ordinary have not been identified within the evidence base which simply lists general landscapes surrounding the settlement [The Local Landscape Character Neighbourhood Plan Report (February 2020)]”; therefore it is suggested that “the ‘illustrative setting of K&A canal’ is removed from the Plan”.

iv) Another representation comments: “Figure 9 identifies an ‘Important Green Gap’ within our clients land, south of Western Way, limited to the northern edge. The extent of this area is not clear from the plan provided. We do not object to a Green Gap in principle strictly subject to the width of that gap being confirmed in a properly scaled plan. The proposals for development on the site being promoted identifies this as retained green infrastructure, including allotments, play space, and attenuation within an area of retained green infrastructure. We assume that as per national and local policies, that these uses are acceptable within the Green Gap, including the provision of necessary access and infrastructure (such as car parking associated with the allotments). This should be clarified.”

The Qualifying Bodies have responded to these comments as follows:

“Figure 9 [derived from the GI Evidence Base Report] is intended to be diagrammatic only; detail such as the width of green gaps are intended to be for illustrative purposes only. In relation to identified corridors and assets, information demonstrating how GI has been incorporated into the scheme in order to increase function and improve connectivity of GI through the site and beyond linked into identified corridors and assets should be demonstrated in any planning applications. This includes the provision of necessary access and infrastructure (such as car parking associated with the allotments). It is expected that site specific information on GI would be developed through planning proposals (and informed by early pre-application consultation).”

Whilst I am satisfied that the GI Evidence Base Report provides suitable evidence in general terms it is vital that the status of the content in figure 9 (and to the extent applicable also in figure 5) is clear and consistently referred to as diagrammatic; the Qualifying Bodies agree this must be so. The obligation within Policy 12 for development proposals to consider and explain their interconnection with local green infrastructure is legitimate but could be improved.

A representation also notes that the Green Infrastructure Report on the consultation website does not include its appendices. Whilst I do not believe that these are material to the understanding of the Report, at the very least a weblink to the content of the Appendices ought to be available.

Recommendation 16:

Under the heading “Community Well-being and Nature” and the sub-heading “Green Infrastructure”:

16.1 Amend Policy 12 as follows:

‘Development that will result in the creation of new Green Infrastructure (GI) and/or contribute to the protection, management, enhancement and connectivity of existing GI will be supported; the potential for GI within the Neighbourhood Area is illustrated diagrammatically in figure 9.

Proposals for major developments must:

- i. identify the existing GI within and around the development site, and*
- ii. demonstrate how GI has been incorporated into the proposal, and*
- iii assess and address how the proposal will benefit the function and connectivity of GI through the site and beyond.*

16.2 Replace the first sentence of paragraph 4.13.3 with: *‘Figure 9 illustrates diagrammatically GI assets and their connectivity potential as identified in the GI Evidence Base Report [add footnote reference].’*

16.3 In paragraph 4.13.5 provide a source reference for “Building with Nature accreditation”.

16.4 Significantly improve figure 9 by:

16.4.1 Retitling it as *‘Diagrammatic illustration of the potential for Green Infrastructure’*.

16.4.2 Providing a source for the detail on the map.

16.4.3 Ensuring that all the GI corridors are, appropriately to their indicative status, exactly the same width across each of their lengths.

16.4.4 Making the *‘Important Green Gaps’* indicative with a star or similar rather than a size-suggestive blob.

16.4.5 Ensuring that the key is accurate, referring to *‘Illustrative’* GI corridors, removing the green outline to the symbol for the *Illustrative* setting of the K&A Canal (to match the actual illustration on the map), *‘Illustrative’* important green gap.

As amended Policy 12 meets the Basic Conditions.

Biodiversity

I note that the context for Policy 13 is the NPPF section 15 and Core Strategy Policy CP50. A representation notes: “Since the previous Regulation 14 consultation, draft Policy 13 has been amended to require development proposals to be accompanied by a Biodiversity Net Gain Plan which demonstrates at least a 15% improvement in “biodiversity value” within and, where appropriate, beyond the site in order to “deliver tangible benefits for biodiversity in the Plan area”. [The representation] supports the policy flexibility to bring forward biodiversity enhancements either on or off-site so that improvements are delivered in the most appropriate location.

The Basic Conditions Statement at pages 14/15 states that seeking a minimum of 15% is “in line with forthcoming national legislation”. However, this figure of a minimum 15% biodiversity net gain is in excess of the minimum 10% net gain outlined in the forthcoming Environment Bill, which whilst having been delayed, is likely to receive Royal Assent in autumn 2021. The rationale for increasing the level of required net gain above that likely to

be required by law is not justified within the submission draft JMNP and its evidence base. There is no supporting evidence presented to explain why a minimum of 15%, as opposed to a minimum of 10%, must be required to achieve the JMNP's objectives for the plan area. This is not in line with paragraph 040 of the Guidance which states that "Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan" (emphasis added) nor paragraph 041 of the Guidance that a policy in a neighbourhood plan should be "supported by appropriate evidence". It is also notable that Wiltshire Council's Local Plan Review policy papers (Addressing climate change and biodiversity net gain through the Local Plan – raising the ambition, January 2021) outlines a policy aim to provide a minimum of "10% net biodiversity gain on site, or off-site in accordance with measures to be set out in policy and the emerging GBI Strategy" (page 16, included at Appendix A)."

The Qualifying Bodies have responded: "The 10% BNG requirement that will be mandated by the Environment Bill is a minimum figure only. As such there is scope for LPAs and neighbourhood plan Steering Groups to stipulate a higher percentage requirement within biodiversity policies in local plans and neighbourhood plans respectively. On the advice of Wiltshire Council, the Steering Group sought to require a percentage that aligns with the plan objectives, as it is not obligatory to align exactly with what will be required by the Environment Bill; a minimum BNG requirement of 15% is considered a reasonable percentage and indication of the need for tangible benefit for biodiversity especially when considered in relation to the number of current planning applications, and the future levels of growth anticipated in the next local plan period. There is local ambition to raise the minimum requirement for BNG in the Neighbourhood Area and to positively encourage measurable net gains for biodiversity."

I conclude however that there is not proportionate evidence provided to justify the very specific "15% net gain" sought and neither is evidence provided that might show the approach to be deliverable across the whole range (size and type) of planning proposals. The scale of the gain is in proportion to the scale of development so the percentage does not need to be adjusted on that basis. The Wiltshire document referenced above (January 2021) I feel fairly summarises the present Policy context for a Biodiversity Policy, including specific attention for protected species.

Another representation has commented on the second paragraph of the Policy: "The second paragraph of the draft policy is not in accordance with the NPPF paragraph 175. It incorrectly seeks to apply the test, of "exceptional circumstances", to any ecological feature; as opposed to the national policy of applying this test to SSSIs only. Further, the draft policy references 'no residual adverse impacts' when national policy references 'significant harm'; this is a different test. This paragraph of the policy requires amendment to ensure it complies precisely with the NPPF."

The Qualifying Bodies responded that "The aim in this second paragraph is to limit as far as possible the negative impacts on biodiversity from development projects and to seek best practice of minimising and addressing any negative impacts" however "It is agreed that this second paragraph of the policy could [be] made clearer". In fact I believe that this exchange over wording has illustrated that trying to reflect the NPPF in alternative words is unhelpful, unnecessary and potentially misleading; accordingly I conclude that the second paragraph can be omitted without detriment.

Whilst it is helpful that the Plan notes the nature and location of wildlife sites, it is unfortunate that figure 10 is not based upon the Neighbourhood Area; the Qualifying Bodies agreed that it could be amended to be restricted to the Neighbourhood Area.

Recommendation 17:

Under the heading “Biodiversity”:

17.1 Amend Policy 13 as follows:

‘Development proposals, including those for field based solar farms. will be expected to deliver at least a 10% improvement in “biodiversity value” within and, where appropriate, beyond the site in order to deliver tangible benefits for biodiversity, including specific attention for protected species.

Protection and enhancement of statutory and non-statutory nature conservation sites (as shown on figure 10) is a priority for the Neighbourhood Area and development proposals must demonstrate sensitive responses to these sites where necessary, such as accommodating a buffer zone.’

17.2 In paragraph 4.14.3 delete the sentence “This policy looks for a minimum of 15% in order to deliver a tangible benefit for biodiversity.” and in the final sentence remove the duplication of “the”.

17.3 Amend figure 10 to restrict it to the sites within the Neighbourhood Area boundary and its title to the map alone.

As amended Policy 13 meets the Basic Conditions.

Information box: Melksham Canal Link Project

A representation comments: “We recognise that this is an aspiration of the Draft Neighbourhood Plan Steering Group, and indeed the safeguarded route [is] within the existing Development Plan. However, the final paragraph indicating that housing would be delivered alongside the link is entirely inappropriate and should be deleted. Minutes from the March 2019 Draft Neighbourhood Plan Steering Group meeting indicated that Wiltshire Council also expressed concern around the wording associated with enabling housing, and that this ‘could open the door to inappropriate, unwanted housing development’. Presumably there is no requirement for enabling development to be located immediately bordering the proposal, and we are not aware that this land is within the control of the Applicant’s [sic] for the project.” The Qualifying Bodies have suggested an amended form of words which is the basis of the Recommendation below.

Recommendation 18:

Within the Information box titled “Melksham Canal Link Project” delete the sentence “The project will need to be financed largely by new housing alongside the new canal link, which does not form part of the present planning application.” with ‘The project is being coordinated by the Wilts and Berks Canal Trust [add footnote] in collaboration with funders who envisage how the canal will be delivered. The Town and Parish Councils would wish any associated development to be appropriate and in accordance with the vision and policies of this Plan.’

4.5.3 Open Spaces

The context for Policy 14 is the NPPF section 8 and Core Strategy Policy CP52. Additionally, the NPPF sets out an expectation that planning policy should be expressed positively (paragraph 16(b)). Policy 14 is unfortunately expressed negatively but can be rewritten to a positive form: ‘Development proposals that should demonstrate....’. However, I am uncertain that there is a full compatibility between the supporting text (and hence the Policy itself) and the figure 11 maps as keyed (source unreferenced). The text says “The open space in the Plan area is defined as green spaces which have recreational value and are freely accessible to the community. (Allotments and school playing fields, which are generally not freely accessible, but are important components of open space provision, are the exceptions to this.)”; the maps’ key shows “Natural Green Space (limited access)” which possibly would be land outside the metric of the Wiltshire standard and might be considered

to have development potential. In a similar manner, there would seem to be some overlap or potential for confusion with the Policy 12 protection of Green Infrastructure (not least because of the way that Core Strategy Policy CP52 is framed).

The Qualifying Bodies have responded: "Wiltshire Council's Open Space Study (2015) includes standards for Natural Green Space. It states: 'Some sites will have statutory rights or permissive codes allowing the public to wander in these sites. Others may have defined Rights of Way or permissive routes running through them. For the remainder of sites there may be some access on a managed basis. Many natural spaces may not be 'accessible' in the sense that they cannot be entered and used by the general community, but they can be appreciated from a distance, and contribute to visual amenity. **Although such spaces are not the subject of standards developed by this study, their value is recognised.**'

Therefore, [it is agreed that] Natural Green Space (Limited Access) should not be considered in the same way as other types of open space on Figures 11abc, as it does not have a Wiltshire Council standard. This could be explained in supporting text." Therefore Policy 14 and its supporting text need some amendment for clarity and to meet the NPPF expectation of a positive statement.

A representation comments: "We welcome the revision of Figure 11 in accordance with our comments made to the Regulation 14 consultation – and the removal of amenity green space from land within our client's control. However, we are concerned that the Green Infrastructure Report underpinning the Policy, and referenced within it, has not been updated (see Map 1). This leaves uncertainty in regard to those areas which have subsequently been revised. The Map in the supporting Report should be updated to ensure consistency, and compliance with the draft Policy." The Qualifying Bodies have agreed that this will be done.

Recommendation 19:

Under the heading "4.5.3 Open Spaces":

19.1 Remove the "4.5.3" section reference.

19.2 Amend Policy 14 as follows:

'Development proposals that involve the whole or partial loss of an existing open space (as shown on figure 11 and detailed in the Green Infrastructure Report) must demonstrate:

- i. from an assessment of open space provision, using the quantity and access standards for open space as set out by Wiltshire Council, that there is a surplus in the catchment area of open space beyond that required to meet both current and forecast need, and full consideration has been given to all functions that the open space performs, or*
- ii. that a replacement open space (or enhancement of the remainder of the existing site) provides a net benefit to the community in terms of the quantity, quality and accessibility of the open space including by walking and cycling.'*

19.3 Amend paragraph 4.15.1 as follows:

'The open spaces in the Neighbourhood Area are defined as green spaces which have recreational value and are freely accessible to the community but allotments and school playing fields, which are generally not freely accessible but are important components of open space provision, are also included. The 'natural green spaces with limited access', whilst included in figure 11 because of its value to the community, is excluded from the Wiltshire quantity and access standards for open space.'

19.4 Provide a source reference for the figure 11 maps.

As amended Policy 14 meets the Basic Conditions.

4.5.4 Community Facilities

The context for Policy 15 is the NPPF section 8 and Core Strategy Policy CP49. A number of queries arise from the wording of the Policy. As with Policy 14, a positive expression of what the Policy is seeking is required. It is helpful that the Plan identifies the specific community facilities of the Neighbourhood Area (albeit the Qualifying Bodies have added a caveat that the mapping may not be exhaustive) but I would expect the maps to be referenced within the Policy. No supporting justification is provided for the very specific requirement that replacement buildings should be “within a walking distance of 800 metres”, nor is it explained how this might equate with “an equally accessible or more accessible location” or “located where there is a choice of travel options”. Similarly, it is not established that the requirement that “evidence must be provided to confirm that the property or site has been effectively marketed for a period of at least six months” should be a realistic expectation in every instance. “Proposals for partnership working with national or local agencies to develop strategic community facilities” would not themselves be the subject of a planning consent, albeit the building proposals arising would be.

The Qualifying Bodies have suggested or agreed amendments to address most of these issues. However, I am not convinced by the explanation for the “800m” walking expectation. The Qualifying Bodies note: “The specific walking distance requirement is informed by the Chartered Institution of Highways and Transportation (CIHT) 2015 document Planning for Walking (2015), which provides the following guidance on walking distances: “Most people will only walk if their destination is less than a mile away. Land use patterns most conducive to walking are thus mixed in use and resemble patchworks of “walkable neighbourhoods”, with a typical catchment of around 800m, or a 10 minute walk” (CIHT, 2015, p.29). An ‘equally accessible location’ would be within 800m or a 10 minute walk from the facility being lost.” However, for some, if the present facility is a 10 minute walk away, the new facility could be up to a 20 minute walk away even though the Policy expectation has been met. Or a bus-stop could be within a 10 minute walk, with a bus route to the gate of the new facility. I believe that the ‘walkable neighbourhood’ concept has been misapplied in this instance.

Recommendation 20:

Under the heading “4.5.4 Community Facilities”:

20.1 Remove the “4.5.4” section reference.

20.2 Amend Policy 15 as follows:

20.2.1 Amend the first paragraph to read:

‘Development proposals that involve the loss, in whole or part, of a community facility (as identified in figure 12 and detailed in the Community Facilities Report) must demonstrate that:

i. adequate alternative provision exists or will be provided in an equally accessible or more accessible location, including by walking and cycling, within the catchment area of the facility; or

ii. it would not be economically viable, feasible or practicable to retain the building or site for use as a community facility; redevelopment for non-community use will only be considered as a last resort and where all other options have been exhausted.’

20.2.2 Amend the second paragraph to remove at the end of the paragraph the duplicated “of any”.

20.2.3 Amend the third paragraph by adding ‘or replacement’ between “New” and “community”.

20.2.4 Remove the fourth paragraph to the supporting text under “The reason for the policy”.

20.3 Split paragraph 4.16.2 into two paragraphs (renumbering subsequent paragraphs accordingly) adding “However, the list and maps produced for the Neighbourhood Plan cannot be said to be exhaustive (there are almost certainly more facilities than those included on the maps)” after the second sentence and then starting the new paragraph at “At the time of writing”.

As amended Policy 15 meets the Basic Conditions.

Natural and Built Environment

Trees and Hedgerows

The context for Policy 16 is the NPPF section 15 and the Core Strategy Policy CP51. It is helpful that the Neighbourhood plan identifies the tree features of the Neighbourhood Area. I note that some of the Policy detail derives from Government Guidance and this would not need to be repeated if it was referenced in the text – a source reference is vital as content may change over the lifetime of the Plan. Some adjustment is therefore required on this account.

I note the rather tangential reference to the “Bristol Tree Replacement Standard” on which a representation has commented:

“While not included in the text of Policy 16, the text of the JMNP refers at paragraph 4.17.5 to the Bristol Tree Replacement Standard as a methodology to inform replacement trees in the Neighbourhood Area. Objection is raised to the use of the Bristol Tree Replacement Standard as it will have been prepared with regard to the replacement of street trees or trees within a predominantly urban environment. Melksham is a Market Town set within open countryside where the landscape setting of existing trees is significantly different to Bristol.” As is noted in the representation, the reference to the Bristol Tree Replacement Standard is in the supporting text rather than in the Policy. However, outside of the Policy it should not be suggested that the methodology is other than advisory and the wording should reflect that status. As the Qualifying Bodies have noted to me (my emphasis added): “The aim of this standard is to *inform* an approach to planting suitable numbers of replacement trees in relation to trees lost, and to contribute to an increase tree canopy coverage in the plan area overall.”

Recommendation 21:

Under the heading “Natural and Built Environment” and the sub-heading “Trees and Hedgerows”:

21.1 Amend the wording of Policy 16 as follows:

21.1.1 Amend the first paragraph to read:

‘To be supported, development proposals should ensure that there will be no loss or deterioration of the irreplaceable habitats of ancient woodlands (as shown in figure 12) and ancient or veteran trees found outside ancient woodland, unless the need for and benefits of the development in that location clearly outweigh the loss. In accordance with current guidance [add footnote reference] a minimum buffer of at least 15 metres in width should be maintained between ancient woodland and any development boundary. A buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree.’ The footnote reference should point to: <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#ancient-woodland>

21.1.2 Amend the first sentence of the second paragraph to read:

‘To be supported, development proposals should ensure that there is no damage to or loss of trees of good arboricultural and amenity value.’

21.1.3 In the third paragraph add 'in principle' after "supported" at the end of the sentence.

21.2 In paragraph 4.17.5 replace "should be used as a methodology" with 'can be used' and in the second sentence replace "underpin an discussions" with 'underpin discussions'.

21.3 Provide a source reference for figure 13.

As amended Policy 16 meets the Basic Conditions.

Landscape Character

The context for Policy 16 is the NPPF section 15 and the Core Strategy Policy CP51. It is helpful that the Neighbourhood plan identifies the landscape features of the Neighbourhood Area and that the Landscape Character Report has been prepared for reference. A representation acknowledges that "the current wording within policy 17 provides sufficient flexibility and supports development that recognise the character of the landscape features within any proposals".

However, Wiltshire Council in their representation has noted the following:

"34. It is noted that the Neighbourhood Planning Group did approach the Wiltshire Council Archaeology Service to gather information relating to heritage from the Historic Environment Record (HER). This included information from the Wiltshire Historic Landscape Characterisation (HLC) dataset. This evidence appears in an associated gazetteer which is helpful, but the Historic Environment Record (HER) should also be listed in the evidence bases at the end of the Neighbourhood Plan draft to demonstrate the due diligence the authors took to gather information.

35. The Neighbourhood Plan has several objectives (7, 14 and 15) that talk about enhancing and preserving character and landscape and that they are important material considerations for the growth and evolution of Melksham/Melksham Without. However, while there is evidence and statements relating to current landscape character (from Wiltshire Council's own Landscape Character Assessment) there is no explicit mention or consideration of Historic Landscape Character (from the HLC dataset). There are undoubtedly elements of Historic Landscape Character (tangible elements of past land-use that influence the present-day landscape) that have an influence on the sense and place and identity of the present-day town and surrounding rural areas.

36. Mention is made of the past history of Melksham and how the landscape and industry have shaped the town and parish. This could be supplemented by information on Historic Landscape Character and linked to it more obviously within the plan. This need not be covered in the same depth as the present-day landscape character (which has a whole section dedicated to it) but might be further explored by a few key statements or linking phrases. After all, to identify the full extent of character and local distinctiveness then an understanding of the former dimension of the landscape (or townscape) is helpful. This information could be referred to in the text for policies 17 (Landscape Character), 18 (Locally Distinctive High-Quality Design) or 19 (Local Heritage) as historic landscape character has a role in all of these policies, and what they hope to achieve."

Another representation comments: "The Draft Neighbourhood Plan references a 'Landscape Character Report'; which does not currently appear as part of the current consultation. We assume this is the same Report as that consulted upon as part of the Regulation 14 consultation and that this has not been revised (V2 Dated February 2020). However, the final bullet at #4.18.3 references a landscape gap between Bowerhill and Melksham – however, this is not referenced in the Landscape Character Report. We assume this relates

to the Important Green Gap identified under Policy 12. This is not the same as a Landscape Gap and we suggest that this is removed from reference from this policy section.”

The Qualifying Bodies have responded: “Statements or linking phrases on historic landscape character can be added to the text for policies 17 (Landscape Character), 18 (Locally Distinctive High-Quality Design) or 19 (Local Heritage) in recognition of the role historic landscape character has in all of these policies, and what they hope to achieve. The Historic Environment Record was accessed as part of the evidence base for the plan (and is placed in full on the Neighbourhood Plan website) and can be drawn on and referenced to add in text that links into historic landscape character. It is acknowledged that the final bullet at #4.18.3 references a landscape gap between Bowerhill and Melksham is not referenced in the Landscape Character Report. However, it is a key area of green space and gap between settlements and does therefore have a landscape function within the settlement.” Accordingly, some amendments are proposed below (and also in subsequent sections) to address these points and ensure clarity.

Recommendation 22:

Under the heading “Landscape Character”:

22.1 Within Policy 17:

22.1.1 In the opening sentence add ‘proposals’ after “Development”.

22.1.2 In element ii add ‘and historic landscape’ between “landscape” and “assessments”.

22.1.3 Amend element iii as follows:

‘respond sensitively to the transition between settlement edge and countryside and maintain the separate identity of settlements’.

22.2 Delete the fourth bullet point in paragraph 4.18.3.

22.3 Add between paragraphs 4.18.3 and 4.18.4 (the latter to be renumbered):

‘Elements of Historic Landscape Character (tangible elements of past land-use that influence the present-day landscape) have also influenced the sense of place and identity of the present-day town and surrounding rural areas and should be drawn on within major planning proposals.’

22.4 Provide a source reference for figure 14.

As amended Policy 17 meets the Basic Conditions.

4.6.3 Locally Distinctive, High Quality Design

The context for Policy 18 is the NPPF section 12 and the Core Strategy Policy CP57. It is recognised in both of these that the character of Melksham and Melksham Without should be a positive influence on the design of new development. There are a number of drafting points that might interfere with the application of the Policy.

- Paragraphs 1,3 and 5 of the Policy appear to each have the same expectation expressed in slightly different wording – repetition is unhelpful.
- The confused phrase “responded positively to guidance set out in been informed by the Rapid Community Character and Distinctiveness Statement which will be used to inform assessment of scheme design proposals” needs more clarity and, for ease of use, a source reference is needed in the text.
- The expectation of a “design compliance statement” lacks clarity or apparent purpose since a ‘Design and Access Statement’ is already a national expectation.

- Most of the stated expectations for a “masterplan” are ones that are not exclusive to “major developments”; a masterplan would be an expectation to demonstrate how large new development can be integrated with the existing form and scale of a settlement.

The Qualifying Bodies have suggested amendments upon which the Recommendations below are based.

Recommendation 23:

Under the heading: “4.6.3 Locally Distinctive, High Quality Design”:

23.1 Remove the “4.6.3” section reference.

23.2 Amend Policy 18 as follows:

‘Development proposals that contribute positively to the conservation, enhancement and extension of the quality and local distinctiveness of Melksham and Melksham Without will be supported.

In addition to having regard to the National Design Guidance and Wiltshire Council design policy, development proposals must demonstrate how they have been informed by the Melksham Rapid Community Character and Distinctiveness Statement [add footnote reference] and therefore how they have responded positively to the history and character of the area in which the site is located.

Proposals for major development must demonstrate through a masterplan how the proposed development layout, density, access proposals and building design approach complement and extend the positive characteristics of Melksham and Melksham Without’s settlements and landscape, both historic and topographic.’

23.3 Within paragraph 4.19.5 provide footnote references for the documents mentioned.

As amended Policy 18 meets the Basic Conditions.

4.6.4 Local Heritage

The context for Policy 19 is the NPPF section 16 and Core Strategy Policy CP 58. It is helpful that the Neighbourhood plan identifies the heritage features of the Neighbourhood Area. However, policies that seek to replicate national policy protections in different wordings to those applying everywhere will give rise to confusion. The core national expectation is that heritage assets “should be conserved in a manner appropriate to their significance”. Using other terms than “significance” is unhelpful.

Wiltshire Council has commented: “Policy 19 appears to concern itself solely with historic buildings, with no mention made of below-ground or surface archaeological sites. The archaeological heritage mentioned in paragraph 4.20.6 should be a consideration in any future planning applications and should be accompanied by a heritage statement that sets out the archaeological potential of a proposed development and area and also makes clear how any impacts should be mitigated via fieldwork.” A suggested amended wording is provided.

The Qualifying Bodies agreed with these suggestions.

Recommendation 24:

Under the heading “4.6.4 Local Heritage”:

24.1 Remove the “4.6.4” section reference.

24.2 Amend Policy 19 as follows:

24.2.1 Within paragraph 1 replace “enhance and protect” with ‘preserve or enhance’.

24.2.2 Amend the second paragraph to read:

‘For other areas of local heritage importance including archaeological importance, together with buildings or structures that are noteworthy as unlisted local heritage assets as illustrated in the Rapid Community Character and Distinctiveness Statement [add footnote reference], development proposals must demonstrate that appropriate consideration has been given to:

- i. the significance of the heritage asset;*
- ii. its most distinctive and important features;*
- iii. the elements of its setting and immediate surrounds that contribute to its significance, and*
- iv. the contribution the asset and its setting makes to the character of the local area (whether in the Conservation Area or not).’*

24.3 Split paragraph 4.20.1 into two (and amend subsequent paragraph numbers accordingly); after the first sentence add ‘The Historic Environment Record was accessed as part of the evidence base for the plan (and is placed in full on the Neighbourhood Plan website [footnote reference]) and has been drawn on in the preparation of this Policy’; after this sentence start the new paragraph.

24.4 Amend paragraph 4.20.6 to read:

‘The Parish of Melksham Without is rich in archaeological remains. The northern parish boundary follows the route of the former Roman road between Mildenhall and Bath, while a small Roman town and substantial Iron Age settlement have recently been discovered to the north west of Beanacre. Most of the Parish is covered with the remains of prehistoric, Roman and medieval settlements, with earthwork remains from former medieval and post-medieval field systems particularly prominent.’

24.5 Provide a source reference for figure 18 or the data included in it.

As amended Policy 19 meets the Basic Conditions.

5 Priority Statements

As is noted at the opening of this section, the “Priority Statements” are “outside the remit and scope of this Neighbourhood Plan”. However, the Statements have attracted a number of comments from those making representations and, for the integrity of the Plan document as a whole, it is important that content is not misleading. Accordingly, I make a number of Recommendations below the need for which has been acknowledged by the Qualifying Bodies.

Recommendation 25:

Under the heading “Priority Statements”:

25.1 Amend the opening statement on page 82 to read:

‘Priority statements illustrate the commitment of the two Councils to bringing their influence to bear on matters outside the remit and scope of this Neighbourhood Plan either because they are strategic in nature or address issues beyond this Neighbourhood Plan time period. These ‘statements’ are not presented in any order of priority.’

25.2 Under the sub-heading “Priority Statement 1: Wiltshire Local Plan Review” replace the second sentence with:

‘A ‘Planning for Melksham’ paper currently forms part of the Local Plan Review Regulation 18 consultation and this states that Place Shaping Priorities ‘will be the basis for an overarching planning policy for Melksham and are also a starting point for policies that can be in neighbourhood plans. The Council will continue to work with Town and Parish Councils

to find the priorities best suited to delivering sustainable development and town centre improvements.'

25.3 Under the sub-heading "Priority Statement 2: Town Centre Regeneration", in the first sentence, replace "consider and comply with" with 'be aware of'; if considered appropriate, add in here the content removed from Policy 9 and its supporting paragraphs.

25.4 Under the sub-heading "Priority Statement 3: Transport Infrastructure – By-Pass" add at the end of the first sentence 'although it must be noted that the options for a By-pass are still at an early stage'.

25.5 Under the sub-heading "Priority Statement 4: Levels of Growth and Infrastructure" provide a source reference for the Wiltshire Care Commission report mentioned in the last paragraph.

25.6 Under the sub-heading "Priority Statement 5: Employment" add at the end of the second sentence 'as a need for further land is indicated by the Wiltshire Employment Land Review 2018 [add footnote reference]'.

Glossary, Footnotes and List of Figures

Recommendation 26:

26.1 Review the Glossary and Footnotes to ensure that they provide a complete set of references for the Plan especially including acronyms in the Glossary.

26.2 Review the List of Figures to ensure that title amendments made as a result of Recommendations above are picked up.

Appendix 1 Community Engagement Protocol

I note that "10 Commitments for Effective Pre-application Engagement" published nationally by a group representing planning, industry and community groups" is not source referenced. Also, a set of footnotes (labelled a, b, c) have apparently been left stranded on page 95 from an editing process and should now be removed.

A representation comments: "Appendix 1 of the JMNP sets out the JMNP Community Engagement Protocol. At Additional Notes at the end of Appendix 1 the Town and Parish Council retain their request to be party to S.106 negotiations; " As a consultee, the relevant Council requests to be consulted by Wiltshire Council and **developers on all S106 Agreements to ensure the most locally responsive results.**"

It is re-iterated [in the representation] that S.106 Agreements are not matters that are subject to third party consultation, they are legal agreements either submitted as Unilateral Undertakings or as agreements between two or three parties, i.e.; a developer, the Council and/or a third party.

Appendix 1 states that discussions about planning obligations should also take place as early as possible in the planning process, however national planning practice guidance refers to the consideration of legal agreements as part of the pre-application consultation process not [that] final S.106 legal agreements be party to third party consultation. See <https://www.gov.uk/guidance/planning-obligations> Paragraph: 013 Reference ID: 23b-013-20190315 last revised 15th March 2019.

[This representation] requests that reference to Melksham Town Council and the Parish Council being consulted on all S.106 agreements within the Neighbourhood Plan area be removed from the Community Engagement Protocol."

The Qualifying Body has responded: "The Town and Parish Council wish to highlight the references to consultation on S.106 agreements is included in the additional notes as a request, and only as appropriate." However, the representation correctly states the legal

position with regard to the S106 Agreements – as distinct from discussion with the developer about the nature and extent of their proposals – and as the Protocol is referenced in the related Policy 5, the Protocol should not mislead as to what can be achieved. Town and Parish Council ‘wishes’ are a matter for the “Priority Statements”.

Recommendation 27:

Within “Appendix 1 Community Engagement Protocol”:

27.1 Provide a source reference for the “10 Commitments for Effective Pre-application Engagement”.

27.2 Delete the stranded footnotes on page 95.

27.3 Under the heading “Additional Notes” delete the first paragraph.

As amended the Protocol is appropriate to be referenced within Policy 5 of the Plan.

Other matters raised in representations

A significant number of representations sought to promote housing development opportunities that could have formed, in the judgement of those making the proposal, part of the Plan. However, even if the Qualifying Bodies had been minded to consider these, the inclusion of additional sites for development would have entailed a re-run of the community consultations, further delaying a Plan, work on which commenced in 2014. The Qualifying Bodies were made aware of these representations and they could have called a halt to the Examination if they had wished. As the Examiner, having considered the supporting evidence for the scope of housing allocation included in the Plan, and having concluded that the Basic Conditions were met, I had no further reason to consider the sites presented through representations.

Some representations have suggested additional content that the Plan might include. However, given that the Neighbourhood Plan sits within the Plan documents as a whole, keeping content pertinent to identified priorities for Melksham and Melksham Without is entirely appropriate. As noted within the body of this Report it is a requirement that a Neighbourhood Plan addresses only the “development and use of land”. Even within this restriction there is no obligation on Neighbourhood Plans to be comprehensive in their coverage – unlike Local Plans - not least because proportionate supporting evidence is required.

I have not mentioned every representation individually but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Joint Melksham Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. A Strategic Environmental Assessment Screening was carried out by Wiltshire Council for the Joint Melksham Neighbourhood Plan (July 2020) which concluded “Wiltshire Council considers that the proposed Joint Melksham Neighbourhood Plan is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment” and “This screening decision was sent to Natural England, the Environment Agency and Historic England (the ‘consultation bodies’), requesting comments within a 5-week period from 29th April 2020 to 3rd June 2020. Responses were received from each organisation, confirming that they agreed with the Council’s decision.”

A Habitats Regulations Assessment (HRA) of the Plan was undertaken by Wiltshire Council in January 2021. This third iteration of the HRA was undertaken to inform the Regulation 16 response from Wiltshire Council to the Submission Draft of the Neighbourhood Plan. The Assessment concludes “that the Submission Draft of the Joint Melksham NP will not result in a likely significant effect on any protected sites that for part of the national sites network or their qualifying features either alone or in combination with other plans and projects. Therefore, it has not been necessary for the NP to be subject to an appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.” In reaching this conclusion it was noted (para 4.2) that “There is only one policy within the NP that would lead directly to development, namely Policy 7, and this allocates land at Middle Farm in Whitley for approximately 18 dwellings. It is deemed that development at this allocated site would not result in a likely significant effect on any sites that are part of the national site network, either alone or in-combination with other plans or projects. Furthermore, it is considered that none of the other draft policies within the NP would lead directly to development, nor would they result in a likely significant effect on any network sites, either alone or in-combination with other plans or projects. This is due to the nature, scope and scale of the proposals set out in the NP, and on account of the distance of the NP area from any network sites and the absence of a potential pathway for effect.”

The Basic Conditions Statement submitted alongside the Joint Melksham Neighbourhood Plan confirms, as regards the European Convention on Human Rights, that “Those who are affected by the proposals within the Neighbourhood Plan have been adequately consulted and have had the opportunity to comment on the proposals. The details of consultation that has been carried out on the Plan are outlined in the Consultation Statement.” I confirmed earlier in this Report that the consultation undertaken meets the expectations of the Planning Guidance. I can therefore confirm that the Joint Melksham Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Joint Melksham Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Joint Melksham Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

On that basis I *recommend* to Wiltshire Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Joint Melksham Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Wiltshire Council on 8th November 2017.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	<p>1.1 Amend the Plan period on the front cover (and each subsequent page) from “2020 – 2030” to ‘2020 – 2026’; remove from the front cover “Submission Draft”.</p> <p>1.2 Once the Plan text has been amended, review the “Contents” page to accommodate as required the recommended modifications from this Report.</p>	For clarity and accuracy
2	<p>2.1 Within the ‘information boxes’, provided at intervals throughout the Plan, add a source reference where appropriate.</p> <p>2.2 Under the heading “1.2 What area does this Neighbourhood Plan cover?”, in paragraph 1.2.1 replace “Neighbourhood Plan area” with ‘Neighbourhood Area’ and on the adjacent figure 1 replace “Joint Plan Area” with ‘Neighbourhood Area’.</p> <p>2.3 Under the heading “1.4 How does the Neighbourhood Plan represent the community’s views?” replace the last sentence of paragraph 1.4.4 and the whole of 1.4.5 as follows: ‘In October 2020 the Joint Melksham Neighbourhood Plan was formally submitted to Wiltshire Council. The Council then arranged the public consultation required under Regulation 16; the period for this consultation was also extended as a response to the Pandemic. An Independent Examiner then considered the Plan and the representations received through the consultation and the Plan is now, modified as recommended by the Examiner, put to a community referendum. If approved at a referendum, the Neighbourhood Plan will become part of the overall development plan for Wiltshire to guide developers, planning officers and Councillors when considering planning applications in the Neighbourhood Area.’</p> <p>2.4 Under the heading “Navigating the Plan” add in the ‘information box’ a mention of the footnote details which follow the Glossary.</p>	For clarity and accuracy
3	<p>3.1 Under the heading “2.2 Key facts about the Plan area” ensure that all the bullet points are appropriately source referenced and that the clarity of the last-but-one point is improved.</p> <p>3.2 Under the heading “2.3 The wider context: National”: 3.2.1 In paragraph 2.3.1 replace “be consistent with” with ‘have regard to’.</p> <p>3.2.1 In paragraph 2.3.2 replace “all higher level planning policy” with “the strategic policies of the Wiltshire Core Strategy (adopted 2015)’.</p> <p>3.3 Under the sub-heading “Wiltshire”: 3.3.1 In paragraph 2.3.4 remove “(shown on Figure 3)” and “(the Melksham Community Area will change from May 2021)”.</p>	For clarity and accuracy

	<p>3.3.2 In paragraph 2.3.5 replace “the housing requirement in Melksham (Town) and the remainder of the Community Area is now zero (Wiltshire Council Housing Land Supply Statement, April 2018)” with ‘there is no outstanding housing requirement for either area (Wiltshire Council Housing Land Supply Statement (HLSS), December 2020)’.</p> <p>3.4 Under the heading “2.4 The approach to the Neighbourhood Plan”:</p> <p>3.4.1 In paragraph 2.4.2 replace the second half beginning “This will be borne out in ...” and its bullet points with ‘The ‘Planning for Melksham’ paper currently forming part of the Local Plan Review Regulation 18 consultation states that Place Shaping Priorities ‘will be the basis for an overarching planning policy for Melksham and are also a starting point for policies that can be in neighbourhood plans. The Council will continue to work with Town and Parish Councils to find the priorities best suited to delivering sustainable development and town centre improvements.’</p> <p>3.4.2 In paragraph 2.4.5 replace point 4 with: ‘According to the latest Wiltshire Council HLSS (December 2020), housing requirements for the Melksham Neighbourhood Area have been met. The specific situation at Shaw/Whitley, as evidenced in housing supply data provided to the steering group by Wiltshire Council, is that little market housing and no affordable housing has been delivered in the village since 2000. This would not be addressed through strategic Local Plan allocations. Meeting a rural housing need will be addressed in this Neighbourhood Plan through an allocation of land at Middle Farm Whitley (see Policy 7).’</p> <p>3.5 Under the heading “2.7 Sustainable Development and Climate Change” in paragraph 2.7.6 omit the words “to be Carbon Neutral by 2030”.</p>	
4	<p>Under the heading “4 Planning Policies” on figure 5:</p> <p>4.1 Relabel the “Strategic Green Infrastructure Corridors” as ‘Indicative Green Infrastructure Corridors’ and bring the detail into line with figure 9, ensuring that all the GI corridors (and the key) are, appropriately to their indicative status, exactly the same width across each of their lengths.</p> <p>4.2 Replace the acronyms in the key with full Plan titles.</p> <p>4.3 Add to the key entry for “Settlement Framework Boundary”. ‘Core Strategy CP2 and Wiltshire Housing Site Allocations Plan (WHSAP)’.</p>	For clarity and accuracy
5	<p>Under the heading “Sustainable Design and Construction”:</p> <p>5.1 Within “Policy 1: Sustainable Design and Construction”:</p> <p>5.1.1 Reword the opening paragraph as: ‘Within the constraints of scale and viability, development and infrastructure proposals that contribute to Wiltshire becoming carbon neutral by 2030 will be supported. Proposals should therefore address sustainable design and construction which includes:’.</p>	For clarity and accuracy and to meet Basic Condition 1

	<p>5.1.2 From element iv) delete “(e.g. through materials with high thermal capacity and good insulation)”.</p> <p>5.1.3 In the final paragraph replace “will be supported” with ‘are encouraged’.</p> <p>5.2 In paragraph 4.2.1 replace “Wiltshire Council’s ambition to make the county carbon neutral by 2030” with ‘Wiltshire Council’s resolution to seek to make the county of Wiltshire carbon neutral by 2030’.</p> <p>5.3 In the final sentence of paragraph 4.2.3 replace “promote” with ‘acknowledge’.</p> <p>5.4 In the first sentence of paragraph 4.2.5 replace “sets out” with ‘acknowledges’.</p>	
6	<p>Under the heading “Local Energy Generation”:</p> <p>6.1 Within “Policy 2: Local Renewable and Low Carbon Energy Generation” in the second paragraph delete “strongly”.</p> <p>6.2 On page 31 consider adding an information box or replacing an existing one with details of the Nadder Community Energy Project (including a source reference).</p>	For clarity and to meet Basic Condition 1
7	<p>Under the heading “Flood Risk and Natural Flood Management”:</p> <p>7.1 Reword Policy 3 as follows: ‘Particularly in the South Brook catchment area, natural flood management works to conserve and enhance the ecological flood storage value of the water environment, including watercourse corridors and catchments, are supported. Where development proposals are in areas with known surface water flooding issues, they should include appropriate mitigation and construction methods, including where appropriate, contributions towards wider catchment projects. Major development should include provision of Sustainable Drainage Systems (SuDs), where appropriate, as part of the Natural Flood Management approach and wider Green Infrastructure networking.’</p> <p>7.2 Add an information box alongside this Policy providing the following information with a source reference: ‘The South Brook catchment area has been identified as a priority flood risk area by both the Environment Agency and Wiltshire Council. South Brook and its tributaries flow through Whitley, Shaw, Shurnhold and Beanacre. The area has seen many incidents of flooding. Bristol Avon Rivers Trust (BART) have been working in the South Brook catchment area for the delivery of the Natural Flood Management (NFM) works.’</p>	For clarity and accuracy and to meet Basic Condition 1
8	<p>Under the heading “Ultra Low Emission Vehicle Charging” reword Policy 4: Ultra Low Emission Vehicle Charging as follows: ‘Development proposals for houses with on-plot parking spaces and/or garages are encouraged to provide appropriately located charging technology for charging low emission vehicles, such as an electric vehicle charging point. Where shared or off-plot parking spaces are</p>	For clarity and to meet Basic Condition 1

	provided, the charging provision locations should have appropriate regard for pedestrian movement. Proposals for new employment, leisure or retail developments are also encouraged to make provision for charging facilities for staff and / or other users.’	
9	Under the heading “Housing and Infrastructure” and sub-heading “Policy 5: Community Engagement” reword Policy 5 as follows: ‘Applications that can demonstrate early, proactive, proportionate and effective engagement with the community will be looked on more favourably than applications that have not, in line with National Planning Policy. Pre-application community engagement is also expected for Reserved Matters Applications as well as Outline or Full. Potential applicants are therefore encouraged to follow the approach set out in the Melksham Community Engagement Protocol and the Wiltshire Council Statement of Community Involvement.’	For clarity and to meet Basic Condition 1
10	Under the sub-heading “4.3.2 Housing Development” 10.1 Remove the “4.3.2” section reference. 10.2 Reword Policy 6 as follows: ‘Proposals for sustainable housing development within the settlements of the Neighbourhood Area will be supported where they: i. accord with the Settlement Boundary provisions of Wiltshire Core Strategy Core Policy 2 and the Wiltshire Housing Sites Allocations Plan (WHSAP); ii. include a suitable mix of house types, sizes and tenures informed by and addressing the current and demonstrable needs for Melksham and Bowerhill, Shaw and Whitley large village and the small villages in accordance with Wiltshire Core Strategy Core Policy 45 (Meeting Wiltshire’s Housing Needs), and iii. have regard to the character of and integration with the surrounding area. In accordance with Wiltshire Core Strategy Core Policy 2, development will not be permitted outside the Settlement Boundary other than in circumstances as permitted by other policies within the Core Strategy. At the small villages of Beanacre and Berryfield, development will be limited to infill within the existing built area or, where it is appropriate to provide a rural exception site for affordable housing to meet identified local needs, outside but well connected to the built area. Affordable housing provision will be in accordance with Core Policy 43 which sets out when this is required and indicates the proportions which will be sought from open market housing development. In principle support will be given to proposals for custom or self-build projects in locations where new residential development is acceptable.’ 10.3 Update paragraph 4.7.1 and the related table to show the 2019 data in place of the 2018 data; update the footnote reference accordingly.	For clarity and to meet Basic Conditions 1 & 3

	<p>10.4 Within the “Settlement Boundary” box, in the last sentence of paragraph 1, reverse the order of “Shaw and Whitley” and “Melksham and Bowerhill” to accord with the “Market Towns and Large Villages” sequence used earlier.</p>	
11	<p>Under the heading “4.3.3 Allocation of Land at Middle Farm, Corsham Road, Whitley”:</p> <p>11.1 Remove the “4.3.3” section reference.</p> <p>11.2 Amend Policy 7 as follows:</p> <p>11.2.1 Add to the first paragraph in brackets after “Whitley” an approximate hectareage for the site and ‘as identified in figure 6’.</p> <p>11.2.2 From element (i) delete “six”.</p> <p>11.2.3 In element (iii) correct the formatting.</p> <p>11.2.4 In element (iv) correct the punctuation.</p> <p>11.2.5 Add ‘, protects the setting of adjacent listed buildings’ to element (vi) after “Whitley” and before “and conserves”.</p> <p>11.2.6 In element (vii) replace “an” with ‘any’.</p> <p>11.2.7 In element (viii) add ‘across Corsham Road’ after “crossing facility”.</p> <p>11.3 On page 42 improve figure 6 to show more of the surroundings of the site to allow the boundary to be more readily identified in relation to existing features.</p> <p>11.4 Amend paragraph 4.8.2 to replace the third sentence with: ‘Taking into account the emerging Wiltshire Local Plan Review, which may require a strategic approach to allocation through the Local Plan itself, the decision was taken to give no further consideration in this Plan to those sites adjacent to the settlement boundary of Melksham and Bowerhill.’</p> <p>11.5 Amend paragraph 4.8.3 to replace the last two sentences with: ‘Since 2000 there has been little market housing and no affordable housing built within either settlement. This land allocation therefore redresses that shortcoming.’</p> <p>11.6 Between paragraphs 4.8.3 and 4.8.4 (amending the latter paragraph number accordingly) add the following: ‘4.8.4 A call for housing sites was conducted as part of the JMNP process. Rural sites were amongst those put forward for assessment. No suitable sites within the Shaw and Whitley large village settlement boundary were made available. The site has been the subject of assessment both by AECOM and the Neighbourhood Plan’s own design and landscape consultants [add a footnote reference to the ‘Additional Rural Site Assessments’].</p>	<p>For clarity and to meet Basic Condition 1</p>

	<p>4.8.5 Whilst some constraints were identified, the Land at Middle Farm, Corsham Road, Whitley site was selected as viable and capable of development at a scale and density that complements Whitley’s existing residential character. The proposed amount and density of development has been the subject of dialogue with the land owner and community input through the Regulation 14 consultation. These have raised no issues challenging the suitability or viability of the site.</p> <p>4.8.6 To give greater assurance of the provision of affordable housing, the site has been allocated as a market housing development with an obligation to include affordable housing in accordance with Core Strategy Policies. There has also been a lack of market housing delivery within Shaw and Whitley. A mixed market and affordable housing development contributes towards addressing these shortfalls.</p> <p>4.8.7 There are no public children’s play facilities or any public areas of natural green space in Whitley. The nearest facilities are in neighbouring Shaw. In principle, the provision of these facilities within the allocated site, combined with enhancements to pedestrian crossing facilities and public footpath enhancements linking to the open countryside, introduces new green infrastructure facilities to the community. The precise amount and balance between natural open space and equipped children’s play facilities will be informed by Wiltshire Council’s play space standards.’</p>	
12	<p>Under the heading “4.3.4 Infrastructure Phasing and Priorities”:</p> <p>12.1 Remove the “4.3.4” section reference.</p> <p>12.2 Amend Policy 8 as follows:</p> <p>12.2.1 Reword the first paragraph as: ‘To ensure the sustainability of housing development, proposals must consider, assess and address their necessary infrastructure requirements and, in so far as they relate to matters within the Applicant’s control, plan any related programmes of work in coordination with the housing to ensure that infrastructure keeps pace with the needs of the community.’</p> <p>12.2.2 Reword the second paragraph as; ‘Infrastructure requirements, in proportion to their scale and in accordance with prevailing Wiltshire policies, will be charged through the Community Infrastructure Levy (in addition to those to be delivered through planning conditions or section 106 agreements).</p> <p>12.2.3 Remove the third paragraph for later inclusion, as considered appropriate, in the “Priority Statements” section.</p> <p>12.3 Amend paragraph 4.9.3 by deleting the time-expired last sentence.</p> <p>12.4 Since paragraphs 4.9.5 – 4.9.7 are no longer anchored in the Policy, move this content alongside the related Policy paragraph to the “Priority Statements” section.</p>	For clarity and accuracy and to meet Basic Condition 1

13	<p>Under the heading “4.4.1 Town Centre”: 13.1 Remove the “4.4.1” section reference.</p> <p>13.2 Amend Policy 9 as follows: 13.2.1 Reword the first paragraph as follows: ‘Development proposals within the town centre Commercial Area as defined in Wiltshire Core Strategy (see figure 7) will be supported provided: i the use will contribute to sustaining or enhancing the range or quality of shopping provision and the vitality and viability of the town centre; ii the proposal is in keeping with the scale and character of the centre of this Market Town and, where appropriate, preserves or enhances the Conservation Area; iii access to public transport, cycle routes and car parking is considered and addressed; iv where appropriate, a positive contribution is made to conserving and enhancing the appearance and quality of primary frontages and town centre pedestrian and cycle routes; v appropriate regard is demonstrated for current and appropriate national and local guidance and established best practice.</p> <p>Development proposals at edge of centre locations which are inter-connected with the Commercial Area will, additionally to the above, be required to evidence that there are no suitable and viable sites or buildings within the defined Commercial Area.’</p> <p>13.2.2 In the second paragraph replace “Proposals” with ‘Planning applications’.</p> <p>13.2.3 In the third paragraph delete the second sentence.</p> <p>13.2.4 Delete the headings “Edge of Centre Development” and “Town Centre Expansion” and their related paragraphs.</p> <p>13.2.5 Remove the heading “Town Centre Master Plan” and its related paragraph since the subject is already noted below the Policy and the ‘hook’ for future guidance is included within the revised Policy wording.</p> <p>13.3 Provide a source reference(s) for figure 7 and ensure that the abbreviations used in the key are all included in the Glossary.</p> <p>13.4 In paragraph 4.10.6 provide a source reference for “The Melksham Town 2020 - 2036 Scoping Report (2019)”.</p> <p>13.5 In paragraph 4.10.9 ensure that the page reference for the related part of the “Priority Statements” is correct – it presently says page 82 whereas in fact it is 83.</p>	For clarity and accuracy and to meet Basic Conditions 1, 2 and 3
14	<p>Under the heading “4.4.2 Employment Sites”: 14.1 Remove the “4.4.2” section reference.</p>	For clarity and to meet Basic

	<p>14.2 Amend Policy 10 as follows: “Proposals for the retention and reuse of previously developed employment land will be supported in principle, particularly by start-up and small businesses bringing a range of new employment opportunities. The Principal Employment Areas and the central Commercial Area are shown on figure 7. Proposals should seek to generate the same number, or more, permanent full time equivalent jobs as the existing or former use.’</p> <p>14.3 In paragraph 4.11.1 provide a reference for the “2016 Joint Strategic Assessment”.</p> <p>14.4 In paragraph 4.11.3 correct “area within the black boundary on figure 9” as ‘the areas hatched in red on figure 7 are”.</p>	<p>Conditions 1, 2 & 3</p>
<p>15</p>	<p>Under the heading “Sustainable Transport and Active Travel”: 15.1 Within Policy 11: 15.1.1 In the first paragraph capitalise “Travel Plan” and immediately after add in ‘(in accordance with Core Strategy Policy CP61); delete “in the Plan area” and replace “access” with ‘movement’.</p> <p>15.1.2 In the second paragraph replace “our” with ‘the local’, between “network,” and “further” add ‘proposals that would achieve’, delete the two subsequent uses of the word “strongly”.</p> <p>15.2 Add to paragraph 4.12.1 “Consideration will be given to the spending of Town and Parish Council CIL receipts on improvements to the sustainable travel network, and public realm.”</p> <p>15.3 Update the fifth paragraph under the heading “Melksham Railway Station” by replacing “is being implemented in 2020” with ‘commenced in 2020’.</p> <p>15.4 Add a source reference for figure 8 and the “Sustainable transport hierarchy” diagram.</p>	<p>For clarity and to meet Basic Conditions 1 & 3</p>
<p>16</p>	<p>Under the heading “Community Well-being and Nature” and the sub-heading “Green Infrastructure”: 16.1 Amend Policy 12 as follows: ‘Development that will result in the creation of new Green Infrastructure (GI) and/or contribute to the protection, management, enhancement and connectivity of existing GI will be supported; the potential for GI within the Neighbourhood Area is illustrated diagrammatically in figure 9.</p> <p>Proposals for major developments must: i. identify the existing GI within and around the development site, and ii. demonstrate how GI has been incorporated into the proposal, and iii assess and address how the proposal will benefit the function and connectivity of GI through the site and beyond.</p>	<p>For clarity and to meet Basic Conditions 1 & 3</p>

	<p>16.2 Replace the first sentence of paragraph 4.13.3 with: ‘Figure 9 illustrates diagrammatically GI assets and their connectivity potential as identified in the GI Evidence Base Report [add footnote reference].’</p> <p>16.3 In paragraph 4.13.5 provide a source reference for “Building with Nature accreditation”.</p> <p>16.4 Significantly improve figure 9 by:</p> <p>16.4.1 Retitling it as ‘Diagrammatic illustration of the potential for Green Infrastructure’.</p> <p>16.4.2 Providing a source for the detail on the map.</p> <p>16.4.3 Ensuring that all the GI corridors are, appropriately to their indicative status, exactly the same width across each of their lengths.</p> <p>16.4.4 Making the ‘Important Green Gaps’ indicative with a star or similar rather than a size-suggestive blob.</p> <p>16.4.5 Ensuring that the key is accurate, referring to ‘Illustrative’ GI corridors, removing the green outline to the symbol for the Illustrative setting of the K&A Canal (to match the actual illustration on the map), ‘Illustrative’ important green gap.</p>	
17	<p>Under the heading “Biodiversity”:</p> <p>17.1 Amend Policy 13 as follows: ‘Development proposals, including those for field based solar farms. will be expected to deliver at least a 10% improvement in “biodiversity value” within and, where appropriate, beyond the site in order to deliver tangible benefits for biodiversity, including specific attention for protected species.</p> <p>Protection and enhancement of statutory and non-statutory nature conservation sites (as shown oo figure 10) is a priority for the Neighbourhood Area and development proposals must demonstrate sensitive responses to these sites where necessary, such as accommodating a buffer zone.’</p> <p>17.2 In paragraph 4.14.3 delete the sentence “This policy looks for a minimum of 15% in order to deliver a tangible benefit for biodiversity.” and in the final sentence remove the duplication of “the”.</p> <p>17.3 Amend figure 10 to restrict it to the sites within the Neighbourhood Area boundary and its title to the map alone.</p>	For clarity and to meet Basic Condition 1
18	<p>Within the Information box titled “Melksham Canal Link Project” delete the sentence “The project will need to be financed largely by new housing alongside the new canal link, which does not form part of the present planning application.” with ‘The project is being coordinated by the Wilts and Berks Canal Trust [add footnote] in collaboration with funders who envisage how the canal will be delivered. The Town and Parish Councils would wish any associated development to be</p>	For clarity and accuracy

	appropriate and in accordance with the vision and policies of this Plan.'	
19	<p>Under the heading "4.5.3 Open Spaces":</p> <p>19.1 Remove the "4.5.3" section reference.</p> <p>19.2 Amend Policy 14 as follows: 'Development proposals that involve the whole or partial loss of an existing open space (as shown on figure 11 and detailed in the Green Infrastructure Report) must demonstrate:</p> <ul style="list-style-type: none"> i. from an assessment of open space provision, using the quantity and access standards for open space as set out by Wiltshire Council, that there is a surplus in the catchment area of open space beyond that required to meet both current and forecast need, and full consideration has been given to all functions that the open space performs, or ii. that a replacement open space (or enhancement of the remainder of the existing site) provides a net benefit to the community in terms of the quantity, quality and accessibility of the open space including by walking and cycling.' <p>19.3 Amend paragraph 4.15.1 as follows: 'The open spaces in the Neighbourhood Area are defined as green spaces which have recreational value and are freely accessible to the community but allotments and school playing fields, which are generally not freely accessible but are important components of open space provision, are also included. The 'natural green spaces with limited access', whilst included in figure 11 because of its value to the community, is excluded from the Wiltshire quantity and access standards for open space.'</p> <p>19.4 Provide a source reference for the figure 11 maps.</p>	For clarity and to meet Basic Conditions 1 & 3
20	<p>Under the heading "4.5.4 Community Facilities":</p> <p>20.1 Remove the "4.5.4" section reference.</p> <p>20.2 Amend Policy 15 as follows:</p> <p>20.2.1 Amend the first paragraph to read: 'Development proposals that involve the loss, in whole or part, of a community facility (as identified in figure 12 and detailed in the Community Facilities Report) must demonstrate that:</p> <ul style="list-style-type: none"> i. adequate alternative provision exists or will be provided in an equally accessible or more accessible location, including by walking and cycling, within the catchment area of the facility; or ii. it would not be economically viable, feasible or practicable to retain the building or site for use as a community facility; redevelopment for non-community use will only be considered as a last resort and where all other options have been exhausted.' <p>20.2.2 Amend the second paragraph to remove at the end of the paragraph the duplicated "of any".</p> <p>20.2.3 Amend the third paragraph by adding 'or replacement' between "New" and "community".</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>20.2.4 Remove the fourth paragraph to the supporting text under “The reason for the policy”.</p> <p>20.3 Split paragraph 4.16.2 into two paragraphs (renumbering subsequent paragraphs accordingly) adding “However, the list and maps produced for the Neighbourhood Plan cannot be said to be exhaustive (there are almost certainly more facilities than those included on the maps)” after the second sentence and then starting the new paragraph at “At the time of writing”.</p>	
21	<p>Under the heading “Natural and Built Environment” and the sub-heading “Trees and Hedgerows”:</p> <p>21.1 Amend the wording of Policy 16 as follows:</p> <p>21.1.1 Amend the first paragraph to read: ‘To be supported, development proposals should ensure that there will be no loss or deterioration of the irreplaceable habitats of ancient woodlands (as shown in figure 12) and ancient or veteran trees found outside ancient woodland, unless the need for and benefits of the development in that location clearly outweigh the loss. In accordance with current guidance [add footnote reference] a minimum buffer of at least 15 metres in width should be maintained between ancient woodland and any development boundary. A buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree.’ The footnote reference should point to: https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#ancient-woodland</p> <p>21.1.2 Amend the first sentence of the second paragraph to read: ‘To be supported, development proposals should ensure that there is no damage to or loss of trees of good arboricultural and amenity value.’</p> <p>21.1.3 In the third paragraph add ‘in principle’ after “supported” at the end of the sentence.</p> <p>21.2 In paragraph 4.17.5 replace “should be used as a methodology” with ‘can be used’ and in the second sentence replace “underpin an discussions” with ‘underpin discussions’.</p> <p>21.3 Provide a source reference for figure 13.</p>	For clarity and to meet Basic Condition 1
22	<p>Under the heading “Landscape Character”:</p> <p>22.1 Within Policy 17:</p> <p>22.1.1 In the opening sentence add ‘proposals’ after “Development”.</p> <p>22.1.2 In element ii add ‘and historic landscape’ between “landscape” and “assessments”.</p> <p>22.1.3 Amend element iii as follows:</p>	For clarity and to meet Basic Condition 1

	<p>‘respond sensitively to the transition between settlement edge and countryside and maintain the separate identity of settlements’.</p> <p>22.2 Delete the fourth bullet point in paragraph 4.18.3.</p> <p>22.3 Add between paragraphs 4.18.3 and 4.18.4 (the latter to be renumbered): ‘Elements of Historic Landscape Character (tangible elements of past land-use that influence the present-day landscape) have also influenced the sense of place and identity of the present-day town and surrounding rural areas and should be drawn on within major planning proposals.’</p> <p>22.4 Provide a source reference for figure 14.</p>	
23	<p>Under the heading: “4.6.3 Locally Distinctive, High Quality Design”: 23.1 Remove the “4.6.3” section reference.</p> <p>23.2 Amend Policy 18 as follows: ‘Development proposals that contribute positively to the conservation, enhancement and extension of the quality and local distinctiveness of Melksham and Melksham Without will be supported.</p> <p>In addition to having regard to the National Design Guidance and Wiltshire Council design policy, development proposals must demonstrate how they have been informed by the Melksham Rapid Community Character and Distinctiveness Statement [add footnote reference] and therefore how they have responded positively to the history and character of the area in which the site is located.</p> <p>Proposals for major development must demonstrate through a masterplan how the proposed development layout, density, access proposals and building design approach complement and extend the positive characteristics of Melksham and Melksham Without’s settlements and landscape, both historic and topographic.’</p> <p>23.3 Within paragraph 4.19.5 provide footnote references for the documents mentioned.</p>	For clarity and to meet Basic Condition 1
24	<p>Under the heading “4.6.4 Local Heritage”: 24.1 Remove the “4.6.4” section reference.</p> <p>24.2 Amend Policy 19 as follows: 24.2.1 Within paragraph 1 replace “enhance and protect” with ‘preserve or enhance’.</p> <p>24.2.2 Amend the second paragraph to read: ‘For other areas of local heritage importance including archaeological importance, together with buildings or structures that are noteworthy as unlisted local heritage assets as illustrated in the Rapid Community Character and Distinctiveness Statement [add footnote reference], development proposals must demonstrate that appropriate consideration has been given to:</p>	For clarity and to meet Basic Condition 1

	<p>i. the significance of the heritage asset; ii. its most distinctive and important features; iii. the elements of its setting and immediate surrounds that contribute to its significance, and iv. the contribution the asset and its setting makes to the character of the local area (whether in the Conservation Area or not).”</p> <p>24.3 Split paragraph 4.20.1 into two (and amend subsequent paragraph numbers accordingly); after the first sentence add ‘The Historic Environment Record was accessed as part of the evidence base for the plan (and is placed in full on the Neighbourhood Plan website [footnote reference]) and has been drawn on in the preparation of this Policy’; after this sentence start the new paragraph.</p> <p>24.4 Amend paragraph 4.20.6 to read: ‘The Parish of Melksham Without is rich in archaeological remains. The northern parish boundary follows the route of the former Roman road between Mildenhall and Bath, while a small Roman town and substantial Iron Age settlement have recently been discovered to the north west of Beanacre. Most of the Parish is covered with the remains of prehistoric, Roman and medieval settlements, with earthwork remains from former medieval and post-medieval field systems particularly prominent.’</p> <p>24.5 Provide a source reference for figure 18 or the data included in it.</p>	
25	<p>Under the heading “Priority Statements”:</p> <p>25.1 Amend the opening statement on page 82 to read: ‘Priority statements illustrate the commitment of the two Councils to bringing their influence to bear on matters outside the remit and scope of this Neighbourhood Plan either because they are strategic in nature or address issues beyond this Neighbourhood Plan time period. These ‘statements’ are not presented in any order of priority.’</p> <p>25.2 Under the sub-heading “Priority Statement 1: Wiltshire Local Plan Review” replace the second sentence with: ‘A ‘Planning for Melksham’ paper currently forms part of the Local Plan Review Regulation 18 consultation and this states that Place Shaping Priorities ‘will be the basis for an overarching planning policy for Melksham and are also a starting point for policies that can be in neighbourhood plans. The Council will continue to work with Town and Parish Councils to find the priorities best suited to delivering sustainable development and town centre improvements.’</p> <p>25.3 Under the sub-heading “Priority Statement 2: Town Centre Regeneration”, in the first sentence, replace “consider and comply with” with ‘be aware of’; if considered appropriate, add in here the content removed from Policy 9 and its supporting paragraphs.</p> <p>25.4 Under the sub-heading “Priority Statement 3: Transport Infrastructure – By-Pass” add at the end of the first sentence ‘although it must be noted that the options for a By-pass are still at an early stage’.</p>	For clarity and accuracy

	<p>25.5 Under the sub-heading “Priority Statement 4: Levels of Growth and Infrastructure” provide a source reference for the Wiltshire Care Commission report mentioned in the last paragraph.</p> <p>25.6 Under the sub-heading “Priority Statement 5: Employment” add at the end of the second sentence ‘as a need for further land is indicated by the Wiltshire Employment Land Review 2018 [add footnote reference]’.</p>	
26	<p>26.1 Review the Glossary and Footnotes to ensure that they provide a complete set of references for the Plan especially including acronyms in the Glossary.</p> <p>26.2 Review the List of Figures to ensure that title amendments made as a result of Recommendations above are picked up.</p>	For clarity and accuracy
27	<p>Within “Appendix 1 Community Engagement Protocol”:</p> <p>27.1 Provide a source reference for the “10 Commitments for Effective Pre-application Engagement”.</p> <p>27.2 Delete the stranded footnotes on page 95.</p> <p>27.3 Under the heading “Additional Notes” delete the first paragraph.</p>	For clarity and accuracy and to meet Basic Condition 1